

The Georgia State Board of Physical Therapy met on **March 15, 2005** at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia for the purpose of conducting business.

**Members Present:**

- Sandra Eskew Capps, P.T., President
- Bernice B. Chaney, P.T.A.
- Anthony F. Ellis, P.T.
- Brad Freemyer, P.T.
- Lola Rosenbaum, P.T.
- Patricia H. Willis, P.T. (Left at 3:10 P.M.)

**Others Present:**

- Anita O. Martin, Executive Director
- Lea F. Williams, Applications Specialist/Board Secretary
- Patricia Downing, Assistant Attorney General (Arrived at 9:50 A.M.,left at 3:05)
- Geoff Aulds, PTAG Liaison

President Eskew Capps established that a quorum was present, and called the Public Hearing to order at 9:15 A.M. No comments were received regarding the proposed rule amendment. The Public Hearing was adjourned at 9:18 A.M. and the Board meeting was called to order in **OPEN SESSION**.

**490-4-.03, Disciplinary Sanctions. Amended.:** Mr. Freemyer made a motion to **adopt** the amendments as proposed. Ms. Chaney seconded the motion and it was approved by the Board. (Attachment #1)

The Board met with PTAG representative, Stephanie Palma, regarding continuing competency. The Board nominated Ms. Willis, Ms. Chaney, Ms. Eskew Capps, and Ms. Portee as the Continuing Competency Committee, who will work with PTAG on the issues discussed.

**January 18, 2005 Meeting Minutes:** Ms. Rosenbaum motioned, Ms. Willis seconded, and the Board voted to **approve** the minutes as presented.

**February 15, 2005 Conference Call Minutes:** Ms. Chaney motioned, Mr. Ellis seconded, and the Board voted to **approve** the minutes as presented.

**February 21, 2005 Conference Call Minutes:** Mr. Freemyer motioned, Ms. Willis seconded, and the Board voted to **approve** the minutes as presented.

**Roster of New Licensees:** Ms. Willis made a motion to **approve** the roster of the 71 newly licensed PT's, and the 18 newly licensed PTA's, issued January 6, 2005 through March 7, 2005. The motion was seconded by Mr. Ellis and approved by the Board.

License #	Name	License Type	Issue Date
PT008245	Roberts, Brian Michael	Physical Therapist	1/7/2005 0:00
PT008246	Woollen, Velva Hayden	Physical Therapist	1/10/2005 0:00
PT008247	Roaquin, Pauline Carmela	Physical Therapist	1/10/2005 0:00
PT008248	Bolden, Sara Elizabeth	Physical Therapist	1/14/2005 0:00
PT008249	Shaw, Mary Beth	Physical Therapist	1/14/2005 0:00
PT008250	Anderson, David William	Physical Therapist	1/19/2005 0:00
PT008251	Holmes, Linda Doreen	Physical Therapist	1/19/2005 0:00
PT008252	Speer, Jerison Daniel	Physical Therapist	1/19/2005 0:00
PT008253	Chackonal, Mary J	Physical Therapist	1/19/2005 0:00
PT008254	Griffin, Jonathan Nicholas	Physical Therapist	1/20/2005 0:00
PT008255	Graul, Stephanie Michelle	Physical Therapist	1/20/2005 0:00
PT008256	Henry, Matthew Thomas	Physical Therapist	1/21/2005 0:00
PT008257	Davis, Dana Lynn	Physical Therapist	1/21/2005 0:00
PT008258	Braden, Kelly Michelle	Physical Therapist	1/26/2005 0:00
PT008259	Fields, Deanna Cheryl	Physical Therapist	1/27/2005 0:00
PT008260	Kim, Charles Min	Physical Therapist	1/27/2005 0:00
PT008261	Hartline, Stacy LeAnn	Physical Therapist	1/28/2005 0:00
PT008262	Fee, Melissa Anne	Physical Therapist	1/28/2005 0:00
PT008263	Schooley, Alisha Dawn	Physical Therapist	2/1/2005 0:00
PT008264	Pace, Thomas Allen	Physical Therapist	2/1/2005 0:00
PT008265	Pfab, Julia Marie	Physical Therapist	2/1/2005 0:00
PT008266	Keller, Shannon Kathleen	Physical Therapist	2/1/2005 0:00
PT008267	Shannon, Shanika Johnine	Physical Therapist	2/1/2005 0:00
PT008268	Peacock, Lori Louise	Physical Therapist	2/1/2005 0:00
PT008269	Deriso, Jennifer Suzanne	Physical Therapist	2/2/2005 0:00
PT008270	Clagg, Michelle Lynn	Physical Therapist	2/2/2005 0:00
PT008271	Beene, Zachary Ryan	Physical Therapist	2/2/2005 0:00
PT008272	Wade, Emily Metts	Physical Therapist	2/2/2005 0:00
PT008273	Harper, Kristi Malina	Physical Therapist	2/2/2005 0:00
PT008274	Cutsinger, Sadie Virginia	Physical Therapist	2/3/2005 0:00
PT008275	Domingo, Ruth Therese S.	Physical Therapist	2/3/2005 0:00
PT008276	Theisen, Kristy Lynn	Physical Therapist	2/4/2005 0:00
PT008277	Ownbey, John Chadwick	Physical Therapist	2/4/2005 0:00
PT008278	Carey, Amanda Dawn	Physical Therapist	2/4/2005 0:00
PT008279	Sliger, Erika Ann	Physical Therapist	2/7/2005 0:00
PT008280	Hamilton, Kelly Danylle	Physical Therapist	2/7/2005 0:00
PT008281	Bryson, Juli Ann	Physical Therapist	2/7/2005 0:00
PT008282	Betz, Lara Elizabeth Bowen	Physical Therapist	2/7/2005 0:00
PT008283	Antony, Stephanie Jill	Physical Therapist	2/7/2005 0:00
PT008284	Colon, Marly A.	Physical Therapist	2/8/2005 0:00
PT008285	Lock, Debora Lee	Physical Therapist	2/8/2005 0:00
PT008286	Noble, Brandie Kinney	Physical Therapist	2/9/2005 0:00
PT008287	Moss, Michael Ryan	Physical Therapist	2/9/2005 0:00

PT008288	Jones, Jonathan Cale	Physical Therapist	2/10/2005 0:00
PT008289	Chircop, Diane Marie	Physical Therapist	2/10/2005 0:00
PT008290	Cordon, Luis R.	Physical Therapist	2/10/2005 0:00
PT008291	Seibert, Jacqueline Victoria	Physical Therapist	2/11/2005 0:00
PT008292	Garner, Sachiko Thamil	Physical Therapist	2/15/2005 0:00
PT008293	Campbell, Jaimee Denyse	Physical Therapist	2/15/2005 0:00
PT008294	Newbern, Amanda	Physical Therapist	2/15/2005 0:00
PT008295	Brown, Michael J.	Physical Therapist	2/15/2005 0:00
PT008296	Keister, Tara Lynn	Physical Therapist	2/15/2005 0:00
PT008297	White, Caric Alzo	Physical Therapist	2/15/2005 0:00
PT008298	Westfall, Ronald Bruce	Physical Therapist	2/15/2005 0:00
PT008299	Gay, Heather Lea	Physical Therapist	2/18/2005 0:00
PT008300	Sacks, Suzanne Wendi	Physical Therapist	2/18/2005 0:00
PT008301	Hamilton, John Richard	Physical Therapist	2/18/2005 0:00
PT008302	Heilshorn, Brooke Ellen	Physical Therapist	2/23/2005 0:00
PT008303	Chambers, Lindsay Elaine	Physical Therapist	2/23/2005 0:00
PT008304	Elton, Steven W	Physical Therapist	2/23/2005 0:00
PT008305	Lefebvre, Aimee Colleen	Physical Therapist	2/23/2005 0:00
PT008306	Kalb, Casey William	Physical Therapist	2/24/2005 0:00
PT008307	Davis, Crystal Leigh	Physical Therapist	2/25/2005 0:00
PT008308	Jackson, Kelley Porter	Physical Therapist	2/25/2005 0:00
PT008309	Bigham, Sarah Ellen	Physical Therapist	2/28/2005 0:00
PT008310	Youssef, May	Physical Therapist	2/28/2005 0:00
PT008311	Scott, Bobbie Ann	Physical Therapist	2/28/2005 0:00
PT008312	Walker, Mary Katherine	Physical Therapist	3/1/2005 0:00
PT008313	Spencer, Kristen Ericka	Physical Therapist	3/3/2005 0:00
PT008314	Araujo, Brian Godfrey	Physical Therapist	3/3/2005 0:00
PT008315	Shiyanbade, Marian Adejoke	Physical Therapist	3/7/2005 0:00

License #	Name	License Type	Issue Date
PTA002121	Medley, Jennifer Lauren	Physical Therapist Assistant	1/14/2005 0:00
PTA002122	Ingley, Tara Lyn	Physical Therapist Assistant	1/14/2005 0:00
PTA002123	Dufon, Amy M.	Physical Therapist Assistant	1/14/2005 0:00
PTA002124	Hamilton, Sheri Renee'	Physical Therapist Assistant	1/14/2005 0:00
PTA002125	Desjardins, Lisa Ann	Physical Therapist Assistant	1/19/2005 0:00
PTA002126	Morey, Mary Angela	Physical Therapist Assistant	1/20/2005 0:00
PTA002127	Brown, Michelle A.	Physical Therapist Assistant	1/26/2005 0:00
PTA002128	Sipe, Lee Ann	Physical Therapist Assistant	1/28/2005 0:00
PTA002129	Blitch, Jennifer Lynn	Physical Therapist Assistant	2/1/2005 0:00
PTA002130	Katchmark, Jaclene Keen	Physical Therapist Assistant	2/1/2005 0:00
PTA002131	Barber, Jennifer Loretta	Physical Therapist Assistant	2/4/2005 0:00
PTA002132	Burnett, Mindy Gayle	Physical Therapist Assistant	2/4/2005 0:00
PTA002133	Yaroch, Julie Ann	Physical Therapist Assistant	2/8/2005 0:00

PTA002134	Chaudet, Joseph Michael	Physical Therapist Assistant	2/15/2005 0:00
PTA002135	Nicolosi, Christopher Lee	Physical Therapist Assistant	2/18/2005 0:00
PTA002136	Lewis, Danielle Nikol	Physical Therapist Assistant	2/18/2005 0:00
PTA002137	Almeida, Kimberly Lynn	Physical Therapist Assistant	2/25/2005 0:00
PTA002138	Murray, Amy Juliane	Physical Therapist Assistant	3/2/2005 0:00

**Review of Board Policies:** Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **approve** the policies as presented. The Board further voted to add an addition to policy #4 regarding the carrying over of continuing competency hours obtained after a license has been renewed.

**Letter submitted by David A. Lake, P.T.,: AASU:** Mr. Freemyer motioned, Ms. Rosenbaum seconded, and the Board voted to **send** a letter to the FSBPT expressing the Board's concerns regarding schools having to purchase reports needed for accreditation.

**E-mail submitted by Maribeth Decker re: FSBPT Delegate Assembly Elections:** No nominations were made by the Board.

**E-mail submitted by Ms. Eskew Capps re: continuing competency hours carried over:** See "Review of Board Policies" above.

**E-mail submitted by Saku Sundaram, P.T.:** Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **send** Ms. Sundaram the "no legal advice letter", and advise her to follow her facility's procedures and policies.

**E-mail submitted by Michael Pennessi of TherapyAmerica, LLC:** Ms. Rosenbaum motioned, Mr. Ellis seconded, and the Board voted to **send** Mr. Pennessi the "no legal advice letter", and refer him to the PTA supervision rule.

**Memo from Board Attorney, Patricia Downing re: Approval of Examinations:** Viewed as informational.

**Continuing Competency audits and renewal information:** Mr. Freemyer motioned, Ms. Chaney seconded, and the Board voted to appoint Lola Rosenbaum and Patty Willis to the C.C. Audit Committee. The Board further voted to randomly audit 1% of the active licensees and all licensees on probation.

**Request to terminate probation submitted by David A. Wilson, P.T.:** Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **release** the probation as requested, with Mr. Freemyer opposing the vote. The Board further voted to advise Mr. Wilson to review O.C.G.A. § 43-33-3(5) regarding the use of professional designations.

**SB110 – Massage Therapy:** Viewed as informational.

**Draft amendments to 490-2-.04, Training Permits:** Mr. Freemyer motioned, Ms. Rosenbaum seconded, and the Board voted to **post** the rule as amended. (Attachment #2)

**Draft amendments to 490-2-09, Licensure: Endorsement:** The Board voted to **table** a vote until further review of the Examination rule amendments.

**Draft amendments to 490-3-02, Re-Examination:** Ms. Willis motioned, Mr. Ellis seconded, and the Board voted to **post** the rule as amended. (Attachment #3)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(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 in the field of Physical Therapy.

**Draft amendments to 490-10-01, Wellness and Preventative Services:** The Board voted to refer to Board's attorney for advice.

#### **Executive Director's Report: Anita O. Martin**

- Provided information regarding HB546 (Chiropractic).
- Provided cost revenue information. *The Board tabled this item.*

Ms. Chaney motioned, Ms. Rosenbaum seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) and §43-1-19(h)(2) to deliberate on applications, disciplinary matters, and to receive information on enforcement, cognizant, and Attorney General reports. Voting in favor of the motion were those present who included Board members Eskew Capps, Freemyer, Ellis and Willis. The Board concluded **Executive Session** in order to vote on these matters and to continue with the public session.

**PT Endorsement Application submitted by A.R.K.:** Ms. Willis motioned, Mr. Freemyer seconded, and the Board voted to **refer** the file to the Board's attorney for advice, and if the advice indicates no issues, issue the license, and if advice indicates issues, bring back to the Board at the next meeting.

**Waiver request submitted by PT Exam applicant V.A.T.:** Mr. Ellis motioned, Ms. Rosenbaum seconded, and the Board voted to **deny** the request.

**PT Exam Application submitted by E.T.C.:** Mr. Freemyer motioned, Ms. Chaney seconded, and the Board voted to **refer** the file to the Board's attorney for advice and bring back to the Board at the next meeting.

**PT Exam Application submitted by M.A.K.:** Ms. Willis motioned, Ms. Rosenbaum seconded, and the Board voted to **advise** M.A.K. to either obtain the deficient courses, or submit correct documents to the credential evaluation company for re-evaluation.

**PTA Exam Application submitted by R.W.:** Mr. Freemyer motioned, Ms. Willis seconded, and the Board voted to **approve** the application.

**PT Endorsement Application submitted by W.C.C.:** Ms. Willis motioned, Ms. Rosenbaum seconded, and the Board voted to **advise** W.C.C. that he must hold an Active license in another state to qualify for Endorsement. The Board further voted to request a copy of W.C.C.'s current job description to rule out unlicensed practice.

**Cognizant Report: Anthony Ellis**

- **Case # 04-033:** Ms. Willis motioned, Ms. Rosenbaum seconded, and the Board voted to **schedule** an Investigative Interview with the respondent, and to send request to enforcement to subpoena 5 patient records with certain date stipulations, as well as the P.T.'s time sheets.
- **Case #05-0040:** Per the cognizant's recommendation based on the Investigative Interview held at 2:45 P.M., Ms. Chaney motioned, Mr. Freemyer seconded, and the Board voted to **close** the case.
- **Case #04-024:** Ms. Willis motioned, Ms. Rosenbaum seconded, and the Board voted to **close** the case.
- **Case #04-042:** Mr. Freemyer motioned, Ms. Chaney seconded, and the Board voted to **close** the case.

**OTHER BUSINESS:**

- **March 8, 2005 Conference Call Minutes:** Ms. Willis motioned, Ms. Chaney seconded, and the Board voted to **approve** the minutes as presented.
- The Board voted to submit names of P.T.'s to assist in the examination review to Ms. Martin to forward to Mark Lane at FSBPT.
- The Board requested that a letter of concern be mailed to Dr. Patton, President, Georgia State University, regarding the impending closure of the physical therapy program, and the public protection issues involved with the shortage of physical therapists in Georgia. Ms. Martin will send a draft of the letter to Mr. Freemyer for review, and the final draft will also be mailed to the Governor, the Chancellor of the Board of Regents, and Secretary of State, Cathy Cox.
- The Board suggested Karen Clements, P.T. perform the peer review on case #15-01-01-005.

There being no further business to come before the Board, the meeting was adjourned at 5:00 P.M. on March 15, 2005.

**Minutes prepared by:** Lea Williams, Board Secretary

**Reviewed/Edited by:** Anita O. Martin, Executive Director

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Sandra Eskew Capps, P.T.  
Board President

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Mollie L. Fleeman  
Division Director

**490-4-.03 Disciplinary Sanctions. Amended.**

(1) The Board in accordance with the licensing Act (O.C.G.A. Section 43-33-18 which enumerates grounds for sanctions), shall have authority to refuse to grant a license to any applicant, and refuse to renew a license, and may restrict, suspend or revoke the registration of any licensed person. The Board hereby adopts and incorporates by reference herein the provisions of O.C.G.A. Sec. 43-1-19.

(2) For purposes of Official Code of Georgia Annotated, Section 43-33-18(a)(1):

(a) "Consultation" shall mean provision of professional advice;

(b) "Appropriate Licensed Practitioner of the Healing Arts" shall include properly licensed practitioners in this or another state, whose consultation falls within the practitioner's legally authorized scope of practice;

(c) For purposes of determining whether a licensed practitioner is appropriate, the physical therapist shall consider, but not be limited to, the following factors:

1. Physical condition of the patient;

2. Nature of ailment;

3. Extent to which the consulting practitioner has knowledge of the patient's history and condition such that an informed judgment can be made concerning course of treatment.

(d) Physical therapists shall document the consultation with the appropriate licensed practitioner of the healing arts prior to implementing a program of physical therapy treatment.

(3) When providing physical therapy treatment following appropriate consultation, unprofessional and unethical conduct shall include but is not limited to the following:

(a) Failing to adhere to the Code of Ethics for Physical Therapists and Physical Therapists Assistants, as codified in Rules 490-9-.01 through 490-9-.03.

(b) Delegating to an aide or unlicensed person any physical therapy task other than those codified in Chapter 490-8.

(c) Failing to provide continuous, immediate and physically present supervision of the aide or unlicensed person when designated tasks are performed.

(d) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis.

(e) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.

(f) Failing to perform periodic evaluation of the patient and documenting the evaluations in the patient's record and to make adjustments to the patient's treatment program as progress warrants.

(g) Directly or indirectly requesting, receiving or participating in the division, transferring, assigning, rebating or refunding of fees or remuneration earned, in cash or kind, for bringing or referring a patient. For purposes of this Rule:

1. No physical therapist, physical therapy assistant, employee or agent thereof acting on his behalf, shall enter into or engage in any agreement or arrangement with any individual, entity, or an employee or agent thereof acting on his behalf, for the payment or acceptance or compensation in any form for the referral or recommending of the professional services of either. This prohibition includes any form of fee division or charging of fees solely for referral of a patient.

2. This prohibition shall include a rebate or percentage of rental agreement or any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services.

3. Provided further, that this Rule shall not preclude a discount, waiver of co-payment or other reduction in price of services by a physical therapist if the reduction in price is properly disclosed to the consumer and third party payers and appropriately reflected in the costs claimed or charges made.

Authority O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, and 43-33-18.

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE GEORGIA  
STATE BOARD OF PHYSICAL THERAPY RULES CHAPTER  
490-2, RULE 490-2-.04, . TRAINING PERMITS., AND  
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes amendments to the Georgia State Board of Physical Therapy Rules, Chapter 490-2, Rule 490-2-.04 Training Permits.

The proposed rule amendment provides the requirements for a training permit.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy Web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478-207-1686.

A public hearing is scheduled to be held at 9:00 a.m. on May 17, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before May 10, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on May 17, 2005 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ 43-33-10 and 43-33-17.

At its meeting on March 15, 2005, the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-33-10 and 43-33-17.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-33-10 and 43-33-17 to adopt or implement differing actions for businesses as listed at O.C.G.A. §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.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This \_\_\_\_ day of \_\_\_\_\_, 2005

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Mollie L. Fleeman  
Division Director

Posted: \_\_\_\_\_

**SYNOPSIS OF PROPOSED REVISIONS TO THE  
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR  
490-2-.04, TRAINING PERMITS.**

Purpose: The purpose of the proposed rule amendment is to outline the requirements for a training permit.

Main Feature: The main feature of the proposed rule amendment is to outline the requirements for a training permit.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE  
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL  
THERAPY RULE 490-2-.04, TRAINING PERMITS.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

**490-2-.04 Training Permits.**

~~(1) A training permit may be issued pursuant to O.C.G.A., 43-33-10, 43-33-12 and 43-33-13 of the Georgia Physical Therapy Act to a qualified applicant following Board approval of a properly submitted application.~~

~~(a) Qualified applicants are:~~

~~1. individuals who have not failed the licensing examination in this or any other jurisdiction; and~~

~~2. unlicensed graduates of entry level programs for physical therapists or physical therapist assistants accredited by a recognized accrediting agency approved by the Board; or~~

~~3. foreign-educated physical therapists who are deemed eligible by the Board to take the licensing examination; or~~

~~4. applicants for relicensure, who have been unlicensed in this jurisdiction and have not practiced for more than two (2) years; or~~

~~5. applicants for relicensure who have been unlicensed in this jurisdiction five (5) years and who have been approved to take the licensing examination within 30 days of satisfactory completion of this traineeship.~~

~~2. The validity of any training permit is subject to the following conditions:~~

~~(a) A training permit will not be issued, reissued or renewed for any applicant who has failed the licensing examination in this or any other jurisdiction, until the licensing examination has been successfully passed.~~

~~(b) A training permit may be valid for any time period approved by the Board not to exceed six (6) months, unless the training permit becomes invalid as provided in this rule.~~

~~(c) A training permit shall become invalid and must be returned to the Board office by the trainee immediately:~~

~~1. On the date the examination is scheduled if the applicant fails to appear to take the examination; or~~

~~2. On the date the applicant is notified by letter that he/she has failed the examination; or~~

~~3. Any time the applicant does not exhibit satisfactory performance.~~

~~(d) A training permit may be renewed one time, for no more than six (6) months, upon written request and with approval of the Board, and only for one good and exceptional reasons as determined by the Board. Failure to pass the licensing examination is not considered a good and exceptional reason. For purposes of this rule, good and exceptional reasons include but are not limited to:~~

~~1. Death of an immediate family members; or~~

~~2. Illness or incapacitation of the applicant or immediate family member (a physician's statement is required); or~~

~~3. Jury duty (proof required); or~~

~~4. To cover a time lag between completion of the initial training permit and satisfactory~~

passage of the next licensing examination.

(e) An approved training permit which is not used must be returned to the Board by the trainee with a brief explanation of why it was not used.

(3) Guidelines for traineeships for unlicensed graduates of entry level programs for physical therapists and physical therapist assistants accredited by a recognized accrediting agency approved by the Board; and traineeships for graduates of physical therapist and physical therapist assistant programs not accredited by an approved accrediting agency who are deemed eligible by the Board to take the licensing examination within 45 days of approval of the training permit:

(a) Unlicensed graduates of entry level programs for physical therapists or physical therapist assistants accredited by a recognized accrediting agency approved by the Board must be scheduled to take the licensing examination within 45 days of the start of the traineeship. Physical therapists and physical therapist assistants who are graduates of programs not accredited by an approved accrediting agency and who are deemed eligible by the Board must schedule the licensing examination within 30 days of satisfactory completion of the traineeship.

(b) Applications.

1. Applications are a notarized training permit application form from the primary trainee supervisor specifying:

(i) the name and license number of the primary trainee supervisor, who will be responsible for the conduct of the traineeship as defined under section (c) of this document; and

(ii) the name and license number of any alternate supervisor(s), (no more than 2), who may substitute for the primary supervisor as defined under section (c) of this document; and

(iii) the name, address, phone and fax number of all sites where the trainee and supervisor may be working during the course of the traineeship; and

(iv) the effective dates of the traineeship; and

(v) acceptance of responsibility for trainee supervision and completion of the performance evaluation; and

(vi) type of facility.

(c) Supervision.

1. The primary supervisor named on the training permit application holds full responsibility for direct, continuous, on-site supervision of the trainee at all times. The primary supervisor must assure that the trainee does not perform any patient care activities in his/her absence.

2. The primary supervisor is responsible for terminating the traineeship immediately upon notification of the failure of the trainee to take the licensing examination when scheduled or of the trainee's failure of the licensing examination.

3. A named alternate supervisor, who has signed the initial application, may substitute for the primary supervisor under emergency situations such as temporary illness or incapacitation.

4. If an alternate supervisor assumes the role of the primary supervisor for any reason, the Board must be notified immediately in writing by the alternate supervisor.

5. If the primary supervisor cannot continue for any reason, and no alternate supervisor was approved in the initial application, the traineeship must be terminated and practice must cease. The training permit must be returned to the Board and a new application submitted.

6. Primary and alternate supervisors must be physical therapists licensed in good standing, under T. 43, Chapter 33 and who have practiced full time for not less than one continuous year or the equivalent of one (1) year in the past three (3) years. If any supervisor has not practiced in this state for one continuous year, information about licensure and employment in another state must be provided.

7. The primary supervisor must evaluate trainee performance on an ongoing basis in the following areas:

(i) evaluation skills;

(ii) treatment skills;

(iii) documentation;

(iv) written, oral and non-verbal communication skills;

- (v) compliance with safety requirements, ethical and legal standards and professional behavior at all times;
- (vi) compliance with the rules and laws in the State of Georgia governing the practice of physical therapy;
- (vii) ability to be a contributing member of the health care system.

8. The primary supervisor must notify the Board of any unsatisfactory performance. An unsatisfactory performance may lead to termination of the training permit at the discretion of the Board and may influence the granting of a license regardless of the score on the examination.

9. The supervising therapist(s) will supervise no more than two (2) trainees during any one time period.

10. Applicants from an educational program not accredited by an agency approved by the Board must successfully complete a three (3) months traineeship and must schedule the licensure examination within 30 days of satisfactory completion of the traineeship. Upon appropriate request the traineeship may be extended until the results of this licensing examination is reported to the Board.

(i) The primary supervisor must submit a performance evaluation at the end of the three (3) months traineeship.

11. The training permit, of an unlicensed graduates of entry level programs for physical therapists and physical therapist assistants accredited by a recognized accrediting agency approved by the Board will be automatically terminated when the applicant passes the licensing examination and the license is issued.

(4) Guidelines for training permits for applicants for relicensure:

(a) Applicants must satisfactorily complete a traineeship of a least 2 months. The traineeship will remain in effect until a license is issued or the traineeship becomes invalid as defined above.

(b) Application.

1. Applications are a notarized training permit application form from the primary trainee supervisor and specifying:

(i) the name and license number of the primary trainee supervisor, who will be responsible for the conduct of the traineeship as defined under section (c) of this document; and

(ii) the name and license number of any alternate supervisor(s) who may substitute for the primary supervisor as defined under section (c) of this document; and

(iii) the name, address, phone and fax numbers of all sites where the trainee and supervisor may be working during the course of the traineeship, and

(iv) the effective dates of the traineeship; and

(v) acceptance of responsibility for trainee supervision and completion of the performance evaluation; and

(vi) termination of the traineeship as defined herein; and

(vii) type of facility.

(c) Supervision.

1. The primary supervisor named on the training permit application holds full responsibility for direct, continuous, on-site supervision of the trainee at all times. The primary supervisor must assure that the trainee does not perform any patient care activities in his/her absence.

2. A named alternate supervisor, who has signed the initial application, may substitute for the primary supervisor under emergency situations such as temporary illness or incapacitation.

3. If an alternate supervisor assumes the role of the primary supervisor for any reason, the Board must be notified immediately.

4. If the primary supervisor cannot continue for any reason and no alternate supervisor was named in the initial application, the training permit must be returned to the Board and a new application submitted.

5. Primary and alternate supervisors must be physical therapists licensed in good standing under T. 43, Chapter 33 and who have practiced full time for not less than one continuous year or the equivalent of one (1) year in the past three (3) years. If any supervisor has not practiced in this State for one continuous year, information about licensure and employment in another state must be provided.

~~6. The primary supervisor must evaluate trainee performance on an ongoing basis in the following areas:~~

~~(i) evaluation skills;~~

~~(ii) treatment skills;~~

~~(iii) documentation;~~

~~(iv) written, oral and non-verbal communication skills;~~

~~(v) compliance with safety requirements, ethical and legal standards and professional behavior at all times;~~

~~(vi) compliance with the rules and laws in the State of Georgia governing the practice of physical therapy;~~

~~(vii) ability to be a contributing member of the health care system.~~

~~7. The primary supervisor must notify the Board of any unsatisfactory performance. An unsatisfactory performance may lead to termination of the training permit at the discretion of the Board.~~

~~8. The primary supervisor is responsible for immediately terminating the traineeship on being notified that the trainee has failed the licensing examination.~~

~~9. The supervising therapist(s) will supervise no more than two trainees during any one time period.~~

~~(d) A license will be issued only:~~

~~1. after the licensing examination has been passed for those applying for reinstatement who have not actively practiced in five (5) years; and~~

~~2. a traineeship of at least two (2) months has been satisfactorily completed; and~~

~~3. the completed training permit and final evaluation is returned to the Board.~~

(1) A training permit may be issued pursuant to O.C.G.A. §§ 43-33-10 and 43-33-17 of the Georgia Physical Therapy Act to a qualified applicant following Board approval of a properly submitted application.

(a) Qualified applicants are:

1. individuals who have not failed the licensing examination in this or any other jurisdiction; and

2. unlicensed graduates of entry-level programs for physical therapists or physical therapy assistants from a CAPTE-accredited school; or

3. foreign-educated physical therapists who are deemed eligible by the Board to take the licensing examination; or

4. applicants for reinstatement, who have been unlicensed in this jurisdiction and have not practiced for two (2) or more years; or

5. applicants for reinstatement who have been unlicensed in this jurisdiction for five

(5) or more years and who have been approved to take the licensing examination within 30 days of satisfactory completion of this traineeship; and

6. able to initiate a traineeship program in the State of Georgia within three months of issuance of such permit.

(b) Initial Applications and Reinstatement Applications

1. A notarized training permit application form must be submitted by the trainee's supervisor specifying:

(i) the name and license number of the trainee supervisor who will be responsible for the conduct of the traineeship as defined under section (f) of this rule; and

(ii) the name, address, phone, fax number and e-mail address of all sites where the trainee and supervisor may be working during the course of the traineeship; and

(iii) the effective dates of the traineeship; and

(iv) acceptance of responsibility for trainee supervision and completion of the performance evaluation; and

(v) termination of the traineeship as defined herein; and

(vi) type of facility.

(c) Renewal

1. A training permit may be renewed one time, for no more than six (6) months, upon written request and with approval of the Board, and only for one good and exceptional reason as determined by the Board. Failure to pass the licensing examination is not considered a good and exceptional reason. For purposes of this rule, good and exceptional reasons include but are not limited to:

(i) Death of an immediate family member; or

(ii) Illness or incapacitation of the applicant or immediate family member (a physician's statement is required); or

(iii) Jury duty (proof required).

(d) Validity of Permit.

1. The validity of any training permit is subject to the following conditions:

(i) A training permit will not be issued, reissued or renewed for any applicant who has failed the licensing examination in this or any other jurisdiction until the licensing examination has been successfully passed.

(ii) An approved training permit which is not used must be returned to the Board by the trainee with a brief explanation of why it was not used.

(iii) A training permit may be valid for any time period approved by the Board not to exceed six (6) months, unless the training permit becomes invalid as provided in this rule.

(iv) A training permit shall become invalid and must be returned to the Board office by the trainee immediately:

(I) On the date the applicant is notified by letter that he/she has failed the examination; or

(II) Any time the applicant does not exhibit performance satisfactory to the supervisor.

(e) Traineeship Permit Time Requirement

1. The training permit of an unlicensed graduate of entry-level programs for physical therapist and physical therapist assistant, whether from a CAPTE or non CAPTE-accredited school, must successfully complete a minimum of 480 hours within a three (3) month period. At the end of the traineeship period and upon receipt of a final performance evaluation, the applicant will be approved to sit for the licensing examination.

(f) Supervision

1. The supervisor named on the training permit application holds full responsibility for direct, continuous, on-site supervision of the trainee at all times. The supervisor must assure that the trainee does not perform any patient care activities in his/her absence.

2. If the supervisor cannot continue for any reason, the traineeship must be terminated and practice must cease. The training permit must be returned to the Board and a new application submitted.

3. The supervisor must be a licensed physical therapist in good standing under T. 43, Chapter 33, who has practiced full time for not less than one continuous year.

4. If any supervisor has not practiced in this state for one continuous year, information about licensure and employment in another state must be provided.

5. The supervisor must evaluate trainee performance on an ongoing basis in the following areas:

(i) evaluation skills;

(ii) treatment skills;

(iii) documentation;

(iv) written, oral and non-verbal communication skills;

(v) compliance with safety requirements, ethical and legal standards and professional behavior at all times;

(vi) compliance with the rules and laws in the State of Georgia governing the practice of physical therapy; and

(vii) ability to be a contributing member of the health care system.

6. The supervisor must notify the Board of any unsatisfactory performance.

7. The supervising therapist(s) will supervise no more than two (2) trainees during any one time period.

8. The supervisor must submit a performance evaluation at the end of the traineeship period.

O.C.G.A. §§ 43-33-10 and 43-33-17.

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE GEORGIA  
STATE BOARD OF PHYSICAL THERAPY RULES CHAPTER  
490-3, RULE 490-3-.02,. RE-EXAMINATION. AMENDED., AND  
NOTICE OF PUBLIC HEARING.**

TO ALL INTERESTED PERSONS AND PARTIES

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Physical Therapy (hereinafter "Board") proposes amendments to the Georgia State Board of Physical Therapy Rules, Chapter 490-2, Rule 490-3-.02 Re-Examination.

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Georgia State Board of Physical Therapy web page at <http://www.sos.state.ga.us/plb/pt>. Copies may also be requested by contacting the Georgia State Board of Physical Therapy office at 478-207-1686.

A public hearing is scheduled to be held at 9:00 a.m. on May 17, 2005 in the Office of the Secretary of State, Professional Licensing Boards Division, located at 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments. At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to 5 minutes per person. Additional comments should be presented in writing.

Written comments are welcomed. To ensure their consideration, written comments must be received on or before May 10, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Professional Licensing Boards Division, Georgia State Board of Physical Therapy, 237 Coliseum Drive, Macon, Georgia 31217. FAX: 478-207-1699.

The proposed rule amendments will be considered for adoption by the Georgia State Board of Physical Therapy at its meeting scheduled to begin at 9:05 a.m. on May 17, 2005 in the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. The proposed rule amendments are proposed for adoption pursuant to authority contained in The Georgia State Board Of Physical Therapy Act O.C.G.A. §§ \_\_\_\_\_.

At its meeting on March 15, 2005, the Georgia State Board of Physical Therapy voted that the formulation and adoption of these rules do not impose regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ \_\_\_\_\_.

Additionally, at these meetings the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ \_\_\_\_\_ to adopt or implement differing actions for businesses as listed at O.C.G.A. §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.

For further information, contact the Board office at 478-207-1686.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mollie L. Fleeman  
Division Director

Posted: \_\_\_\_\_

**SYNOPSIS OF PROPOSED REVISIONS TO THE  
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR  
490-3-.02, RE-EXAMINATION. AMENDED.**

Purpose: The purpose of the proposed rule amendment is to outline the requirements for examination candidates who require multiple examination attempts.

Main Feature: The main feature of the proposed rule amendment is to outline the requirements for examination candidates who require multiple examination attempts.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE  
PROPOSED AMENDMENT TO THE GEORGIA STATE BOARD OF PHYSICAL  
THERAPY RULE 490-3-.02, RE-EXAMINATION. AMENDED.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

**490-3-.02 Re-examination. Amended.**

- (1) An ~~examinee~~ applicant who fails the examination on the first attempt may submit a re-examination application to the Board to be made eligible to test a second time. ~~be given a second examination at the next examination period upon payment of fee to defray the cost of the examination. Refer to fee schedule.~~
- (2) An applicant who fails the examination on the second attempt must submit the following before being made eligible to test a third time:
  - (a) A copy of his/her "Examination Performance Feedback Report" obtained from the Federation of State Boards of Physical Therapy (FSBPT), and pay all costs associated with acquiring the report.
  - (b) A remediation plan addressing each area of weakness/failure. Examination preparation courses will be considered provided that such course addresses the area(s) of weakness/failure. The remediation plan must be developed in consultation with an appropriately licensed physical therapist or physical therapy assistant, or by a faculty member of a CAPTE-accredited program.
  - (c) Proof of satisfactory completion of such remediation plan.
1. An applicant may be approved administratively to take the examination a third time after the above outlined procedure has been completed and approved.
- (3) ~~An applicant may sit for the examination only three (3) times after which proof of further study will be required before an applicant can sit for further examinations. Further study must be pre-approved by the Board.~~ who fails the examination three (3) or more times must submit a remediation plan as outlined above in 490-3-.02(2)(a) and (b). The remediation plan must be approved by the Board prior to the applicant's beginning or initiating the plan. An applicant may be approved to take

the examination only after proof of satisfactory completion of the approved plan has been submitted.

~~(2) The Board must approve the course of further study and proof of successful completion of the course must be provided in writing to the Board office no less than 45 days prior to the examination applied for.~~

O.C.G.A. §§\_\_\_\_\_.