

**GEORGIA STATE BOARD OF PHYSICAL THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**January 26, 2016 - 9:00AM**

The Georgia State Board of Physical Therapy met on Tuesday, January 26, 2016. The following members were present:

**Board Members Present**

Dorothy Gaskin, PT – Vice President  
Emily Garner, PT  
Monty Strickland, PT  
Charles Bass, PT  
Reid Lawson, PT (via teleconference)

**Administrative Staff Present**

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

**Attorney General's Office**

D. Williams-McNeely, Senior Assistant Attorney General

**Visitors Present**

Dick Schuyt  
James Erdmanczyk  
Laurri Wallace, PT  
Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)  
Vicki Hill-Hoffman  
Sandy Eskew Capps  
Fayedan Ponciano  
Wapole Osalvo  
Heizel Brandon Benigno  
Phaedra Geathers

**Call to Order:** Ms. Gaskin 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 amended to include a report from Staff Attorney Brooke Newby of the Legal Services Department of the Professional Licensing Boards Division.

**Legal Services Update:**

Staff Attorney Brooke Newby provided the Board with an update concerning the response that Legal Services drafted, on behalf of the Board, to a grievance and open records request filed by Mr. Patrick Page regarding application processing times for international applicants. The Board accepted Ms. Newby's verbal report as information.

**Open Session Minutes:**

**November 17, 2015 Board Minutes**

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the November 17, 2015 open session board meeting minutes as presented.

**Licenses to Ratify: November 11, 2015 – January 19, 2016**

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to ratify the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between Board meetings.

**Discussion – Commission on Accreditation in Physical Therapy Education (CAPTE)**

The Board accepts the following correspondence in reference to the November 2015 CAPTE actions as information.

- 1) Actions from November 2015

**Discussion – Federation of State Boards of Physical Therapy (FSBPT)**

The Board accepts the following correspondences from FSBPT as information:

- 1) Licensure Portability Resource Guide 2015
- 2) NPTE Comment Summary and Candidate Satisfaction Survey Report
- 3) NPTE Faculty Newsletter 4<sup>th</sup> Quarter 2015
- 4) NPTE Policies 2016

### **Discussion – KeepingYouInformed.com**

Ms. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to direct Staff to send a letter to the company outlining Georgia Continuing Competency requirements and proper presentation of completion certificates.

### **09:30am Board Rule 490-4-.04 Hearing**

Ms. Garner motioned, Mr. Lawson seconded and the Board voted unanimously in favor of the motion not to adopt the rule as posted and to repost Board Rule 490-4-.04 with the following amendments:

#### **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 prior to being allowed to](#) work under the supervision of a physical therapist licensed in this state for 1,000 hours of continuous supervised practice [which is](#) 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. Secs. 43-1-25, 43-33-10, 43-33-16. History.** Original Rule entitled “Inactive License” adopted. F. Nov. 7, 2003; eff. Nov. 27, 2003. **Repealed:** New Rule of same title adopted. F. Jan. 28, 2011; eff. Feb. 17, 2011.

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

#### **Written Public Comments Received:**

1) Sandy Eskew Capps

The Board discussed the economic impact of Board Rule 490-4-.04 upon the licensee. Ms. Garner 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.

Ms. Garner 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.

The hearing was adjourned at 9:36 a.m.

**Open Records Request Response – Piper Prange**

The Board accepts the response to the open records request which was drafted by the Legal Services Department in accordance with the statutes as information.

**Petition for Rule Variance Request – Wickett, Erika**

Mr. Bass motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of Board Rule 490-2-.04(d).

**Petition for Rule Waiver Request – Beams, Ausie**

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-4-.01 (5) due to insufficient evidence to substantiate a hardship.

**Petition for Rule Waiver Request – Prince, Debra**

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 490-2-.09 (2)(b) and to notify the petitioner that she must provide additional information regarding active practice as a physical therapist.

**Petition for Rule Waiver Request – Schuyt, Dick**

Ms. Garner motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to table a decision on the rule waiver request of Board Rule 490-2-.03 (1)(a) to review the complete application in Executive Session.

**Petition for Rule Waiver Request – Shah, Nikita**

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 490-2-.03 (g) and to notify the petitioner that she must provide additional information regarding active practice as a physical therapist within the last two (2) years.

**Rules Committee Discussion**

The Rules Committee did not meet and therefore no report was presented.

**Special Projects Committee Discussion**

**January 12, 2016 Special Projects Committee Minutes**

Mr. Lawson motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to approve the January 12, 2016 Special Projects Committee minutes.

**1) Board Rule 490-9-.02 Code of Ethics for Physical Therapists**

The Special Projects Committee motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-9-.02 to the Attorney General’s Office for a memorandum of authority and if no objections noted, vote to post.

**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)~~(j) 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 therapist 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.

The Board discussed the economic impact of Board Rule 490-9-.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.

## 2) **Board Rule 490-9-.03 Code of Ethics for Physical Therapist Assistants**

The Special Projects Committee motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-9-.03 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

### **490-9-.03 Principles of Conduct Code of Ethics for Physical Therapist Assistants.**

Any individual who is licensed as a physical therapist assistant 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 assistant shall hold as confidential information obtained while functioning as a physical therapist assistant.

(b) The physical therapist assistant shall provide optimal physical therapy care for all patients delegated by the physical therapist regardless of patient race, gender, age, religion, disability or sexual preference.

(c) The physical therapist assistant should be aware of the patient's physical, psychological and socioeconomic welfare in decisions and actions taken while rendering treatment.

(d) The physical therapist assistant shall communicate and interact with patients and all persons encountered with courteous regard and timeliness.

(e) The physical therapist assistant 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 therapist assistants are to practice only under the supervision of a licensed

physical therapist.

(3) Accept responsibility for the exercise of sound judgment.

(a) Upon accepting delegation from a physical therapist, the physical therapist assistant shall provide services within the plan of care established by the physical therapist.

(b) When the individual's needs are beyond the scope of the physical therapist assistant's expertise, the physical therapist assistant shall inform the supervising physical therapist.

(c) When the physical therapist assistant determines that a change in the plan of care is needed, the assistant will contact the supervising physical therapist and request reevaluation of the patient's status.

(d) When the physical therapist assistant determines that the patient has received maximum benefits from physical therapy, he/she shall so inform the supervising physical therapist.

(e) Physical therapist assistants are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist assistant.

(f) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision is the responsibility of both the physical therapist and the physical therapist assistant. To insure appropriate supervision, the physical therapist assistant is expected to:

1. Maintain effective channels of written and oral communication.

2. Communicate critical information about the patient to the supervising physical therapist in a timely manner.

3. Function within the established plan of care.

4. Identify and document treatment activities and all special occurrences [in accordance to federal and state guidelines at the time of service or shortly thereafter](#).

5. Request re-evaluation of the patient and/or modification of the plan of care when necessary.

(g) Physical therapist assistants are obligated to advise their employer(s) of any practice which causes a physical therapist or a physical therapist assistant to be in conflict with the ethical principles of this section. Physical therapist assistants 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) Physical therapist assistants 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 assistant;

(5) Provide accurate information to the consumer about the profession and the services provided.

(a) Physical therapist assistants 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 therapist assistants shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Physical therapist assistants 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 assistant is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist assistant has an obligation to disclose to the patient, within the scope of the State Law, the nature of the [income](#).

[\(d\) Physical therapist assistants 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 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 individual to no longer be a patient or supportive clinician if:

(a) the physical therapist assistant 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 assistant has not supervised the supportive clinician for a period of two (2) years.

Authority O.C.G.A. Section 43-33-10. **History.** Original Rule entitled "Principles of Conduct for Licensed Physical Therapists Assistants" adopted. F. Feb. 27, 1998; eff. Mar. 19, 1998. **Repealed:** New Rule title "Principles of Conduct for Physical Therapist Assistants" adopted. No change in Rule text. F. Jan. 25, 2007; eff. Feb. 14, 2007.

The Board discussed the economic impact of Board Rule 490-9-.03 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) Discussion – Continuing Competence Activities Documentation Requirements for aPTitude**

The Committee recommended tabling the discussion regarding continuing competence activities documentation requirements for aPTitude until the Board Meeting schedule for January 26, 2016. It was the consensus of the Board that each Board Member would review the continuing competency activities documentation requirements for aPTitude presented by FSBPT and submit their input and suggestions to the Executive Director to draft a new document for the Board to consider at the next meeting.

**4) Discussion – Traineeship Competency Evaluation**

The Special Projects Committee motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the traineeship competency evaluation form as amended.

**5) Discussion – Traineeship Competency Evaluation Instruction Form**

The Special Projects Committee motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the traineeship competency evaluation instruction form as amended.

**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. She 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. Ms. Price also presented the Board with an update on FSBPT's exam, licensure and discipline database, the Georgia General Assembly pre-filled bills tracking, information on where to locate the CAPTE Master List of Accredited Programs and a reminder that each Board Member is to meet the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016. The Board accepted the report as presented.

**Board's President Report**

No report presented.

**Miscellaneous Discussions**

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer BR 490-4-.02 to the Rules Committee for review and attempt to address the when continuing education audits should be performed and how to address those licensees who do not comply with the rule requirements as it relates to proof of having met CE requirements.

Ms. Sandy Capps addressed the Board regarding application approval process for international applicants and asked once the application is complete, will the applicants have to wait for a full Board review? Ms. Price explained that every application is different and whether or not an applicant will have to wait for a full board review will depend on each applicant's situation, which varies. While the Board does have a Cognizant to review applications in between board

meetings, there is a chance that an application may be referred by the Cognizant to the full Board for review. Therefore this is no blanket approval process for any applicant, international or domestic.

**Ms. Garner made the motion, Mr. Strickland 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 Dorothy Gaskin, Emily Garner, Monty Strickland, Charles Bass, and Reid Lawson.**

**At the conclusion of Executive Session on Tuesday, January 26, 2016, Ms. Gaskin 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**

**November 17, 2015 Board Executive Session Minutes**

Ms. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the November 17, 2015 executive session board meeting minutes as presented.

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

Mr. Strickland 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**

**PT150017 L.A.R.**

Ms. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer the case to the Attorney General’s office to issue a public consent order for suspension of licensure for a period of (3) three months with a \$1000 fine for failure to comply with the terms of the public consent agreement for licensure and failure to comply with continuing education requirements for the renewal of licensure. The suspension may not be lifted until the licensee can submit proof of completion of (30) thirty hours of CE to include Georgia Jurisprudence and hours may not be counted towards the current biannual requirements. Staff to issue a letter of concern regarding failure to comply with the continuing education requirements for renewal as outlined in BR 490-4-.02.

**Executive Discussions**

**1) Applicant Board Appearance: N.W.**

Ms. Gaskin motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to grant the license with a letter of concern regarding criminal history and caution to make responsible choices and decisions in the future.

**2) Petition for Rule Waiver Request: Dick Schuyt**

Ms. Gaskin motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-2-.03 (1)(a) due to insufficient evidence to substantiate a hardship.

**Applications**

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

**Appeals**

- 1) K.S.M. Deny for licensure based on the need for additional information. Applicant must submit documentation of medical necessity.

**Initial Applications**

- 2) C.D.P. Rescind the previous motion and issue the license with a letter of concern regarding drug history.
- 3) T.N.D. Require 480 traineeship prior to the issuance of licensure.

**Certified Letter Request**

- 4) N.A. Deny the request for certified letter of eligibility. The application must be complete before a candidate can be made eligible to take the exam.

**Dry Needling**

- 5) A.C.R. Approve eligibility to preform dry needling in the state of Georgia.

## Renewals

- 6) D.K.N. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 7) A.D.A. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 8) A.A.A. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 9) G.A.B. Renew the license with a letter of concern regarding action in another jurisdiction.
- 10) C.L.B. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 11) R.L.B. Renew the license with a letter of concern regarding criminal history and the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully and flag for CE audit.
- 12) R.J.B. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 13) A.C. Refer to Attorney General's office for a Private Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the CE requirements and must submit proof of completion of (4) four CE hours within (30) thirty days and CEs cannot be used for next biennial. Flag for CE audit.
- 14) K.M.C. Renew the license with a letter of concern regarding alcohol and flag for CE audit.
- 15) L.E.C. Notify the licensee that must submit proof of having completed CE requirements in accordance with Board Rule 490-4-.02 prior to February 28, 2016. If failure to comply, refer to Attorney General's office for Private Consent Order for Renewal of Licensure with fine of \$500 for failure to meet CE requirements. Must submit proof of having satisfied all CE requirements within (30) thirty days and the CE submitted to satisfy the terms of the order may not be used for the current biennial. Flag for CE audit.
- 16) F.J.C. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal applications questions carefully. Flag for CE audit.
- 17) B.E.C. Renew the license with a letter of concern regarding arrest and false representation on the November 30, 2013 renewal application and flag for CE audit.
- 18) K.D. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 19) B.A.E. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 20) P.L.G. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 21) A.H. Renew the license with a letter of concern that licensee must report any action taken in the other jurisdiction and the Board reserves the right to implement sanctions based on the outcome.
- 22) S.Y.H. Refer to Attorney General's office for a Private Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the CE requirements and must submit proof of completion of all CE hours within (60) sixty days and CEs cannot be used for next biennium. Flag for CE audit.
- 23) L.H. Refer to Attorney General's office for a Private Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the CE requirements in accordance to BR 490-4-.02 and CEs cannot be used for next biennial. Flag for CE audit.
- 24) F.J. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal applications questions carefully. Flag for CE audit.
- 25) N.K.J. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 26) N.P.M. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 27) L.A.M. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 28) S.K.M. Renew the license with a letter of concern action in another jurisdiction and flag for CE audit.
- 29) L.P.P. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 30) A.B.R. Renew the license with a letter of concern regarding alcohol.
- 31) B.K.R. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 32) D.W.R. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 33) E.M.R. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.

- 34) J.M.S. Renew the license with a letter of concern regarding the submission of false representation to the Board. Caution the licensee to read the renewal application questions carefully and take courses for CE beyond the licensee's present level of knowledge and competence. Flag for CE audit.
- 35) J.N.S. Renew the license with a letter to the licensee and the licensee's counsel requiring that the final disposition of the case be submitted to the Board within (10) ten days of adjudication and that the renewal of the license in no way waives the Board's right to seek disciplinary action based on the outcome of the case.
- 36) L.S. Renew the license with a letter of concern regarding action in another jurisdiction and flag for CE audit.
- 37) J.S.S. Renew the license with a letter of concern regarding the submission of false representation to the Board, caution the licensee to read the renewal application questions carefully and take courses beyond a the licensee's present level of knowledge and competence. Flag for CE audit.
- 38) L.A.T.T. Deny the renewal of licensure for failure to satisfy the requirements of O.C.G.A. 50-36-1(f)(1)(b). If licensee is able to satisfy the requirement by February 28, 2016, renew the license.
- 39) N.J.G.T. Renew the license with a letter of concern regarding criminal history.
- 40) K.D.W. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.
- 41) D.D.W. Renew the license with a letter of concern regarding the submission of false representation to the Board and caution the licensee to read the renewal application questions carefully. Flag for CE audit.

**Traineeship Agreement**

- 42) H.B.B. Approve Traineeship
- 43) E.U.C. Approve Traineeship
- 44) A.R.S.G. Approve Traineeship
- 45) D.M.K. Approve Traineeship
- 46) P.C.L. Approve Traineeship
- 47) W.O. Approve Traineeship
- 48) F.M.P. Approve Traineeship
- 49) C.P.S. Approve Traineeship

**Miscellaneous Discussions**

Schedule the Rules Committee Meeting for February 16, 2016 at 8:30am

**Adjournment:** There being no additional business to discuss, the meeting was adjourned at 3:08pm

**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:** March 22, 2016

**DOROTHY GASKIN**  
**BOARD VICE PRESIDENT**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**