

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Tuesday, March 21, 2017 - 9:00 a.m.

The Georgia State Board of Physical Therapy met on Tuesday, March 21, 2017. The following members were present:

Board Members Present

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

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Foster, Board Support Specialist
Kathy Osier, Licensing Supervisor

Attorney General's Office

D. Williams-McNeely, Senior Assistant Attorney General

Board Members Absent

No Board members absent.

Visitors Present

Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)
James Erdmanczyk
Latoya Tate

Call to Order: Dr. Palma established that a quorum of the Board was present and called the meeting to order at 9:03 a.m.

OPEN SESSION

Agenda The Board accepts the agenda as presented.

Open Session Minutes

1. January 24, 2017 Board Meeting Minutes

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the January 24, 2017 open session Board meeting minutes as presented.

2. February 28, 2017 Rules Committee Meeting Minutes

The Committee motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the February 28, 2017 open session Rules Committee minutes as presented.

3. March 2, 2017 Teleconference Minutes

Mr. Bass motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to approve the March 2, 2017 open session teleconference minutes as presented.

Licenses to Ratify January 17, 2017 – March 14, 2017

Ms. Gaskin 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 the Board Rules and Policies between Board meetings.

Correspondence – Lisa Seely – Participation in Atlanta Marfan Conference

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer the writer to O.C.G.A. 43-33-11(d)(4) which allows practice without a Georgia license by a physical therapist who is licensed in another state and is conducting a teaching or clinical demonstration in connection with an academic or continuing education program.

Discussion - FSBPT

1. News Briefs January 2017

The Board accepts the FSBPT News Briefs 2017 as information.

2. NPTE Faculty Newsletter First Quarter 2017

The Board accepts the NPTE Faculty Newsletter First Quarter 2017 as information.

3. aPTitude Draft Model Category for Deficient CEs

Ms. Price explained that she has been working in collaboration with FSBPT to draft changes to the aPTitude Model to include a category for deficient continuing education. She continued that a section has been created to allow licensees to enter their CEs into aPTitude for the purpose of applying the hours towards meeting their Board ordered requirements or deficiencies for past renewals without those hours being calculated into the requirements for the current biennium. Ms. Price stated that if the Board approves of the amended aPTitude Model, it will likely provide for a more streamlined process for licensees to enter their courses into the current biennium, even if they are to be counted towards the requirements of the previous biennium.

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to accept and implement the aPTitude Draft Model Category for Deficient CEs and request permission from FSBPT to include snapshots of the system with instructions on the Board website.

Discussion – INTRA

1. Network News First Quarter 2017

The Board accepts the Network News First Quarter 2017 as information.

Petition for Rule Waiver Requests

1. Rule Waiver - BR 490-4-.01(4)(a) - Caleb Bemis

Mr. Whitehead motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-4-.01(4)(a) due to insufficient evidence to substantiate a substantial hardship.

2. Rule Waiver – BR 490-2-.03(1)(d) - Nutta-On Promjunyakul Blair

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(1)(d) due to sufficient evidence of ability to comprehend the English language.

3. Rule Waiver – BR 490-2-.04(a)(4)(a)(5) - Nashon Divine Williams

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.04(a)(4)(a)(5) due to insufficient evidence to substantiate a substantial hardship.

4. Rule Waiver – BR 490-4-.01(4)(b) - Lela Ruth Layfield

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-4-.01(4)(b) due to insufficient evidence to substantiate a substantial hardship.

Petition for Rule Variance Requests

1. Rule Variance – BR 490-2-.03(1)(6) - Nutta-On Promjunyakul Blair

Mr. Whitefield motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of BR 490-2-.03(1)(6) based on presentation of an alternative standard that affords adequate protection for the public health, safety and welfare.

Rules Committee – D. Gaskin

Ms. Gaskin reported that the Rules Committee met on February 28, 2017 and discussed credentialing using CWT-6 as well as possible amendments to Board Rule 490-2-.01 Application for Licensure and Examination, BR 490-2-.03 Licensure: Foreign Educated Applicants and Policy 14 Foreign Credentialing. She stated that for foreign educated

applicants just coming into the country, the Committee discussed that the most recent CWT should be used and for existing foreign educated physical therapists already in the country and practicing, the retro tool would be used. The Committee will meet again to discuss proposed changes to the aforementioned Policy and Board Rules to present to the Board at their next scheduled meeting.

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to accept the verbal report of the Rules Committee meeting as presented.

Executive Director Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications, complaints/compliance matters and the renewal applications.

Ms. Price added that the Georgia General Assembly convened on Monday, January 9, 2017 for the first day of the legislative session. She assured the Board that staff will attempt to keep them abreast of any pending legislation which may have an effect on the work of the Board.

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to accept the Executive Director's report as presented.

Board's Chairperson Report – S. Palma

1. SB2 - Comments to House Representative Committee

Dr. Palma shared that she contacted her Senator and the House of Representatives Committee member from her District in regards to the unintended consequences of passing SB2. She reported that Representative Chad Nimmers of the House Committee was very responsive and his office requested she submit her concerns in writing which was done immediately. Dr. Palma stated that this bill needs to be watched carefully.

2. FSBPT Education Committee

Dr. Palma announced that the 2018 Annual Conference for FSBPT will be held in Virginia. She noted that the next FSBPT Education Committee meeting will be June 2017.

3. NPTE Test Content Change

Dr. Palma explained that there has been a change to the content of the NPTE exam. She indicated that the primary change is the splitting off of the lymphatic system from cardiopulmonary questions. Dr. Palma shared that every exam will now include content on the lymphatic system. She stated that this change goes into effect January 2018.

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the Board Chairperson Report as presented.

Mr. Crews motioned, Mr. Whitefield seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. § 43-1-2(k) (1) (2), O.C.G.A. § 50-14-2(1). O.C.G.A. § 43-1-2(k) (4), O.C.G.A. § 43-1-19(h)(2) & (4) to receive and review information pertaining to Applications. Voting in favor of the motion were those present who included the Board members: Dr. Stefanie Palma, Dorothy Gaskin, Charles Bass, Monte Strickland, Chad Whitefield, Reid Lawson, Dr. Anne Thompson and Jesse Crews.

At the conclusion of the Executive Session of Tuesday, March 21, 2017, 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 taken during Executive Session.

OPEN SESSION

12:30 p.m. Applicant Interview – L.T.

Mr. Crews motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to amend the previous motion to adjust the fine according to the dates the applicant worked and allow amendments to the finding of facts in order to settle the matter.

Executive Session Minutes

1. January 24, 2017 Executive Meeting Minutes

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the January 24, 2017 executive session Board meeting minutes as presented.

2. February 28, 2017 Rules Committee Executive Meeting Minutes

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to accept the February 28, 2017 executive session Rules Committee minutes as amended.

3. March 2, 2017 Teleconference Executive Meeting Minutes

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the March 2, 2017 executive session teleconference minutes as presented.

Attorney General's Report - D. Williams-McNeely

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

MEMO OF AUTHORITY - Board Rule 490-9-.06 Telehealth

Rule 490-9-.06 Telehealth

(1) The purpose of this rule is to define and establish guidelines for the practice of telehealth by the spectrum of technologies involving interactive physical therapy services.

(2) Telehealth has been defined as the use of electronic communications to provide and deliver a host of health related information and health care services including, but not limited to physical therapy related information and services, over large and small distances. Telehealth encompasses a variety of health care and health promotion activities including, but not limited to, education, advice, reminders, interventions, and monitoring of interventions. All provisions of Physical Therapy utilizing telehealth mechanisms must:

(a) conform to all Federal and State statutes, rules, regulations and policies governing the practice of physical therapy in the State of Georgia.

(b) With the exception of practices and services identified in O.C.G.A. § 43-33-11(d), individuals providing physical therapy via telehealth to a patient/client in the State of Georgia must be licensed in the State of Georgia.

(c) A physical therapist that is licensed in another jurisdiction of the United States may provide a consultation via telehealth to a physical therapist in the state of Georgia.

Authority: O.C.G.A. Secs. 43-33-10; 43-33-11(d)

Mr. Strickland motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to post Board Rule 490-9-.06 Telehealth as amended.

Cognizant's Report – C. Whitefield

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

1. PT160002 Schedule for an Investigative Interview.
2. PT160012 Refer to investigations.
3. PT160017 Close the case due to insufficient evidence to substantiate allegations.
4. PT170130 Close the case, no jurisdiction.

Miscellaneous Executive Discussions

Violations of CE Requirements for License Renewal

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer each case to Legal Services for a Private Consent Order to include a fine of \$500 per violation to be paid within 90 days, requirement that all CE be satisfied for the 2013-2015 biennium within 60 days, CEs submitted may not be used to satisfy the requirements for the 2015-2017 biennium and flag for CE audit.

Applications

Initial Applications

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

1. E.E.A. Require 480-hour traineeship.
2. T.S.D. Issue the license with a letter of concern regarding false attestation on application and criminal history.
3. C.E.D. Issue the license.
4. N.T.L. Require 480-hour traineeship.
5. B.A.M. Issue the license.
6. J.A.P. Issue the license with a letter of concern regarding drug history.

Reconsiderations

7. T.C.E. Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue the license.
8. D.N.M. Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to table the discussion and schedule an Applicant Interview and request the applicant to submit proof of employment history.

CE Audit

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to rescind previous motions and send letters of concern as recommended in executive discussion.

9. T.W.C. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02.
10. K.M.C. Rescind the previous motion and close the case.
11. L.M.C. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02.
12. A.W.C. Rescind the previous motion and close the case with a letter of concern regarding accuracy and completeness of aPTitude account as required by BR 490-4-.02 and for future renewals, to take courses beyond the licensee's present level of knowledge and competence.
13. A.V.C. Rescind the previous motion and close the case with a letter of concern regarding compliance with timely submission of hours into aPTitude as is required by BR 490-4-.02 and compliance with Policy #7, which does not allow for more than 10 hours of CE in one calendar day.
14. S.H.C. Rescind the previous motion and close the case with a letter of concern regarding compliance with timely submission of hours into aPTitude as is required by BR 490-4-.02 and compliance with Policy #7, which does not allow for more than 10 hours of CE in one calendar day.
15. J.S.D. Rescind the previous motion and close the case with a letter of concern to verify course activities and certificates are loaded appropriately in aPTitude.
18. K.S.D. Rescind the previous motion and close the case with a letter of concern to verify course activities and certificates are loaded appropriately in aPTitude.
19. R.D. Rescind the previous motion and close the case with a letter of concern regarding Georgia Ethics and Jurisprudence requirements and notify the licensee that the Board will not accept the courses in future renewals.
20. M.E.D. Rescind the previous motion and close the case with a letter of concern regarding compliance with timely submission of hours into aPTitude as required by BR 490-4-.02.
21. L.M.D. Rescind the previous motion and close the case with a letter of concern regarding accuracy and completeness of aPTitude account as required by BR 490-4-.02.
22. L.M.E. Rescind the previous motion and close the case with a letter of concern regarding compliance with timely submission of hours into aPTitude as required by BR 490-4-.02.
23. F.W.E. Rescind the previous motion and close the case with a letter of concern regarding proper recording of CE activities and certificates in accordance with BR 490-4-.02.
24. S.A.E. Rescind the previous motion and close the case.
25. C.M.F. Rescind the previous motion and close the case.

- 26. J.F. Rescind the previous motion and close the case with a letter of concern regarding Georgia Ethics and Jurisprudence requirements and compliance with Policy #7.
- 27. R.L.F. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02 and compliance with Policy #7.
- 28. M.P.N.G. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02.
- 29. J.A.G. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02.
- 30. J.L.G. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude and completion of all CE requirements, specifically Georgia Ethics and Jurisprudence in accordance with Board rules.
- 31. C.C.W.G. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude as required by BR 490-4-.02.
- 32. S.O.G. Rescind the previous motion and close the case with a letter of concern regarding accurate and timely recording of CE within aPTitude and for future renewals, to take courses beyond the licensee's present level of knowledge and competence.
- 33. A.R.G. Rescind the previous motion and close the case with a letter of concern regarding compliance with timely submission of hours into aPTitude as is required by BR 490-4-.02 and compliance with Policy #7, which does not allow for more than 10 hours of CE in one calendar day.

No further business was discussed and the meeting adjourned at 1:34 p.m.

Minutes recorded by: Michelle Foster, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: May 16, 2017

DR. STEFANIE PALMA, DPT
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR