

**GEORGIA STATE BOARD OF PHYSICAL THERAPY
MINUTES OF REGULAR MEETING
AUGUST 19, 2003**

A meeting of the Georgia State Board of Physical Therapy was held on Tuesday, August 19, 2003 in Room 102 of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

Members Present

Brad Freemyer, P.T. President
Sandra Eskew Capps, P.T. Vice President
Linda Lamb, P.T., Cognizant
Charlene Portee, P.T.
Bernice Chaney, P.T.A.
Patricia Willis, P.T. (arriving at 9:29 a.m.)
Morris Friedman, Consumer/Public Member

Members Absent

Anthony Ellis, P.T.

Others Present:

Jacqueline A. Hightower, Executive Director
Robert Renjel, Assistant Attorney General
Mollie L. Fleeman, Division Director
Kathy Harvey, Enforcement
Sandra N. Marshall, Applications Specialist
Pam Candler, Interim Board Secretary

President Freemyer called the meeting to order at 9:06 a.m. and established that a quorum of the Board was present.

Agenda: Ms. Lamb moved and Mr. Friedman seconded and the Board voted in favor of approving the agenda with the addition of Federation of State Boards of Physical Therapy delegates.

Minutes: Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to approve the minutes from the July 30, 2003 as amended and the July 18, 2003 Application Meeting.

Mr. Friedman moved and Ms. Lamb 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 Freemyer, Eskew Capps, Chaney, Lamb, Friedman, Willis and Portee. The Board concluded executive session in order to vote on these matters and to continue with the public session.

Probation Report:

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

David Wilson: Ms. Portee moved and Mr. Friedman seconded and the Board voted to accept 5/30/03 quarterly report.

Ronald Stanford: Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to accept the 6/30/03 quarterly report.

Joseph C. McGuyrt: Mr. Friedman moved and Ms. Willis seconded and the Board voted to accept the personal report.

Y.G. Ms. Lamb moved and Mr. Friedman seconded and the Board) voted to reject report. Ms. Eskew Capps abstained. Mr. Friedman moved and Ms. Chaney seconded and the Board voted to request Ms. Hightower to prepare an appropriate reporting form for the provider. Ms. Eskew Capps abstained.

P.S. Ms. Portee moved and Ms. Chaney seconded and the board voted to request licensee to provide information on course.

Attorney General Report:

PT030028. Ms. Willis moved and Mr. Friedman seconded and the Board voted to reject the counter offer. Ms. Eskew Capps abstained.

PT030042: Mr. Friedman moved and Ms. Willis seconded and the Board voted to reject counter offer.

PT030034: Ms. Lamb moved and Mr. Friedman seconded and the board voted to reject counter offer. Ms. Portee abstained.

PT030038: Ms. Lamb moved and Ms. Portee seconded and the Board voted to refer back to Investigation/Enforcement for further information from subject. Mr. Freemyer voted with the Board and Mr. Friedman, Ms. Willis and Ms. Eskew Capps abstained.

Cognizant Report:

Ms. Lamb moved and Ms. Friedman seconded and the Board voted to approve the following action:

PT030046: Refer to Investigation/Enforcement

PT040001: No action

PT040002: Refer to Investigation/Enforcement

PT030016: Refer to Investigation/Enforcement.

Applications:

Ms. Eskew Capps moved and Ms. Willis seconded and the Board voted to approve applications for licensure by endorsement as follows:

<u>Marguerite Claude J. Abernathy:</u>	approve the Physical Therapy Assistant licensure by endorsement
<u>Susan Leah Armstrong:</u>	approve the Physical Therapy licensure by endorsement.
<u>Marie R.Nozil Brown:</u>	approve the Physical Therapy Assistant licensure by endorsement
<u>Diana B. Duemig:</u>	approve the Physical Therapy licensure by endorsement.
<u>Scott Robert Freedman:</u>	approve the Physical Therapy licensure by endorsement.
<u>Ernestine Holloway Harvey:</u>	approve the Physical Therapy Assistant licensure by endorsement
<u>Connie Cheung Jeon:</u>	approve the Physical Therapy licensure by endorsement.
<u>William Bryant Miller:</u>	approve the Physical Therapy licensure by endorsement
<u>Kara Sue Oiler:</u>	approve the Physical Therapy licensure by endorsement
<u>Stephen John Paolucci:</u>	approve the Physical Therapy licensure by endorsement
<u>Bradley James Rupnow:</u>	approve the Physical Therapy licensure by endorsement
<u>Darren William Volk:</u>	approve the Physical Therapy licensure by endorsement
<u>Lynne Michelle P. Whitman:</u>	approve the Physical Therapy Assistant licensure by endorsement
<u>Gary E. Woodham:</u>	approve the Physical Therapy licensure by endorsement

Ms. Willis moved and Ms. Eskew Capps seconded and the Board voted the following actions on Endorsement applicants::

<u>J. D. B.</u>	Approved pending further information
<u>S. J. G.:</u>	Referred to Examination Development to determine exams scores
<u>M.L.W..</u>	Referred to Enforcement/Investigation Department for further information

Ms. Eskew Capps moved and Ms. Willis seconded and the Board voted as follows for Examination Applicants:

<u>C. L. B.</u>	Approved for Physical Therapist licensure upon proof of a passing score on the Examination.
<u>M.R.Y:</u>	Approved to sit for the Physical Therapist examination upon completion of further study.
<u>C.L.O.</u>	Approved to sit for the Physical Therapist Assistant examination, licensure pending board review.

Ms. Willis moved and Ms. Eskew Capps seconded and the Board voted as follows on Traineeship Permits:

<u>Sarah Elizabeth Bachinski:</u>	To approve request for Physical Therapy Assistant Traineeship
<u>Marjorie Joy Doerter</u>	To approve request for Physical Therapy Assistant Traineeship pending further information
<u>Ian Russell Hover</u>	To approve request for Physical Therapy Traineeship
<u>Fidel D. Lopez</u>	To approve request for Physical Therapy Traineeship
<u>Lynh M. Nguyen</u>	To approve request for Physical Therapy Traineeship
<u>Heather Ann Powell</u>	To approve request for Physical Therapy Traineeship
<u>Karen Leigh Thompson</u>	To approve request for Physical Therapy Assistant Traineeship
<u>Staci Marie Vandall</u>	To approve request for Physical Therapy Assistant Traineeship

Ms. Eskew Capps moved and Ms. Willis seconded and the Board voted as follows:

R.S.E. To accept plan of further study and approve to take NPTE
J.D.S. To accept plan of further study and approve to take NPTE
K.C. To accept performance evaluation and approve to take NPTE

Ms. Willis moved and Ms. Eskew Capps seconded and the Board voted as follows:

Althele Delece Table To approve application for Physical Therapist Assistant licensure by reinstatement
Margaret Amy Eisele To approve application for Physical Therapist Assistant licensure by reinstatement
Amy Nicole Keller To approve application for Physical Therapy Licensure by reinstatement

Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to approve the following Physical Therapist applicants for licensure determined to have met licensure requirements as follows:

Lic. No.#	Name	License Type	Statue	Iss. Date	Exp. Date	Method
PT007792	North, Karen Rebecca	Physical Therapist	Active	7/31/2003	12/31/2003	End
PT007792	Dunn, Christie Elwell	Physical Therapist	Active	7/31/2003	12/31/2003	End
PT007793	Fowler, William Edison	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007794	Lovett, Kristin M	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007795	Markee, Michael Daniel	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007796	Rhodes, Mary Tolley	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007797	St. Pierre, Lisa Jane	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007798	DePietro, Rebecca	Physical Therapist	Active	8/1/2003	12/31/2003	End
PT007799	Lund, Serena Ann	Physical Therapist	Active	8/4/2003	12/31/2003	Exam
PT007800	Schwartz, Jessica Leigh	Physical Therapist	Active	8/4/2003	12/31/2003	Exam
PT007801	Arthur, Francis Vitalis, Jr	Physical Therapist	Active	8/4/2003	12/31/2003	Exam
PT007802	Kim, Michael Chongwon	Physical Therapist	Active	8/5/2003	12/31/2003	Exam
PT007803	Watson, Monica Lynne	Physical Therapist	Active	8/8/2003	12/31/2003	End
PT007804	Sherberger, Ann Claire	Physical Therapist	Active	8/11/2003	12/31/2003	Exam
PT007805	Pearce, Neal Phillip	Physical Therapist	Active	8/11/2003	12/31/2003	Exam
PT007806	Keller, Misty Suzanne	Physical Therapist	Active	8/11/2003	12/31/2003	Exam
PT007807	Lewandowski, Darla Jean	Physical Therapist	Active	8/12/2003	12/31/2003	Exam
PT007808	Green, Elizabeth	Physical Therapist	Active	8/12/2003	12/31/2003	Exam

Ms. Lamb moved and Ms. Chaney seconded and the Board voted to approve the following Physical Therapist Assistants for licensure determined to have met licensure requirements as follo:

Lic. No. #	Name	License Type	Status	Iss. Date	Exp. Date	Method
PTA001965	Stephens, Jason S	Physical Therapist Assistant	Active	8/1/2003	12/31/2003	End
PTA001966	Gentry, Leah Renae	Physical Therapist Assistant	Active	8/4/2003	12/31/2003	Exam
PTA001967	Hale, Anitra Dawn	Physical Therapist Assistant	Active	8/4/2003	12/31/2003	Exam
PTA001968	Loper, Amy Marie	Physical Therapist Assistant	Active	8/12/2003	12/31/2003	Exam
PTA001969	Rinefierd, Jennifer K	Physical Therapist Assistant	Active	8/13/2003	12/31/2003	Exam

Enforcement Department Report:

PT030018: Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to refer to the Attorney General office.

PT02200009: Ms. Willis moved and Ms. Eskew Capps seconded and the Board voted to hold case open pending further information.

PT030029: Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to request further information.

PT020028: Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to close.

PT01100012: Ms. Portee moved and Ms. Lamb seconded and the Board voted to close.

PT020017: Ms. Lamb moved and Ms. Portee seconded and the board voted to request further information.

PT010005: Ms. Lamb moved and Ms. Chaney seconded and the Board voted to assign a new peer reviewer and strike the former peer reviewer from the list. Ms. Portee will select the new peer reviewer.

Board Policies:

Board Policy – Enforcement Matters: Ms. Willis moved and Ms. Lamb seconded and the Board voted that the Cognizant member would receive copies of Enforcement Referrals and/or Dispositions to investigations on each of their cases.

Board Policy – Enforcement Matters: Ms. Lamb moved and Ms. Portee seconded and the Board voted that any request for additional information from staff or cognizant (between board meetings) should be in writing.

Board Policy - Applicants: Potential endorsement applicants who have passed the examination within one (1) year of graduation may apply by examination instead of endorsement and must submit verification of licensure from every state in which they have held a license.

Breakout Sessions:

Application/Instruction Sheet Review: Mr. Friedman stated that he wanted time to re-write questions and will forward to Board members when his listing is complete.

Wellness Issue: Mr. Freemyer agreed to write an issue statement and have it prepared for the next meeting.

Board Policy Review: Ms. Eskew Capps stated that she would e-mail a list of policies.

New Board Policies:

Board Policy – Continuing Competency: Ms. Lamb moved and Ms. Chaney seconded and the Board voted on policy that courses under 490-4-02(2)(c) related to Physical Therapy that are approved by the Physical Therapy Association of Georgia would qualify for Continuing Competency Credit as long as coursework is beyond Entry Level and consistent with rules. Mr. Freemyer voted in favor, Ms. Eskew Capps abstained and Ms. Portee voted against passage. Motion carried.

Board Policy – Continuing Competency: Ms. Lamb moved and Ms. Chaney seconded and the Board voted on policy under 490-4-.02(2)(b) that courses approved for Continuing Education Units by Colleges and Universities be accepted by the Board as long as coursework is beyond Entry Level and consistent with rules. Ms. Willis and Ms. Eskew Capps voted against and Ms. Portee abstained.

Board Policy – Continuing Competency: Ms. Lamb moved and Mr. Friedman seconded and the Board voted that CAPTE approved physical therapy and physical therapy assistant programs are considered health related organizations and courses offered by them for purposes of continuing competency and continuing education credits be accepted under 490-4-.02(2)(c).

Proposed Rule Changes:

Ms. Lamb moved and Ms. Chaney seconded and the Board voted to refer to the Assistant Attorney General for authority on Rule 490-4-.02(1)(b) as follows:

Continuing competence requirements per biennium include a minimum of four (4) contact hours on specifically the ethics and jurisprudence of The Georgia Physical Therapy Act or this requirement may additionally be met by passage of the Georgia Jurisprudence Examination. If the examination is taken, then a minimum of thirty-six (36) hours of continuing competency are required.

Ms. Lamb moved and Ms. Chaney seconded and the Board voted to refer to the Assistant Attorney General for authority on Rule 490-4-.02(6)(a) and 490-4-.02(7)(a) as follows:

(a) Maintain a signed peer review report or an official program or outline of the course attended or taught or copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

(b) Maintain a CEU certificate or verification of completion of home study which identifies the sponsoring entity that can be contacted during an audit, or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable Class I or II activities, or documentation of self-instruction or reading professional literature. These records should be maintained by the licensee for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

490-4-.02(7)(a): To maintain the documents identified in number (6) above for no less than three (3) years from the beginning date of the licensure period. through the even numbered year after the license is renewed.

Ms. Portee moved and Ms. Willis seconded and the Board voted to refer to the Assistant Attorney General for authority on Rule 490-04-.02(2)(a) and (c) as follows:

(a) Peer review of practice with verification of acceptable practice by a recognized entity ~~e.g., American Physical Therapy Association;~~ Continuing competence credit is 30 hours per review.

(c) Courses, seminars, workshops, and symposia attended by the licensee and approved by the recognized health-related organizations ~~e.g., American Physical Therapy Association, Arthritis Foundation, Heart Foundation, American Academy of Orthopedic Surgeons, etc.;~~ These records shall be maintained in the licensee's personal files at least until December 31 of an even numbered year after the license is renewed.

Physical Therapy Association of Georgia

Ms. Eskew Capps moved and Ms. Lamb seconded and the Board voted to request that President Freemyer write to Physical Therapy Association of Georgia to request criteria and requirements for approval of continuing education.

Federation of State Boards of Physical Therapy meeting:

Ms. Willis moved and Ms. Portee seconded and the Board voted to appoint Robert Renjel as the Administrator to attend the annual meeting. Mr. Friedman abstained.

Ms. Willis moved and Ms. Lamb seconded and the Board voted to request President Freemyer to write a letter to the Federation of State Boards of Physical Therapy asking them indicate that travel for delegates and administrator attending the annual meeting are part of dues and that this procedure is followed for all State Boards of Physical Therapy. Ms. Eskew Capps and Ms. Portee abstained, and Mr. Freemyer voted yes. Motion carried.

Ms. Eskew Capps moved and Mr. Friedman seconded and the Board voted to appoint Linda Lamb as an alternate delegate to the Federation of State Boards of Physical Therapy annual meeting, provided Ms. Lamb will be responsible for her expenses.

Rule 490-4-.01(1), (5) and (6) and Rule 490-4-.04

Mr. Friedman moved and Ms. Eskew Capps seconded and the Board voted to consider for adoption the proposed rule amendment during its October meeting on October 21, 2003 between the hours of 10:00 and 11:00 a.m. in Room 102, 237 Coliseum Drive, Macon Georgia, 31217.

Ms. Chaney moved and Ms. Eskew Capps seconded and the Board voted that the formulation and adoption of Rule 490-4.04 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of Official Code of Georgia Annotated §§43-1-10; 43-33-10; 43-1-25 and 43-33-16.

Ms. Chaney moved and Ms. Eskew Capps seconded and the Board voted that it is not legal or feasible to meet the objectives of Official Code of Georgia Annotated §§43-1-10; 43-33-10; 43-1-25; 43-33-16 to adopt or implement differing actions for businesses as listed at Official Code of Georgia Annotated §50-13-4(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated and dominant in the field of Physical Therapy.

The proposed rules revisions follow:

490-4-.01 Renewal of License and Penalties. Amended.

(1) Every licensed physical therapist and physical therapist assistant shall biennially apply to the Board for renewal of his/her license, submit proof of continuing competency requirements and pay a renewal fee by October 31st of odd years. Refer to fee schedule and 490-4-.02.

(2) A license that is not renewed on or before October 31st shall be assessed a late fee. Refer to fee schedule for penalty fee.

(3) A license that is not renewed on or before December 31st of the renewal year shall lapse and be of no force and effect and shall by operation of the law be revoked.

(4) A physical therapist or physical therapist assistant who has been previously licensed in this State who has allowed his/her license to become revoked due to failure to renew, shall be required to submit an application for reinstatement, pay appropriate fee (refer to fee schedule), and shall also be required to meet requirements as provided below:

(a) An applicant who is able to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years shall be required to submit proof of continuing competence requirements as established by the Board;

(b) An applicant, who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years but able to document such practice within 5 years, shall be required to submit proof of continuing competence (Refer to 490-4-.02), and shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board; or

(c) An applicant who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 5 years shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board and shall be required to take and pass the next licensing examination. Any applicant exempted from the requirement of taking the examination pursuant to Rule [490-4-.01\(6\)](#) shall be required to submit proof of continuing competence unless such person holds a current license in good standing in another state or such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

(5) Applicants subject to Rule [490-4-.01\(4\)\(a\)](#) may in the discretion of the Board be exempted from continuing competence requirements if such person holds a current license in good standing in another state or if such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

Authority: O.C.G.A. § 43-1-10, 43-33-10 and 43-33-16.

490-4-.04 Inactive License

(a) Any licensee who is no longer practicing as a physical therapist or physical therapist assistant in the State of Georgia may request a status by filing an application for inactive status and paying the appropriate fee. Refer to fee schedule.

(1) An individual holding inactive status may not practice as a physical therapist or work as a physical therapist assistant within the State of Georgia.

(2) Any individual holding inactive status is not subject to the biennial renewal fees or continuing competence requirements.

(3) An individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

(4) Any individual holding inactive status may return to active status by meeting all requirements for reinstatement as outlined herein.

(b) A physical therapist or physical therapist assistant who has been granted an Inactive License may reinstate the license by submitting an application for reinstatement, pay appropriate fee (refer to fee schedule), and shall also be required to meet requirements as provided below:

(1) An applicant who is able to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years shall be required to submit proof of continuing competence requirements as established by the Board;

(2) An applicant, who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years but able to document such practice within 5 years, shall be required to submit proof of continuing competence (Refer to 490-4-.02), and shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board; or

(3) An applicant who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 5 years shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no more than 1 year and no less than 4 months with specific stipulations as deemed necessary by the Board and shall be required to take and pass the next licensing examination.

(c) Applicants subject to Rule [490-4-.04\(b\)](#) may in the discretion of the Board be exempted from continuing competence and supervision requirements if such person holds a current license in good standing in another state or if such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

Authority: O.C.G.A. § 43-1-25, 43-33-10 and 43-33-16.

Jurisprudence Examination:

Ms. Eskew Capps moved and Ms. Lamb seconded and the Board voted to rescind the previous motion and to not require endorsement applicants to sit for the jurisprudence examination.

Ms. Lamb moved and Ms. Willis seconded and the Board voted that the effective date that examination applicants must present proof of successful completion of the jurisprudence examination will be November 1, 2003.

Ms. Eskew Capps moved and Ms. Lamb seconded and the Board voted to approve the Candidate Information Bulletin.

Ms. Lamb moved and Ms. Eskew Capps seconded and the Board voted to approve notification of the Physical Therapy and Physical Therapy Assistant programs by President Mr. Freemyer of the decision regarding the Jurisprudence examination.

Other Business

Ms. Portee indicated that she will not be attending the next Board Meeting on September 16, 2003, because she will be out of town.

Mr. Freemyer stated that the Renewal Survey is acceptable.

Mr. Friedman moved and Ms. Lamb seconded and the Board voted to adjourn at 5:15 p.m.

Recorded by:

Approved:

Pam Candler, Interim Board Secretary

Brad Freemyer, President

Jacqueline A. Hightower, Executive Director

Mollie L. Fleeman, Division Director