

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Rules Committee Teleconference Minutes
Friday, January 24, 2020 - 8:30 a.m.

The Rules Committee of the Georgia State Board of Physical Therapy met on January 24, 2020 at 8:30 a.m. The following Committee members were present:

Board Members

Dorothy Gaskin, Board Chair
Destiny Hebert, Committee Chair
Terri Burner, Committee Member

Administrative Staff Present

Adrienne Price, Executive Director
Charlotte Mason, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Visitors Present

No visitors present.

Attorney General's Office

No Attorney General present.

Call to Order: Dr. Hebert called the committee meeting to order at 8:30 a.m.

OPEN SESSION

Agenda

The Committee accepts the agenda as presented.

Discussion – Board Rules

The Committee discussed rule revisions to include amending Rule 490-2-.04. Training Permits, Board Rule 490-9-.02. Principles of Conduct for Physical Therapists, Board Rule 490-9-.02. Principles of Conduct for Physical Therapy Assistants and Board Rule 490-9-.04. Disciplinary Sanctions.

The Committee stated that this discussion is to ensure all of these rules are aligned with the statute. The review also brings Board Rules up date by removing repetitive language and serve to prevent any errors in judgement in regards to application processing.

After careful consideration the Committee recommended referring the following rules as amended to the full Board for review during the March 10, 2020 meeting.

1. Rule 490-2-.04. Training Permits. Amended.

The Committee discussed the purpose of the rule amendment for 490-2-.04 Training Permits. Amended. Since no other reasons for denying the renewal of a permit are listed, the committee recommended the removal of the failure to pass the licensing exam from the rule.

Alternate supervision is provided for in the amended rule for the purpose of a traineeship whereby an existing supervisor is unable to fulfill his or her duties. This amendment allows for the trainee to establish an alternate supervisor at the onset so as not to delay the initiation of the traineeship.

The other proposed amendments are to remain as recommended by the Committee during the September 6, 2017 meeting with the Memo of Authority provided to the Board during the March 20, 2018 Board meeting.

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) 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) 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. 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. Applicants may name both a primary and a secondary supervisor on the training permit application. The ~~Primary supervisor or alternate~~ supervisor~~s~~ 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 named supervisor~~s~~ 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 a new supervisor must be approved by the Board~~the secondary supervisor. ~~The trainee may not participate in direct patient care until a new supervisor is approved by the Board. The new supervisor will assure compliance with all terms and obligations outlined in this rule. If for some reason the primary and secondary supervisor cannot fulfill their duties, a new training permit application must be submitted for approval by the Board.~~
3. The ~~supervisor and alternate~~primary and secondary supervisor~~s~~ 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. A named~~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~~A named 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 named supervisor must notify the Board within ten (10) business days when the trainee satisfactorily completes the traineeship.

Cite as Ga. Comp. R. & Regs. R. 490-2-.04

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

History. Original Rule entitled "Temporary Registration" adopted. F. and eff. June 30, 1965.

Repealed: F. Mar. 8, 1971; eff. Mar. 28, 1971.

Amended: New Rule entitled "Temporary Registration" adopted. F. May 1, 1973; eff. May 21, 1973.

Repealed: New Rule of same title adopted. F. May 31, 1974; eff. June 20, 1974.

Repealed: New Rule of same title adopted. F. Nov. 27, 1984; eff. Dec. 17, 1984.

Repealed: New Rule entitled "Temporary License" adopted. F. Feb. 28, 1986; eff. Mar. 20, 1986.

Amended: F. Jan. 28, 1987; eff. Feb. 17, 1987.

Amended: F. Dec. 30, 1987; eff. Jan. 19, 1988.

Repealed: New Rule entitled "Training Permits" adopted. F. May 26, 1993; eff. June 15, 1993.

Repealed: New Rule of same title adopted. F. Nov. 22, 1996; eff. Dec. 12, 1996.

Repealed: New Rule of same title adopted. F. June 19, 1998; eff. July 9, 1998.

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

Repealed: New Rule of the same title adopted. F. Sept. 24, 2010; eff. Oct. 14, 2010.

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

Amended: F. Aug. 28, 2019; eff. Sep. 17, 2019.

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

The Committee discussed deleting “Principles of Conduct” from the title of both BR 490-9-.02 and BR 490-9-.03 as the standards within those rules are aspirational and represent a Code of Ethics rather than a Code of Conduct. In addition, the committee noted that the adoption of a Code of Ethics that is to be published in print is a statutory requirement. As a result, any references to disciplinary matters were removed from these two rules and placed in BR 490-9-.04 Disciplinary Sanctions.

The Committee also considered and referenced the American Physical Therapy Association (APTA) Clinical Practice Guidelines to ensure that the rules address nationally recognized ethical and practical considerations in the practice of physical therapy.

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 the following ethical standard:

- (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) When performing wellness and preventative services, physical therapists shall assume responsibility for providing optimal patient care.
 - (c) 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) 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) The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.
 - (f) Physical therapists are not to delegate to a less qualified person any activity ~~which~~ that requires the unique skills, knowledge, and judgment of a physical therapist.
 - (g) 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~~ that 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~~ that is in conflict with the principles of this section.
- (4) Seek remuneration for their services that is deserved and reasonable. 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.
- ~~(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: to include but not limited to reporting any activity that appears to be unethical, incompetent, or illegal to the proper authorities.

- ~~(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.~~

- (7) Demonstrate integrity in all professional relationships that are directly related to physical therapy.

Cite as Ga. Comp. R. & Regs. R. 490-9-.02

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.

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

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

Any individual who is licensed as a physical therapist assistant shall abide by 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 judgement.
- (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 judgement of a physical therapist assistant.~~
 - ~~(f)~~ (e) 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.
 5. Request re-evaluation of the patient and/or modification of the plan of care when necessary.
 - ~~(g)~~ (f) Physical therapist assistants are obligated to advise their employer(s) of any practice ~~which~~ that 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~~ that 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 to include but not limited to reporting any activity that appears to be unethical, incompetent, or illegal to the proper authorities.
- ~~(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.~~

- ~~(e) 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.~~

(7) Demonstrate integrity in all their relationships that are directly related to physical therapy.

Cite as Ga. Comp. R. & Regs. R. 490-9-.03

Authority: O.C.G.A. Section 43-33-10.

History. Original Rule entitled "Principles of Conduct for Licensed Physical Therapists Assistants" adopted. F. Feb. 27, 1998; eff. Mar. 19, 1998.

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

4. Board Rule 490-9-.04. Disciplinary Sanctions

The Committee recommended the changes suggested by the Board during the January 22, 2019 meeting. The time period that must lapse for dating a client was readdressed and the recent Medical Board case was referenced. The time period was removed and left as "regardless of consent" and any complaints will be reviewed on a case-by-case basis.

Rule 490-9-.04. Disciplinary Sanctions

~~(1) When providing physical therapy treatment following appropriate consultation, u~~Unprofessional and unethical conduct shall include but is not limited to the following:

- (a) Failing to adhere to the laws and rules governing the practice of physical therapy to include Code of Ethics for Physical Therapists and Physical Therapists Assistants, as codified in Rules 490-9-.01 through 490-9-.03.
- (b) Delegating to an aide or unlicensed person any physical therapy task other than those codified in Chapter 490-8.
- (c) Failing to provide continuous, immediate and physically present supervision of the aide or unlicensed person when designated tasks are performed.
- (d) Performing the technique of dry needling without having met the training and competency requirements as codified in Rule 490-9-.05.
- (e) Failing to adhere to the requirements of the 'Consumer Information and Awareness Act' ~~as codified in (O.C.G.A. § 43-1-33), which sets forth the type of licensee information that must be included on the name badges, facility notices and advertisements. in relation to conspicuously posting and affirmatively communicating your type of regulatory designator (PT, PTA), level of education, and training to all current and prospective patients by way of a name badge, facility notices and advertisements.~~
- (f) Failing to provide an evaluation on each patient and establishing a physical therapy diagnosis.
- (g) Failing to formulate and record in the patient's record a treatment program based upon the evaluation and any other information available.
- (h) Failing to perform periodic evaluation of the patient and documenting the evaluations in the patient's record and to make adjustments to the patient's treatment program as progress warrants.
- (i) Failing to maintain an accurate medical record or providing false information to any third party in the provision of physical therapy ~~formulate and record a patient's discharge plan.~~

- (j) Directly or indirectly requesting, receiving or participating in the division, transferring, assigning, rebating or refunding of fees or remuneration earned, in cash or kind, for bringing or referring a patient. For purposes of this Rule:
1. No physical therapist, physical therapy assistant, employee or agent thereof acting on his behalf, shall enter into or engage in any agreement or arrangement with any individual, entity, or an employee or agent thereof acting on his behalf, for the payment or acceptance or compensation in any form for the referral or recommending of the professional services of either. This prohibition includes any form of fee division or charging of fees solely for referral of a patient.
 2. This prohibition shall include a rebate or percentage of rental agreement or any arrangement or agreement whereby the amount received in payment for furnishing space, facilities, equipment or personnel services.
 3. Provided further, that this Rule shall not preclude a discount, waiver of co-payment or other reduction in price of services by a physical therapist if the reduction in price is properly disclosed to the consumer and third party payers and appropriately reflected in the costs claimed or charges made.
 4. Violating the Patient Self-Referral Act, O.C.G.A. § 43-1B1 et seq., with respect to referral a patient to a provider of a designated health care service in which the physical therapist has an investment interest.
- (k) Failing to comply with the continuing competence requirements as set forth in Rule 490-4-.02.
- (l) Committing an act of sexual intimacy, abuse, misconduct, or exploitation related to the licensee's practice of physical therapy, regardless of consent.
- (m) Failing to obey an investigative subpoena.
- (n) Engaging in any behavior that constitutes harassment or abuse of a patient. The physical therapist or physical therapist assistant shall not engage in any behavior that constitutes harassment or abuse of a professional colleague or associate while engaged in the practice of physical therapy.
- ~~(k) Should it be determined that a licensee is in violation of this rule and the statutes referenced herein, the Board may impose any disciplinary or corrective measure allowed by law.~~
- (2) Should it be determined that a licensee is in violation of this rule and the statutes referenced herein, the Board may impose any disciplinary or corrective measure allowed by law.

Cite as Ga. Comp. R. & Regs. R. 490-9-.04

Authority: O.C.G.A. §§ 43-1-19, 43-1-20.1, 43-1-24, 43-1-25, 43-1-33, 43-33-3, 43-33-10, 43-33-11, 43-33-18, 43-33-19.

History. Original Rule entitled "Disciplinary Sanctions" adopted. F. Jan. 25, 2007; eff. Feb. 14, 2007.

Repealed: Rule entitled "Disciplinary Sanctions" adopted. F. Mar. 21, 2012; eff. Apr. 10, 2012.

Amended: F. Apr. 18, 2016; eff. May 8, 2016.

The Committee meeting was adjourned at 9:21 a.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: March 10, 2020

DESTINY HEBERT
COMMITTEE CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR