

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Rules Committee Minutes
Teleconference Meeting
Wednesday, September 6, 2017 - 08:30 a.m.

The Rules Committee of the Georgia State Board of Physical Therapy met via teleconference on September 6, 2017 at 8:30 a.m. The following members were present:

Board Members

Dorothy Gaskin, Committee Chair
Reid Lawson, Board Member

Board Members Absent

Monty Strickland, Board Member

Visitors Present

No visitors present

Administrative Staff Present

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

Attorney General's Office

No Attorney General present.

Call to Order: Ms. Gaskin called the committee meeting to order at 8:36 a.m.

OPEN SESSION

Agenda The Rules Committee accepts the agenda as presented.

Discussion – Board Rules

The Committee reviewed the Written Comments received and Public Comments made during the Public Rules Hearing held during the July 18, 2017 Board meeting. After further discussion the Committee recommends that the Board vote to post the updated proposed amendments to Board Rule 490-2-.04 Training Permits, Board Rule 490-9-.02 Principles of Conduct for Physical Therapists and Board Rule 490-9-.03 Principles of Conduct for Physical Therapist Assistants as follows for a hearing.

1. 490-2-.04 Training Permits.

A training permit may be issued pursuant to O.C.G.A. §§ 43-33-10 and 43-33-17 of the Georgia Physical Therapy Act to a qualified applicant following Board-approval of a properly submitted application.

(a) Qualified applicants are:

1. **g**Graduates of entry-level programs for physical therapists or physical therapist assistants from either a CAPTE or a non-CAPTE-accredited school who have taken and passed the national licensing examination and an examination on the laws and rules governing the practice of physical therapy in Georgia; or
2. **a**Applicants for reinstatement, who have not practiced for two (2) and up to five (5) years; or
3. **a**Applicants for reinstatement who have not practiced for more than five (5) years and who have successfully taken and passed the national licensing examination and an examination on the laws and rules governing the practice of physical therapy in Georgia; or
4. **a**Applicants for endorsement, who have not practiced for two (2) and up to five (5) years; or
5. **a**Applicants for endorsement who have not practiced for more than five (5) years and who have successfully taken and passed the national licensing examination and an examination on the laws and rules governing the practice of physical therapy in Georgia.

(b) Initial Applications and Reinstatement Applications.

1. A notarized training permit application form must be submitted by the trainee's [Primary](#) supervisor specifying:

- (i) ~~¶~~The name and license number of the trainee supervisor who will be responsible for the conduct of the traineeship as defined under section (e) of this rule; and
- (ii) ~~¶~~The name, address, phone, fax number and e-mail address of all sites where the trainee and supervisors may be working during the course of the traineeship; and
- (iii) ~~¶~~The effective dates of the traineeship; and
- (iv) ~~a~~Acceptance of responsibility for trainee supervision and completion of the performance evaluation; and
- (v) ~~¶~~Termination of the traineeship as defined herein; and
- (vi) ~~¶~~Type of facility.

(c) Renewal.

1. A training permit may be renewed one time, for no more than six (6) months, upon written request and with approval of the Board, and only for one good and exceptional reason as determined by the Board. ~~Failure to pass the licensing examination is not considered a good and exceptional reason.~~ For purposes of this rule, good and exceptional reasons include but are not limited to:

- (i) Death of an immediate family member; or
 - (ii) Illness or incapacitation of the applicant or immediate family member (a physician's statement is required); or
 - (iii) Jury duty (proof required).
- (d) Validity of Permit.

1. Training permits are subject to the following conditions:

- (i) Able to be initiated in the State of Georgia within three months of issuance of such permit.
- (ii) Must be returned to the Board by the trainee with a brief explanation of why it was not used.
- (iii) A 480 hour traineeship must be completed within three (3) months of initiation. A 1000 hour traineeship must be completed in no less than 6 months or no more than 1 year if approved by the Board;
- (iv) A training permit shall become invalid and must be immediately returned to the Board office by the trainee if:
 - (I) ~~¶~~The trainee fails to complete the traineeship within the above prescribed time frames; or
 - (II) ~~¶~~If the trainee does not exhibit performance satisfactory to the [Primary](#) supervisor.

(e) Supervision.

1. The [Primary](#) supervisor or alternate supervisor named on the training permit application holds full responsibility under their license for direct, continuous, on-site supervision of the trainee at all times. The

supervisor must assure that the trainee does not perform any patient care activities in his/her absence.

2. If for some reason the primary supervisor cannot fulfill their duties as supervisor, a new application requesting ~~an alternate~~ new supervisor must be approved by the Board. The trainee may not participate in direct patient care until ~~an alternate~~ a new supervisor is approved by the Board. The ~~alternate~~ new supervisor will assure compliance with all terms and obligations outlined in this rule.

3. The supervisor ~~or approved~~ and alternate supervisor must hold a Georgia license in good standing under O.C.G.A. Title 43, Chapter 33, and have practiced full time for not less than one continuous year.

4. The supervisor must regularly evaluate trainee performance in all areas as specified by the Board to include cosigning any documentation provided by the trainee. At the end of the traineeship period, the supervisor must submit a performance evaluation on the board approved traineeship performance evaluation reporting form

5. The Primary supervisor must notify the Board of unsatisfactory performance at which time the training permit becomes null and void.

6. The supervising therapist will supervise no more than two (2) trainees at one time.

7. The supervisor must notify the Board within ten (10) business days when the trainee satisfactorily completes the traineeship.

Authority: O.C.G.A. §§ 43-1-25, 43-33-3, 43-33-10, 43-33-12, and 43-33-17.

2. Rule 490-9-.02. ~~Principles of Conduct~~ Code of Ethics for Physical Therapists

Any individual who is licensed as a physical therapist shall abide by O.C.G.A. § 43-33-18 to include but not limited to the following ethical standards:

(1) Act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.

(a) The physical therapist shall hold as confidential information obtained while acting in a professional capacity.

(b) The physical therapist shall provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability or sexual preference.

(c) The physical therapist should balance considerations of the patient's physical, psychological and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care.

(d) The physical therapist shall communicate and interact with patients and all persons encountered in a professional capacity with courteous regard and timeliness.

(e) The physical therapist shall not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.

(2) Comply with the laws and regulations governing the practice of physical therapy in the State of Georgia.

(a) Physical therapists are to practice (consultation, evaluations, treatment, research, education, administration and preventive care) in accordance with the state practice act.

(3) Accept responsibility for the exercise of sound judgment.

(a) When implementing treatment, physical therapists shall assume the responsibility for evaluating that individual; planning, implementing, and supervising the therapeutic program; reevaluating and changing the program; and maintaining adequate records of the case, including progress reports.

(b) Documentation to be generated in accordance with federal and state guidelines at the time of service or shortly thereafter.

(b)(c) When performing wellness and preventative services, physical therapists shall assume responsibility for providing optimal patient care.

(e)(d) When the individual's needs are beyond the scope of the physical therapist's expertise, the physical therapist shall so inform and assist the individual in identifying a qualified person to provide the necessary services.

(d)(e) When the physical therapists judge that benefit can no longer be obtained from their services, they shall so inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgment, either cannot result in beneficial outcome or are contraindicated.

(e)(f) The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

(d)(g) Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.

(e)(h) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision requires, at a minimum, that a supervising physical therapist perform the following activities:

1. Establish effective channels of written and oral communication;
2. Interpret and communicate critical information about the patient to the supportive personnel;
3. Perform an initial evaluation of the patient;
4. Develop a plan of care, including short and long-term goals;
5. Delegate appropriate tasks to supportive personnel;
6. Assess the supportive personnel's competence to perform assigned tasks;
7. Provide supervision in accordance with the law, the patient's condition, and the specific situation;
8. Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re-evaluation;
9. Re-evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow-up plan.

(h)(i) Physical therapists are obligated to advise their employer(s) of any practice which causes a physical therapist to be in conflict with the ethical principles of this section. Physical therapists are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section.

(4) Seek remuneration for their services that is deserved and reasonable.

(a) Fees for physical therapy services should be reasonable for the service performed, considering the setting in which it is provided, practice costs in the geographic area, judgment of other organizations, and other relevant factors.

(b) Physical therapists shall not:

1. directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee;
2. profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services;
3. use influence upon individuals, or families of individuals under their care for utilization of any product or service based upon the direct or indirect financial interest of the physical therapist.

(5) Provide accurate information to the consumer about the profession and the services provided.

- (a) Physical therapists are not to use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements.
- (6) Accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.
- (a) Physical therapists shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.
- (b) Physical therapists shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.
- (c) If a physical therapist is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist has an obligation to disclose to the patient, within the scope of the state law, the nature of the income.
- (d) Physical therapists shall not commit any act of sexual intimacy, abuse, misconduct, or exploitation of any individual related to the licensee's practice of physical therapy regardless of consent.

Authority: O.C.G.A. Secs. 43-1-19, 43-1-25, 43-33-10, and, 43-33-18.

3. 490-9-.03 ~~Principles of Conduct~~ Code of Ethics for Physical Therapist Assistants.

Any individual who is licensed as a physical therapist assistant shall abide by [O.C.G.A. §43-33-18 to include but not limited to](#) the following ethical standards:

- (1) Act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.
 - (a) The physical therapist assistant shall hold as confidential information obtained while functioning as a physical therapist assistant.
 - (b) The physical therapist assistant shall provide optimal physical therapy care for all patients delegated by the physical therapist regardless of patient race, gender, age, religion, disability or sexual preference.
 - (c) The physical therapist assistant should be aware of the patient's physical, psychological and and socioeconomic welfare in decisions and actions taken while rendering treatment.
 - (d) The physical therapist assistant shall communicate and interact with patients and all persons encountered with courteous regard and timeliness.
 - (e) The physical therapist assistant shall not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague or associate.
- (2) Comply with the laws and regulations governing the practice of physical therapy in the State of Georgia.
 - (a) Physical therapist assistants are to practice only under the supervision of a licensed physical therapist.
- (3) Accept responsibility for the exercise of sound judgment.
 - (a) Upon accepting delegation from a physical therapist, the physical therapist assistant shall provide services within the plan of care established by the physical therapist.
 - (b) When the individual's needs are beyond the scope of the physical therapist assistant's expertise, the physical therapist assistant shall inform the supervising physical therapist.

(c) When the physical therapist assistant determines that a change in the plan of care is needed, the assistant will contact the supervising physical therapist and request reevaluation of the patient's status.

(d) When the physical therapist assistant determines that the patient has received maximum benefits from physical therapy, he/she shall so inform the supervising physical therapist.

(e) Physical therapist assistants are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist assistant.

(f) The primary responsibility for physical therapy care assisted by supportive personnel rests with the supervising physical therapist. Adequate supervision is the responsibility of both the physical therapist and the physical therapist assistant. To insure appropriate supervision, the physical therapist assistant is expected to:

1. Maintain effective channels of written and oral communication.
2. Communicate critical information about the patient to the supervising physical therapist in a timely manner.
3. Function within the established plan of care.
4. Identify and document treatment activities and all special occurrences [in accordance to federal and state guidelines at the time of service or shortly thereafter](#).
5. Request re-evaluation of the patient and/or modification of the plan of care when necessary.

(g) Physical therapist assistants are obligated to advise their employer(s) of any practice which causes a physical therapist or a physical therapist assistant to be in conflict with the ethical principles of this section. Physical therapist assistants are to attempt to rectify any aspect(s) of their employment which is in conflict with the principles of this section.

4. Seek remuneration for their services that is deserved and reasonable.

(a) Physical therapist assistants shall not:

1. Directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee;
2. Profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services;
3. Use influence upon individuals, or families of individuals under their care for utilization of any product or service based upon the direct or indirect financial interest of the physical therapist assistant;

(5) Provide accurate information to the consumer about the profession and the services provided.

(a) Physical therapist assistants are not to use, or participate in the use of, any form of communication containing false, plagiarized, fraudulent, misleading, deceptive, or unfair statements.

(6) Accept the responsibility to protect the public and the profession from unethical, incompetent, or illegal acts.

(a) Physical therapist assistants shall report any activity which appears to be unethical, incompetent, or illegal to the proper authorities.

(b) Physical therapist assistants shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.

(c) If a physical therapist assistant is involved in an arrangement with a referring source in which income is derived from the services, the physical therapist assistant has an obligation to disclose to the patient, within the scope of the State Law, the nature of the income.

[\(d\) Physical therapist assistants shall not commit any act of sexual intimacy, abuse, misconduct, or exploitation of any individual related to the licensee's practice of physical therapy regardless of consent.](#)

Authority O.C.G.A. Secs. 43-1-19, 43-1-25, 43-33-10, and 43-33-18.

Adjournment: With no additional business to be discussed, the meeting was adjourned at 9:21 a.m.

Minutes recorded by:	Michelle Foster, Board Support Specialist
Minutes reviewed and edited by:	Kathy Osier, Licensing Supervisor and Adrienne Price, Executive Director
Minutes Approved on:	September 19, 2017

DOROTHY GASKIN
COMMITTEE CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR