

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Conference Call Board Meeting
June 15, 2006

A conference call meeting of the Georgia State Board of Physical Therapy was held on Thursday, June 15, 2006, at the Professional Licensing Boards Office in Macon, Georgia.

The following Board members were present:

Charlene Portee, President
Lola Rosenbaum
John Cowherd
Patricia Willis
Bo Hamil
Don Walsh

Others Present:

Anita O. Martin, Executive Director
Eva Holmes, Board Secretary
Tricia Downing, Board Attorney

President Portee established that a quorum was present, and the **meeting** scheduled to begin at 8:30 a.m. was **called to order** at 8:37a.m.

Open Session

- 1. Consideration of Board rule 490-9-.02: Principles of Conduct for Licensed Physical Therapist.** – Ms. Rosenbaum made the motion, Ms. Willis seconded and the Board voted to post the rule.

490-9-.02 Principles of Conduct for Licensed Physical Therapists.

Any individual who is licensed as a physical therapist shall abide by the following ethical standard:

- (1) Act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.
 - (a) The physical therapist shall hold as confidential information obtained while acting in a professional capacity.
 - (b) The physical therapist shall provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability or sexual preference.
 - (c) The physical therapist should balance considerations of the patient's physical, psychological and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care.
 - (d) The physical therapist shall communicate and interact with patients and all persons encountered in a professional capacity with courteous regard and timeliness.
 - (e) The physical therapist shall not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.
- (2) Comply with the laws and regulations governing the practice of physical therapy in the State of Georgia.
 - (a) Physical therapists are to practice (consultation, evaluations, treatment, research, education, administration and preventive care) in accordance with the state practice act.
- (3) Accept responsibility for the exercise of sound judgment.
 - (a) When implementing treatment, physical therapists shall assume the responsibility for evaluating that individual; planning, implementing, and supervising the therapeutic program; reevaluating and changing the program; and maintaining adequate records of the case, including progress reports.
 - (b) When performing wellness, fitness, and preventative services, physical therapists shall assume responsibility for providing optimal patient care.
 - (c) When the individual's needs are beyond the scope of the physical therapist's

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expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.

(d) When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated. The physical therapist shall not engage in the examination, treatment, or instruction of any human being by means or techniques that are outside the scope of practice of physical therapy as defined in O.C.G.A. §§ 43-33-3(7) and 43-33-18(a)(1)(A)(i). Examination, treatment, or instruction is not outside of the scope of practice of physical therapy if an educational program must prepare graduates to engage in such examination, treatment, or instruction in order to comply with the evaluative criteria administered by a recognized accrediting agency with the mandate of O.C.G.A § 43-33-12 and as approved by the board by policy.

(e) The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships. When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated.

(f) Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist. The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

(g) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:

1. Establish effective channels of written and oral communication;
2. Interpret and communicate critical information about the patient to the supportive personnel;
3. Perform an initial evaluation of the patient;
4. Develop a plan of care, including short and long-term goals;
5. Delegate appropriate tasks to supportive personnel;
6. Assess the supportive personnel's competence to perform assigned tasks;
7. Provide supervision in accordance with the law, the patient's condition, and the specific situation;
8. Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re-evaluation;
9. Re-evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow-up plan.

Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.

(h) Physical therapists are obligated to advise their employer(s) of any practice which causes a physical therapist to be in conflict with the ethical principles of this section. Physical therapists are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section. The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:

1. Establish effective channels of written and oral communication;
2. Interpret and communicate critical information about the patient to the supportive personnel;
3. Perform an initial evaluation of the patient;
4. Develop a plan of care, including short and long-term goals;
5. Delegate appropriate tasks to supportive personnel;
6. Assess the supportive personnel's competence to perform assigned tasks;
7. Provide supervision in accordance with the law, the patient's condition, and the specific situation;
8. Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re-evaluation;
9. Re-evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow-up plan.

(i) Physical therapists are obligated to advise their employer(s) of any practice which causes a physical therapist to be in conflict with the ethical principles of this section.

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Physical therapists are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section.

(4) Seek remuneration for their services that is deserved and reasonable.

(a) Fees for physical therapy services should be reasonable for the service performed, considering the setting in which it is provided, practice costs in the geographic area, judgment of other organizations, and other relevant factors.

(b) Physical therapists shall not:

1. directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee;
2. profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services;
3. use influence upon individuals, or families of individuals under their care for utilization of any product or service based upon the direct or indirect financial interest of the physical therapist.

(5) Provide accurate information to the consumer about the profession and the services provided.

(a) Physical therapists are not to use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements.

(6) Accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

(a) Physical therapists shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Physical therapists shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.

(c) If a physical therapist is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist has an obligation to disclose to the patient, within the scope of the state law, the nature of the income.

Authority O.C.G.A. _____

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 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.

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

Executive Session

Appointments with the Board

- **8:30am – J.A.R. – Denial applicant** – Ms. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to **approve** the appeal.

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- **9:00am – T.L. – Denial applicant** – Mr. Hamil motioned, Mr. Cowherd seconded and the Board voted to **approve** the appeal. *(note: Ms. Willis voted in opposition)*

Applications

- **K.M.S. – PT applicant request waiver of 1000 hours or supervision** – Mr. Walsh motioned, Mr. Hamil seconded and the Board voted to **deny** the request.
- **C.A.D. – PT applicant submitting additional information about why he/she is not registered in country of education** – Ms. Willis motioned, Ms. Rosenbaum seconded and the Board voted to **deny** the application.
- **C.C.C. – PT endorsement applicant submitting additional information why he/she is not registered in country of education** – Mr. Cowherd motioned, Ms. Rosenbaum seconded and the Board voted to **deny** the application.
- **A.N.S. – PTA applicant answered “yes” to conviction/arrest question.** – Ms. Willis motioned, Mr. Hamil seconded and the Board voted to **approve** the application.

Other Business

- **Accept consent order for Grant A. Peacock**
Ms. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to **accept** the consent order.
- **Request to expunge consent order from Linda Maynard –**
Ms. Willis motioned, Mr. Walsh seconded and the Board voted to **deny** the request. The Board does not have the legal authority to expunge the order.

There being no further business to come before the Board, the meeting was adjourned at 9:20 a.m.

Minutes prepared by: Eva Holmes, Board Secretary

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

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