

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
January 15, 2013 * 9:00 a.m.

Board Members Present:

Bo Hamil, President
John Cowherd
Charlene Portee
Emily Garner
Monty Strickland
Dorothy Gaskin
Stephanie Palma

Staff Present:

Tanja Battle, Executive Director
Tamara Elliott, Board Support Specialist
D. Williams-McNeely, Assistant Attorney General

Visitors

Yavonka Marina Onwuka
Scott Evans
Don Walsh
Ellen Hillegass
Lola Rosenbaum
Leslie Taylor
Barney Poole
James Erdmanczyk
Heidi Herbst Paakkonen
Ronald J. Seymour

OPEN SESSION

Mr. Hamil established that a quorum was present and called the meeting to order at 9:04a.m.
Mr. Hamil introduced visitors.

Consideration of minutes from the November 13, 2012 Board meeting and December 17, 2012 Rules Committee Conference call

Dr. Palma made a motion, Mr. Cowherd seconded and the Board voted unanimously to approve minutes as amended.

Consideration of licenses that have been administratively issued

Dr. Palma made a motion to approve the report of licenses issued November 7, 2012-January 7, 2013, Mr. Cowherd seconded and the Board voted unanimously in favor of the motion.

Correspondence from Toni Edwards

Dr. Portee made a motion to send a letter referencing Rule 490-11-.01 and advising that the Board is precluded from giving legal advice. Dr. Palma seconded and the Board voted unanimously in favor of the motion.

Correspondence from Senator Mike Crane-Letter to Governing Boards

The Board considered the letter from Senator Mike Crane in which he asks the Board to communicate to him any suggestions it has to reduce regulation. Dr. Portee opened discussion by asking if there were any suggestions that spoke to the following specifically mentioned in his letter: Working with less regulation, extending the length of terms of licenses and reducing cost of licensure as well as the amount of continuing education. Dr. Palma stated that the Board's costs are reasonably comparable to other states. Dr. Portee emphasized that licensing fees went into the General Fund and had to be appropriated to the Board. She expressed satisfaction with the amount of streamlining the Board has already done. Mr. Hamil added that the efficiency of the state office has been much improved over earlier years and that the staff, though extremely shorthanded, is doing the best with the resources available. The Board discussed addressing the renewal process requiring secure and verifiable documents in the response to Senator Crane. Dr. Palma made a motion to have Ms. Battle draft a letter, including these points of discussion, for the Board President's signature in response to Senator Crane's letter. Ms. Garner seconded and the Board voted unanimously in favor of the motion.

Georgia Jurisprudence Exam

Tabled for discussion after presentations

Secretary of State's Proposed Board Reorganization Law

Mr. Cowherd, Chair of Special Projects, relayed that Senate Bill 445, in its original iteration, has been amended by the Secretary of State. In the current version, the Director of the Professional Licensing Boards will have the authority to issue licenses and conduct investigations. Mr. Hamil stated he spoke with Chuck Harper about the streamlining of applications and complaints and what it takes to respond efficiently to such. Additionally, Mr. Harper relayed a concern regarding applicants and licensees receiving due process. Mr. Hamil suggested that Mr. Harper meet with the Board to hear other viewpoints regarding the various concerns regarding licensing and disciplinary matters. President Hamil further indicated that the training and expertise of a conglomerate of the board members was needed to assess certain issues that could not be assessed by someone who was not trained in the profession. Dr. Portee questioned the concern about due process given the appeal and review hearing processes in place. Ms. Garner emphasized that the Board's function is to protect the public. Mr. Cowherd expressed his concern regarding the volume of cases that would require peer reviews and the delay that would be caused under this proposed structure. Mr. Hamil stated he would have an informal conversation with Mr. Harper to let him know the Board's stance on this matter.

Correspondence from David Momah

Table for discussion in Executive Session

Board Chair Report –Bo Hamil

Mr. Hamil thanked everyone for their commitment and hard work.

Rules Committee Report- Charlene Portee

Dr. Portee reported on the Rules Committee discussion regarding the utilization of aides. Dr. Portee stated that it is the opinion of the committee that an extender is an aide and would not function any differently. Mr. Hamil contacted APTA regarding the matter. The position of the APTA is that aides are aides regardless of the setting.

Miscellaneous

Mr. Hamil asked if any visitors would like to address the Board. Scott Evans addressed the Board in reference to Yavonka Marina Onwuka's character. James Erdmanczyk presented the Board with letter to be considered in Executive Session.

Presentations

10:00 a.m. Barney Poole, PTAG President

Mr. Hamil acknowledged former Board members, Don Walsh and Lola Rosenbaum.

Mr. Poole introduced Mr. Don Walsh who made the presentation regarding the Georgia Jurisprudence Examination. The presentation, made available in a PowerPoint handout, included an overview of Jurisprudence, current board rules, a jurisdiction licensure guide, and a proposal to provide the Jurisprudence Examination in Georgia. PTAG relayed that it would partner with Educata, a test administrator, to provide the examination. Educata is experienced in test administration and would work with an academic committee who would write test items. PTAG contends its examination would be less expensive than what is currently in place. PTAG proposes that a passing exam score would be 70% and that it would allow 3 retakes for the initial fee. After the third retake, a new application and fee would be required. As part of its agreement with Educata, the latter would handle phone calls and provide customer service as it relates to online help questions. Another benefit PTAG reported was that the Jurisprudence Committee would be able to easily and expeditiously accommodate changes as regulations change.

Ms. Garner thanked PTAG for offering an alternative to the FSBPT examination. Mr. Cowherd inquired as to how many testing sites there would be. Mr. Poole stated this was a test that could be accessed from any computer and would not require visiting a test site. Dr. Portee pointed out that her understanding was that the FSBPT examination could, likewise, be accessed from any computer. Dr. Palma inquired about the fee. She believes that the FSBPT test would not require an additional fee to FSBPT, but would require one to Prometric.

Mr. Hamil inquired as to whether or not it would be a conflict of interest to have a professional association serve as a board's vendor. Ms. Battle reported that her experience was that boards had varying opinions on this. Ms. Garner asked if choosing a vendor is the Board's choice. Ms. Battle relayed that she has worked with boards that went through a bid process when there were multiple vendors. Dr. Palma asked if the Board had committed itself to FSBPT. It was discussed that the current rule regarding such specifically names FSBPT as the provider for the Jurisprudence Examination but that no contract had been finalized.

Dr. Portee made a motion to open up the bid process to secure a vendor to give the Jurisprudence Exam for the next biennium beginning 2016. Dr. Palma seconded and the Board voted unanimously in favor of the motion.

Mr. Cowherd made the motion, Dr. Portee 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 and to receive information on applications, investigative reports and the Assistant Attorney General’s report. Voting in favor of the motion were Bo Hamil, John Cowherd, Charlene Portee, Emily Garner, Monty Strickland, Dorothy Gaskin, and Stefanie Palma. The Board entered into Executive Session at 11:28 a.m.

Bo Hamil concluded Executive Session, in which no votes were taken, and declared the meeting back in Open Session.

Heidi Herbst Paakkonen and Ron Seymour, from FSBPT, were in attendance to make a presentation regarding a number of tools as they relate to Continuing Competence. Ms. Paakkonen provided an overview of the FSBPT Continuing Competence Model, ProCert Certification and the Continuing Competence Activity Standards, The Practice Review Tool and the Jurisprudence Assessment Tool. Additionally, she shares information regarding aPTitude, the online system developed to manage Continuing Competency. Ms. Paakkonen relayed that FSBPT’s mission is to protect the public by providing service and leadership that promote safe and competent physical therapy practice. FSBPT encourages regulatory boards to adopt requirements that do not rely solely on continuing education. She further discussed what other jurisdictions do as it relates to this issue. Ms. Paakkonen believes that current Georgia requirements already align very closely with the FSBPT Continuing Competency Model. The Board was given the following to consider:

Adoption of a Continuing Competency Model

aPTitude as a requirement

- Use of APTitude as a completion verification system to replace current paper system
- Accept or recognize ProCert
- Encourage or require licensees to complete an assessment or self-assessment tool
- Partner with FSBPT to develop and administer the Jurisprudence assessment

Dr. Portee spoke on how thorough FSBPT is and has been as it relates to these options. Ms. Garner asked how the entry level of courses is determined. Ms. Paakkonen stated that system allows the vendor to set the entry level and prerequisites for courses.

Dr. Portee revisited the issue of the fee for the electronic Georgia Jurisprudence Examination. Dr. Portee stated she understood the goal was to allow licensees to retake the exam until they pass. Ms. Paakkonen stated she would research the matter and contact Ms. Battle via conference call to discuss once she obtained clarification. Mr. Hamil indicated that the Board was ready to proceed but now had heard a presentation from another vendor that was interested in providing the examination.

John Cowherd made the motion, Stephanie Palma 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 and to receive information on applications, investigative reports and the Assistant Attorney General’s report. Voting in favor of the motion were Bo Hamil, John Cowherd, Charlene Portee, Emily Garner, Monty Strickland, Dorothy Gaskin, and Stefanie Palma. The Board entered into Executive Session at 1:45pm

Bo Hamil concluded Executive Session, in which no votes were taken, and declared the meeting back in Open Session.

Georgia Jurisprudence Exam

Dr. Palma made a motion to authorize legal staff to move forward with contract negotiations if the fee issue was resolved, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion.

Correspondence from David Momah

Stephanie Palma made a motion to deny; pay \$1,000 fine and obtain more information regarding the credentials of treating psychiatrist. John Cowherd seconded and the Board voted unanimously in favor of the motion.

James Erdmanczyk Letter to the Board

Stephanie Palma made a motion to take no action on the letter provided as no specific practitioners were mentioned in the complaint. Dorothy Gaskin seconded and the Board voted unanimously in favor of the motion.

Cognizant’s Report – Chad Whitefield

- PT130007 Close with no action
- PT130011 Close with no action

Ms. Garner made a motion to Close with no action, Dorothy Gaskin seconded and the Board voted unanimously in favor of the motion.

Attorney General's Report – Ms. D. Williams-McNeely

- PT008681 & PT120009 Accept upon receipt.
- PT120002- Refer to investigations for a statement from patient and a subpoena for patient records.

Ms. Garner made a motion to accept the report and recommendations related to Ms. Williams-McNeely's report, Dr. Palma seconded and the Board voted unanimously in favor of the motion.

Applications:

Dr. Palma made a motion to accept the recommendations based on discussions in Executive Session, Mr. Cowherd seconded and the Board voted unanimously in favor of the motion.

1. A.K.V. Deny
2. E.E.H. Approve and send letter to revisit remediation plan & FAQs online emphasizing this is last opportunity to retake the examination without having to go back for extensive study.
3. J.M.K Approve and send letter to revisit remediation plan & FAQs online emphasizing this is last opportunity to retake the examination without having to go back for extensive study
4. J.R.L.R. Approve upon passage of Jurisprudence and proof of Continuing Competence
5. M.A.E. Approve pending proof of Continuing Competence
6. M.B.S. Approve
7. S.D.B.F. Table for updated medical report
8. S.M.K. Pass Jurisprudence, show proof of Continuing Competence & 1000 hours traineeship
9. T.M.M. Pass jurisprudence and 1000 hours traineeship
10. K.D. Approve
11. M.P.M. Need work history, CV on file, and 1000 hours traineeship
12. Y.M.O. Deny early exit from traineeship-grant 6 month extension
13. C.D.J. Approve extension

Miscellaneous

President Hamil charged the Rules Committee review Board Rule 490-2-.03 and Board Policy Number 7.

No more business was discussed and the meeting adjourned at 2:45pm

The next Georgia State Board of Physical Therapy meeting will be on Tuesday March 26, 2013, at 9:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

Bo Hamil, President
The Georgia State Board of Physical Therapy

Date

Tanja D. Battle, Executive Director
The Georgia State Board of Physical Therapy

Date

