

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

The Georgia State Board of Physical Therapy met on **January 17, 2012** for the purpose of conducting business.

Board Members Present:

Bo Hamil, P.T. - President
John Cowherd - Vice-President
Emily Garner, P.T.
Dorothy Gaskin, P.T.
Bo Hamil, P.T.
Charlene Portee, P.T., PhD
Monty Strickland, P.T.
Chad Whitefield, P.T.A.

Staff Present:

Anita O. Martin, Executive Director
Carol White, Board Support Specialist
Amy Morelli, Assistant Attorney General
Opie Bowen, Legal Services

Others Present:

Raymond Halstead
James Erdmanczyk

Open Session

Mr. Hamil established that a quorum was present and the meeting that was scheduled to begin at 9:00 a.m., was called to order at 9:07 a.m.

Consideration of minutes from the November 15, 2011 board meeting.

Dr. Portee made a motion to approve the minutes as amended. Mr. Cowherd seconded the motion and it carried unanimously.

Consider for ratification licenses that have been administratively issued.

Mr. Cowherd motioned/Ms. Garner seconded and the Board voted to ratify the newly issued licenses.

Request for clarification from Dr. Franacois Prizinski and Dr. Robert DuVall re: O.C.G.A.43-33-1.

Ms. Garner made a motion to request information about the program from Dr. Prizinski and Dr. DuVall. Once the additional information has been received, Ms. Garner will

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

review the information for approval. Mr. Cowherd seconded the motion and it carried unanimously.

Correspondence from Heidi Herbst-Paakkonen re: FSBPT Continuing Competence Certification.

Dr. Portee reported that she and Ms. Martin participated in a December 14, 2011 conference call with member of staff at FSBPT regarding the jurisprudence examination. FSBPT is looking into whether implementation requires a separate contact or an addendum to the current contact. The Board recommended referring to the rules committee to amend 490-4-.02 to require the exam through FSBPT. The Board stated that it appreciates all that FSBPT does and that individual licensees can use aPTitude as a repository for continuing competence credit but the board is not making it a requirement.

Correspondence from Maribeth Decker, Associate to Senior Staff, FSBPT, re: 2012 National Physical Therapy Examination policies .

Dr. Portee made a motion to approve as presented. Ms. Garner seconded the motion and it carried unanimously.

Discussion on definition of “Active Practice” as it relates to license renewal.

Dr. Portee made a motion to refer to the rules committee to revise reinstatement rules to define “active practice.” Attorney Amy Morelli stated that she does not feel like the board can require full time practice as a condition for renewal. Ms. Garner seconded the motion and it carried unanimously.

Rule waiver request from Sarah Chaloupek re: Rule 490-4-.02 – Continuing Competence Requirements.

Ms. Garner made a motion to deny the request. Mr. Cowherd seconded the motion and it carried unanimously.

Board Chair Report – Mr. Bo Hamil

Mr. Hamil gave a Rules Committee report on Dry Needling. Ms. Garner made a motion to post Board Rule 490-9-.04 Disciplinary Sanctions as amended. Mr. Cowherd seconded the vote and it carried unanimously.

490-9-.04 Disciplinary Sanctions.

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

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

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. Failing to meet the following requirements to perform Dry Needling: Dry needling, must be directly performed by a licensed physical therapist that is specifically trained and competent to perform dry needling. A physical therapist that is specifically trained and competent to perform dry needling. A physical therapist shall not perform this procedure if, By virtue of education and training, he/she is not competent to perform. A physical therapist must also have proof of education in the OSHA Blood Borne Pathogens Standard and meet at least one of the following minimum requirements:~~

1. Graduation from an entry level PT program that included Dry Needling instruction that consists of a minimum of 50 hours total and competency assessment and achievement in its curriculum; or

2. Graduation from a post-graduate credentialed residency or fellowship program of study that consists of a minimum of 50 hours total and competency assessment and achievement in its curriculum; or

3. Documented successful completion of a didactic dry needling course of study that consists of a minimum of 50 hours total including competency assessment and achievement in its curriculum.

4. Online study for Dry Needling instruction is not considered appropriate training.

~~(e) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available. Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis.~~

~~(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.~~

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

~~(g) Failing to formulate and record a patient's discharge plan. 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.~~

~~(h) 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.~~

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

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. Failing to formulate and record a patient's discharge plan.~~

(i) 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. Secs. 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-11 and 43-33-18.

Executive Director's Report – Ms. Anita Martin

Ms. Martin shared with the Board Ms. Samirah Stephens is leaving the agency.

Ms. Martin shared with the Board she will retire on March 30, 2012.

Ms. Martin stated the Board needs to consider holding an election for officers

Miscellaneous:

Mr. Cowherd made a motion to nominate Mr. Hamil for President. Dr. Portee seconded the motion and it carried unanimously.

Ms. Garner made a motion to nominate Dr. Portee for Vice President. Mr. Cowherd seconded the motion and it carried unanimously.

Mr. James Erdmansky addressed the Board and provided a five page document for its consideration. The Board viewed as informational.

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

Ms. Emily Garner reported that 52 individuals have been audited with only 4 denied.

Attorney General Report – Ms. Amy Morelli

Ms. Morelli discussed with the Board its question on whether or not private companies can give donations to the agency for staff? Ms. Morelli stated she has researched and the answer is “no”.

Ms. Morelli discussed with the Board the definition of a practitioner of the healing Arts.” Ms. Morelli recommended referring to the rules committee to consider an amendment to Board Rule 490-4-.01 – Renewal and Reinstatement of License and Penalties.

Executive Session

Mr. Cowherd made a motion, Ms. Garner seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. 43-1-2(k), O.C.G.A. 43-1-19(h)(2) & (4), and 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 Dr. Portee, Ms. Gaskin, and Mr. Strickland. The Board concluded Executive Session in order to vote on these matters and to continue with the Public Session.

Applications/Licensure:

1. S.L.A. – PT Renewal Applicant –The Board recommended approval and for applicant to send the board the results of the court case when reached.
2. J.O.P. – PT Renewal Applicant – The Board recommended approval once lawful residency status is approved.
3. J.A. – PT Applicant – The Board recommended approval with a 1,000 hour traineeship and the law examination.
4. Y.O. – PTA Applicant – The Board recommended approval with a 1,000 hour traineeship and the law examination.
5. D.S. – Renewal Applicant – The Board recommended approval.
6. S.K. – PT Renewal Applicant – The Board recommended approval and for applicant to send the board the results of the court case when reached.
7. C.G.P. – PTA Renewal Applicant – The Board recommended approval.
8. S.L.M. – PT Applicant – The Board recommended approval and for applicant to send the board the results of the court case when reached. Dr. Portee abstained from this decision.
9. D.A.L. – PT Applicant –The Board recommended approval upon receipt of a clean GCIC report.

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting
January 17, 2012
Professional Licensing Board
237 Coliseum Drive
Macon, GA 31217
9:00 a.m.

10. S.T.C. – Reinstatement Applicant – The Board recommended applicant must meet continuing competency requirements for reinstatement.
11. P.E.J. – PTA Applicant – The Board recommended approval with Dr. Portee and Mr. Cowherd recused from this decision.
12. J.L.W. – PTA Reinstatement Applicant – The Board recommended approval.
13. C.L.R. – PT Renewal Applicant – The Board recommended approval.
14. Z.N.Z. – PTA Renewal Applicant – The Board recommended approval and for applicant to send the board the results of the court case when reached.
15. R.E.H. – PT Applicant – The Board recommended approval upon receipt of a clean GCIC report.

Attorney General Report – Ms. Amy Morelli

Ms. Morelli presented to the Board for acceptance a signed Private Consent Order on K.G.J.

Open Session

Mr. Hamil declared the Board back into open session. Mr. Cowherd made a motion, Dr. Portee seconded the motion and the Board voted to approve the recommendations made during the executive session, concerning applications, and the Attorney General's report.

There being no further business, Mr. Cowherd motioned; Dr. Portee seconded and the Board meeting adjourned at 12:29 p.m.

Minutes Prepared by: Carol White, Board Secretary

Reviewed/Edited by: Anita Martin, Executive Director