

**GEORGIA STATE BOARD OF PHYSICAL THERAPY**  
**Board Meeting Minutes**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**May 17, 2016 - 9:00AM**

The Georgia State Board of Physical Therapy met on Tuesday, March 22, 2016. The following members were present:

**Board Members Present**

Stefanie Palma, PT, Chairperson  
Dorothy Gaskin, PT – Vice Chair  
Monty Strickland, PT  
Charles Bass, PT  
Chad Whitefield, PTA  
Emily Garner, 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

**Board Members Absent**

Reid Lawson, PT  
Jesse Crews, Consumer Member

**Visitors Present**

Laurri Wallace, PT  
James Erdmanczyk  
Vicki Hill-Hoffman  
Jhamna Loelly  
Keith Lowlly  
Sandy Eskew Capps

**Call to Order:** Dr. Palma established that a quorum was present and called the meeting to order at 9:04 a.m.

**Mr. Whitefield made the motion, Ms. Gaskin 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, Charles Bass and Chad Whitefield.**

**At the conclusion of Executive Session on Tuesday, May 17, 2016, 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**

Dr. Palma informed the public that the Board will be limiting speaking time from visitors as the Board has a full agenda and a lot to be discussed.

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

**Open Session Minutes**

**1) March 22, 2016 Board Meeting Minutes**

Mr. Whitfield motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to approve the March 22, 2016 open session board meeting minutes as presented.

**Licenses to Ratify           March 16, 2016 – May 10, 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.

**Correspondence – Glenn Welke, Tallahassee Regional – C.E. Approval**

Ms. Gaskin motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to notify the writer that the Georgia State Board of Physical Therapy does not pre-approve any continuing education courses; however, there are courses offered by the programs identified in BR 490-4-.02 and Board Policy #7 which the Board will consider

provided that the content is beyond the licensee's present level of knowledge and competence which may be subject to audit by the board. Please visit the Laws, Policies and Rules section of the board website at <http://sos.ga.gov/index.php/licensing/plb/39>, particularly 490-4-.02 Continuing Competence Requirements and/or contact PTAG and APTA regarding their process for becoming an approved provider.

### **Discussion – Senate Bill 367**

The Board held a discussion regarding Senate Bill 367. Dr. Palma stated that she had read the bill and it is very long and comprehensive as asked Ms. Price to explain to the Board what parts pertain directly to PT. Ms. Price stated that it would be better if the Assistant Attorney General explained it. Attorney General D. Williams-McNeely explained that the way the law stands now the licensing boards have access to almost any criminal arrest records except for juvenile records but when this bill takes effect, the Board will no longer have unlimited access. When it comes to felony convictions many Boards automatically move to revoke the license and that's not going to be the case anymore. The Board will have to consider certain factors when a licensee is convicted of a felony, particularly whether or not that felony directly relates to the practice of their profession, before the Board can consider revoking their license. Assistant Attorney General Williams-McNeely provided an example such as if a Physical Therapist murders his wife, is that directly related to the practice of Physical Therapy.

Ms. Price added that the Board will also have to consider how long ago the incident occurred and factors surrounding the incident that took place. Dr. Palma mentioned that the Board has dealt with similar situations on several occasions where they have shown compassion and understanding. Ms. Price clarified that the main reason why she set this discussion out separately was because it's really comprehensive with a lot of changes in the statute. She stated that as the Board is considering applicants, all of these factors come in to play when it comes to felony convictions or pretrial diversion programs and in certain circumstances the Board will have to license them under probation. As a result, it's important that the Board is familiar with this piece of legislation.

Ms. Gaskin asked if the criminal information will still show up on the GCIC background check or if it will be blocked? Assistant Attorney General Williams-McNeely stated that she is unsure at this time how this law will affect the GCIC background reporting because law enforcement can see everything and licensing boards are presently put in the same category as law enforcement, but with this new bill Boards are not. She stated that if you run a background check on a licensee she is not sure whether the GCIC will redact it before they turn it over to the Board or not. Ms. Price stated that the Boards may be placed in the same category as some employers which don't get everything that the Board gets on the GCIC. Ms. Gaskin asked how would this effect information coming from other states? Assistant Attorney General Williams-McNeely clarified that even if the licensee has a criminal conviction in another state, when considering licensure in Georgia they would still follow the same guidelines as if the conviction occurred in Georgia.

### **Petition for Rule Waiver Requests**

#### **1) Lela R. Layfield – BR 490-4-.01(4)(b)**

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

#### **2) Priyal Doshi – BR 490-2-.03(g)**

Mr. Whitefield motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to grant the petition for rule waiver of BR 490-2-.03(g) as it was determined that the petitioner's work history is substantially equivalent to the education one would obtain during a traineeship.

#### **3) Ma Nila R. Seno – BR 490-2-.03(g)**

Mr. Whitefield motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-2-.03(g) due to insufficient evidence to substantiate a hardship. Ms. Gaskin abstained from voting.

### **Special Projects Committee Discussion**

#### **1) April 18, 2016 Minutes Special Projects Committee Minutes**

Ms. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the April 18, 2016 Special Projects Committee minutes as amended to correct grammatical errors.

#### **2) Continuing Competence Activities Documentation**

Mr. Whitfield motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the PT/PTA Continuing Competence Activities Documentation Requirements as amended to correct grammatical and formatting errors and share it with the Federation of State Boards of Physical Therapy and add it to the resources on the Georgia State Board of Physical Therapy website.

### **Executive Director Report – A. Price**

Executive Director's report presented the Board with statistical data relevant to the processing of applications and complaints/compliance, the renewal applications update, aPTitude updates regarding renewal concerns, Module Update Proposals to improve the functionality of aPTitude, and the JAM Exam updates. Ms. Price's report presented the Board with an update on the status of pre-filled bills being tracked in the Georgia General Assembly, and a reminder that each Board Member was to have met the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016 and if they have not done so to complete the task as soon as possible. The Board accepted the report as presented.

Visitor Jhamna Loelly addressed the Board explaining that she missed the deadline for submitting the required C.E. for the biennial renewal of her license because she misunderstood the law. She explained that she passed the Boards in 2014 and then went to Brazil to work. She completed her traineeship in 2015 and she thought she was exempt from the requirements. She apologized to the Board and shared that she has signed up for additional C.E. classes so that she could be ahead for the next biennium. The Board thanked Ms. Loelly for her comments.

Visitor James Erdmanczyk addressed the Board indicating that he attended Board meetings in 2015 and was also going to rehabilitation. He stated that one of the PT's he saw was speaking about the new legislation that was passed regarding C.E. certificate requirements and he was very upset about the new requirements. About (3) three months ago the PT had an episode and ended up being hospitalized and placed in an induced coma for a few weeks. Mr. Erdmanczyk spoke with the PT the Friday before the Board Meeting and he is back to working part-time. Mr. Erdmanczyk stated he does not know the status of PT's C.E. certificates and he just wanted to share that information with the Board. Ms. Price addressed Mr. Erdmanczyk making him aware that sometimes licensees may face hardships which cause them to not be able to obtain the required continuing education credits. Licensees who face hardships can notify the Board by submitting a petition for rule waiver requesting to waive those requirements and also indicate an alternative to how they can satisfy the requirements at a later date should the Board consider waiving the requirements. Ms. Price also informed Mr. Erdmanczyk that the waiver or variance process would be an option for his PT friend if he or she felt like they couldn't obtain the C.E. credits as required by the Board Rules.

In light of Ms. Price's update regarding the improved functionality of aPTitude, Ms. Gaskin motioned, Mr. Whitfield seconded and the Board voted unanimously in favor of the motion to rescind the previous motion to modify instructions to have endorsement and reinstatement applicants submit C.E.s by paper and continue to allow applicants to use aPTitude for renewals.

Mr. Whitfield motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer HB 821 to the Rules Committee to develop a rule to address licensure for the transitioning service members and military spouses.

### **Board's Chairperson Report – S. Palma**

Dr. Palma informed the Board that the JAM subcommittee met April 6, 2016 to review and approve the JAM questions. Two versions of the test were approved by the Committee. Dr. Palma stated that everyone was impressed and excited with the JAM. One of the important features of the test, is that when the tester answers the question incorrectly, the program will direct the tester to the rule or policy where the correct answer may be found. The JAM will be available on July 1, 2016.

### **Miscellaneous Discussion**

Ms. Vicki Hill-Hoffman addressed the Board and stated that if she could get some answers the issues that her organization has with the processing of foreign trained applicants can be resolved and not continuously have to be addressed. Ms. Hill-Hoffman stated that she has (2) two arbitrary decisions on some applicants and perhaps the Board can provide some guidance. She asked if the foreign-trained applications will only be reviewed in Board Meeting Executive Sessions or will they be approved throughout the months? She provided an example of (3) three PT applicants that she represents that the Board met with in January, 2016 regarding traineeships and those were approved in Executive session. She stated that at that time she asked for the rationale of their permits being reviewed in Executive Session rather than administratively and she has not received an answer. Ms. Hill-Hoffman mentioned that the applicants did apply for PT licensure following completion of their traineeships in May 2, 2016 and those applicants called back within 7-10 business days and were told by Staff that their PT licensure would not be discussed until Executive Session in the March meeting. When they called back before that March meeting they were told that the PT licensure would be issued 10-15 days following the March Board Meeting and that's where she is confused. She further stated that another issue for clarification is an applicant that she believes the Board may be reviewing today. She stated that the applicant submitted an application for traineeship purposes in December and because it was delayed after the January meeting, they had to amend the traineeship application and change trainers because the trainer that was originally assigned was going to be taking a 4-week leave and they wanted to ensure there was continuity in that traineeship. With the delay, they had to move forward with letting the applicant start with the original permit given with

a start date of March 7, 2016 with that assigned trainer. The second amended traineeship was approved on March 30, 2016. They received an email from the Board that requested a new amended application to change the new start date from March 7, 2016 to March 30, 2016 on that amended application. The applicant did come to meet with the Board in person and was told at that time that the permit was no longer valid and they would have to complete 480 hours under the new amended PT permit.

Ms. Hill-Hoffman stated that the reason she is here is to clarify that the foreign applications are being handled equally, not with preferential treatment, and to understand which permits or applications are being considered in Executive Session and which ones are being considered throughout the months. She understands from the last Board meeting held in March, which she did not attend, that a Board member made the comment that if they wanted their PT licenses to be processed more quickly they should hire domestically trained PT's. She noted that in January she read from the current court order of the discrimination that is currently in effect, it directly related to the FCCPT and testing and it is not directly related to approval of applicants, but if her organization needs to get a new order they will but she is really just trying to work with the Board. She asked again if the foreign-trained applications will only be reviewed in Board Meeting Executive Sessions or will they be approved throughout the months?

Dr. Palma answered Ms. Hill-Hoffman by stating no, they are not only being seen in Executive Session. What has happened is all as a result of timing, when the applications are received and often it may be more efficient to review them in Executive Session during a meeting rather than have them wait by sending them to the Cognizant. If the Cognizant has an issue with the application, then it will have to be sent back to the full Board for review and that will elongate the process even more. The Board is trying to be efficient and respond as soon as possible and the scenarios she mentioned is really a timing issue and nothing more.

Ms. Hill-Hoffman asked if there is anything she could do to the applications to make them work more efficiently for the Board? Dr. Palma answered probably not. Dr. Palma explained that there are several documents required with these applications and the Board cannot review them until the entire application is complete.

Ms. Hill-Hoffman asked if the complaint filed by Mr. Patrick Page is still open. Ms. Price answered that it is considered closed because although Ms. Capps made it clear to the Board that she wasn't Mr. Page's representative when she was addressed by the Board, the Board provided the response to Mr. Page's complaints and concerns to her since Mr. Page notified the Board that Ms. Capps would serve as the representative of this group relative to the complaint. Ms. Price stated that she has provided the response in writing prior to the meeting and essentially said the same thing the Board has said. It wasn't that the Board pulled and approved the ones presented at the last meeting because Mr. Page asked about them, the application files were finally complete and ready for the Board's review and as a result, they were presented.

Ms. Hill-Hoffman asked how would the Board like her to handle situations like the one she mentioned that was submitted in December, 2015. They didn't receive an answer until March 30, 2016 and the Board requested a new traineeship application with the amended date so that it would coincide with the approval instead of acknowledging the amount of time it took for that to be approved. Ms. Price stated that she will have to review the application and research the issue and provide her a written response at a later date as the Board receives several applications at once and she does not recall that particular scenario at this time.

Ms. Hill-Hoffman thanked the Board for their time and willingness to pay attention to the equal timing of the approvals. Dr. Palma stated that she thinks it's the most efficient way. Just because a file is being presented during Executive Session doesn't mean that there is something terrible happening, it's actually a good thing. Ms. Hill-Hoffman stated well unless it's only every two months that they are approved but is fine as long as processing is ongoing with them. Dr. Palma explained that there is always something ongoing with the applications and the Board's Cognizant and Staff are excellent with processing items timely and have served the Board well. She stated that the Application Cognizant is phenomenal and reviews and approves them in a timely matter unless she has questions and when she does, that prompts a full Board review. Ms. Hill-Hoffman thanked Dr. Palma and explained that she'd rather this issue stay at this level.

Visitor James Erdmanczyk wanted to mention additional information to the Board regarding his conversation with his PT friend the Friday before the meeting. He stated that given the okay from his Physician, his friend returned to work part-time; but, it was up to his manager to determine whether or not his friend would be able to take on more workload or has reached the pinnacle of his career. He further provided the Board information concerning the process that ambulance crews and hospitals use when discharging emergency room patients to outpatient physical therapy. The Board thanked him for his comments.

**Mr. Whitefield 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 Stefanie Palma, Dorothy Gaskin, Emily Garner, Monty Strickland, Charles Bass and Chad Whitefield.**

**At the conclusion of Executive Session on Tuesday, May 17, 2016, 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**

### **Applicant Interview – D.N.M.**

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to uphold the previous motion to deny reinstatement for failure to submit adequate information to address the basis for the summary suspension of the license.

### **Executive Session Minutes**

#### **1) March 22, 2016 Board Meeting Minutes**

Ms. Gaskin motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to approve the March 22, 2016 executive session board meeting minutes as presented.

### **Attorney General's Report- D. Williams-McNeely**

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented.

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer Board Rule 490-9-.05 back to the Attorney General's office for a memorandum of authority and if no objections, post the rule for a hearing.

### **Cognizant's Report – C. Whitefield**

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

- 1) PT160018 Close the case with no action.
- 2) PT150013 Close the case with no action.
- 3) PT160012 Close the case with no action.
- 4) PT160001 Close the case with a letter of concern regarding responsiveness to the Board's request for records.
- 5) PT150004 Refer to Attorney General's for a hearing or Public Consent Order to include two (2) years of probation, eight (8) hours of continuing education on the subjects of record keeping an documentation, the hours of continuing education must be completed within one (1) year of the docket date of the order and may not be applied to the current or any future biennium, and a fine based upon the noted violations of no less than \$1000 and no more than \$2500 as determined by the Attorney General's office.
- 6) PT160019 Send a 2<sup>nd</sup> notice to the respondent and if no response within (30) thirty days from the date of notification, close the case.

### **Applications**

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

#### **Initial Applications**

- 1) B.K.K. Require 1,000 hour traineeship.
- 2) R.D.V. Issue the license with letter of concern regarding documentation.

#### **CE Audit**

- 3) L.B. Refer to Legal Services office for a Private Consent Order with fine of \$500 for failure to complete the C.E. requirements as outlined in BR 490- 4-.02 and C.E.s cannot be used for the current biennium. Flag for C.E. audit.
- 4) P.M.K. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s

to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.

- 5) P.M. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 6) J.C.M. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 7) M.A.M. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 8) C.A.M. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 9) K.R. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 10) T.S.R. Refer to Legal Services office for a Private Consent Order with fine of \$1000 for violations of O.C.G.A. 43-1-19(a)(2), and BR 490-4-.02. The fine must be paid within (90) ninety days of docket date and licensee must submit proof of an additional (11) eleven hours of C.E.s to satisfy the requirements of the 2013-2015 biennium. C.E.s submitted to satisfy terms of order cannot be used for the current biennium. Flag for C.E. audit.
- 11) C.W. Refer to Legal Services office for a Private Consent Order for Renewal of Licensure with fine of \$1000 for failure to complete the C.E. requirements as outlined in BR 490- 4-.02 and C.E.s cannot be used for next biennial. Flag for C.E. audit.

#### **Reconsideration**

- 12) S.J.R. Rescind the previous motion and close the case in the Attorney General's office.

#### **Reinstatement**

- 13) G.J.H. Refer to Legal Services office for a Public Consent Agreement for Reinstatement of Licensure to include a \$525 fine for each day of unlicensed practice and applicant must report the period of unlicensed practice to their employer.
- 14) S.C.N. Require 1,000 hour traineeship.
- 15) A.A.V. Require 1,000 hour traineeship.

#### **Traineeship Agreement**

- 16) A.T.B. Approve traineeship.
- 17) J.T.Q. Approve traineeship.
- 18) R.A.T. Approve traineeship.

#### **Miscellaneous Discussions**

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to direct Staff to amend the Traineeship Application and present at the next scheduled Board Meeting.

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to schedule a full Board Teleconference Meeting on Thursday, May 26, 2016 at 8:30 a.m.

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to schedule a Rules Committee Meeting on Tuesday, June 7, 2016 at 8:30a.m.

**Adjournment:** There being no additional business to discuss, the meeting was adjourned at 12:36 p.m.

**Minutes recorded by:**

Tamara Elliott, Board Support Specialist

**Minutes reviewed and edited by:**

Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director

**Minutes approved on:**

July 19, 2016

**STEFANIE PALMA**  
**BOARD CHAIR**

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