

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Special Projects Committee Minutes
Teleconference Meeting
June 9, 2015 - 08:30AM

Board Members Present

Stefanie Palma, PT, Committee Chair
Charles Chuck Bass, PT, Board Member
Jesse Crews, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Kathy Osier, Licensing Supervisor

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General

Call to Order: Dr. Palma established that a quorum was present and called the meeting to order at 8:31a.m.

OPEN SESSION

1) Amend Rules as they relate to titles and identifications to align with HB 505 & HB 416

Board Rule 490-9-.04 – Disciplinary Sanctions

The Committee recommends that the Board vote to post BR 490-9-.04 as presented.

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 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) Performing the technique of dry needling without having met the training and competency requirements as codified in Rule 490-9-.05.
- (e) [Failing to adhere to the 'Consumer Information and Awareness Act' as codified in O.C.G.A. §43-1-33 in relation to conspicuously posting and affirmatively communicating your type of regulatory designator \(PT, PTA\), level of education, and training to all current and prospective patients by way of a name badge, facility notices and advertisements.](#)
- (f) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis. (g) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.
- (h) 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.
- (i) Failing to formulate and record a patient's discharge plan.
- (j) 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.

(k) Should it be determined that a licensee is in violation of this rule and the statutes referenced herein, the Board may impose any disciplinary or corrective measure allowed by law.

Authority O.C.G.A. Secs. 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-11, 43-33-18. **History.** Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 25, 2007; eff. Feb. 14, 2007. **Repealed:** Rule entitled "Disciplinary Sanctions." adopted. F. Mar. 21, 2012; eff. Apr. 10, 2012.

2) **To develop policies and procedures related to noncompliance with the use of aPTitude**
Discussion - 490-4-.03 Reserved (propose to retitle it to "Reporting and Auditing of Continuing Competence")

The Committee recommends extending the registration deadline to September 1, 2015 and directs Staff to send a notification to all unregistered licensees notifying them that failure to register by the September 1, 2015 deadline may result in a continuing education audit.

The Committee recommends the Board vote to post BR 490-4-.03 as presented.

490-4-.03 Reporting and Auditing of Continuing Competence.

(1) At the time of license renewal, each licensee shall certify to the Georgia State Board of Physical Therapy that he/she has completed the continuing competency (CC) hours required within the two year licensure period for license renewal.

(2) The staff of the State Examining Boards shall randomly select licenses, at a percentage determined by the Board, for the purpose of auditing compliance with the CC requirements.

(3) A licensee shall be subject to disciplinary action to include a Public Reprimand, consisting of but not limited to, a fine of \$500 per violation and a requirement that any deficient CC hours be obtained within two (2) months of the effective date of the Public Reprimand, should it be determined that the licensee:

(A) Failed to obtain the required CC hours within the two (2) year licensure period; or,

(B) Falsely certifies that he/she has completed the continuing education requirement for renewal in accordance with Board rules; or,

(C) Failed to register and ensure all CC hours are recorded within the online recording and reporting system approved by the Board.

(4) The CC hours used to satisfy the terms of a Public Reprimand may NOT be used to satisfy the CC requirement of any subsequent renewal cycle. A violation of this provision of the rule may subject the licensee to a fine up to \$500.

(5) Any future violations of this or any other statute or rule may result in progressive disciplinary action up to, and possibly including, revocation of a license to practice as a physical therapist or physical therapist assistant in Georgia.

(6) In addition to recording CC hours within the online recording and reporting system approved by the Board, each licensed physical therapist or physical therapist assistant shall be responsible for maintaining records of attendance and supporting documents for continuing competence for a period of four (4) years (two renewal cycles). The Board reserves the right to audit the records maintained by the licensee.

(7) A licensee who fails to certify on the renewal application that he/she has completed the CC hours required for license renewal will be audited and subject to the disciplinary action as outlined in this rule.

Authority O.C.G.A. Secs. 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-13.1, 43-33-18, 43-33-19. History. Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 28, 1987; eff. Feb. 17, 1987. Amended: F. Mar. 22, 1989; eff. Apr. 11, 1989. Amended: F. Feb. 26, 1990; eff. Mar. 18, 1990. Amended: F. Dec. 6, 1990; eff. Dec. 26, 1990. Amended: F. Mar. 28, 1994; eff. Apr. 17, 1994. Amended: F. Mar. 7, 2002; eff. Mar. 27, 2002. Repealed: New Rule of same title adopted. F. Mar. 16, 2005; eff. Apr. 5, 2005. Repealed: Rule reserved. F. Jan. 25, 2007; eff. Feb. 14, 2007.

3) **Study and propose amendments to the rules/policies regarding pre-approval of CE courses, to include those not directly related to PT/PTA practice**

The Committee does not recommend the pre-approval of CE courses at this time due to increased cost to the Board and recommends maintaining the rule in its current form. The Committee further recommends that the Board vote accept the amendment to Policy #7 as presented.

Policy #7 - Continuing Competence Policy

(A) The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in a minimum number of thirty (30) clock hours of experience, not to exceed ten (10) credit hours per calendar day, to promote continuing competence (CC) per licensure period.

(B) The Board recommends the requirements for competence as planned learning experiences which have content beyond the licensee's present level of knowledge and competence which may be subject to audit by the board. Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area.

~~The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia. In the event that a licensee does not meet this requirement, the license will not be renewed.~~

(C) The thirty (30) hours of continuing competence requirements per biennium shall include a minimum of four (4) contact hours specifically in ethics and jurisprudence as defined in the Georgia Physical Therapy Act or by passage of the Georgia Jurisprudence Examination. Passage of the examination is equivalent to the four (4) hour requirement provided that the individual has not already received credit for examination when licensure was obtained.

(D) Continuing competence hours obtained from, but not limited to, the following are programs or organizations are generally accepted by the Board provided that the experience meets the requirements of Board Rule 490-4-.02 and is related to the practice of physical therapy;~~which may be considered for approval; however, approval is not limited to these programs:~~

~~(a) Programs approved by the~~The American Physical Therapy Association (APTA) and its affiliate components; ~~or~~

~~(b) Programs approved by the~~The Physical Therapy Association of Georgia (PTAG) or any other state chapters; ~~or~~

~~(c) Programs approved by the~~The Federation of State Boards of Physical Therapy (FSBPT) (Procert); ~~or~~

(d) Programs provided at CAPTE-Accredited colleges and universities with programs in physical therapy when the continuing competency course is held under the auspices of the school of physical therapy; ~~or~~

~~(e) Programs provided by the~~The American Occupational Therapy Association (AOTA);

~~(f) The American Academy of Physical Therapy (AAPPT)~~

~~(g) Programs approved by another state board~~

~~(h) JCAHO-accredited healthcare organizations~~

~~(i) The American Academy of Orthopedic Surgeons (AAOS)~~

~~(j) The National Athletic Trainers Association (NATA)~~

~~(k) The American Dental Association (ADA)~~

~~(l) The American Association of Nurses (AAN)~~

~~(m) The American Association of Veterinary State Boards (AAVSB)~~

~~(n) The Federation of Chiropractic Licensing Boards (FCLB) or Programs offered by similar professional organizations offering experiences that meet the guidelines set forth in paragraph one.~~

~~(f) Fifteen (15) hours for undergoing a peer review; or~~

~~(g) Ten (10) hours for conducting a peer review when that activity is an adjunct responsibility and not the primary employment; or~~

~~(h) Participation as a presenter for continuing education courses, workshops, seminars or symposia which have been approved by the approved list above; Continuing competence credit is based on contact hours and may not exceed 10 hours per topic;~~

~~(i) Authorship of a presented scientific poster, scientific platform presentation or published article; Continuing competence credit is 10 hours per event and may not exceed 20 hours;~~

- (j) Teaching a physical therapist or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment. Continuing competence credit is based on contact hours not to exceed 20 hours;
 - (k) Certification of clinical specialization by the American Board of Physical Therapy Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded.
 - (l) Self-instruction from reading professional literature; Continuing competence credit is limited to a maximum of three (3) hours; or
 - (m) Attendance at a scientific poster session, lecture, panel, symposium or university course; Continuing competency credit is one hour per contact hour of activity; or
 - (n) Acting as a clinical education instructor for an accredited physical therapist or physical therapist assistant educational program; Continuing competence credit is one (1) hour per eight (8) contact hours with a maximum credit of 10 hours; or
 - (o) Acting as a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship or as a mentor or a learner for a formal, nonacademic mentorship with a maximum credit of 10 hours.
 - (p) Donating time in the role of a Physical Therapist or Physical Therapist Assistant, within the scope of practice, to a charity event; Continuing competence credit is one (1) hour per eight (8) contact hours, limited to a maximum of five (5) hours;
 - (q) Reference Policy 13
 - (r) Post professional physical therapist educational programs that award academic credit are counted as one (1) university credit hour equaling ten (10) continuing competence hours. For example, a two (2) credit hour course in which a passing grade is achieved would equal twenty (20) continuing competence hours.
- (2) Unacceptable activities for continuing competence include, but are not limited to:
- (a) Orientation and in-service programs;
 - (b) Meetings for purposes of policy decisions;
 - (c) Non-educational meeting at annual association, chapter or organization meetings;
 - (d) Entertainment or recreational meeting or activities;
 - (e) Committee meetings, holdings of offices, serving as an organization delegate;
 - (f) Visiting exhibits;
 - (g) CPR.
- (3) Continuing competence requirements shall apply within the first biennium that a physical therapist/physical therapist assistant is licensed in Georgia. However, licensees who have graduated during the current renewal biennium and who have passed the National Physical Therapy Examination are exempt from the continuing competence requirement during the biennium in which they have graduated and successfully passed the exam.
- (4) Beginning the January 1, 2014 through December 31, 2016 biennium and thereafter, persons licensed to practice as a physical therapist or a physical therapy assistant or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.
- (a) For the purposes of this requirement, the Georgia State Board of Physical Therapy adopts the utilization of aPTitude offered by the Federation of State Boards of Physical Therapy (FSBPT).
 - (b) Licensees and applicants shall incur no additional costs from the FSBPT for this service.
 - (c) Every licensee or applicant subject to the rules of the Georgia State Board of Physical Therapy shall be deemed to have given such person's consent to the Board and its representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the board.
- (5) Individuals licensed during the last six (6) months of a biennium renewal period will not be required to meet continuing competence requirements for that biennium.
- (6) Individuals who have been reinstated within the last six (6) months of a biennium renewal period may use the continuing competence coursework used for reinstatement, thereby making them exempt from the requirement for that biennium renewal period.
- (7) Those licensees selected for audit shall submit the Verification of Continuing Competence form and documentation of compliance upon receipt of notice. Acceptable documentation shall include:
- (a) An official program or outline of the course attended or taught or a copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact

~~hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship; and~~

~~(b) A certificate or verification of completion of home study which identifies the sponsoring entity or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable activities, or documentation of self instruction or reading professional literature; or~~

~~(c) Verification of a peer review of practice with verification of acceptable practice by a recognized entity. An example of a recognized entity is the American Physical Therapy Association Board Policy (See APTA Policy G03-05-15-40).~~

~~(8) Responsibilities of the Licensee:~~

~~(a) To maintain the documents identified in number (4) above for no less than three (3) years from the beginning date of the licensure period. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.~~

~~(b) To submit a properly completed and notarized "Verification of Competence Education" form to the Georgia State Board of Physical Therapy, if audited.~~

~~(c) To complete all steps necessary to meet the re-licensure requirements on or before December 31st of the odd numbered years.~~

~~(d) To provide the Board with information requested during an audit.~~

~~(e) To keep a current mailing address on file with the Licensing Board Office at all times.~~

Policy approved at October 31, 2007 meeting.

Policy reaffirmed at the January 2009 meeting.

Policy revised at June 19, 2010 meeting

Policy amended at the November 3, 2009 meeting (addressing on-line courses).

Policy amended at the March 2011 meeting (adding (s)).

Policy amended at the May 2011 meeting (amended (s)).

Policy revised at the September 18, 2012 meeting.

Policy amended at September 16, 2014 meeting (removing class designation.)

Policy amended at the November 18, 2014 meeting.

Policy amended at the March 17, 2015 meeting

4) Miscellaneous - JAM Discussion

The Committee recommends the Board proceed with adding the Jurisprudence Assessment Module of FSBPT as a test option for new graduates.

Adjournment- With no additional business to be discussed, the meeting was adjourned at 9:18am.

Minutes recorded by:

Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by:

Kathy Osier, Licensing Supervisor and Adrienne Price, Executive Director

Minutes approved on:

July 21, 2015

STEFANIE PALMA

COMMITTEE CHAIR

ADRIENNE PRICE

EXECUTIVE DIRECTOR