

The Georgia State Board of Physical Therapy met on **January 17, 2006** at the Offices of the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA for the purpose of conducting business.

Members Present:

- Charlene D. Portee, P. T., President
- Lola Rosenbaum, P.T., Vice President
- John L. Cowherd, Consumer Member
- Andy Ellis, P.T.
- Brad Freemyer, P.T. (left @ 3:00pm)
- Sandra Eskew Capps P.T. (arrived @ 9:40am)
- Patricia Willis, P.T. (arrived @9:30am)

Others Present:

- Anita O. Martin, Executive Director
- Tricia Downing, Board Attorney (arrived @ 11:00am)
- Eva Holmes, Board Secretary

President Charlene D. Portee established that a quorum was present, and called the meeting to order in Open Session at 9:08am.

AGENDA

Ms. Portee gave a detailed overview of the FSBPT Meeting that was held in September 2005. The report included motions and CE programs discussed. Viewed as informational.

Considered for approval minutes from November 29, 2005 meeting

- Lola Rosenbaum motioned, Brad Freemyer seconded and the board voted to approve the minutes as amended.

Considered adoption of new policy – CC related to Ethics and Jurisdiction

- Ms. Willis motioned and Mr. Freemyer seconded for discussion. The proposed policy was not adopted. Ms. Willis voted in favor. Ms. Capps, Ms. Rosenbaum, Mr. Freemyer and Mr. Ellis voted in opposition. Mr. Cowherd abstained from vote.

Considered Board Rule 490-2-.09 Licensure: Endorsement

- Ms. Willis motioned, Mr. Cowherd seconded and the board voted to post the following rule amendment:

490-2-.09 Licensure: Endorsement.

(1) The Board may, in its discretion, ~~register~~ license a physical therapist or physical therapist assistant by endorsement without an examination as set forth in Official Code of Georgia Annotated Section 43-33-15 upon payment of applicable fees. (~~Refer to fee schedule~~)

(2) Any applicant applying for licensure pursuant to O.C.G.A. 43-33-15 and who is a graduate of a physical therapy or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and approved by the Board, must provide:

(a) a list of all states where the applicant holds an active license; verification of licensure from all states where the applicant has ever held a license; and

(b) verification of licensure in good standing from the state board of all states in which the applicant has actively practiced in the two years immediately preceding the date of this application; and passage of the Georgia jurisprudence examination; and

(c) official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation; and a copy of a current resume/curriculum vitae; and

(d) passing scores from the national licensing examination; and

(e) official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation; and degree awarded; and

(f) verification of active practice, for the last two (2) years in the state(s) where currently licensed. Active practice shall be considered as defined in O.C.G.A. §43-33-3(7) and is occurring while the applicant was functioning as a licensed Physical Therapist or Physical Therapist Assistant.

1. if unable to document active practice within two (2) years in the state(s) where currently license but able to document such practice within 5 years, shall be required to submit proof of continuing competency in compliance with board rule 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 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 may be required to take and pass an examination as approved 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 5 years in the state(s) where currently licensed shall be required to work under the supervision of a physical therapist licensed in this state for 1,000 hours of 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 may be required to take and pass examinations approved by the board. In addition, the applicant must submit verification of completion of a total of forty (40) hours of continuing competency credit.

(g) An applicant for licensure pursuant to OCGA 43-33-15 who is a graduate of a physical therapy or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and approved by the Board, who has taken and passed the national licensing examination within

two (2) years of the date of application, should apply under OCGA 43-33-12 and 43-33-13 and applicable Board Rules if the exam scores qualify under these Rules.

(h) The Board may request further verification of any credential submitted if deemed necessary to evaluate the application.

(3) Any applicant applying for licensure pursuant to O.C.G.A. 43-33-15 who is a graduate of a physical therapy or physical therapist assistant program not accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or approved by the Board, must provide:

(a) a list of all states where the applicant holds an active license; and verification of licensure from all states where the applicant has ever held a license; and

(b) verification of licensure in good standing from the state board of all states in which the applicant has actively practiced in the two years immediately preceding the date of this application; and Passage of the Georgia jurisprudence examination; and

(c) official evaluation and transcript from a credential evaluation organization approved by the State of Georgia; and a copy of current resume/curriculum vitae; and

(d) passing scores from the national licensing examination; and

(e) official evaluation and transcript from a credential evaluation organization approved by the Board; and

(f) Applicants educated in a non-English speaking physical therapy program must submit passing scores on required language proficiency examinations to include but not be limited to the Test of Spoken English (TSE); Test of English as a Foreign Language (TOEFL); and Test of Written English (TWE). Actual passing scores are established by the board by policy. Score results must be submitted to the Board; or

(g) applicants educated in an English speaking physical therapy program must have a school official submit an official letter to the Board attesting that the physical therapy curriculum was taught in English.

(4) Proper proof of licensure in good standing from the state(s) where the applicant practiced in the two years immediately preceding this application, proof of graduation from an accredited physical therapy or physical therapist assistant program or credential evaluations deemed substantially equivalent to the professional degree, and satisfactory completion of the licensing examination shall be deemed to be prima facie evidence of compliance with Code Section 43-33-15. The Board, however, may request further verification of any credential submitted if deemed necessary to evaluate the application.

At this meeting 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 the applicable statutes as provided by the Attorney General's office

Additionally, at the meeting the Board voted that it is not legal or feasible to meet the objectives of the applicable statutes 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 this rule 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.

Request from Chiropractic Review email from Ms. Capps re: possible change to Chiropractic Practice Act.

- Ms. Willis motioned, Mr. Cowherd seconded and the Board voted in opposition to SB184. It was voted that sponsors of the bill be notified of opposition.
- Other legislation – HB147, HB377, HB546, SB 147, and SB422 will be reviewed and a conference call will be held to discuss and vote.

Correspondence from CMS regarding alleged inappropriate delivery of physical therapy services.

- Ms. Rosenbaum motioned, Mr. Ellis seconded and the Board voted that Ms. Portee will notify Mr. Logue that PT curriculum/educational programs are accredited by CAPTE.

Request for advice from Ms. Downing regarding the reporting of private consent orders to HIPDB & if guidelines exist in reference to the board's issuance of a private – vs – public consent order.

- Ms. Downing provided verbal advice that private orders are not to be reported to HIPDB unless release of such is noted in the order. Also advised that it is within the board's discretion to make a decision about issuance of private or public consent order. Mr. Ellis motioned, Mr. Cowherd seconded and the Board voted to request that this advice be provided in writing.

Correspondence from Mike Darnell regarding consultative privileges.

- Mr. Cowherd motioned, Mr. Freemyer seconded and the Board voted to send “no legal letter”.

House Bill 801

- Ms. Willis motioned, Ms. Rosenbaum seconded and the Board voted that Ms. Portee would be its representative if called upon to address legislation. The Board also voted to write sponsors that they are in support of the legislation and that by removing the need for required consultation, consumers are still protected.

Mr. Freemyer made a motion and Ms. Rosenbaum seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Capps, Mr. Freemyer, Ms. Rosenbaum & Ms. Willis, Mr. Cowherd and Mr. Ellis. The

Board concluded **Executive Session** in order to vote on these matters and continue with the public session.

PTA endorsement applicant - M.A.C.

- Mr. Ellis motioned; Ms. Eskew Capps seconded and the request was denied by the Board. The candidate does not meet the criteria.

PTA endorsement applicant - N.P.N.-C.

- Mr. Ellis motioned; Ms. Eskew Capps seconded and the request was denied by the Board. The candidate does not meet the criteria.

PTA applicant - F.J.R.

- Ms. Willis motioned; Ms. Rosenbaum seconded and this applicant was approved by the Board upon receipt of a “clean” GCIC report.

PTA endorsement applicant – W.J.

- Mr. Cowherd motioned; Mr. Freemyer seconded and the Board voted to approve.

Request for refund of late fee from renewal applicant – B.P.

- Ms. Eskew Capps motioned; Ms. Willis seconded and the Board voted to deny.

Request to extend CE requirements from renewal applicant – D.L.G

- Issue has been resolved and license has been renewed. No action needed by the board.

Renewal applicant – G.A.B.

- Tabled – leave as renewal pending and request narrative about recent arrest from licensee. The Board requested a copy of police report along with all information, including copy of prior board order. Submit at next board meeting.

Renewal applicant – C.H.H

- Mr. Freemyer motioned; Mr. Cowherd seconded and the Board voted to approve.

PT Endorsement applicant – T.C.

- Ms. Willis motioned; Ms. Rosenbaum seconded and the Board voted to approve with a letter of concern to the NY Board that there may be issues with the continuity of care this licensee is providing to patients in NY State.

Renewal applicant – D.L.P.

- Ms. Rosenbaum motioned; Mr. Cowherd seconded and the Board voted to approve upon receipt of a “clean” GCIC.

PT renewal applicant – D.R.A.

- Ms. Rosenbaum motioned; Mr. Cowherd seconded and the Board voted to approve upon receipt of a “clean” GCIC.

PT renewal applicant – A.P.

- Ms. Rosenbaum motioned; Mr. Cowherd seconded and the Board voted to approve upon receipt of a “clean” GCIC.

Correspondence from S.G. regarding his plan of study

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

Correspondence from J.F. regarding her plan of study

- Notify that plan must be in compliance with Board Rule 490-3-.02. When plan is received, take back to Board for approval.

Correspondence from J.S. regarding her remediation plan

- Send notification that plan must be in compliance with Rule 490-3-.02. When plan is received, take back to Board for approval.

PT Renewal applicant – P.J.D.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

PTA applicant – S.L.F.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

PTA applicant – A.F.O.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

PTA applicant – Y.D.S.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

Request for waiver or variance from Evelyne Burtis

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to deny.
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Request for consideration to reapply for NPTE from C.S.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

Endorsement applicant – C.A.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

PTA applicant – W.W.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve.

PT renewal applicant – R.K.

- Mr. Rosenbaum made a motion; Ms. Willis seconded and the Board voted to renew R.K. under a public consent order requiring 3 years probation; remain in aftercare for duration of probation; provide individual, employer and treatment team quarterly reports for duration of consent order. Accept upon receipt of signed order.

PTA exam applicant – J.P.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve upon receipt of a “clean” GCIC.

PT exam applicant – H.P.B.

- Ms. Eskew Capps motioned; Mr. Ellis seconded and the Board voted to approve upon receipt of a “clean” GCIC and documentation concerning the final disposition of arrest.

PT endorsement applicant – E.O

- Board requires submission of information back to the FCCPT for review of discrepancies. Upon receipt of updated report – provide to the Board for reconsideration.

PT exam applicant – P.L.G.

- Ms. Willis motioned; Mr. Ellis seconded and the Board voted to approve with letter of concern. The Board suggests that continuing competency requirements are acquired before renewal 12/31/07 and upon licensure to work in a mentorship setting to assure ability to provide standard of care expected for all PT’s in Georgia. Ms. Rosenbaum opposed.

PT applicant – A.M.

- The Board requires submission of information back to the FCCPT for review of discrepancies. Upon receipt of updated report – provide to the Board for reconsideration.

Anita O. Martin, Executive Director

- Consider date change for March 2006 meeting – Meeting schedule for March 7, 2006
- The Board approved an additional 30 days to process all renewals applicants listed as “Renewal Pending”.

OTHER BUSINESS

- The Board may discuss other business items not on the agenda.
 - Board requested that letter be drafted to Mollie Fleeman, Division Director and copied to Cathy Cox and Sonny Perdue of their concern that the board orders are not being reported to the NPDB.
 - Board requested that the Governors Code of Ethics be referred to the Board’s attorney for written advice and interpretation as to impact on board members (give specific advice on impact on board member travel,

- expense filing, who is Ethics Officer?, board members providing CE programs, etc.)
- Add to the March agenda the information on the FSBPT Annual Meeting
 - Board discussed whether any members had concern over the issue of conflict of interest surrounding the ED working for both the PT & Chiro Boards. No further issues/concerns were voiced.
 - Ms. Rosenbaum will follow-up with Senator Ross Tolleson about possible legislation to limit the number of times an applicant may take exams & still qualify for GA licensure.
 - Wayne Cooley – Mr. Ellis motioned, Ms. Willis seconded and the Board voted to approve the additional 90 days traineeship
 - Notify the Chiropractic Board that Board members are available to give advice on PT practice as needed.
 - Review letter from licensee Amy Ross requesting refund of \$25.00 late fee. Ms. Willis motioned; Ms. Rosenbaum seconded and the Board voted to approve. Andy Ellis and John Cowherd voted in opposition.
 - Review correspondence from Steve Chenowith re: submission of Continuing Competency Education at renewal. Ms. Rosenbaum motioned and Ms. Willis seconded and the Board voted to send a letter of concern that Board appreciates disclosure but in the future, he needs to assure that he meets the criteria as required by Board Rule 490-4-.02

There being no further business to come before the Board, the meeting was adjourned at 4:20 P.M.

Minutes prepared by: Eva Holmes

Minutes reviewed by: Anita O. Martin

Charlene D. Portee, P.T.
Board President

Mollie L. Fleeman
Division Director

These minutes were signed and approved on _____.