

**GEORGIA STATE BOARD OF PHYSICAL THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**November 17, 2015 - 9:00AM**

The Georgia State Board of Physical Therapy met on Tuesday, November 17, 2015. The following members were present:

**Board Members Present**

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

**Administrative Staff Present**

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

**Attorney General's Office**

D. Williams-McNeely, Senior Assistant Attorney General

**Visitors Present**

James Erdmanczyk  
Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)  
Claudine Schuyt  
Dick Schuyt

**Call to Order:** Dr. Palma established that a quorum was present and called the meeting to order at 9:10 a.m.

**OPEN SESSION**

**Agenda** The Board accepts the agenda as presented.

**Open Session Minutes**

**1) September 22, 2015 Board Minutes**

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the September 22, 2015 open session board meeting minutes.

**2) October 6, 2015 Teleconference Minutes**

Ms. Gaskin motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to approve the October 6, 2015 open session teleconference minutes. Mr. Crews abstained from voting.

**Licenses to Ratify September 16, 2015 – November 10, 2015**

Mr. Whitefield motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to ratify the list of licenses issued in accordance with Board rules and policies from September 16, 2015 – November 10, 2015.

**Correspondence – Joanna Waller, CSRA Home Health Agency – PTA Supervision**

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer the writer to Board Rule 490-5-.01, Policy 17, and the history of the rule changes.

**Discussion – Board Rule 490-3-.02 Re-examination**

Mr. Crews motioned, Mr. Lawson seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-3-.02 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**490-3-.02 Re-examination.**

(1) An applicant who fails the [national physical therapy](#) examination on the first attempt may submit a reexamination application to the Board to be made eligible to test a second time.

(2) An applicant who fails the [national physical therapy](#) examination on the second attempt must submit the following before being made eligible to test a third time:

(a) A copy of his/her "Examination Performance Feedback Report" obtained from the Federation of State Boards of Physical Therapy (FSBPT), and pay all costs associated with acquiring the report.

(b) A remediation plan addressing each area of weakness/failure. Examination preparation courses will be considered provided that such course addresses the area(s) of weakness/failure. The remediation plan must be developed in consultation with an appropriately licensed physical therapist or physical therapy assistant, or by a faculty member of a CAPTE-accredited program.

(c) Proof of satisfactory completion of such remediation plan.

1-~~(3)~~ An applicant may be approved administratively to take the examination a third ~~(3rd)~~ time

after the above outlined procedure has been completed and approved.

~~(3) An applicant who fails the examination three (3) or more times must submit a remediation plan as outlined above in 490 3-.02(2)(a) and (b). The remediation plan must be approved by the Board prior to the applicant's beginning or initiating the plan. An applicant may be approved to take the examination only after proof of satisfactory completion of the approved plan has been submitted.~~

~~(4) Any applicant who did not pass the national physical therapy examination by the fourth (4<sup>th</sup>) attempt will be required to complete a board approved 480 hour traineeship upon passing the examination and prior to the issuance of a license.~~

~~(5) Applicants for licensure who have not passed the national physical therapy examination or Georgia Jurisprudence Examination by the fourth (4<sup>th</sup>) attempt will not be allowed to sit for the examinations a fifth (5<sup>th</sup>) time without extensive further study, which may include completing a physical therapy educational program approved by CAPTE or additional coursework as deemed necessary by the Board.~~

Authority O.C.G.A. Secs. 43-1-2, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-33-12 to 43-33-14, 43-33-18.

**History.** Original Rule entitled "Re-examination" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Mar. 8, 1971; eff. Mar. 28, 1971. **Repealed:** New Rule of same title adopted. F. Sept. 15, 1971; eff. Oct. 5, 1971. **Repealed:** New Rule of same title adopted. F. Apr. 29, 1973; eff. May 10, 1973. **Amended:** F. Oct. 17, 1975; eff. Nov. 6, 1975. **Repealed:** New Rule entitled "Re-examinations" adopted. F. Mar. 19, 1982; eff. Apr. 8, 1982. **Repealed:** New Rule entitled "Re-examination" adopted. F. Nov. 27, 1984; eff. Dec. 17, 1984. **Repealed:** New Rule of same title adopted. F. Mar. 22, 1989; eff. Apr. 11, 1989. **Amended:** F. May 13, 1991; eff. June 2, 1991. **Amended:** F. Jan. 24, 1995; eff. Feb. 13, 1995. **Repealed:** New Rule of same title adopted. F. May 26, 2005; eff. June 15, 2005.

The Board discussed the economic impact of Board Rule 490-3-.02 upon the licensee. Mr. Crews motioned, Mr. Lawson seconded, and the Board voted unanimously in favor of the motion 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.

Mr. Crews motioned, Mr. Lawson seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

#### **Discussion – Policy 2**

Ms. Gaskin motioned, Mr. Crews seconded, and the Board voted unanimously in favor of the motion to add FSBPT lifetime limit guidelines to Policy #2 letter (E) as follows:

~~(E) After extensive further study, the Board may grant an applicant approval to take the national examination a sixth (6) time in accordance with the lifetime limit eligibility criteria established by the Federation of State Boards of Physical Therapy (FSBPT).~~

#### **Discussion – Board Rule 490-9-.07 Animal Discussion**

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to amend the September 22, 2015 minutes adopted earlier in the meeting to reflect that the Chapter for the Animal Rehabilitation Rule is 490-9-.07 instead of 490-9-.06, refer the rule as amended to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post and request Executive Director to begin the process to add a question on the renewal application to address animal rehabilitation.

#### **490-9-.067 Animal Rehabilitation**

~~(1) A physical therapist practicing under this subsection shall be held to the standard of care for physical therapists and veterinarians as set forth in Georgia Rules and Regulations Chapter 490 and Chapter 700.~~

~~(2) A physical therapist licensed in the state of Georgia may accept a referral for physical therapy services from a veterinarian who holds a valid license in the state of Georgia under the following conditions:~~

(A) The referral must be received in writing from a veterinarian licensed in the state of Georgia who has established a valid veterinary-client-patient relationship (VCPR) in accordance with the law and rules of the Georgia State Board of Veterinary Medicine; and,

(B) The patient record must include documented evidence of consultation with the referring veterinarian and specify the treatment or therapy to be provided by the physical therapist.

(3) At the time of license renewal, each licensed physical therapist shall certify to the Board that he/she has completed the continuing competence hours required for license renewal and whether he/she has practiced animal rehabilitation within the biennium.

(4) Physical therapists practicing animal rehabilitation in this state must obtain a minimum of seven (7) clock hours of continuing competence relevant to the practice of animal rehabilitation. Such hours may be used toward satisfying the thirty (30) hours of continuing competence required per biennium.

(5) A failure to disclose the practice of animal rehabilitation or meet the continuing competence hours required is grounds for disciplinary action as determined by the Board.

**Authority: O.C.G.A. §§ 43-1-19, 43-33-3, 43-33-10, 43-33-18, 43-50-3.**

The Board discussed the economic impact of Board Rule 490-9-.07 upon the licensee. Mr. Crews motioned, Mr. Bass seconded, and the Board voted unanimously in favor of the motion 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.

Mr. Crews motioned, Mr. Bass seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

#### **Discussion – FSBPT News Brief – September 2015**

Ms. Gaskin presented the Board with a verbal report of the FSBPT News Brief which addressed those topics that were discussed at the FSBPT Annual Meeting and the Board accepted the verbal report as information.

#### **Discussion – FTC Active Supervision of State Boards**

The Board accepts the correspondence in reference to FTC Active Supervision of State Boards as information.

#### **Discussion – University of Rhode Island – Sexual Boundaries Research**

Dr. Palma motioned, Ms. Gaskin seconded, and the Board voted unanimously in favor of the motion to participate in the research into perceptions of sexual boundaries within the profession by allowing each Board member to complete the sexual boundaries research survey independently after the meeting and submit the completed product to the staff to forward to the University of Rhode Island.

#### **Discussion – Notification – Board Rule 490-2-.03**

The Board accepts the notification from staff that BR 490-2-.03 has been posted on the website.

#### **Petition for Rule Waiver Request – King, Steven**

Ms. Garner motioned, Mr. Lawson seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-4-.02 due to insufficient evidence to substantiate a hardship.

#### **Petition for Rule Waiver Request – Patel, Manan Chandrakant**

Ms. Garner motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-2-.03(1) (g).

#### **Petition for Rule Waiver Request – Paul, Gracy Finny**

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-2-.03(1) (g) upon receipt of 30 hours of CEUs and proof of passing the Jurisprudence Exam. Ms. Gaskins motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-2-.03(c) (1) (b).

#### **Petition for Rule Waiver Request – Winer, Michelle**

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to grant the petition for waiver of Board Rule 490-2-.04 upon receipt of verification of an active Pennsylvania license in good standing and proof of passing the Jurisprudence Exam.

**Petition for Rule Waiver Request – Wolfe, Helen**

Mr. Whitefield motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-4-.01 and 490-4-.02 due to insufficient evidence to substantiate a hardship.

**Rules Committee Discussion**

**1) November 3, 2015 Rules Committee Minutes**

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the November 3, 2015 rules committee minutes.

2) The Rules Committee motioned and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-2-.09 to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 490-2-.09. Licensure: Endorsement/Reciprocity**

(1) The Board may, in its discretion register a physical therapist or physical therapist assistant without an examination as set forth in Official Code of Georgia Annotated Section 43-33-15 upon payment of applicable fees. (Refer to fee schedule)

(2) Any applicant applying for licensure pursuant to O.C.G.A. 43-33-15 and who is a graduate of a physical therapy or physical therapist assistant program accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) and approved by the Board, must provide:

(a) ~~verification of an active license in good standing from another state board~~ ~~a list of all states where the applicant holds an active license;~~ and,

(b) a verification of licensure in good standing from the state board of all states in which the applicant has held a license to actively practiced; and,

(c) verification of active practice in the two years immediately preceding the date of this application; and,

(ed) official transcript from the institution granting the entry level degree in physical therapy or physical therapist assistant indicating the date of graduation; and,

(de) scores from the national licensing examination.

(3) Any applicant applying for licensure pursuant to O.C.G.A. 43-33-15 who is a graduate of a physical therapy or physical therapist assistant program not accredited by the Commission on Accreditation of Physical Therapy Education (CAPTE) or approved by the Board, must provide:

(a) ~~verification of an active license in good standing from another state board~~ ~~a list of all states where the applicant holds an active license;~~ and,

(b) a verification of licensure in good standing from the state board of all states in which the applicant has held a license to actively practiced; and,

(c) verification of active practice in the two years immediately preceding the date of this application; and,

(ed) official evaluation and transcript from a credential evaluation organization approved by the State of Georgia; and

(de) scores from the national licensing examination.

(4) ~~Proper proof of licensure in good standing from the state(s) where the applicant practiced in the two years immediately preceding this application;~~ ~~p~~ proof of graduation from an accredited physical therapy or physical therapist assistant program or credential evaluations deemed substantially equivalent to the professional degree, and satisfactory completion of the licensing examination shall be deemed to be prima facie evidence of compliance with Code Section 43-33-15. The Board, however, may request further verification of any credential submitted if deemed necessary to evaluate the application.

Cite as Ga. Comp. R. & Regs. r. 490-2-.09  
Authority: O.C.G.A. Sec. 43-33-15.

History. Original Rule entitled "Examination Proctors" adopted. F. and eff. June 30, 1965.

Repealed: F. May 1, 1973; eff. May 21, 1973.

Amended: New Rule entitled "Licensure: Endorsement" adopted. F. June 27, 1995; eff. July 17, 1995.

The Board discussed the economic impact of Board Rule 490-2-.09 upon the licensee, and the Board voted unanimously in favor of the motion 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.

The Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

- 3) The Rules Committee motioned and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-4-.02 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

#### **490-4-.02. Continuing Competence Requirements**

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 per licensure period to promote continuing competence. 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.

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.

(1) The following programs may be considered for approval, but are not limited to:

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

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

(c) Programs approved by the Federation of State boards of Physical Therapy (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 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 even 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 competence 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 [or volunteer clinic](#); Continuing competence credit is one (1) hour per eight (8) contact hours, limited to a maximum of ~~five~~ [three \(3\)](#) 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.

Cite as Ga. Comp. R. & Regs. r. 490-4-.02

Authority: O.C.G.A. §§43-1-24, 43-1-25, 43-33-10, 43-33-11 and 43-33-16.

History. Original Rule entitled "Revocation, Refusal to Renew" was filed and effective on June 30, 1965.

Amended: Rule repealed and a new Rule of the same title adopted. Filed April 20, 1973; effective May 10, 1973.

Amended: Rule repealed and a new Rule entitled "Disciplinary Sanctions" adopted. Filed December 15, 1982; effective January 4, 1983.

Amended: Rule repealed and a new Rule of the same title adopted. Filed February 4, 1985; effective February 24, 1985.

Amended: Filed February 28, 1986; effective March 20, 1986.

Amended: Rule renumbered as Rule 490-4-.03 and a new Rule entitled "Continuing Education Requirements" adopted. Filed January 28, 1987; effective February 17, 1987.

Amended: Filed June 26, 1987; effective July 16, 1987.

Repealed: New Rule of same title adopted. F. Mar. 22, 1989; eff. Apr. 11, 1989.

Amended: F. Aug. 24, 1989; eff. Sept. 13, 1989.

Repealed: New Rule of same title adopted. F. Jul. 22, 1999; eff. Aug. 11, 1999.

Amended: F. May 9, 2000; eff. May 29, 2000.

Amended: F. May 19, 2004; eff. June 8, 2004.

Repealed: New Rule of same title adopted. F. June 22, 2007; eff. July 12, 2007.

Repealed: New Rule of the same title adopted. F. May 12, 2010; eff. June 1, 2010.

Amended: F. May 17, 2011; eff. June 6, 2011.

Repealed: New Rule of same title adopted. F. May 25, 2012; eff. Jun. 14, 2012.

Amended: F. May 23, 2013; eff. Jun. 12, 2013.

Amended: F. Jan. 16, 2015; eff. Feb. 5, 2015.

The Board discussed the economic impact of Board Rule 490-4-.02 upon the licensee, and the Board voted unanimously in favor of the motion 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.

The Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

- 4) The Rules Committee motioned and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-9-.05 and the Application for Approval to Perform Dry Needling to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**490-9-.05 Dry Needling.**

(A) It shall be unprofessional and unethical conduct for a physical therapist to perform the technique of dry needling without Board approval.

(B) Dry needling must be directly performed by a licensed physical therapist that is specifically trained and competent by virtue of education and training to perform dry needling. **Online study for dry needling instruction is not considered appropriate training.**

~~(a)(C)~~ Effective September 1, 2012~~2016~~, physical therapists must meet the following requirements in order to be approved by the Board to perform dry needling: a physical therapist must submit a complete 'Application for Approval to Perform Dry Needling' along with the applicable fee, proof of education in the OSHA Blood Borne Pathogens Standard and at least one of the following:

(1) Graduation from an entry-level physical therapy program that included dry needling instruction consisting 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 included dry needling instruction consisting 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 consisting of a minimum of 50 hours total and a competency assessment ~~and~~ of achievement in its curriculum.

(4) A licensed physical therapist who has successfully completed a minimum of 20 hours of specialized coursework in dry needling may utilize the skills learned in the completed coursework for a period not to exceed twelve (12) months provided that:

(i) The physical therapist completes the remaining coursework to total 50 hours within twelve (12) months of having achieved 20 hours of specialized coursework; and,

(ii) The physical therapist's practice is strictly limited to skills and body areas studied in the completed coursework.

(iii) If the physical therapist does not complete all 50 hours within twelve (12) months of having achieved the initial 20 hours of specialized coursework, he or she must cease the practice of dry needling.

(D) Upon satisfying the application requirements and being granted approval by the Board to perform dry needling, the applicant will be notified and the dry needling designation will be placed on the license.

~~(b)(E)~~ Provided, however, that physical therapists who have at least two years of experience in the clinical practice of dry needling as of September 1, 2012~~2016~~, have until the end of the current biennium on December 31, 2013~~2017~~, to submit a complete application and meet the requirements in subsection ~~(a)(1)-(3)(C)(1)-(4)~~, in order to be granted approval to perform dry needling and receive the designation on the license.

**Cite as Ga. Comp. R. & Regs. R. 490-9-.05**

**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.**

**History.** Original Rule entitled "Dry Needling" adopted. F. Mar. 21, 2012; eff. Apr. 10, 2012.

The Board discussed the economic impact of Board Rule 490-9-.05 upon the licensee, and the Board voted unanimously in favor of the motion 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.

The Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

## 5) **Miscellaneous Discussion**

Board Rule 490-3-.01 was discussed at a previous Rules Committee meeting and the Rules Committee recommendation was to refer the proposed amendment to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post. The Board received a memorandum of authority from the Attorney General's office, however, it was never voted on in the minutes. The Rules Committee motioned and the Board voted unanimously in favor of the motion to post Board Rule 490-3-.01 Evaluation of Examinations as presented.

### **490-3-.01 Evaluation of Examinations. Amended.**

The passing level for the physical therapist and the physical therapist assistant licensing examinations shall be determined by the Board. Scoring for the NPTE ranges from 200 – 800. The minimum passing score is 600 for both PT and PTA. Prior to 1996 Georgia's standard was 1.5 times the standard deviation below the national mean.

Authority O.C.G.A. Secs. 43-1-2, 43-33-14. **History.** Original Rule entitled "Evaluation of Examinations" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Apr. 20, 1973; eff. May 10, 1973. **Amended:** F. Jan. 18, 1984; eff. Feb. 7, 1984. **Amended:** F. May 27, 1987; eff. June 16, 1987. **Amended:** F. Mar. 22, 1989; eff. Apr. 11, 1989. **Repealed:** New Rule of same title adopted. F. May 13, 1991; eff. June 2, 1991.

The Board discussed the economic impact of Board Rule 490-3-.01 upon the licensee, and the Board voted unanimously in favor of the motion 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.

The Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

### Special Projects Committee Discussion

#### 1) **November 10, 2015 Special Projects Committee Minutes**

Mr. Bass motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to approve the November 10, 2015 special projects minutes.

#### 2) The Rules Committee motioned and the Board voted unanimously in favor of the motion to table Board Rule 490-9-.02 and refer back to the Special Projects Committee for further discussion.

#### **490-9-.02 Principles of Conduct Code of Ethics for Physical Therapists.**

Any individual who is licensed as a physical therapist shall abide by [O.C.G.A. § 43-33-18 to include but not limited to](#) the following ethical standards:

(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)~~ [Documentation is to be generated in accordance with federal and state guidelines at the time of service or shortly thereafter.](#)

~~(b)(c)~~ When performing wellness and preventative services, physical therapists shall assume responsibility for providing optimal patient care.

~~(e)(d)~~ When the individual's needs are beyond the scope of the physical therapist's expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.

~~(d)(e)~~ 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.

~~(e)(f)~~ The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

~~(f)(g)~~ 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.

~~(g)(h)~~ [Upon initiation of a physical therapy plan of intervention, physical therapists may, at their discretion, allow physical therapy treatments to be performed by physical therapist assistants to include the period of 21 days or eight \(8\) visits, whichever comes first, prior to discharge or receipt of a referral from the patient's provider.](#)

(i) 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.
- (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.
- (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.
- (d) Physical therapists shall not commit any act of sexual intimacy, abuse, misconduct, or exploitation of any individual related to the licensee's practice of physical therapy regardless of consent.
1. This subsection of the rule shall apply to former patients where the licensee did not terminate in writing the physical therapist/patient relationship and supportive clinicians under the supervision of the licensee. For the purposes of this rule, supportive clinicians are defined as physical therapist assistants, trainees, and students.
2. The Board will consider the physical therapist/patient relationship terminated if:
- (a) the physical therapists is able to document that he/she has not provided any of the care and services codified in O.C.G.A. § 43-33-3(7) for the patient for period of at least two (2) years;
- (b) the physical therapist has not supervised the supportive clinician for a period of two (2) years.

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. **History.** Original Rule entitled "Principles of Conduct for Licensed Physical Therapists" adopted. F. Jan. 29, 1997; eff. Feb. 18, 1997. **Repealed:** New Rule of same title adopted. F. Jan. 19, 2005; eff. Feb. 8, 2005. **Repealed:** New Rule title "Principles of Conduct for Physical Therapists" adopted. No change in Rule text. F. Jan. 25, 2007; eff. Feb. 14, 2007.

- 3) The Rules Committee motioned and the Board voted unanimously in favor of the motion to accept Policy #13 as amended.

### **Policy #13 – Georgia Jurisprudence**

(A) In order to meet the minimum four (4) contact hour continuing competence requirement, A Georgia Ethics and Jurisprudence Continuing Competency Course must include a review of the Georgia General Provisions (Title 43 Chapter 1 - specifically 43-1-9 and 43-1-19 through 43-1-27), Georgia Physical Therapy Practice Act (Title 43 Chapter 33), Board Rules (Chapter 490), Board Policies and a general review of the Board's web-site (<http://sos.ga.gov/index.php/licensing/plb/39>), including the Frequently Asked Questions (FAQ's). A review of the Jurisprudence exam will occur when the laws and rules change.

(B) The requirement of (4) contact hours in Ethics and Jurisprudence can be met through coursework or may also be satisfied by taking and passing completion of the Georgia Jurisprudence Exam offered by FSBPT.

(C) Licensees will not receive credit towards the current continuing competency requirements for any passing score on a Georgia Jurisprudence Exam that was taken to satisfy the requirements for initial licensure in this State, prior renewal cycles or the terms and conditions of a Board Order.

*Policy approved at the May 8, 2007 meeting. Policy revised at the January 2009 meeting. Policy revised at the July 2010 meeting.*

*Policy revised at the September 18, 2012 meeting. Policy amended at the November 18, 2014 meeting*

- 4) The Rules Committee motioned and the Board voted unanimously in favor of the motion to accept Policy #17 as amended.

**Policy # 17 Physical Therapist and Physical Therapist Assistant Relationship**

Upon initiation of a physical therapy plan of intervention, physical Therapists may, at their discretion, allow physical therapy treatments to be performed by supportive personnel to include the period in the 21 days or eight (8) visits prior to discharge or receipt of a referral from the patient's provider. Ultimately the responsibility for the quality of care provided by supportive personnel resides with the Physical Therapist. While technology allows for supervision in new and expanded methods, the PTAs, Trainees, and Students should know who and how to contact the supervising PT.

(A) It is recommended that the PT supervise no more than three (3) other supportive clinicians at any given time. For the purposes of this policy, supportive clinicians are defined as PTAs, Trainees, and PT/PTA students.

(B) Care coordination discussions are expected in all settings. Such communication should be documented in the patients' medical record. The frequency of the communication should be based on the patient condition, progression and setting.

*Policy approved at the March 17, 2015 meeting.*

- 5) The Rules Committee motioned and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-5-.01 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

**Rule 490-5-.01 Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistants**

(1) Upon initiation of a physical therapy plan of intervention, physical therapists may, at their discretion, allow physical therapy treatments to be performed by a physical therapists assistant to include the period of 21 days or eight (8) visits prior to discharge or receipt of a referral from the patient's provider. A licensed physical therapist shall at all times be responsible for providing adequate supervision of the assistant supervised by him, as defined in Rule 490- 5-.02.

(2) The licensed physical therapist shall be present in the same institutional setting, as defined in paragraph (3) of this section, 25 percent of any work week, Monday through Friday, and shall be readily available to the assistant at all other times, including weekend coverage, for advice, assistance and instruction.

(3) "Institutional setting" means any nursing home, acute hospital, convalescent hospital, rehabilitation center, other in-patient facility by any other name and out- patient clinic which would include private off ice.

(4) The licensed physical therapist in the home health setting responsible for the patient shall supervise the physical therapist assistant working with the patient and shall:

- (a) perform the initial patient evaluation to establish a physical therapy diagnosis , treatment goals , frequency, duration, and plan of care;
- (b) meet with the assistant no less than once weekly to review all patients being treated;
- (c) document all meetings with the assistant and subsequent decisions;
- (d) be available to the assistant at all times for advice, assistance, and instructions.

(5) A licensed physical therapist shall be designated as the physical therapist assistant's supervisor in the school setting and shall:

- (a) perform all physical therapy evaluations to develop or amend physical therapy interventions stated on the student's Individual Educational Plan (IEP) for the purpose of assisting with the achievement of educational goals and objective s, including frequency and duration of physical therapy services.
- (b) make an on-site visit to each student scheduled for direct weekly services from the physical therapist assistant no less than every two (2) months, and no less than once every five (5) months for students who are scheduled with the physical therapist assistant once monthly or less. The on-site visit shall include, but not be limited to, a case review, reassessment of the program and physical therapy services and review of documentation pre pared by the physical therapist assistant.
- (c) document the on-site visit including status of case(s), program or services status or change and indicate instructions given to the physical therapist assistant.
- (d) interact with the physical therapist assistant in appropriate ways specific to the goals and objectives stated in the IEP of the student who is scheduled for sessions with the physical therapist assistant.

(e) be available to the physical therapist assistant at all times for advice, assistance and instructions.

**Cite as Ga. Comp. R. & Regs. r. 490-5-.01**

**Authority: O.C.G.A. §§43-33-3; 43-33-10.**

**History.** Original Rule entitled "Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapy Assistant" was filed on April 7, 1978; effective April 27, 1978.

**Amended:** Filed November 27, 1984; effective December 17, 1984.

**Amended:** F. May 26, 1993; eff. Jun. 15, 1993.

**Amended:** F. Nov. 22, 1996; eff. Dec. 12, 1996.

**Amended:** F. Feb. 27, 1998; eff. Mar. 19, 1998.

**Amended:** F. Feb. 25, 2015; eff. Mar. 17, 2015.

The Board discussed the economic impact of Board Rule 490-5-.01 upon the licensee, and the Board voted unanimously in favor of the motion 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.

The Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

**Executive Director Report – A. Price**

Ms. Price presented the Board with statistical data relevant to the processing of applications, renewals and complaints/compliance. Ms. Price provided the Board with an update on the current number of Georgia licensees who have registered in the aPTitude CE tracking system. Ms. Price informed the Board that as the end of the renewal cycle approaches, it is recommended that the Board determine if any action is to be taken against licensees who do not register and/or those who do not meet the CE requirements.

**Board’s Chairperson Report – S. Palma**

Dr. Palma indicated that since Ms. Gaskin has already recapped that which was discussed at the Annual Meeting, she would like to thank the Board for sending her, Ms. Gaskin and the Executive Director to the FSBPT meeting as our attendance affirmed that the Board was on the right track with recent statutory and amendments and gave us some insight on those things we need to be considering in the near future. The Board accepted the verbal report as presented.

**Ms. Gaskin made the motion, Mr. Crews 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 Stefanie Palma, Dorothy Gaskin, Emily Garner, Monty Strickland, Chad Whitefield, Charles Bass, Jesse Crews, and Reid Lawson.**

**At the conclusion of Executive Session on Tuesday, November 17, 2015 Dr. Palma 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 Session Minutes**

**1) September 22, 2015 Board Minutes**

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to approve the September 22, 2015 executive session minutes.

**2) October 6, 2015 Teleconference Minutes**

Ms. Gaskin motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to approve the October 6, 2015 executive session teleconference minutes.

**Attorney General’s Report- D. Williams-McNeely**

Mr. Lawson motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s report as presented.

**Cognizant’s Report – C. Whitefield**

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

PT150020 Refer to the Attorney General’s Office for a Public Consent Order to suspend the license pending successful completion of the outpatient program. Must petition to lift the suspension. If the suspension is lifted, it will be followed by a period of probation for a minimum of one (1) year to include quarterly persona, employer and aftercare reports with random drug screens.

- PT150019 Close the case and place hold on license for a Continuing Education audit during the next renewal.  
 PT160003 Close the case with no action.  
 PT160008 Close the case with no action.  
 PT160006 Close the case with no action.

**Miscellaneous Case Discussions**

- PT150005 Ms. Gaskins motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to close case with a letter of concern citing regarding the quality of student supervision and refer to the Centers for Medicare and Medicaid Services to investigate allegations of fraud.  
 PT150009 Ms. Gaskins motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to close the case with no action.

**Applications**

Mr. Crews motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- 1) C.M.L. Accept verification of employment and issue the license upon completion of CEUs.
- 2) C.M.A. Issue the license upon completion of CEUs.
- 3) M.M.D. Issue the license with a letter of concern regarding quality of CE and reference BR 490-4-.02 regarding the content of planned learning experiences on knowledge and competence.
- 4) K.R.F. Issue the license.
- 5) K.P.C. Issue the license.
- 6) D.M.K. Issue the license upon completion of 480 hour traineeship.
- 7) E.B.W. Since the applicant has renewed IN license, the applicant must be considered by endorsement and as such is required to submit 30 hours of CEU and proof of active practice in the past two (2) years.
- 8) N.T.W. Schedule for an applicant interview at the next scheduled Board Meeting.
- 9) M.A.C. Reinstate the license upon proof of passing the jurisprudence exam.
- 10) M.E.M. Renew the license.
- 11) D.R.H.R. Approve the traineeship agreement and issue training permit upon completion of CE.
- 12) P.C.L. Uphold the previous motion to issue the license upon completion of 480 hour traineeship.

**Miscellaneous**

- 1) Mr. Bass motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to refer Board Rules 490-9-.02 and 490-9-.03 to the Special Projects Committee for further discussion and revisions to address sexual misconduct.
- 2) Ms. Gaskins motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to post Board Rule 490-12-.01 as presented.

**490-12-.01 Practice of Physical Therapy During A Declared Natural Disaster**

1) Pursuant to O.C.G.A. § 43-33-11, a person currently licensed in another state who is present in the state of Georgia to provide physical therapy services during a declared local, jurisdictional, or national disaster or emergency may do so without penalty for a period not to exceed a total of 60 days during any 12 month period provided that the practice of physical therapy is not contrary to the laws, rules and regulations governing of this state.

2) Upon discovering that a physical therapist has violated any laws, rules and regulations of this state or continued to practice in the state of Georgia beyond 60 days during any 12 month period, the Board shall have the authority issue cease and desist order prohibiting the practice of physical therapy without a license.

**Authority:** O.C.G.A. Secs. 43-1-19, 43-1-20.1, 43-33-10, 43-33-11, 43-33-18;

The Board discussed the economic impact of Board Rule 490-12-.01 upon the licensee. Ms. Gaskin motioned, Mr. Bass seconded, and the Board voted unanimously in favor of the motion 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.

Ms. Gaskin motioned, Mr. Bass seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

- 3) Mr. Bass motioned, Ms. Gaskins seconded and the Board voted unanimously in favor of the motion to post Board Rule 490-3-.01 as presented.

#### **490-3-.01 Evaluation of Examinations. Amended.**

The passing level for the physical therapist and the physical therapist assistant licensing examinations shall be determined by the Board. Scoring for the NPTE ranges from 200 – 800. The minimum passing score is 600 for both PT and PTA. Prior to 1996, the Georgia standard score was 1.5x standard deviation below the national mean.

Authority O.C.G.A. Secs. 43-1-2, 43-33-14. **History.** Original Rule entitled “Evaluation of Examinations” adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Apr. 20, 1973; eff. May 10, 1973. **Amended:** F. Jan. 18, 1984; eff. Feb. 7, 1984. **Amended:** F. May 27, 1987; eff. June 16, 1987. **Amended:** F. Mar. 22, 1989; eff. Apr. 11, 1989. **Repealed:** New Rule of same title adopted. F. May 13, 1991; eff. June 2, 1991.

The Board discussed the economic impact of Board Rule 490-3-.01 upon the licensee. Ms. Garner motioned, Mr. Crews seconded, and the Board voted unanimously in favor of the motion 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.

Ms. Garner motioned, Mr. Crews seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

- 4) Ms. Garner motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to post Board Rule 490-4-.04 as presented.

#### **490-4-.04 Inactive License.**

(a) Any licensee who is no longer practicing as a physical therapist or physical therapist assistant in the State of Georgia may request an Inactive License status by filing an application for inactive status and paying the appropriate fee. Refer to fee schedule.

(1) An individual holding inactive status may not practice as a physical therapist or work as a physical therapist assistant within the State of Georgia.

(2) Any individual holding inactive status is not subject to the biennial renewal fees or continuing competence requirements.

(3) An individual whose license is under any sanction may not transfer to inactive status while sanctions are in effect.

(4) Any individual holding inactive status may return to active status by meeting all requirements for reinstatement as outlined herein.

(b) A physical therapist or physical therapist assistant who has been granted an Inactive license may reinstate the license by submitting an application for reinstatement, pay appropriate fee (refer to fee schedule), and shall also be required to meet requirements as provided below:

(1) An applicant who is able to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years shall be required to submit proof of continuing competence requirements as established by the Board;

(2) An applicant who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 2 years but is able to document such practice within 5 years shall be required to submit proof of continuing competence (Refer to 490-4-.02), and shall be required to work under the supervision of a physical therapist licensed in this state for 480 hours of continuous supervised practice to be completed within three (3) months with specific stipulations as deemed necessary by the Board, and shall be required to take and pass the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy; or

(3) An applicant who is unable to document that he/she has practiced as a physical therapist or physical therapist assistant within 5 years shall be required to take and pass the next licensing examination and work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice to be completed in no less than 6 months or no more than 1 year if approved by the Board with specific stipulations as deemed necessary by the Board. ~~and shall be required to take and pass the next licensing examination.~~

(c) Applicants subject to Rule 490-4-.04(b) may in the discretion of the Board be exempted from continuing competence and supervision requirements if such person holds a current license in good standing in another state or if such person is currently employed as a physical therapist or physical therapist assistant by the United States Government if such person provides physical therapy services under the direction or control of the employing organization.

**Authority: O.C.G.A. §§ 43-1-25, 43-33-10, 43-33-12, 43-33-13, 43-33-14 and 43-33-16.**

The Board discussed the economic impact of Board Rule 490-4-.04 upon the licensee. Ms. Gaskin motioned, Dr. Palma seconded, and the Board voted unanimously in favor of the motion 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.

Ms. Gaskin motioned, Dr. Palma seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

- 5) Ms. Gaskins motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to post Board Rule 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, and 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.

The Board discussed the economic impact of Board Rule 490-9-.04 upon the licensee. Ms. Gaskin motioned, Dr. Palma seconded, and the Board voted unanimously in favor of the motion 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.

Ms. Gaskin motioned, Dr. Palma seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

**Adjournment-** There being no additional business to discuss, the meeting was adjourned at 12:56 p.m.

**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:**

January 26, 2016

DOROTHY GASKIN  
**BOARD VICE PRESIDENT**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**