

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
January 28, 2014 * 9:00AM

Board Members Present

Bo Hamil, PT- President
Dorothy Gaskin, PT
Monty Strickland, PT
John Cowherd, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Wanda Jaffe, Licensing Supervisor

Board Members via Teleconference

Charlene Portee, PT
Stefanie Palma, PT
Emily Garner, PT
Chad Whitefield, PTA

Attorney General's Office

D. Williams-McNeely, Assistant Attorney General
(via teleconference)

Visitor

James Erdmanczyk

Mr. Hamil established that a quorum was present and called the meeting to order at 9:05 a.m.

OPEN SESSION

11:00a.m. Discussion: Federation Georgia Law

Heidi Herbst-Paakkonen, Susan Layton, Richard Woolf via teleconference
Dr. Palma motioned, Mrs. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the Board accepting FSBPT for endorsement and accepting aPTtitude this bi-annual with a letter of agreement concerning fees and add to BR 490-4-.02. The Board refers BR 490-4-.02 back to rules committee

Open Session Minutes Mr. Cowherd motioned, Mrs. Garner seconded and the Board voted unanimously in favor of the motion to approve the December 3, 2013 Board Meeting minutes as amended.

Licenses to Ratify December 3, 2013-January 24, 2014 Ms. Garner motioned, Mr. Cowherd seconded and the Board voted unanimously in favor of the motion to approve the ratification list.

Correspondence from CAPTE The Board accepts the correspondence from CAPTE & CRG in reference to the revised criteria for accreditation of PT and PTA education programs as information.

Correspondence from Jacqueline Wilson Mr. Cowherd motioned, Mrs. Garner seconded and the Board voted unanimously in favor of the motion to deny the request to reduce the cost of continuing education courses and application renewal requirements for retired physical therapists due to it being only one standard of care. The Board suggests that Ms. Wilson contact vendors to get a special rate.

Correspondence from Maribeth Decker The Board accepts the correspondence in reference to NPTE Policies changes as information

Correspondence from Robert S. Jerger The Board directs staff to send a no legal advice letter in reference to Dry Needling and Violations of the U.S. Food, Drug, and Cosmetic Act (FDCA) and Food and Drug Administration Rules.

Discussion: Chip Ransom - Consultation The Board directs staff to send a no legal advice letter in reference to direct access and consultation.

Discussion: Professional Training The Board directs staff to send a no legal advice letter in reference to submitting a fellowship submission for approval and direct access to patients.

Discussion: Trigger Point Dry Needling and FDA requirements The Board accepts the correspondence as information

Rule Waiver: Hani Shtarker Levy Mr. Cowherd motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to deny petition for variance of BR 490-2-.03 due to lack of proof of substantial hardship. The board does not waive education.

Rule Waiver: Nishit Mukeshkuma Shah Mrs. Garner motioned, Dr. Palma seconded and the Board voted unanimously in favor of the motion to grant petition for waiver of BR 490-2-.03 (1)(g). Prior to issuing a license, applicant must pass the Georgia Law Exam and complete thirty (30) hours of CEUs.

Rule Waiver: Oluwabunmi B. Oladeji Mrs. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to grant petition for waiver of BR 490-2-.04 Prior to issuing a license, applicant must pass the Georgia Law Exam and complete thirty (30) hours of CEUs.

Chart: PT Staff Approval of Applications for Licensure and Renewal Updated Mrs. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the chart being added to Policy #1 with amendments. Dr. Portee abstained from voting.

Vote to Accept Change: Policy #5 Traineeship Dr. Portee motioned, Mrs. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the amendments made to Policy #5.

5. (a) The Board has designated a Board Member to review all non-CAPTE and all foreign educated examination applications for approval.

5. (b) Once Traineeship Supervision is approved a letter will be sent to the physical therapist approved as the **primary supervisor and alternate supervisor** that all supervision must be in compliance with board rule 490-2-.04.

5. (c) Board voted to allow for early exit from traineeships once the individual passes the NPTE, and the Board has received the supervisor's submission of documentation showing successful practice under the traineeship.

Vote to Post: Rule 490-11-.01 Consultation Mrs. Gaskin motioned, Mrs. Garner seconded and the Board voted unanimously in favor of the motion to refer BR 490-11-.01 to the Attorney General's Office for memorandum of authority and if no objections, vote to post.

490-11-.01 Consultation.

(1) For purposes of Official Code of Georgia Annotated, Section 43-33-18(a)(1):

(a) "Consultation" shall mean provision of professional advice;

(b) A "licensed practitioner of the healing arts" means any health practitioner who is licensed in **this state or another state** to diagnose and treat individuals with the physical or mental disability or functional limitations at issue, and operating within the scope of practice defined in Title 43 Chapter 33.

(c) For purposes of determining whether a licensed practitioner is appropriate, the physical therapist shall consider, but not be limited to, the following factors:

1. Physical condition of the patient;

2. Nature of ailment;

3. Extent to which the consulting practitioner has knowledge of the patient's history and condition such that an informed judgment can be made concerning course of treatment.

(d) Physical therapists shall document the consultation with the appropriate licensed practitioner of the healing arts prior to implementing a program of physical therapy treatment.

Authority O.C.G.A. Secs. 43-1-19, 43-1-24, 43-33-18. **History.** Original Rule entitled "Consultation" adopted. F. Jan. 26,

Vote to Post: Rule 490-02-.09 Licensure: Endorsement Dr. Palma motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer BR 490-02-.09 to the Attorney General's Office for memorandum of authority and if no objections, vote to post.

490-2-.09 Licensure: Endorsement.

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

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

(a) a list of all states where the applicant holds an active license; and

(b) verification of licensure in good standing from the state board of all states in which the applicant has actively practiced in the two years immediately preceding the date of this application; and

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

(d) scores from the national licensing examination.

(e) Proof of passing Jurisprudence exam

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

- (a) a list of all states where the applicant holds an active license; and
- (b) verification of licensure in good standing from the state board of all states in which the applicant has actively practiced in the two years immediately preceding the date of this application; and
- (c) official evaluation and transcript from a credential evaluation organization approved by the State of Georgia; and
- (d) scores from the national licensing examination.

(e) Proof of passing Jurisprudence exam

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

Authority O.C.G.A. Sec. 43-33-15. **History.** Original Rule entitled “Examination Proctors” adopted. F. and eff. June 30, 1965. **Repealed:** F. May 1, 1973; eff. May 21, 1973. **Amended:** New Rule entitled “Licensure: Endorsement” adopted. F. June 27, 1995; eff. July 17, 1995

Special Projects Committee Report - January 17, 2014 The Board accepts the Special Projects Report

- 1. Dr. Palma motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer BR 490-4-.02 with amendments to the Attorney General’s Office for memorandum of authority and if no objections, vote to post.
- 2. Dr. Palma motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to adopt Policy 16 regarding Telehealth.

The Board recommends tabling the annual policy review for the next Board Meeting.

Rules Committee Report - January 23, 2014 The Board accepts the Rules Committee Report

- 1. Refer 490-2-.04 back to the Rules Committee
- 2. Refer Policy #15 back to the Rules Committee
- 3. Refer Policy #2 back to the Rules Committee
- 4. The Board would like to table the annual policy review for the next meeting.

Mr. Cowherd 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 Bo Hamil, Charlene Portee, Stefanie Palma, Dorothy Gaskin, John Cowherd Emily Garner, Chad Whitefield, and Monty Strickland.

At the conclusion of Executive Session on Tuesday, January 28, 2014 Mr. Hamil 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 Minutes Ms. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the December 3, 2013 Board Meeting minutes.

Applications Mrs. Garner motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the application recommendations as presented.

- 1. B.L.H. Approve request to take NPTE for 3rd time with a letter of concern in reference to a stronger remediation plan
- 2. D.A.P. Approve request to take NPTE for 3rd time with a letter from Physician stating that the applicant is safe to practice
- 3. D.Y.W. Approve licensure upon completion of 480 hour traineeship.

4. F.S.F. Approve licensure by endorsement
5. M.D.M. Approve for licensure by application
6. S.T. Approve for licensure by endorsement
7. T.N.D. Approve request to take NPTE for the 3rd time with letter of concern in reference to a stronger remediation plan
8. W.L.C. Approve for licensure with letter of concern in reference to repeat offenses

Renewal Application

1. C.E.S. Mrs. Garner motioned, Mr. Strickland seconded and the Board voted in favor of the motion to approve renewal with a letter of concern in reference to criminal offenses. Dr. Portee abstained from voting.

Mrs. Palma motioned, Mrs. Garner seconded and the Board voted unanimously in favor of the motion to approve the application recommendations as presented.

2. J.M.J. Approve renewal
3. K.C.M. Approve renewal with a letter of concern in reference to criminal offenses
4. M.D. Approve renewal
5. O.I. Approve renewal with a letter of concern in reference to criminal offenses
6. P.H.G. Approve renewal with Private Consent Order, require random testing for two (2) years, and a letter from a Physician stating applicant is safe to practice
7. T.J.M. Approve renewal with a letter of concern in reference to criminal offenses

Cognizant’s Report – Chad Whitefield No report, accept as presented.

Attorney General’s Report- D. Williams-McNeely The Board accepts the report as presented

No more business was discussed and the meeting adjourned at 11:40 a.m.

The next Georgia State Board of Physical Therapy meeting will be on Tuesday, March 18, 2014 at 9:00 a.m. at the Office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

Minutes recorded by:

Minutes reviewed and edited by:

Minutes approved on:

Tamara Elliott, Board Support Specialist

Wanda Jaffe, Licensing Supervisor

March 18, 2014

BO HAMIL

BOARD PRESIDENT

ADRIENNE PRICE

EXECUTIVE DIRECTOR