

The Georgia State Board of Physical Therapy met on **May 23, 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.
- George “Bo” Hamil, P.T.
- Donald Walsh, P.T.
- Patricia Willis, P.T. (arrived at 10:00am)

**Others Present:**

- Anita O. Martin, Executive Director
- Tricia Downing, Board Attorney (arrived @ 9:35am)
- Eva Holmes, Board Secretary
- Jan Porch, PTAG

President Charlene D. Portee established that a quorum was present, and called the meeting to order in Open Session at 9:07am.

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**AGENDA**

**Considered Amending Board Rule 490-2-.09 Licensure: Endorsement** – Mr. Cowherd motioned, Ms. Rosenbaum seconded and the Board voted to post as amended.

**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 therapist~~ 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;~~ provide 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~~ pass 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~~ provide a copy of a current resume/curriculum vitae; and

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

(e) provide an 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) provide 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 licensed but able to document such practice within five (5) years, the applicant shall be required to submit proof of continuing competency in compliance with board rule 490-4-.02 and shall be required to complete in no more than one (1) year and no less than four (4) months one thousand (1,000) hours of supervised practice under the supervision of a physical therapist licensed in this state. The Board may set specific stipulations as it deems necessary on this supervised practice, and the applicant may be required to take and pass an examination as approved by the Board.

(g) 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 the required number of continuing competency credits as required in Board Rule 490-4-.02. The Board may set specific stipulations as it deems necessary on this supervised practice, and the applicant may be required to take and pass examinations approved by the Board.

(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; and

(h) provide 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.

~~(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.~~

Authority O.C.G.A. \_\_\_\_\_

### **Considered Amending Board Rule 490-4-.01 Renewal of License and Penalties –**

Mr. Ellis motioned, Mr. Cowherd seconded and the Board voted to post as amended.

### **490-4-.01 Renewal and Reinstatement 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~~ December 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.~~ A license that is not renewed by December 31<sup>st</sup> of odd years is expired and no longer valid. A physical therapist or physical therapist assistant who holds an expired license cannot practice until said license is renewed or reinstated. Any practice on an expired license may result in disciplinary action by the board.

(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 lapsed. Every licensed physical therapist or physical therapist assistant who does not renew his/her license by December 31<sup>st</sup> of the renewal year shall be allowed a two (2) month late renewal period. A license may be renewed after the December 31<sup>st</sup> deadline with submission of the renewal application and the late penalty fee. The late renewal deadline is February 28<sup>th</sup> of the even year.~~

(4) Any service member as defined in O.C.G.A. § 15-12-1 whose license to practice as physical therapy or as a physical therapist assistant expired while serving on active duty outside the state shall be permitted to practice physical therapy or as a physical therapist assistant in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

~~(5) A physical therapist or physical therapist assistant who has been previously licensed in this State who has allowed his/her license to become lapsed 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. A license that is not renewed on or before February 28<sup>th</sup> of the even year shall lapse and be of no force and effect and shall by operation of the law be lapsed.~~

~~(6) Applicants subject to Rule ~~490-4-.01~~(5)(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. A physical therapist or physical therapist assistant who has been previously licensed in this State who has allowed his/her license to become lapsed due to failure to renew by February 28<sup>th</sup> of the even year, 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.

(7) Applicants subject to Rule 490-4-.01(5)(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. §§ 43-1-24, 43-1-25, 43-1-31, 43-33-10, and 43-33-16.

The Board voted that the formulation and adoption of these rules do 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 Dentistry.

### **Considered for approval minutes from March 7, 2006**

- Ms. Rosebaum motioned, Mr. Ellis seconded and the board voted to **approve** the minutes as amended.

### **Correspondence from Suzanne Caskey regarding the handling of "community medications". –**

- Board response: Notify Ms. Caskey that this issue is not addressed in the board's laws and rules and is not within the board's jurisdiction. Also inform Ms. Caskey that this matter should be dictated by institutional or accrediting agency policy.

### **Considered draft rule 490-2-.03 License: Foreign-Educated Applicants -**

- Ms. Rosenbaum motioned, Mr. Hamil seconded and the Board voted to **post** as amended.

### **490-2-.03 Licensure: Foreign-Educated Applicants.**

(1) All applicants who are graduates of educational programs conducted in a foreign country that are not accredited by CAPTE and approved by the Board must submit credentials prescribed by the Board in order to be considered for approval to take the licensing examination.

(a) Transcripts must be evaluated by a credential evaluation agency approved by the Board, to determine if the professional instruction is substantially equivalent to that of entry-level United States-educated therapists. The credentialing evaluation agency shall send its evaluation and a copy of the official transcript directly to the Board. A list of credentialing agencies approved by the Board shall be included in each application packet. ~~Additional lists may be obtained from the Board office.~~

(b) Proof of licensure/certification/registration, that is current and in good standing, to practice physical therapy, or proof of appropriate eligibility to practice physical therapy, in the country of education must be submitted.

- (c) Verification of licensure/certification/registration in all jurisdictions in which the candidate holds or has ever held a license/certification/registration must be submitted.
- (d) Applicants educated in a non-English speaking physical therapy program must take and receive passing scores on three (3) language proficiency examinations to include the Test of Spoken English (TSE): ~~passing score of 50~~; Test of English as a Foreign Language (TOEFL): ~~passing score of 560 pencil & paper/220 computerized~~ and Test of Written English (TWE) : ~~passing score of 4.5~~, before being allowed to sit for the licensure examination. Official score results must be submitted to the Board.
- (e) 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.
- (f) All foreign-educated applicants must complete a Board-approved traineeship consisting of a minimum of 480 hours, which must be completed within three (3) months of the issuance of the traineeship permit.
- (g) An applicant, who is unable 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 (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.
- (2) Applicants educated in a foreign physical therapy program that is accredited by CAPTE and approved by the Board, do not have to submit a credentials evaluation and must meet the conditions of Board Rule 490-2-.02.

Authority O.C.G.A. Secs.

The Board voted that the formulation and adoption of this rule 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 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 this rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Dentistry.

**Review for approval of the May 8, 2006 Continuing Competence Committee conference call minutes.**

- Mr. Cowherd motioned, Mr. Hamil seconded and the Board voted to **approve** the minutes.

**Correspondence from Maribeth Decker regarding credentialing your delegates administrators –**

- Board response: Notify Ms. Decker that the Delegate will be Charlene Portee, and the alternate will be Don Walsh.

**House Bill 801 –**

- Viewed as informational. Will put on August agenda to consider changing the title of Board Rule 490-4-.03.

### **Request from Ronald Stanford to terminate probation -**

- Ms. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to **deny** the request until he provides documents that he is in compliance with consent order.

### **Correspondence from GCA regarding 2006 Advanced Chiropractic Training Course June 10 & 11 -**

- Board response: Respond that pursuant to O.C.G.A.§43-33-11 the board finds the term “physiotherapy” may be misleading to the public. Suggest that they consider using the term Electric Therapeutic Modalities as specified in Chiropractic law O.C.G.A.§43-9-16(c).

### **Correspondence from APTA petitioning for amendment of rule 490-9-.02 Code of Ethics -**

- Board response: Notify Mr. Bennett that this issue is still under review by the board. The board is gathering additional information and considering development of a board policy that may better define the scope of physical therapy practice in Georgia.

### **Consideration of Board Rule 490-4-.02 Continuing Competence Requirements amended -**

- Board response: Additional revision is needed.

Mr. Cowherd made a motion and Ms. Willis 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. Rosenbaum, Mr. Ellis, Mr. Hamil and Mr. Walsh. The Board concluded **Executive Session** in order to vote on these matters and continue with the public session.

### **Executive Session**

#### **S.J. – PTA applicant requesting approval for licensure**

- Ms. Willis motioned, Mr. Walsh seconded and the Board voted to **approve** the application.

#### **C.O.O. – PT applicant who has taken the PT exam 14 times unsuccessfully**

- Mr. Hamil motioned, Mr. Ellis seconded and the Board voted to **deny** the application.

#### **B.T.C. – PT applicant requesting waiver of CE requirement**

- Mr. Cowherd motioned, Ms. Rosenbaum seconded and the Board voted to **deny** the request.

**P.A.H.P. – PTA applicant by endorsement that answered “yes” to arrest/conviction question.**

- Ms. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to **approve** the application upon receipt of GCIC report.

**J.A.R. – PT applicant by endorsement**

- Mr. Ellis motioned, Mr. Hamil seconded and the Board voted to **deny** the application.

**A.D. – Reinstatement applicant**

- Mr. Walsh motioned, Ms. Willis seconded and the Board voted to **approve** the application.

**B.D.D. – PT applicant requesting waiver of CC requirements**

- Ms. Rosenbaum motioned, Ms. Willis seconded and the Board voted to **deny** the request. Board response: Inform candidate of the continuing competency requirements for reinstatement.

**List of comments by candidates seeking licensure in Georgia**

- Board response: Ms. Portee will follow-up with the faculty member at Armstrong State. Many of the comments were from the Savannah testing location.

**Letter from Department of Law**

- Board response: Notify Mr. Byrd that the board appreciates his response but doesn't feel that conference call access to the attorney suffices to meet their needs.

**T.L. – PTA applicant indicated that no sanctions have been issued by any Board. Verification of licensure from FL revealed disciplinary action in FL.**

- Mr. Cowherd motioned, Mr. Walsh seconded and the Board voted to **deny** application.

**R.W.G. – PT applicant answered “yes” to arrest/conviction question and answered “yes” to question regarding mental disorders.**

- Mr. Ellis motioned, Mr. Hamil seconded and the Board voted to **approve** application **upon** receipt of a letter from his physician that he is able to work with reasonable skill and safety to the public.

**K.M.S. – PT applicant requesting waiver of 1000 hours of supervision.**

- Board response: Notify applicant that Board most likely will not grant request, but will have the official vote the week of June 12<sup>th</sup>.

**C.C.C. – PT endorsement applicant – foreign educated.**

- Board response: Request additional information from the applicant about why he/she is not registered in country of education.

### **F.O.O. – PT applicant requesting traineeship**

- Ms. Rosenbaum motioned, Mr. Walsh seconded and the Board voted to **deny** request.

### **S.S. – PT applicant requesting waiver of rule 490-2-.09**

- Mr. Cowherd motioned, Ms. Willis seconded and the Board voted to **deny** the request. *Board response:* All that is required for licensure is successful passage of the jurisprudence exam.

### **O.B. – PTA applicant – foreign graduate**

- Mr. Hamil motioned, Ms. Rosenbaum seconded and the Board voted to **deny** application. *Board response:* Must either take CLEP to make up deficiency or send transcripts back to ICA and ask for reconsideration.

### **S.M.O. – PT applicant requesting traineeship**

- Mr. Ellis motioned, Ms. Willis seconded and the Board voted to **approve** the request.

### **T.K.H. – PT applicant submitting further plan of study**

- Mr. Walsh motioned, Mr. Cowherd seconded and the Board voted to **approve** plan. *Board response:* Recommend that he/she may also want to contact Georgia State University's PT program for further assistance.

### **C.D. - PT applicant – foreign graduate**

- *Board response:* Request additional information from the applicant about why he/she is not registered in country of education.

### **K.M.C. – PT applicant answered “yes” to question regarding arrest/conviction.**

- Ms. Willis motioned, Ms. Rosenbaum seconded and the Board voted to **approve** application.

### **Enforcement**

- **PT050043** – Close, cannot locate subject. Will put a flag in L2K in case he applies for a license. Also notify the Louisiana Board and the FSBPT regarding allegations of unlicensed practice.
- **PT060013** – Summary Suspension. Require OMPE within 10 days – must be evaluated by an addictionologist and Dr. Gene Abel with Behavioral Medicine Institute of Atlanta. Hand subpoena all patient records that were interviewed by Enforcement and cited in Dr. B.'s letter.
- **PT050052** – File notice of hearing for 1 year suspension – Violations for substandard care and aiding & abetting unlicensed practice. Must request to have suspension lifted – When suspension lifted – Public order - \$6500 fine – 5 years probation – Must submit personal quarterly reports for the duration of probation; audit reports must be provided to show that practice is in compliance with the laws & rules – must take additional 24 hours of CE in Risk Management within first year of probation.

Mr. Ellis motioned, Mr. Cowherd seconded and the Board voted to **accept** the Enforcement report.

**Tricia Downing**, Attorney General's Office

- Advice regarding the practice of physical therapy of animals.
- Advice regarding reporting private orders and reporting to HIPDB.
- Board accepted the Matters Asserted for Sonya Koshute & Tye Anthony Marr.
- Request from J.S. about proposed consent order. Board approved an addendum to the findings of fact, allowed CE to be taken on-line, approved 3 years probation, and \$12,000 fine in lieu of suspension. Denied the request to change from a public to a private order.
- Requested a copy of complete investigative and board files to include the exhibits on J.M.M.

Ms. Rosenbaum motioned, Ms. Willis seconded and the Board voted to **accept** Ms. Downing's report.

**Anita O. Martin**, Executive Director

- Gave regards from former board members Sandy Eskew Capps & Brad S. Freemyer.
- Board voted to order appreciation plaques for former board members Eskew Capps & Freemyer.
- New Board member Bo Hamil plans to attend the FSBPT New Board member orientation.
- Request from C.L., PTA – Board approved accepting the reinstatement consent order upon receipt.

Mr. Ellis motioned, Mr. Cowherd seconded and the Board voted to **accept** Ms. Martin's report.

**Exam Section Update**

- Wanda Jackson – No report.

**Legal Services Report** – Kathleen O'Neal

- Accept reinstatement consent order for Lori B. Betts

Ms. Willis motioned, Mr. Walsh and the Board voted to **accept** the consent order.

**Other Business**

- Board member Bo Hamil will serve as the application review board member between board meetings.
- August Board meeting date has been changed from August 15<sup>th</sup> to August 1<sup>st</sup>.

- o Ms. Rosenbaum motioned, Mr. Ellis seconded and the Board voted to **delete** board policy #7 Continuing Competence and incorporate the information into the board rule.

There being no further business to come before the Board, the meeting was adjourned at 5:10 P.M.

**Minutes prepared by:** Eva Holmes

**Minutes reviewed by:** Anita O. Martin

These minutes were signed and approved on August 1, 2006.