

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Tuesday, March 20, 2018 - 9:00 a.m.

The Georgia State Board of Physical Therapy met on Tuesday, March 20, 2018. The following members were present:

Board Members Present

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

Administrative Staff Present

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

Attorney General's Office

D. Williams-McNeely, Senior Assistant Attorney General

Board Members Absent

No members absent.

Visitors Present

Katherine Sylvester, Physical Therapy Association of Georgia (PTAG)
Sandra Eskew Capps

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.

Board Expressions – Service of Reid Lawson, PT

Dr. Palma reported that the Board was made aware that today was Mr. Lawson's last board meeting as he resigned from the Board to explore another opportunity in Florida. She expressed immense gratitude for Mr. Lawson's service stating it was an honor and privilege to work with him. The full Board expressed similar sentiments and that he will be greatly missed. Dr. Palma read the wording on a plaque from the Board which is to be mailed to Mr. Lawson. Mr. Lawson, Board Member and Rules Committee Member, addressed the Board stating that he has had a wonderful experience during the time that he has served on the Board. He shared that he enjoyed getting to know each member as well as the staff and that he is thankful for all of the sweet words from the members and for the plaque honoring his service to the Board.

Open Session Minutes

1. January 23, 2018 Board Meeting Minutes

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the January 23, 2018 open session Board meeting minutes as presented.

2. February 27, 2018 Rules Committee Teleconference Minutes

Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to approve the February 27, 2018 rules committee teleconference minutes as presented.

Licenses to Ratify January 16, 2018 – March 13, 2018

Dr. Thompson motioned, Mr. Crews 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 – 2018 GEORGIA SPORTS MEDICINE SEMINAR Outline and List of Speakers

Mr. Crews motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board will forward his correspondence to the Physical Therapy Association of Georgia (PTAG) for their assistance in providing speakers for his seminar.

Correspondence – Can a PT be Employed by Referring MD – Sandra Brogan, PT

Dr. Thompson motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to notify the writer that the administrative staff nor the Board members themselves are able to interpret Georgia law and rules for any third party and to consult legal counsel of their choosing to assist them in an interpretation of the professions practice act, O.C.G.A. § 43-33.

Correspondence - Letter of Request from Rep Rick Williams Regarding Licensee Probation

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to thank the writer for their comments and to state that the Board is operating under the statute, which provides them the authority for use of the term (O.C.G.A. § 43-1-19).

Reid Lawson left the meeting at 9:20 a.m. due to inclement weather in Florida.

Correspondence – State Reporting, LLC CE Reporting/Monitoring Service – Timmothy Bell

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to thank the writer for the information; however, the Board currently uses aPTitude for the services he provides but will keep the information on file for future reference if the need arises.

Discussion - Federation of State Boards of Physical Therapy (FSBPT)

1. News Briefs January 2018
2. News Briefs February 2018
3. Faculty Newsletter 1st Quarter 2018

The Board accepts the correspondence regarding FSBPT as information.

4. Direct Assistance to Member Jurisdictions

Ms. Price informed the Board that for Georgia to fully participate in the Exam, Licensure & Disciplinary Database (ELDD), there are technical considerations that must be addressed. She stated that our database and the FSBPT database must be able to work together and it will be extremely costly to make that happen. She reported that FSBPT currently offers a financial grant program which will cover the cost of making enhancements to the systems; however, FSBPT has indicated that a letter of request must be signed by the Executive Director to access the grant and the Office of Secretary of State will not allow employees to sign for grant assistance on behalf of the Board due to potential liability concerns. Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to send correspondence to FSBPT to ascertain if the Board Chair can sign for the grant in place of the Executive Director. Dr. Palma expressed the importance of having the ELDD for Georgia to reach the Five Star status.

Discussion – National Physical Therapy Exam (NPTE)

1. Policies Approved by BOD – Clean Version
2. Policies Approved by BOD – Track Changes

Mr. Strickland motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to notify FSBPT that the Board has no objections to their updated NPTE policies approved by their Board of Directors.

Discussion – International Network of Physiotherapy Regulatory Authorities (INPTRA)

1. Webcast on Accreditation Around the Globe

The Board accepts INPTRA's Webcast on Accreditation Around the Globe as information.

Discussion – Rules Committee Report – D. Gaskin

1. Board Rule 490-3-.02 Re-examination

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 up to the maximum lifetime limit 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.](#)

[The Board in its discretion may require the applicant to complete a board approved traineeship upon passing the examination and prior to the issuance of a license if the applicant has not successfully passed the NPTE](#)
- (4) [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.

Dr. Thompson motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to accept the recommendations made from the Rules Committee with friendly amendments made during today's meeting to refer Board Rule 490-2-.04 Training Permits to the Attorney General's office as amended for a memorandum of authority and if there are no objections noted, vote to post.

2. 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).~~ (D) Pursuant to the Federation of State Boards of Physical Therapy (FSBPT) [revisions to their re-examination policy if an applicant has taken the examination six times and failed to pass it successfully, the applicant may submit an appeal form to the Board for one \(1\) additional attempt to retake and pass the national exam if:](#)

[\(1\) The applicant was attending physical therapy or physical therapist assistant school during October 2014 to December 2015; or,](#)

[\(2\) The applicant was not an active test taker after January 2011.](#)

[The aforementioned dates were established in accordance to when FSBPT amended their re-examination policies and were created to ensure appropriate access to applicants that were potentially affected by the timing of the change.](#)

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.

Ms. Gaskin motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the recommendations made from the Rules Committee with friendly amendments made during today's meeting to refer Policy 2 Examination Applications to the Attorney General's office as amended for a memorandum of authority and if there are no objections noted, vote to post.

3. Board Rule 490-9-.02 Principles of Conduct for Physical Therapists

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 is 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.

~~(c)~~(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) [Upon initiation of a physical therapy plan of intervention, physical therapists may, at their discretion, allow physical therapy treatments to be performed by physical therapist assistants to include the period of 21 days or eight \(8\) visits, whichever comes first, prior to discharge or receipt of a referral from the patient's provider.](#)

(i) 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) 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.

1. This subsection of the rule shall apply to patients where the licensee did not terminate in writing the physical therapist/patient relationship and individuals under the supervision of the licensee.

2. The Board will consider the physical therapist/patient relationship terminated if:

(a) the physical therapists is able to document that he/she has not provided any of the care and services codified in O.C.G.A. § 43-33-3(7) for the patient for period of at least one (1) year;

(b) the physical therapist has not supervised the individual for a period of one (1) years.

Authority O.C.G.A. Secs. 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-13.1, 43-33-18. **History.**

Original Rule entitled "Principles of Conduct for Licensed Physical Therapists" adopted. F. Jan. 29, 1997; eff. Feb. 18, 1997. **Repealed:** New Rule of same title adopted. F. Jan. 19, 2005; eff. Feb. 8, 2005.

Repealed: New Rule title "Principles of Conduct for Physical Therapists" adopted. No change in Rule text. F. Jan. 25, 2007; eff. Feb. 14, 2007.

Mr. Whitehead motioned, Ms. Crews seconded and the Board voted five to two in favor of the motion to accept the recommendations from the Rules Committee, with the friendly amendments made during today's meeting, to refer Board Rule 490-9-.02 Principles of Conduct for Physical Therapists to the Attorney General's office, as amended, for a memorandum of authority and if there are no objections noted, vote to post. Mr. Strickland and Mr. Bass entered the opposing votes.

4. Board Rule 490-9-.03 Principles of Conduct for Physical Therapist Assistants

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.](#)

[1. This subsection of the rule shall apply to patients where the licensee did not terminate in writing the physical therapist/patient relationship and individuals under the supervision of the licensee.](#)

[2. The Board will consider the physical therapist/patient relationship terminated if:](#)

[\(a\) the physical therapists is able to document that he/she has not provided any of the care and services codified in O.C.G.A. § 43-33-3\(7\) for the patient for period of at least one \(1\) year;](#)

[\(b\) the physical therapist has not supervised the individual for a period of one \(1\) years.](#)

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

Mr. Whitehead motioned, Mr. Crews seconded and the Board voted five to two in favor of the motion to accept the recommendations from the Rules Committee, with the friendly amendments made during today's meeting, to refer

Board Rule 490-9-.03 Principles of Conduct for Physical Therapy Assistants to the Attorney General's office, as amended, for a memorandum of authority and if there are no objections noted, vote to post. Mr. Strickland and Mr. Bass entered the opposing votes.

Discussion – Board Rules now on Website

1. Board Rule 490-4-.03 Continuing Competency Audit

2. Board Rule 490-9-.06 Telehealth

The Board accepts Board Rule 490-4-.03 Continuing Competency Audit and Board Rule 490-9-.06 Telehealth now posted on the Secretary of State website as information.

Petition for Rule Waiver Requests

1. Rule Waiver – BR 490-2-.03(g) – Miller, Maria

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.03(g) based on no verification of employment within the past two years and inability to demonstrate active practice within the last five years, after which retaking of the NPTE is required.

2. Rule Waiver – BR 490-9-.05 – Rosa, Byanka

Dr. Thompson motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-9-.05 based on the petitioner's failure to meet the requirements to perform dry needling in the state of Georgia and insufficient evidence to substantiate a substantial hardship. The petitioner must obtain 28 continuing competency hours.

3. Rule Waiver – BR 490-2-.09(2)(c) – Grayson, Lenora

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.09(2)(c) based on insufficient evidence to substantiate a substantial hardship. Notify applicant that applicants may be compensated during traineeships.

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 reminded the Board that the annual affidavit with the Ethics Commission was due by January 31, 2018 as required by O.C.G.A. § 21-5-3(22). She then gave an update on the status of the pre-filed bills and resolutions of the Georgia General Assembly that have the potential to affect the business of the Board.

Mr. Crews motioned, Mr. Strickland 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

Dr. Palma entered into a discussion regarding changes in the NPTE Registration Process in light of the fact that schools are now required to verify an applicant's eligibility to test with FSBPT. She asked Ms. Price for an overview of the process now that the Verification of Graduation Form is no longer required. Ms. Price reviewed the process to include general timelines with the Board.

Dr. Palma informed the Board that she has reached out to Richard Woolf at FSBPT regarding a Georgia JAM review and that he likely has not gotten back to her because Ms. Price has also communicated the need to review the Georgia JAM with other FSBPT Staff. She indicated that review process will likely take place during late summer and will bring it for the Board will receive an update on the process during the September 2018 meeting.

Mr. Crews motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the Board Chair Report as presented.

Miscellaneous Executive Discussion

1. Open Records Request – Missouri Board of Healing Arts – Harli Bexten, Paralegal

Mr. Whitefield motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to approve the release of records as requested to the Missouri Board of Healing Arts.

2. Discussion – The Outward Mindset

Board members discussed the book, The Outward Mindset, as provided by Jim McNeal of the Arbinger Institute and the services offered by the Arbinger Institute. The Board members committed to completing the book prior to the next meeting and recommended that Mr. McNeal contact the Physical Therapy Association of Georgia (PTAG) to complete their standard application for approval of continuing competency hours.

Mr. Crews motioned, Ms. Gaskin 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 20, 2018, 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

Executive Session Minutes

1. January 23, 2018 Executive Meeting Minutes

Dr. Thompson motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to approve the January 23, 2018 executive session Board meeting minutes as presented.

Attorney General’s Report - D. Williams-McNeely

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

Board Rule 490-2-.04 Training Permits

Mr. Bass motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to post Board Rule 490-2-.04 for as amended.

Rule 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. 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. Applicants for reinstatement, who have not practiced for two (2) and up to five (5) years; or
3. 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. Applicants for endorsement, who have not practiced for two (2) and up to five (5) years; or
5. 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) ~~T~~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) ~~T~~The name, address, phone, fax number and e-mail address of all sites where the trainee and supervisor may be working during the course of the traineeship; and

(iii) ~~T~~The effective dates of the traineeship; and

(iv) ~~A~~Acceptance of responsibility for trainee supervision and completion of the performance evaluation; and

(v) ~~T~~Termination of the traineeship as defined herein; and

(vi) ~~T~~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) ~~T~~The trainee fails to complete the traineeship within the above prescribed time frames; or

(II) ~~I~~f 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 new supervisor is approved by the Board. The alternatenew 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. §§ 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-12, 43-33-13, 43-33-14, and 43-33-17.

Legal Services

1. LEGAL MEMOS

Mr. Whitehead motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and close the following cases with a Letter of Concern regarding accurate and timely recording of continuing competency activities and certificates of competition into aPTitude.

- a) **PT170266**
- b) **PT170263**
- c) **PT170128**
- d) **PT180004**

2. LEGAL MEMO – PT180026

Mr. Whitehead motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to rescind the previous motion and issue a Letter of Concern regarding compliance with Policy #7.

3. LEGAL MEMOS

Dr. Thompson motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to refer the following cases to the Attorney General's Office for a hearing or suspension of license until the terms of the previous order have been fulfilled.

- a) **PT170169**
- b) **PT170185**
- c) **PT170141**
- d) **PT170142**
- e) **PT170147**

Ms. Gaskin motioned, Mr. Crews seconded and the Board voted unanimously in favor of the motion to refer the following cases to Investigations to conduct an Accurant check and upon substantiation of physical address refer to the Attorney General's Office for a hearing or suspension of license until the terms of the previous order have been fulfilled.

- f) **PT170226**
- g) **PT170144**

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to close the following cases for failure to renew. If attempt to reinstate, will require Board review.

- h) **PT170190**
- i) **PT170243**
- j) **PT170120**
- k) **PT170148**

Ratification List of Orders Issued by Policy

Mr. Crews motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to ratify the list of Private Consent Agreements issued in accordance with Board rules and policies between meetings as presented.

Ratification List for Referrals to Legal Services for Disciplinary Action List for CC Audit - 2015-2017

1. PT List for Referrals

2. PTA List for Referrals

Ms. Gaskin motioned, Mr. Crews 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 of docket date, licensees must submit the deficient CE hours to satisfy the requirements for the biennium within 60 days, CEs submitted to satisfy the terms of the order and/or the biennium may not be applied towards the requirements of the current or future biennia and flag for CE audit.

Miscellaneous Executive Discussion

- 1. PT180082** Ms. Gaskin motioned, Mr. Strickland seconded and the Board voted unanimously in favor of the motion to refer case to Insurance Commissioner, CMS Medicare/Medicaid and to the Federal Bureau of Investigations to investigate for insurance fraud.

Applications

Remediation Plans

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

Application 2660222 Approve Remediation Plan.

Renewals

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

PT180078 Refer to Legal Services for a Private Consent Order with a fine of \$1000 to be paid within 90 days of docket date for falsely attesting to meeting CE requirements for the 2013-2015 biennium and failure to meet CE requirements for the 2015-2017 biennium. Must submit proof of completion of 26 hours of CE, eight (8) of which must be in Georgia E&J. All CE must be entered into aPTitude within ten (10) days of taking the course and the licensee will be audited for the next two (2) renewal cycles.

Traineeships

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

Application 2675827 Approve Traineeship Competency Evaluation and issue the license.

Application 2692005 Approve Traineeship Competency Evaluation and issue the license.

Application 2692499 Approve Traineeship Competency Evaluation and issue the license.

Application 2696916 Approve Traineeship Competency Evaluation and issue the license.

Application 2689539 Approve Traineeship Agreement.

Application 2697742 Approve Traineeship Competency Evaluation and issue the license.

Application 2701626 Approve Traineeship Competency Evaluation and issue the license.

Adjournment: There being no further business to discuss, the meeting adjourned at 1:50 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: April 24, 2018

DR. STEFANIE PALMA, DPT
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR