

**GEORGIA STATE BOARD OF PHYSICAL THERAPY**  
**Rules Committee Minutes**  
**Teleconference Meeting**  
**Tuesday, February 27, 2017 - 12:30 p.m.**

**Board Members Via Teleconference**

Dorothy Gaskin, PT, Committee Chair  
Monty Strickland, PT, Board Member  
Reid Lawson, PT, Board Member

**Administrative Staff Present**

Adrienne Price, Executive Director  
Michelle Foster, Board Support Specialist

**Visitors Present**

No visitors present.

**Attorney General's Office**

No Attorney General present.

**Administrative Staff Absent**

Kathy Osier, Licensure Supervisor

**Call to Order:** Ms. Gaskin established that a quorum was present and called the meeting to order at 12:33 p.m.

**OPEN SESSION**

**Agenda**           The Rules Committee accepts the agenda as presented.

**Discussion – Board Rules**

The Committee reviewed the changes discussed during the January 23, 2018 Board meeting and after further discussion recommends that the Board vote to post proposed amendments to Board Rule 490-3-.02 Re-examination, Board Rule 490-9-.02 Principles of Conduct for Physical Therapists, and Board Rule 490-9-.03 Principles of Conduct for Physical Therapist Assistants and Policy 2 Examination Applications as follows for a hearing.

**1. Board Rule 490-3-.02 Re-examination(as amended by RC 02272018)**

**Rule 490-3-.02. Re-examination**

- (1) ~~An applicant who fails the national examination on the first attempt, may submit a re-examination application to the Board to be made eligible to test a second time~~ retake the examination in accordance with the eligibility criteria established by the exam administrator approved by the Board.
- (2) An applicant who fails the examination will receive a notification from the Board to include: ~~on the second attempt must submit the following before being made eligible to test a third time:~~
  - (a) ~~A copy of his/her "Examination Performance Feedback Report" obtained from the Federation of State Boards of Physical Therapy (FSBPT), and pay all costs associated with acquiring the report.~~ An acknowledgement of receipt of the examination scores with a request that the applicant complete a comprehensive review of their individual Score Report that is provided to them by the exam administrator.
  - (b) ~~A remediation plan addressing each area of weakness/failure. Examination preparation courses will be considered provided that such course addresses the area(s) of weakness/failure. The remediation plan must be developed in consultation with an appropriately licensed physical therapist or physical therapy assistant, or by a faculty member of a CAPTE accredited program.~~ Information on practical considerations to assist and promote learning proficiency, to assist applicants with preparing to retake the examination.
  - (c) ~~Proof of satisfactory completion of such remediation plan:~~
    1. ~~An applicant may be approved administratively to take the examination a third time after the above outlined procedure has been completed and approved.~~
- (3) An applicant ~~who fails the examination three (3) or more times must submit a remediation plan as outlined above in~~

~~490-3-.02(2)(a) and (b). The remediation plan must be approved by the Board prior to the applicant's beginning or initiating the plan. An applicant may be approved to take the examination only after proof of satisfactory completion of the approved plan has been submitted~~ may submit an appeal form to the Board for one (1) additional attempt to retake and pass the national exam if the applicant has been notified by the exam administrator or the Board that the applicant is ineligible to register to retake the national examination on the basis that the applicant has exhausted the maximum number of attempts as established by the exam administrator; and,

(a) The applicant was attending physical therapy or physical therapist assistant school during October 2014 to December 2015; or,

(b) The applicant was not an active test taker after January 2011.

- The Board in its discretion may require the applicant to complete a board approved 480 hour traineeship upon
- (4) passing the examination and prior to the issuance of a license if the applicant has not successfully passed the NPTE within two (2) years of the initial test date.

**Cite as Ga. Comp. R. & Regs. R. 490-3-.02**

**Authority:** O.C.G.A. Secs. 43-1-2, 43-1-7, 43-1-19, 43-1-24, 43-1-25, 43-33-12 to 43-33-14, 43-33-18.

**History.** Original Rule entitled "Re-examination" adopted. F. and eff. June 30, 1965.

**Repealed:** New Rule of same title adopted. F. Mar. 8, 1971; eff. Mar. 28, 1971.

**Repealed:** New Rule of same title adopted. F. Sept. 15, 1971; eff. Oct. 5, 1971.

**Repealed:** New Rule of same title adopted. F. Apr. 29, 1973; eff. May 10, 1973.

**Amended:** F. Oct. 17, 1975; eff. Nov. 6, 1975.

**Repealed:** New Rule entitled "Re-examinations" adopted. F. Mar. 19, 1982; eff. Apr. 8, 1982.

**Repealed:** New Rule entitled "Re-examination" adopted. F. Nov. 27, 1984; eff. Dec. 17, 1984.

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

**Amended:** F. May 13, 1991; eff. June 2, 1991.

**Amended:** F. Jan. 24, 1995; eff. Feb. 13, 1995.

**Repealed:** New Rule of same title adopted. F. May 26, 2005; eff. June 15, 2005.

**2. Board Rule 490-9-.02 Principles of Conduct for Physical Therapists (as amended by RC 02272018)**

**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 shall ~~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.

~~(f)~~(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.

~~(g)~~(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 in accordance with APTA Guidelines.](#)

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

**3. Board Rule 490-9-.03 Principles of Conduct for Physical Therapist Assistants (as amended by RC 02272018)**

**Rule 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 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 with 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 in accordance with APTA Guidelines.

#### **4. Policy 2 Examination Applications (as amended by RC 02272018)**

##### **Policy #2 - Examination applications (Board Rule 490-2-.02)**

(A) Effective November 21, 2011, the Board will make eligible, applicants for licensure by examination upon receipt of proof from either the College / University Registrar, Dean, PT or PTA Program Director at the applicant's CAPTE-accredited PT / PTA program stating that the applicant has successfully completed the Physical Therapist or Physical Therapist Assistant program but is awaiting degree conferment. The Board has provided, as part of the application, a form that must be completed by the appropriate school representative and submitted to the Board.

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

~~(C) An applicant that has not passed the national physical therapy examination or the Georgia Jurisprudence examination by the fourth (4th) time will not be allowed to sit for the examination for a 5th time without extensive further study, which may include completing a physical therapy educational program approved by CAPTE or additional coursework as deemed necessary by the Board.~~

~~(D)~~ Applicants for initial licensure by exam must take and pass the electronic Georgia Jurisprudence Exam the Federation of State Boards of Physical Therapy (FSBPT).

~~(E) After extensive further study, the Board may grant an applicant approval to take the national examination a sixth (6) time in accordance with the lifetime limit eligibility criteria established by the Federation of State Boards of Physical Therapy (FSBPT).~~

*Policy approved at the March 16, 2004 meeting.*

*Policy reaffirmed at the January 2009 meeting.*

*Policy amended at the November 15, 2011 meeting.*

*Policy revised at the September 18, 2012 meeting.*

*Policy amended at the July 21, 2015 meeting.*

*Policy amended at the November 17, 2015 meeting.*

**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 1:13 p.m.

**Minutes recorded by:** Michelle Foster, Board Support Specialist

**Minutes reviewed and edited by:** Adrienne Price, Executive Director

**Minutes Approved on:**

March 20, 2018

DOROTHY GASKIN  
**COMMITTEE CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**