

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
July 19, 2016 - 9:00 a.m.

The Georgia State Board of Physical Therapy met on Tuesday, July 19, 2016. The following members were present:

Board Members Present

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

Administrative Staff Present

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

Attorney General's Office

D. Williams-McNeely,
Senior Assistant Attorney General

Board Members Absent

None.

Visitors Present

Laurri Wallace, PT
Sandy Eskew Capps, PT
Kathy L. Wagner, PTA

Call to Order: Ms. Gaskin established that a quorum was present and called the meeting to order at 9:05 a.m.

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

1) May 17, 2016 Board Meeting Minutes

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the May 17, 2016 open session board meeting minutes as presented.

2) May 26, 2016 Teleconference Minutes

Ms. Garner motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the May 26, 2016 open session teleconference minutes as presented.

Licenses to Ratify: May 11, 2016 – July 12, 2016

Ms. Garner motioned, Mr. Whitfield 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(s)

1) Janne Linna – Medication Management and APTA

Ms. Garner motioned, Mr. Strickland 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 Policy #12.

2) Karla Daum – Home Evaluations

Ms. Garner 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 the APTA for guidelines.

Petition for Rule Variance/Waiver Requests

1) Bhavikkumar V. Patel BR 490-2-.03(b)

Mr. Crews 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(b) due to insufficient evidence to substantiate a hardship.

2) **Bhavikkumar V. Patel BR 490-2-.03(g)**

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

3) **Lela R. Layfield BR 490-4-.01**

Ms. Garner 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 due to insufficient evidence to substantiate a hardship.

4) **Niketa K. Jayawant BR 490-2-.03(1)(b)**

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to grant the petition for rule waiver of BR 490-2-.03(1)(b).

Discussion – Revised Traineeship Application

Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the Traineeship Letter of Agreement Application as presented.

Board Rule Hearing(s)

Ms. Gaskin called Board Rule 490-4-.04 Inactive Status hearing to order at 9:30 a.m.

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF PHYSICAL THERAPY
RULE FOR CHAPTER 490-4, RENEWAL: CONTINUING COMPETENCE REQUIREMENTS-
DISCIPLINARY SANCTIONS, RULE 490-4-.04, INACTIVE LICENSE**

Purpose: The purpose of this rule amendment is to further clarify when an applicant is required to take the next licensing examination in order to reinstate an Inactive License.

Main Features: The rule amendment clarifies that when an applicant applies to reinstate an inactive license and is not able to document that he/she has practiced as a physical therapist or physical therapist assistant within 5 years, the applicant will be required to take and pass the next licensing examination prior to being allowed to complete the 1000 hours of supervised practice and/or any specific stipulations as deemed necessary by the Board.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF PHYSICAL THERAPY RULE FOR CHAPTER 490-4, RENEWAL:
CONTINUING COMPETENCE REQUIREMENTS-DISCIPLINARY SANCTIONS, RULE 490-4-.04,
INACTIVE LICENSE**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

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. §§ 43-1-25, 43-33-10, 43-33-12, 43-33-13, 43-33-14 and 43-33-16.

Written Comments Received

No written comments were received.

Public Comments Received

No Public comments were received or offered during the hearing.

Mr. Whitefield motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to adopt the 490-4-.04 Inactive License proposed amendment as presented.

The Board discussed the economic impact of Board Rule 490-4-.04 upon the licensee. Mr. Whitefield 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.

Mr. Whitefield 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.

The hearing adjourned at 9:33 a.m.

Rules Committee Discussion

1) June 7, 2016 Rules Committee Minutes

Mr. Bass motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to approve the June 7, 2016 committee meeting minutes as amended to correct discussion language and grammatical errors.

2) Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to schedule a rules committee meeting for September 13, 2016 at 8:30 a.m. to discuss the proposed Board Rule regarding Military Spouses and Transitional Service Members.

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, the aPTitude Module Update Proposal to improve functionality, and the GA JAM Exam updates. Ms. Price's report presented the Board with an update on the information she received from Alaska regarding how they evaluate the records and

credentials for Military Spouses and Transitioning Service Members Ms. Price also informed the Board of the issues with requests for Inactive Status and whether or not staff should be reviewing aPTitude accounts before granting inactive status requests? Ms. Gaskin explained that the staff are currently handling Inactive Status requests in the correct way and should continue to do so as the C.E.s only become relevant when an applicant applies for renewal and not when they become inactive. The Board accepted the report as presented.

Board's Chairperson Report – S. Palma

FSBPT Annual Meeting Delegate

Dr. Palma reminded the Board about the FSBPT Annual Meeting to be held November 3-5, 2016 in Columbus, Ohio and suggested someone from the Board attend as a delegate. Ms. Gaskin asked the Board if anyone would like to attend. Dr. Palma asked the Board to think about attending. Ms. Gaskin stated that she went last year but will be willing to go again. She indicated that she will check her calendar to see if she could attend as the Board's delegate.

Miscellaneous Discussions

Mr. Crews asked for clarification regarding the laws and rules being reviewed by the Governor. Ms. Price answered that it's an additional level of protection for the Board but essentially the process remains the same with regard to posting and adopting rules except that before the rule can be posted as adopted, it will need to be reviewed by the Governor and/or his designees for approval. Dr. Palma mentioned that while it seems cumbersome that the process may take longer, the Board will have to just work within those time constraints and it's not so bad to have the rules reviewed by another level. She indicated that she is of the opinion that the Board should thank the Governor's office for wanting to protect the Boards from taking the heat in some cases. Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion for Dr. Palma to send a thank you letter to the Governor for moving to protect the Board from some of the liability by adding an extra layer to the review process.

Mr. Crews made the motion, Mr. Whitefield 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, Chad Whitefield, Jesse Crews, and Reid Lawson.

At the conclusion of Executive Session on Tuesday, July 19, 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

1) May 17, 2016 Board Meeting Minutes

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the May 17, 2016 executive session board meeting minutes as presented.

2) May 26, 2016 Teleconference Minutes

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the May 26, 2016 executive session teleconference minutes as presented.

3) June 7, 2016 Rules Committee Minutes

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the June 7, 2016 executive session rules committee minutes as presented.

Attorney General's Report- D. Williams-McNeely

Mr. Crews motioned, Mr. Strickland 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

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

- 1) PT160002 Table a decision pending receipt of additional information.
- 2) PT160009 Close the case with no action.
- 3) PT160019 Close the case with no action.
- 4) PT160026 Close the case, CE requirements were met.

Ratification of Lists of Referrals for Disciplinary Action for Failure to Meet C.E. Requirements to the Attorney General's Office and the Legal Services Department

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the ratification list of referrals and grant the Attorney General's Office and Legal Services the authority to negotiate the fines to no less than \$500 if necessary to settle the case.

Applications

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

Initial Applications

- 1) Applicant #2624832 Issue the license with a letter of concern regarding drug history.
- 2) Applicant #2592556 Require 1000 hour traineeship.
- 3) Applicant #2605472 Issue the license with a letter of concern regarding criminal history.
- 4) Applicant #2617721 Issue the license.
- 5) Applicant # 2608324 Issue the license.

Reinstatements

- 6) Applicant #2619298 Refer to Legal Services for Public Consent Agreement for Reinstatement of Licensure with a fine of \$1975 for unlicensed practice for 79 days from January 1, 2016 to May 4, 2016.

Remediation Plan

- 7) Applicant #2556087 Approve the remediation plan and encourage the applicant to strengthen the areas where the applicant is deficient to include taking additional coursework at a CAPTE accredited institution. Remind the applicant of the six (6) lifetime attempts to take and pass the NPTE as well as Georgia's limit of five (5) attempts to pass the exam. Encourage the applicant to undergo the process for testing accommodations if experiencing test anxiety.

Traineeship Agreement Extension Requests

- 8) Applicant #2605746 Approve the extension request.

Dr. Palma left the meeting at 11:30a.m. Ms. Gaskin established that a quorum of the Board was still present.

CE Audits

- 9) M.B.A. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (4) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 10) V.J.A. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (21) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 11) C.C.A. Licensee passed the C.E. audit. Close the case with no action.
- 12) J.A.B. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (17) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 13) M.R.B. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (15) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 14) J.B. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (10.5) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 15) M.M.C. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for

- failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (20) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 16) J.M.C. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (30) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 17) J.B.C. Grant inactive status request.
Notify the licensee if attempt to reinstatement, the Board will consider implementing sanctions on the license based upon the licensee's false attestation you submitted on your October 19, 2015 renewal application and your failure to complete the continuing competency requirements which are violations of O.C.G.A. §§ 43-1-19(a)(2), 43-33-16 and Board Rule 490-4-.02..
- 18) H.D. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (30) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 19) C.L.F. Close the case 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 and enter courses in aPTitude as is required by rule. Flag for audit.
- 20) D.C.G. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (30) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 21) W.G.G. Accept the volunteer surrender and close the case.

Mr. Bass left the meeting at 12:03 p.m. Ms. Gaskin established that a quorum of the board was still present.

- 22) D.M.H. Licensee passed the C.E. audit. Close the case with a letter of concern regarding Continuing Competency Policy #7 which prohibits more than ten (10) credit hours per calendar day.
- 23) J.H.H. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (4) hours of C.E. to include the Georgia Ethics and Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 24) J.E.H. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (7) hours of C.E.s to include the Georgia Ethics And Jurisprudence Exam to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 25) E.K.L. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (9) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 26) E.S.M. Licensee passed the C.E. audit. Issue a letter of concern and strongly recommend the licensee take C.E. courses above the entry level in the future as such courses below entry level of knowledge may not be accepted in the future.
- 27) S.S.M. Grant inactive status request.
Notify the licensee if attempt to reinstatement, the Board will consider implementing sanctions on the license based upon the licensee's false attestation you submitted on your November 16, 2015 renewal application and your failure to complete the continuing competency requirements which are violations of O.C.G.A. §§ 43-1-19(a)(2), 43-33-16 and Board Rule 490-4-.02.
- 28) S.L.M. Grant inactive status request.
Notify the licensee if attempt to reinstatement, the Board will consider implementing sanctions on the license based upon the licensee's false attestation you submitted on your December 30, 2015 renewal application and your failure to complete the continuing competency requirements which are violations of O.C.G.A. §§ 43-1-19(a)(2), 43-33-16 and Board Rule 490-4-.02.
- 29) I.N. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for

failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (2) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.

- 30) C.R.O. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02 for the 2013-2016 biennium, and the Georgia Ethics and Jurisprudence Course taken on June 8, 2016 may not be used to satisfy the requirements for the current biennium. Flag for audit.
- 31) G.V.P. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (26) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 32) K.E.R. Refer to Legal Services to issue a Private Consent Order with a fine of \$1000 (\$500 per violation) for failure to complete the C.E. requirements as outlined in BR 490-4-.02. Licensee must submit an additional (30) hours of C.E.s to satisfy the requirements of the 2013-2015 biennium, and the CEs submitted to satisfy the terms of order may not be used for the current biennium. Flag for audit.
- 33) L.V.S. Licensee passed the C.E. audit. Close the case with no action.
- 34) S.E.T. Issue a Letter of Concern regarding timely submissions to the Board when submitting an application and completing competency requirements in accordance with the Board rules and policies. Notify the licensee if she attempts to reactive or reinstate the license, the Board may require proof of having satisfied the CE requirements for the 2013-2015 biennium and if no proof, may consider sanctions...

Adjournment: There being no additional business to discuss, the meeting was adjourned at 12:45 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: September 20, 2016

DOROTHY GASKIN
BOARD VICE CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR