

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
May 20, 2014 * 9:00am

The Georgia State Board of Physical Therapy met on Tuesday, May 20, 2014. The following members were present:

Board Members Present

Bo Hamil, PT- President
Stefanie Palma, PT
Dorothy Gaskin, PT
Chad Whitefield, PTA (via teleconference)
Emily Garner, PT
Monty Strickland, PT
Reid Lawson, PT
Jesse Crews, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Wanda Jaffe, Licensing Supervisor

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General

Visitors

Katherine Sylvester, PTAG
Nathan Luherini, Mercer University Student

Mr. Hamil established that a quorum was present and called the meeting to order at 9:06 a.m.

OPEN SESSION

9:00a.m. Mr. John Cowherd via teleconference The Board said their farewells to Mr. Cowherd and presented him with a plaque for his hard work and dedication throughout the years. Mr. Cowherd indicated that he felt the citizens of Georgia were in good hands, wished the best to everyone and their families and lastly congratulated Mr. Jesse Crews on his new appointment. The Board Members gave welcoming remarks to Mr. Crews.

Open Session Minutes - March 18, 2014 Board Meeting Ms. Gaskin motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to approve the March 18, 2014 open session minutes as amended.

Licenses to Ratify March 14, 2014 – May 14, 2014 Mrs. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the ratification list.

Correspondence from David Swankin – Citizen Advocacy Center Membership Offer The Board would like to thank Mr. Swankin for the membership offer but at this time the Board must decline due to budget restrictions.

Correspondence from CAPTE – Denial of Accreditation to Dade Medical College – Miami Lakes
The Board would like to thank CAPTE for their correspondence and requested staff to monitor for applicants who may have attended the school.

Correspondence from FSBPT – Exploring PT Interstate Licensure Compact The Board accepts the correspondence as information regarding the movement of the states toward the nationalization of licenses. The Board discussed the need for any licensure compact agreement to be in compliance with the laws and rules of this state.

Correspondence from James Capps – Ultrasonic Cavitation The Board instructed staff to refer Mr. Capps to the practice act.

Correspondence from Jeffrey Rosa – Kickbacks Dr. Palma motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to inform Mr. Rosa that the concerns he raises are reviewed on a case by case basis and encourage him to refer to all federal and state guidelines, O.C.G.A. §43-16-4 (7) & 43-33-18(A)(C)(8) as well as Board Rule 490-9-.04.

Discussion: Practice Act Review Mr. Hamil spoke with Dr. Barney Poole who indicated that the Physical Therapy Association of Georgia is seeking to open the practice act with assistance from legislators and desires to know if the Board had any legislative changes they would like to be considered should it occur. Mr. Hamil remarked that the Board should always proceed with caution when considering opening up the practice act or becoming attached to certain issues

related to practice which may be controversial or limit the practice. After further discussion, it is the spirit of the Board to remain aware of any proposed legislative changes and available for guidance if requested.

Rule Waiver Request: Laura H. Ainley Mrs. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-4-.01 (4) (a) based on Board Rule 490-4-.02(5)

Rule Waiver Request: Victor L. Epperson Mrs. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-2-.09 (3)(d) as the passing of an examination approved by the Board is a statutory requirement of O.C.G.A. § 43-33-13(2).

Rule Waiver Request: Natalie P. Nesbeth-Carr Mrs. Garner motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-2-.09 (3)(d) as the passing of an examination approved by the Board is a statutory requirement of O.C.G.A. § 43-33-13(2).

Rule Waiver Request: Carol A. Wales Mrs. Gaskin motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-2-.09 (3)(d) upon receipt of evidence submitted from another state, where the applicant has held a license, which confirms that the applicant passed the national examination and met the requirements for licensure in that state at the time of application.

Rule Waiver Request: Cynthia Fields Dr. Palma motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule pending the appropriate posting time as the secure and verifiable document is a statutory requirement of O.C.G.A. § 50-36-1 and the provision of such within the designated time period does not create a substantial hardship.

Rules Committee The Board accepts the May 13, 2014 Rules Committee Minutes

The Board unanimously accepts and adopts the following recommendations as presented by the Rules Committee:

1. 490-2-.09 Endorsement & Verification of Employment Form

The Committee recommends that the Board accept the Verification of Employment Form as an amendment to the application.

2. 490-2-.03 Foreign Educated Applicants

The Committee recommends that the Board add language to the Board Rule to require a passing score on the fourth section, the speaking section, of the TOEFL IBT which would require a passing score of 26 on the section thus making the total passing score on the TOEFL IBT 89.

3. 490-2-.04 Training Permits

The Committee recommends that the Board maintain the rule in its present form as the removal of the Non-CAPTE option could appear discriminatory since most foreign trained applicants graduated from NON-CAPTE programs.

4. State of Emergency or Natural Disaster

The Committee referred the discussion as to whether or not the practice act should be amended to allow for a physical therapist that holds an active, unencumbered license in another state to render physical therapy services within the state in the case of a state of emergency or natural disaster.

The Rules Committee reviewed Board Rules 490-1-.02, 490-1-.03, 490-2-.01 and 490-2-.02 and did not recommend any changes at this time.

Special Projects Committee The Board accepts the May 09, 2014 Special Projects Minutes

The Board unanimously accepts and adopts the following recommendations as presented by the Special Projects Committee:

1. 490-5-.01 PTA Supervision

The Committee recommends eliminating what is currently (4)(d)(e) of the rule related to conducting an on-site visit no less than every sixth visit and add language to include supervision to cover the weekend. The Committee also recommends on-site visits with Physical Therapy Assistants to every two months and no less than once every five months. The Committee further recommends that the Board discuss adjusting the time that a licensed physical therapist shall be present in the same institutional setting from 50% or 25%.

Mrs. Gaskin motioned, Ms. Garner seconded, and the Board voted unanimously in favor of the motion to refer BR 490-5-.01 to the Attorney General's Office for memorandum of authority and if no objections, vote to post.

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

The Committee recommends that the Board align the Board Rule with FSBPT requirements for foreign educated applicants.

3. 490-2-.04 Training Permits

The Committee recommends referring to Attorney General for memo of advice on whether or not the suggested changes would appear discriminatory. The committee further recommends amending (d)(i) to reflect that the training permit is to be initiated within one month instead of three months and maintain previous proposed changes that were as follows: reflect Primary Supervisor in (b)1; (d)1(iii)(II); and (e)5 and Primary Supervisor or Alternate Supervisor in (e)1 and (e)3; lastly reflect new supervisor in (e)2 and lastly language requiring that the Primary Supervisor or Alternate Supervisor must notify the Board when the trainee passes the national licensing examination and satisfactorily completes the traineeship.

4. 490-2-.09 Licensure: Endorsement

The Committee recommends adding language to allow the Cognizant Board Member to accept other satisfactory proof of passing the national licensing examination from another lawful licensing authority should the passing score no longer be available.

The Committee reviewed Board Rules 490-2-.06 and 490-2-.08 and did not recommend any changes at this time.

Miscellaneous

PTA Supervision 490-5-.01 Mrs. Gaskin motioned, Ms. Palma seconded and the Board voted unanimously in favor of the motion to further amend Board Rule 490-5-.01 to require a licensed physical therapist to be present in the same institutional setting for twenty five percent of any work week Monday through Friday.

State of Emergency or Natural Disaster After further discussion, it is the spirit of the Board to potentially address this issue with Secretary Kemp to determine if such language might benefit other boards administratively assigned to his office or determine if such language exists with other Georgia statutes relative to natural disasters or a state of emergency.

Board Chairperson Report Mr. Hamil reported that he had an opportunity to speak with Secretary Kemp and noted that the Secretary remembered that the Board asked that he come to one of the meetings. He stated that Secretary Kemp indicated that he would not be able to make today's meeting due to elections but will attempt to schedule an appearance soon. He thanked the members for taking the time to methodically and collectively review the rules during committee meetings. He further reviewed the purpose of the Rules and Special Projects Committees and requested that Mr. Crews be willing to volunteer to serve on the Special Projects Committee. Mr. Crews indicated that he is willing to participate in that role.

Executive Director Report Ms. Price presented the Board with statistical data relevant to the processing of applications and complaints/compliance and discussed legislative business, the FSBPT Board Member and Administrator Training dates, provided an aPTitude update, and information relevant to system outages which may delay processing times. The Board accepts the report as presented.

Dr. Palma made the motion, Mrs. Garner 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, Reid Lawson, Stefanie Palma, Dorie Gaskin, Jesse Crews, Emily Garner, Chad Whitefield, and Monty Strickland.

At the conclusion of Executive Session on Tuesday, May 20, 2014 Mr. Hamil declared the meeting to be "open" pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were obtained during Executive Session.

OPEN SESSION

Executive Minutes - March 18, 2014 Board Meeting Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the March 18, 2014 executive session minutes as amended.

Attorney General’s Report- D. Williams-McNeely

Mrs. Gaskin motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s report as presented.

Applications

- 1. A.T.B. Mrs. Gaskin motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to deny for traineeship based on Board Rule 490-2-.04.
- 2. R.A.B. Dr. Palma motioned, Mr. Lawson seconded and the Board voted unanimously in favor of the motion to send a letter of concern referring to Policy 7 and approve contingent upon completion of the continuing education credits.
- 3. F.O.B. Mrs. Garner motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to approve for licensure pending verification of employment since May 2012 and proof of continuing education credits.
- 4. J.A.C. Mrs. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve for licensure.
- 5. H.W.C. Dr. Palma motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to approve to sit for NPTE.
- 6. B.E.C. Mrs. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to table until the Board has received proof of resolution of the criminal case.
- 7. S.F.H. Mrs. Garner motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to deny for traineeship based on Board Rule 490-2-.04.
- 8. D.M.K. Mrs. Garner motioned, Mrs. Gaskin seconded and the Board voted unanimously in favor of the motion to approve to sit for the NPTE and refer the applicant to Board Policy 2(c).

Cognizant’s Report – Chad Whitefield

No cases for discussion as they are all currently in different stages of investigation. Mrs. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to accept the Cognizant’s report as presented.

With no additional business to be discussed, the meeting was adjourned at 12:50pm.

Minutes recorded by:

Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by:

Wanda Jaffe, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on:

July 15, 2014

BO HAMIL
BOARD PRESIDENT

ADRIENNE PRICE
EXECUTIVE DIRECTOR