

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
March 22, 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
Emily Garner, PT
Monty Strickland, PT
Charles Bass, PT
Chad Whitefield, PTA
Reid Lawson, PT (via teleconference)
Jesse Crews, Consumer Member

Administrative Staff Present

Adrienne Price, Executive Director
Tamara Elliott, Board Support Specialist
Brooke Newby, Legal Services Department

Attorney General's Office

D. Williams-McNeely, Senior Assistant Attorney General

Board Members Absent

None

Visitors Present

Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)
James Erdmanczyk
Sandy Eskew Capps
Amie McSwain Talcott, PT

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

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

1) January 26, 2016 Board Meeting Minutes

Mr. Bass motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the January 26, 2016 open session board meeting minutes as presented.

Licenses to Ratify January 20, 2016 – March 15, 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 – Robert Duvall – Residency Approval Request

Mr. Strickland motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to approve the residency request for Heather Jennings.

Discussion – Ethics and Boundaries Assessment Services, LLC Agency Workshop

The Board accepted the correspondence from EBAS Agency Workshop as information.

Petition for Rule Waiver Request - BR 490-2-.03 – Seno, Ma Nila

Ms. Garner motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to table a decision for further review of the application in Executive Session.

Rules Committee Discussion

1) February 16, 2016 Committee Meeting Minutes

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the February 16, 2016 Rules Committee minutes as presented.

2) **Board Rule 490-4-.02 Continuing Competency Requirements**

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

Rule 490-4-.02. Continuing Competence Requirements

The Georgia State Board of Physical Therapy requires each licensed physical therapist and physical therapist assistant to participate in a minimum number of thirty (30) clock hours of experience per licensure period to promote continuing competence. The Board recommends the requirements for competence as planned learning experiences which have content beyond the licensee's present level of knowledge and competence which may be subject to audit by the board. Content of the experience must relate to patient care in physical therapy whether the subject is research, treatment, documentation, education, management, or some other content area. The purpose of this requirement is to assist in assuring safe and effective practices in the provision of physical therapy services to the citizens of Georgia. In the event that a licensee does not meet this requirement, the license will not be renewed.

The thirty (30) hours of continuing competence requirements per biennium shall include a minimum of four (4) contact hours specifically in ethics and jurisprudence as defined in the Georgia Physical Therapy Act or by passage of the Georgia Jurisprudence Examination. Passage of the examination is equivalent to the four (4) hour requirement.

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

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

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

(c) Programs approved by the Federation of State boards of Physical Therapy (Procert);

or

(d) Programs provided at CAPTE-Accredited colleges and universities with programs in physical therapy when the continuing competency course is held under the auspices of the school of physical therapy; or

(e) Programs offered by similar professional organizations offering experiences that meet the guidelines set forth in paragraph one.

(f) Fifteen (15) hours for undergoing a peer review; or

(g) Ten (10) hours for conducting a peer review when that activity is an adjunct responsibility and not the primary employment; or

(h) Participation as a presenter for continuing education courses, workshops, seminars or symposia which have been approved by the approved list above; Continuing competence credit is based on contact hours and may not exceed 10 hours per topic;

(i) Authorship of a presented scientific poster, scientific platform presentation or published article; Continuing competence credit is 10 hours per even and may not exceed 20 hours;

(j) Teaching a physical therapist or physical therapist assistant credit course when that teaching is an adjunct responsibility and not the primary employment; Continuing competence credit is based on contact hours not to exceed 20 hours;

(k) Certification of clinical specialization by the American Board of Physical therapy Specialties. Continuing competence credit is 30 hours and is recognized only in the biennium in which certification or recertification is awarded.

(l) Self - instruction from reading professional literature; Continuing competence credit is limited to a maximum of three (3) hours; or

(m) Attendance at a scientific poster session, lecture, panel, symposium or university course Continuing competence credit is one hour per contact hour of activity; or

(n) Acting as a clinical education instructor for an accredited physical therapist or physical therapist assistant educational program; Continuing competence credit is one (1) hour per eight (8) contact hours with a maximum credit of 10 hours; or

(o) Acting as a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship or as a mentor or a learner for a formal, nonacademic mentorship with a maximum credit of 10 hours.

(p) Donating time in the role of a Physical Therapist or Physical Therapist Assistant, within the scope of practice, to a charity event [or volunteer clinic](#); Continuing competence credit is one (1) hour per eight (8) contact hours, limited to a maximum of ~~five-three (53)~~ hours;

(q) Reference Policy 13

(r) Post professional physical therapist educational programs that award academic credit are counted as one (1) university credit hour equaling ten (10) continuing competence hours. For example, a two (2) credit hour course in which a passing grade is achieved would equal twenty (20) continuing competence hours.

(2) Unacceptable activities for continuing competence include, but are not limited to: (a) Orientation and in-service programs;

(b) Meetings for purposes of policy decisions;

(c) Non-educational meeting at annual association, chapter or organization meetings; (d) Entertainment or recreational meeting or activities;

(e) Committee meetings, holdings of offices, serving as an organization delegate; (f) Visiting exhibits;

(g) CPR.

(3) Continuing competence requirements shall apply within the first biennium that a physical therapist/physical therapist assistant is licensed in Georgia. However, licensees who have graduated during the current renewal biennium and who have passed the National Physical Therapy Examination are exempt from the continuing competence requirement during the biennium in which they have graduated and successfully passed the exam.

(4) Beginning the January 1, 2014 through December 31, 2016 biennium and thereafter, persons licensed to practice as a physical therapist or a physical therapy assistant or who shall file an application to practice as such in this state are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board

(a) For the purposes of this requirement, the Georgia State Board of Physical Therapy adopts the utilization of aPTitude offered by the Federation of State Boards of Physical Therapy (FSBPT).

(b) Licensees and applicants shall incur no additional costs from the FSBPT for this service.

(c) Every licensee or applicant subject to the rules of the Georgia State Board of Physical Therapy shall be deemed to have given such person's consent to the Board and it's representatives to access their continuing competence record retained within the online database for the purposes of auditing and verifying completion of the Board's continuing competency requirements. Such person waives all objections to the admissibility of the record in any proceedings or hearings before the board.

(5) Individuals licensed during the last six (6) months of a biennium renewal period will not be required to meet continuing competence requirements for that biennium.

(6) Individuals who have been reinstated within the last six (6) months of a biennium renewal period may use the continuing competence coursework used for reinstatement, thereby making them exempt from the requirement for that biennium renewal period.

(7) Those licensees selected for audit shall [ensure that a record of completed continuing education courses and experiences](#) ~~submit the Verification of Continuing Competence form and documentation of compliance upon receipt of notice~~ [is entered within the online reporting system approved by the Board](#). Acceptable documentation shall include:

(a) An official program or outline of the course attended or taught or a copy of the publication which clearly shows that the objectives and content were related to patient care in physical therapy and shows the number of contact hours, as appropriate. The information also should clearly identify the licensee's responsibility in teaching or authorship; and

(b) A certificate or verification of completion of home study which identifies the sponsoring entity or maintain a copy of the final grade report in the case of a University credit course(s), or specialization certificate, or proof of attendance with a copy of the program for the other acceptable activities, or documentation of self- instruction or reading professional literature; or

(c) Verification of a peer review of practice with verification of acceptable practice by a recognized entity. An example of a recognized entity is the American Physical Therapy Association Board Policy (See APTA Policy G03-05-15-40).

(8) Responsibilities of the Licensee:

(a) To maintain the documents identified in number (4) above for no less than three (3) years from the beginning date of the licensure period. These records should be maintained in the licensee's personal files for no less than three (3) years from the beginning date of the licensure period through the even numbered year after the license is renewed.

~~(b) To submit a properly completed and notarized "Verification of Competence Education" form to the Georgia State Board of Physical Therapy, if audited.~~

(be) To complete all steps necessary to meet the re-licensure requirements on or before December 31st of the odd numbered years.

~~(cd)~~ To provide the Board with information requested during an audit.

(de) To keep a current mailing address on file with the Licensing Board Office at all times.

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

Authority: O.C.G.A. §§ [43-1-24](#), [43-1-25](#), [43-33-10](#), [43-33-11](#) and [43-33-16](#). **History.** Original Rule entitled "Revocation, Refusal to Renew" was filed and effective on June 30, 1965.

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

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

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

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

Amended: Rule renumbered as Rule [490-4-.03](#) and a new Rule entitled "Continuing Education Requirements" adopted. Filed January 28, 1987; effective February 17, 1987. **Amended:** Filed June 26, 1987; effective July 16, 1987.

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

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

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

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

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

Repealed: New Rule of same title adopted. F. June 22, 2007; eff. July 12, 2007. **Repealed:** New Rule of the same title adopted. F. May 12, 2010; eff. June 1, 2010. **Amended:** F. May 17, 2011; eff. June 6, 2011.

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

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

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

The Board discussed the economic impact of Board Rule 490-4-.02 upon the licensee, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

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

3) **Board Rule 490-4-.03 Continuing Competency Audit**

The Rules Committee motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to refer the proposed amendment to Board Rule 490-4-.03 to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post.

Rule 490-4-.03 Continuing Competency Audit

(1) Each licensee is responsible for completing all steps necessary to meet the renewal application requirements on or before December 31st of the odd numbered years to include recording proof of completion of the continuing competency (CC) requirements, within the online recording and reporting system approved by the Board, prior to the expiration date of the license.

(2) A renewal applicant may be subject to audit if the applicant:

- (a) is randomly selected for CC audit BEFORE the license expiration date;
- (b) answers "no" to the continuing competency question;
- (c) has been disciplined by any state or regulatory board; and/or,
- (d) has been convicted, or entered a plea of guilty, nolo contendere, or been sentenced under the "First Offender Act" for any felony, misdemeanor or any offense other than a minor traffic violation? DWI a DUI are not minor traffic violations.

(3) Licensees whose renewal applications are randomly selected for CC audit must submit records of attendance and proof of completion in accordance with BR 490-4-.02 before the renewal application is considered complete. The license will not be renewed until satisfactory documentation of completion is submitted.

(4) If satisfactory documentation of completion of all CC requirements is not submitted before the end of the established late renewal period, the license will be administratively lapsed for failure to meet the CC requirements to renew the license.

(5) The Board may opt to conduct an audit of CC hours submitted in connection with a license renewal application AFTER a license is renewed.

(6) If an audit of CC hours for renewal shows that the CC hours or documentation was submitted into the online recording system before the end of the late renewal period AND the hours are deficient, incorrect, false, or fraudulent:

- (a) The Board may take disciplinary action against a licensee and may require, as a condition of granting renewal, that the licensee enter into an agreement with terms and conditions that include, but are not limited to, the following:
 - (1) pay a fine of \$500.00 per violation;
 - (2) submit proof satisfactory to the Board of completion of all deficient CC hours, none of which may be used to satisfy the CC requirement of any subsequent renewal cycle; and,
 - (3) failure to comply with all the Board's terms and conditions by the end of the late renewal period may result in additional sanctions and penalties based upon the facts and circumstances as determined by the Board.

Cite as Ga. Comp. R. & Regs. R. 490-4-.01

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

History. Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 28, 1987; eff. Feb. 17, 1987. Amended: F. Mar. 22, 1989; eff. Apr. 11, 1989.

Amended: F. Feb. 26, 1990; eff.

Mar. 18, 1990. Amended: F. Dec.

6, 1990; eff. Dec. 26, 1990.

Amended: F. Mar. 28, 1994; eff.

Apr. 17, 1994. Amended: F. Mar.

7, 2002; eff. Mar. 27, 2002.

Repealed: New Rule of same title adopted. F. Mar. 16, 2005; eff. Apr.

5, 2005. Repealed: Rule reserved. F. Jan. 25, 2007; eff. Feb. 14, 2007.

The Board discussed the economic impact of Board Rule 490-4-.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 Rules Committee motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

4) Continuing Competency Correspondence Official Notice of Post-Renewal Continuing Education Audit Letter

The Rules Committee motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to direct Staff to proceed with sending the official notice of Post-Renewal C.E. Audit letter to licensees identified as being in violation of the requirements for the renewal of licensure.

Board Rule Hearings

1) Board Rule 490-3-.01 Evaluation of Examination

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

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

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

Written Comments Received

No written comments received.

Public Comments Received

No public comments received.

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment of Board Rule 490-3-.01 Evaluation of Examination as posted.

The Board discussed the economic impact of Board Rule 490-3-.01 upon the licensee, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Garner motioned, Ms. Gaskin 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.

2) Board Rule 490-9-.04 Disciplinary Sanctions

490-9-.04 Disciplinary Sanctions.

When providing physical therapy treatment following appropriate consultation, unprofessional and unethical conduct shall include but is not limited to the following:

(a) Failing to adhere to the Code of Ethics for Physical Therapists and Physical Therapists Assistants, as codified in Rules 490-9-.01 through 490-9-.03.

(b) Delegating to an aide or unlicensed person any physical therapy task other than those codified in Chapter 490-8.

(c) Failing to provide continuous, immediate and physically present supervision of the aide or unlicensed person when designated tasks are performed.

(d) Performing the technique of dry needling without having met the training and competency requirements as codified in Rule 490-9-.05.

(e) Failing to adhere to the 'Consumer Information and Awareness Act' as codified in O.C.G.A. §43-1-33 in relation to conspicuously posting and affirmatively communicating your type of regulatory designator (PT, PTA), level of education, and training to all current and prospective patients by way of a name badge, facility notices and advertisements.

(f) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis. (g) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.

(h) Failing to perform periodic evaluation of the patient and documenting the evaluations in the patient's record and to make adjustments to the patient's treatment program as progress warrants.

(i) Failing to formulate and record a patient's discharge plan.

(j) Directly or indirectly requesting, receiving or participating in the division, transferring, assigning, rebating or refunding of fees or remuneration earned, in cash or kind, for bringing or referring a patient. For purposes of this Rule:

1. No physical therapist, physical therapy assistant, employee or agent thereof acting on his behalf, shall enter into or engage in any agreement or arrangement with any individual, entity, or an employee or agent thereof acting on his behalf, for the payment or acceptance or compensation in any form for the referral or recommending of the professional services of either. This prohibition includes any form of fee division or charging of fees solely for referral of a patient.
2. This prohibition shall include a rebate or percentage of rental agreement or any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services.
3. Provided further, that this Rule shall not preclude a discount, waiver of co-payment or other reduction in price of services by a physical therapist if the reduction in price is properly disclosed to the consumer and third party payers and appropriately reflected in the costs claimed or charges made.

(k) Should it be determined that a licensee is in violation of this rule and the statutes referenced herein, the Board may impose any disciplinary or corrective measure allowed by law.

Authority O.C.G.A. Secs. 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-11, 43-33-18. **History.** Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 25, 2007; eff. Feb. 14, 2007. **Repealed:** Rule entitled "Disciplinary Sanctions." adopted. F. Mar. 21, 2012; eff. Apr. 10, 2012.

Written Comments Received

No written comments received.

Public Comments Received

Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)

Ms. Gaskin motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment of Board Rule 490-9-.04 disciplinary Sanctions as posted.

The Board discussed the economic impact of Board Rule 490-9-.04 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.

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

3) Board Rule 490-12-.01 Practice of Physical Therapy during a Declared Natural Disaster

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

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

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

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

Written Comments Received

No written comments received.

Public Comments Received

No public comments were received.

Mr. Crews motioned, Ms. Garner seconded and the Board voted unanimously in favor of the motion to adopt the proposed amendment of Board Rule 490-12-.01 Practice of Physical Therapy during a Declared Natural Disaster as posted.

The Board discussed the economic impact of Board Rule 490-12-.01 upon the licensee, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Mr. Whitefield motioned, Ms. Garner 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 hearings adjourned at 9:55a.m.

Board Appointment: Mr. Patrick Page, Esq. of Patrick Page Law Office

Ms. Capps asked the question what specifically prompted the foreign traineeship applications to be routed for the full Board's review as that was the one question that appears to have still been on the table at the last meeting and she wanted to know what is prompting the current applications to be routed to the Board, when it was only a traineeship change, instead of them being administratively approved. Ms. Price answered that any number of things can prompt them for full board review and that she could not answer on those specific applications because she did not remember them specifically. Sometimes information received in close proximity to a board meeting may require a full board review if the Cognizant doesn't have enough time to review it. For example, a change in traineeship is received but the Cognizant may not have enough time to review it before the next scheduled board meeting so it may be referred for the Board's review in order to make sure it gets reviewed. Also, any discrepancies noted in the documentation submitted can prompt it to be referred for full board review, or if the Cognizant is uncertain about some of the information submitted in the documentation and would rather have the Board's input on it before approving. If the application itself has other factors such as an arrest or education discrepancies those things will also prompt full board review. The Cognizant reviews these applications in between meetings however if they are not comfortable with making a decision they can request additional information and refer to full board for review.

Ms. Capps stated that at the last meeting Ms. Hill-Hoffman asked if the Board would please review those particular applications and let them know specifically what prompted those applications to be referred for full board review because otherwise they will be repeatedly having that issue. One applicant requested a change in supervisor submitted on March 1st and the response was that it normally takes 7-10 business days however this one needs board approval. Ms. Price explained that if the Cognizant did not have the opportunity to review the request the staff cannot approve a supervisor change or traineeship administratively as that has to be done by Cognizant or the full board. Ms. Capps asked why that need to be approved and Ms. Price answered because that is the Board's directives.

Ms. Capps explained that the issue is the trainees are coming with very short timeframes. Mr. Bass asked if they are requesting the Board move those applicants ahead of everyone else because the Board is doing the same thing for the foreign applicants and they are doing for the American applicants. Ms. Price explained, that because of the amount of correspondence staff is receiving from the group that she and Integra represent, they are having to stop and respond to them all the time. Ms. Price explained that just because a document gets acknowledged as received doesn't necessarily mean it is sent to the Cognizant on that same day or put ahead of documentation that was submitted by other applicants prior to the receipt of that new document.

Ms. Capps explained that having been on the Board, she fully understands the process; but the question still remains what prompted those specific applications to be referred for full board review instead of by the Cognizant. Dr. Palma explained that it is just timing. Ms. Garner explained it was the timing as to when the documentation was received and processed and that was explained to Mrs. Hill-Hoffman at the last Board meeting. Ms. Capps asked if the 3 weeks is enough time. Ms Price explained that it depends on the volume of documentation the Board has coming in at that time.

Ms. Capps explained that she does not represent Mr. Page and does not work for his law firm; however, she has been copied on the emails sent by him and wanted to be clear that the Board's response is that there is no change in the response that was given at the last meeting. Dr. Palma stated that she wanted to reiterate that the Georgia State Board of Physical Therapy in no way discriminates against any applicant and there are things that could delay processing, like the SVD and affidavits are required of everyone, whether U.S. educated or not. A complete application for licensure has to include the fee, supporting documentation, the SVD and affidavit and it cannot move forward until those items have been received. A letter of agreement for the traineeship must be completed by the supervisor, signed and dated by both supervisor and trainee and identify the site location, name address phone and fax numbers of all sites were the trainee and supervisor may be working during the course of the traineeship. While Mr. Page may have the opinion that the Board treats foreign trained applicants different from the rest, this is far from the truth. Any applicant that does not submit a complete application will experience the same type of delays in processing. The entire Board voted as a whole to convey in a previous meeting the Board and staff are having to take up too much time to go back and forth on information that has already been explained and or communicated at so many different times by many different people. Spending so much time answering questions that have already been answered slows the processing time and cause further delays. Mr. Bass stated that since Mr. Page thinks the Board is putting Americans before the foreign applicants then maybe Mr. Page needs to hire some Americans and maybe the process will be faster. He stated that if he did that the he'll see that there is no difference between them.

Dr. Palma stated that she recognizes that there is a catch 22 in that the foreign applicants do not have the ability to review their application status online when they do not have social security numbers and the IT department of the Division has been notified and working to resolved that issue. Ms. Price explained that deficiency letters are sent to the individual applicants and their legal representation, if they have any, but to stop and answer additional emails after those deficiency letters have been sent is slowing the processing further. Mr. Whitfield explained that he employs 260 therapists and 100 are working in Georgia and foreign trained but he would never have the expectations for those applicants as Mr. Page has demanded of the Board.

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.

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to go to the Thirty (30) Unit Module in aPTitude for all applicants and licensees in order.

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to modify instructions to have endorsement and reinstatement applicants submit C.E.s by paper and once the license is issued they must establish an account in aPTitude.

Board's Chairperson Report – S. Palma

FSBPT Discussion and Progress Report on Georgia JAM

Dr. Palma expressed her gratitude in serving on the Board and the Staff Members are excellent and highly regarded by FSBPT and thanked them for their hard work and diligent efforts. In January 2016, Dr. Palma reported that she had a brother in law to pass from cancer at the same time that she was supposed to travel to meet with FSBPT about the JAM but unfortunately she could not attend so that she could be there for her sister and family. She also stated that the weather conditions were bad during that time and she would likely have been snowed in had she gone. She worked remotely and they had a great meeting and wished she could have attended personally. Dr. Palma informed the Board that the Jam is slated for summer start July 1st. In the meantime she has heard from Richard Wolfe about the development of the exam project and he wanted to come down and have the Board further review the test. She indicated that she thought the review could be better accomplished through a subcommittee and would like to appoint Emily Garner, Dorie Gaskin, herself and the Executive Director to meet with him in April. In speaking with Mr. Wolfe, the Board will need to look at a timeline as to when they want FSBPT to remove the Prometric test. Ms. Price listed in her report three options that the Board may consider in order to phase out the Prometric test and move to the JAM test.

Ms. Price also stated that the Board may want to narrow the timeframe during which applicants can take the Prometric exam. The Board should also look into reaching out to the schools and universities to notify them. Ms. Katherine Sylvester mentioned that she could announce the JAM at the PTAG spring meeting.

Mr. Crews motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to select option 3 for handling the transition from use of the FSBPT Prometric GA Jurisprudence Exam to the JAM. Option 3 consists of allowing staff to continue to approve individuals to take the current exam through to June 30, 2016 and shorten the ATT timeframe the closer we get to the launch date of July 1st. In example, a person made eligible to take the examination. May 1, 2016 will still give applicants 60 days to take the test. If the person was made eligible anytime between June 1, 2016 and June 24, 2016 the person will have until June 30, 2016 to test. Then no one will be allowed to register with FSBPT to take the law exam offered via Prometric from June 25, 2016 to July 1, 2016. As of July 1st those individuals will have to go online to take the JAM. Anyone who has already registered to take the law exam but could not be made eligible to test by staff prior to July 1, 2016 will be refunded their money by FSBPT and directed to take the JAM.

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to select Emily Garner, Dorie Gaskin, Stefanie Palma and the Executive Director to serve on the JAM subcommittee.

Dr. Palma informed the Board that the NPTE registration process is being updated and as of October 2016, FSBPT will have the ability to validate graduation and approve applicants to sit for the national licensing exam. Sitting for the exam does not equal licensure. The Board will still be the deciding factor. She stated she would like the Board to consider adopting the alternative approval pathway for the NPTE eligibility process in order to allow the Board to use its human resources on processing licensing applications and allow FSBPT to approve candidates for testing and testing accommodations for our state based on the Board's specific criteria.

Mr. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to utilize the Alternative Approval Pathway for the NPTE Registration Process when it becomes available in October 2016.

Dr. Palma also updated the Board on the status of the Physical Therapy Licensure Compact amongst the states and indicated that with the exception of the national criminal background checks she was not certain if there are any barriers for this Board becoming a part of the compact.

Mr. Garner motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to obtain a copy of the current compact language and refer to the Attorney General's office to determine if there are any conflicts with the Georgia Law or barriers to implement it.

In closing, Dr. Palma recognized a past Board Member and educator, Dr. Bella May who passed away this past Sunday.

Mr. Whitefield made the motion, Mr. Crews seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and §43-1-2(k) to deliberate and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were Stefanie Palma, Dorothy Gaskin, Emily Garner, Monty Strickland, Charles Bass, Jesse Crews, and Reid Lawson.

At the conclusion of Executive Session on Tuesday, March 22, 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

Mr. Strickland left the meeting. Dr. Palma established that a quorum of the Board was present. Mr. Strickland rejoined the meeting via telephone conference call.

Executive Session Minutes

1) January 26, 2016 Board Meeting Executive Minutes

Mr. Whitefield motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the January 26, 2016 executive session board meeting minutes as presented.

Attorney General's Report- D. Williams-McNeely

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented to include memorandums on Board Rules 490-2-.09 and 490-3-.02.

1) L.R. Close the case in the AG Office as the license has now lapsed.

Cognizant's Report – C. Whitefield

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

- 1) PT160001 Schedule for an Investigative Interview.
- 2) PT160007 Close the case with no action.

Executive Discussions

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

- 1) PT130013 R.A. L. Grant the request to terminate probation.

Applications

Mr. Whitefield 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) S.L.D. Deny for licensure based on O.C.G.A. § 44-33-12.
- 2) C.S.K. Issue the license.
- 3) A.R.M. Issue the license.
- 4) A.M.W. Issue the license.

Exams

- 5) E.L.J. Approve to retake NPTE.
- 6) B.H.P. Approve to retake NPTE.

Reinstatements

- 7) L.R.L. Require 480 traineeship prior to the reinstatement of license.
- 8) D.N.M. Deny Reinstatement of Licensure for failure to adequately address the issues upon which the summary suspension was based.
- 9) M.A.T. Require passing score on NPTE, the ethics and jurisprudence examination and a 1000 hour traineeship prior to the reinstatement of license.

Renewals

- 10) A.E.F. Deny the Renewal of Licensure for failure to satisfy the requirements of O.C.G.A. § 50-36-1(f)(1)(b).
- 11) C.A.G. Refer to Legal Services for a Private Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the C.E. requirements as outlined in BR 490-4-.02 and must submit proof of ethics and jurisprudence course. Flag for C.E. audit.
- 12) Y.O. Refer to Legal Services office for a Private Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the C.E. requirements as outlined in BR 490-4-.02 and flag for C.E. audit.
- 13) S.R. Refer to Legal Services office for a Public Consent Order for Renewal of Licensure with fine of \$500 for failure to complete the C.E. requirements as outlined in BR 490-4-.02 and a fine of \$500 for false attestation on renewal application. The total fine must be paid (6) six months from the docket date and applicant must submit proof of (4) four C.E. hours within (90) ninety and C.E.s cannot be used for next biennial. Flag for C.E. audit.

Traineeship Agreements

- 14) A.A. Approve Traineeship.
- 15) R.K.A. Approve Traineeship.
- 16) E.U.C. Approve Traineeship pending receipt of a new start date.
- 17) A.H. Approve Traineeship.
- 18) D.R.H.R. Approve Traineeship.
- 19) M.S.R.S. Approve Traineeship.
- 20) U.S. Approve Traineeship.

Petition for Rule Waiver Request - BR 490-2-.03 – Seno, Ma Nila

Mr. Lawson motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 490-2-.03 due to insufficient evidence to substantiate a hardship.

Dr. Palma indicated that since the Board has not yet finalized the aPTitude activity type list to assist FSBPT, licensees and applicants in determining the documentation they should enter under each activity, she would like to assign it to

Special Projects Committee to finalize. Based upon the availability of the committee members, the meeting was scheduled for April 18, 2016 at 8:30 AM.

Adjournment: There being no additional business to discuss, the meeting was adjourned at 3:45p.m.

Minutes recorded by: Tamara Elliott, Board Support Specialist

Minutes reviewed and edited by: Adrienne Price, Executive Director

Minutes approved on: May 17, 2016

STEFANIE PALMA
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR