

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Tuesday, March 10, 2020 - 9:00 a.m.

The Georgia State Board of Physical Therapy met on Tuesday, March 10, 2020. The following members were present:

Board Members Present

Dorothy Gaskin, Board Chair
Anne Thompson, Vice Chair
Charles Bass, Board Member
Chad Whitefield, Board Member
Lauri Wallace, Board Member
Destiny Hebert, Board Member
Terri Burner, Board Member

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist
Pat Hodges, Court Reporter

Attorney General's Office

Melissa Tracy, Assistant Attorney General

Board Members Absent

Dr. Norma Nunez-Cortes, Consumer Board Member

Administrative Staff Absent

Charlotte Mason, Licensing Supervisor

Visitors Present

Dr. Sandra Eskew-Capps, DPT
Mylah Garlington, PT
Dr. Katherine Sylvester, PT, DPT, Physical Therapy Association of Georgia (PTAG)

Call to Order: Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 9:11 a.m.

OPEN SESSION

Agenda

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

Open Session Minutes

1. January 14, 2019 Board Meeting Minutes

Dr. Wallace motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to approve the January 14, 2020 open session Board meeting minutes as presented.

2. January 24, 2020 Rules Committee Open Session Teleconference Minutes

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to approve the January 24, 2020 rules committee teleconference minutes as presented.

Licenses to Ratify January 7, 2020 – March 3, 2020

Dr. Thompson motioned, Dr. Wallace 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 – New Reports from Georgia Department of Public Health Drug Surveillance Unit (DSU)

The Board accepts the correspondence in reference to the announcement from the Georgia Department of Public Health as information.

Correspondence – PTCourses.com – Rick Schroeder, President

Dr. Wallace motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board sees no conflict and if the writer wishes to continue offering the Georgia Ethics and Jurisprudence Course, the program must be submitted to the Physical Therapy Association of Georgia (PTAG) for approval in accordance with Board Rule 490-4-.02(2)(a).

Correspondence – Licensee Requests to Release Application File to Army, John Andrew Rhinehart, PT012312

Mr. Whitefield motioned, Dr. Hebert seconded and the Board voted unanimously in favor of the motion to release the records as requested.

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

1. January News Brief
2. National Physical Therapy Exam (NPTE) – Policies
3. Webinar - An Impossible Dream - Practice Advice in Physiotherapy Regulation
4. Reminder - Trauma's Impact on Boundary Violation Investigations Training
5. Select Your Delegates
6. New Academic PEAT Forms are Available for Purchase
7. February News Brief
8. 2020 Leadership Issues Forum (LIF) July 17-19, 2020 – Alexandria, VA

Mr. Bass motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to nominate Dorothy Gaskin as the Primary Delegate and Anne Thompson as the Alternate Delegate to FSBPT.

Ms. Gaskin informed those present of her appointment to the FSBPT Finance Committee and that Dr. Thompson was appointed to FSBPT's Continuing Competency Committee, and the Impaired Practitioner and Artificial Intelligence Task Forces. Ms. Price is the liaison for the FSBPT Impaired Practitioner Committee.

The Board accepts the correspondence in reference to FSBPT as information.

Public Rules Hearing

Ms. Gaskin called the hearing in the matter of Board Rule 490-4-.02. Continuing Competence Requirements; Board Rule 490-4-.03. Continuing Competency Audit; Board Rule 490-9-.05. Dry Needling hearing to order at 9:30 a.m. Members of the Board introduced themselves for the record and Ms. Gaskin established that there were members of the general public present.

1. Board Rule 490-4-.02. Continuing Competence Requirements

See Attachment A.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to adopt the Board Rule 490-4-.02. Continuing Competence Requirements proposed amendment.

The Board discussed the economic impact of Board Rule 490-4-.02. Continuing Competence Requirements upon licensees. Dr. Thompson motioned, Mr. Strickland seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Dr. Thompson motioned, Mr. Strickland seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-24, 43-1-25, 43-33-3, 43-33-10(11), 43-33-16 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

2. Board Rule 490-4-.03. Continuing Competency Audit - REPEAL

See Attachment B.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Dr. Hebert motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to repeal Board Rule 490-4-.03. Continuing Competency Audit.

The Board discussed the economic impact of the repeal of Board Rule 490-4-.03. Continuing Competency Audit upon licensees. Dr. Wallace motioned, Dr. Thompson seconded, and the Board voted unanimously in favor of the motion that the repeal of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the repeal cannot be reduced by a less expensive alternative.

Dr. Wallace motioned, Dr. Thompson seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19(a)(10), 43-1-24, 43-1-25, 43-33-10(4); (11), 43-33-14, and 43-33-18(c)(1) & (3) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The repeal of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

3. Board Rule 490-9-.05. Dry Needling

See Attachment C.

Written Comments Received

No written comments were received.

Verbal Comments Received

No verbal comments were received.

Mr. Bass motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to adopt the Board Rule 490-9-.05. Dry Needling proposed amendment.

The Board discussed the economic impact of Board Rule 490-9-.05. Dry Needling upon licensees. Mr. Whitefield motioned, Dr. Thompson seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Mr. Whitefield motioned, Dr. Thompson seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-24, 43-1-25, 43-33-10(11), and 43-33-16, to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The

formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

The hearing was adjourned at 9:42 a.m.

Discussion – International Network of Physiotherapy Regulatory Authorities (INPTRA) Webcast – Performance Measurement of Regulatory Bodies: The Ontario Experience

The Board accepts the correspondence in reference to INPTRA as information.

Discussion – Commission on Accreditation in Physical Therapy Education (CAPTE) Actions January 2020

The Board accepts the correspondence in reference to CAPTE, as information.

Discussion – Rules Committee – D. Hebert

1. Rule 490-2-.04. Training Permits (as amended by RC 01-24-2020)

The Board accepts the recommendations from the Rules Committee and the amendments to Rule 490-2-.04. Training Permits, as discussed.

Mr. Whitefield motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to refer Rule 490-2-.04. Training Permits, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions, to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

The Board discussed the economic impact of Rule 490-2-.04. Training Permits upon licensees. Ms. Gaskin and Mr. Whitefield, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Gaskin and Mr. Whitefield seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-33-3, 43-33-10, 43-33-12, 43-33-17 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

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 supervisors 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 supervisors 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. Rule 490-9-.02. Code of Ethics for Physical Therapists (as amended by RC 01-24-2020)

The Board accepts the recommendations from the Rules Committee and the amendments to Rule 490-9-.02. Code of Ethics for Physical Therapists, as discussed.

Mr. Whitefield motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to refer Rule 490-9-.02. Code of Ethics for Physical Therapists, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions, to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

The Board discussed the economic impact of Rule 490-9-.02. Code of Ethics for Physical Therapists upon licensees. Ms. Gaskin and Mr. Whitefield, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Gaskin and Mr. Whitefield seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-19, 43-1-24, 43-1-25, 43-33-3, 43-33-10, 43-33-13.1, 43-33-18 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field 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. Rule 490-9-.03. Code of Ethics for Physical Therapy Assistants (as amended by RC 01-24-2020)

The Board accepts the recommendations from the Rules Committee and the amendments to Rule 490-9-.03. Code of Ethics for Physical Therapy Assistants, as discussed.

Mr. Whitefield motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to refer Rule 490-9-.03. Code of Ethics for Physical Therapy Assistants, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions, to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

The Board discussed the economic impact of Rule 490-9-.03. Code of Ethics for Physical Therapy Assistants upon licensees. Ms. Gaskin and Dr. Wallace seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Gaskin and Dr. Wallace seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of O.C.G.A. § 43-33-10 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

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)~~ 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)~~ 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.~~
 - ~~(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.~~
- (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. Rule 490-9-.04. Disciplinary Sanctions (as amended by RC 01-24-2020)

The Board accepts the recommendations from the Rules Committee and the amendments to Rule 490-9-.04. Disciplinary Sanctions, as discussed.

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer Rule 490-9-.04. Disciplinary Sanctions, to include a copy of the Rules Committee Minutes to reflect the rationale for such revisions, to the Attorney General's Office for a Memorandum of Authority, and if no objections, vote to post.

The Board discussed the economic impact of Rule 490-9-.04. Disciplinary Sanctions upon licensees. Mr. Gaskin and Dr. Wallace, and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Ms. Gaskin and Dr. Wallace seconded, and the Board voted unanimously in favor of the motion that it is not legal or feasible to meet the objectives of 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 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed in the field of Physical Therapy.

Rule 490-9-.04. Disciplinary Sanctions

(1) When providing physical therapy treatment following appropriate consultation, uUnprofessional 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.

Executive Director Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications, the number of licensees, renewal applications and complaints/compliance matters. Other Relevant Topics discussed included the following:

- Upcoming Session of the Georgia General Assembly
- Annual Ethics Commission Affidavit of Public Officer Filings
- ELDD Agreement

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

Board's Chairperson Report – D. Gaskin

No report presented.

Mr. Whitefield motioned, Mr. Whitefield seconded, and the Board voted to enter into Executive Session in accordance with O.C.G.A. §§ 43-1-2 (k); 43-1-19 (h) and 50-14-2 (1) to receive and review information pertaining to applications, pending cases, investigative reports and enforcement matters and to receive the Assistant Attorney General's report. Voting in favor of the motion were those present who included Board members: Dorothy Gaskin, Anne Thompson, Chad Whitefield, Charles Bass, Destiny Hebert, Laurri Wallace and Terri Burner.

At the conclusion of the Executive Session of Tuesday, March 10, 2020, Ms. Gaskin 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 14, 2020 Executive Board Meeting Minutes

Dr. Hebert motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the September 3, 2019 executive session Board meeting minutes as presented.

Attorney General's Report – M. Tracy

Ms. Gaskin motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's Report as presented.

Legal services MEMO – Cases for Ratification

1. PT200016
2. PT200011

Dr. Wallace motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the orders as received.

Miscellaneous Executive Discussion

1. CE Audit

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

- PT180025** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1500 for false attestation on license renewal applications and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 beginning 30 days from the docket date of the order. Must complete 30 hours of CE, to include four (4) hours of Georgia Ethics and Jurisprudence within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200012** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 and an additional four (4) hours of CE in Georgia Ethics and Jurisprudence. CEs submitted to satisfy terms of order may not be used for the biennium ending December 2021 and flag for CE audit. Fine to be paid within 90 days of the docket date.
- PT200013** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 to be paid within 90 days of the docket date of the order. CEs completed in January 2020 may not be used for the biennium ending December 2021 and flag for CE audit.
- PT200018** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for failing to complete all CE requirements within the biennium for the renewal of the license [O.C.G.A. § 43-33-16 and BR 490-4-.02]. CE hours taken during January 2020 shall not be used to satisfy any of the CE requirements for the biennium ending December 31, 2021. Fine to be paid within 90 days of the docket date of the order. Flag for CE Audit.
- PT200019** Refer to Legal Services to issue a Public Consent Order with a fine of \$1000 for making a false attestation on renewal application and taking more than 10 CE hours in one calendar day [O.C.G.A. § 43-1-19(a)(2) and BR 490-4-.02(1)]. Fine may be paid in installments of \$100 per month until paid in full beginning 30 days after the docket date of the order. Flag for CE Audit.
- PT200020** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for failure to meet CE requirements for license renewal [O.C.G.A. § 43-33-16 and Board Rule 490-4-.02(2)]. Must pay the fine in full and submit 13.2 hours of Board approved CE within 90 days of the docket date of the order. CE submitted to satisfy the order shall not be applied towards meeting the CE requirements for the biennium ending December 31, 2021. Flag for CE Audit.
- PT200021** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for failure to meet CE requirements for license renewal [O.C.G.A. § 43-33-16 and Board Rule 490-4-.02(2)]. Must pay the fine in full and complete 20 hours of CE within 90 days of the docket date of the order. CE submitted to satisfy the order shall not be applied towards meeting the CE requirements for the biennium ending December 31, 2021. Flag for CE Audit.
- PT200022** Renew with Letter of Concern regarding violation of BR 490-4-.02(1). Flag for CE Audit.
- PT200023** Renew the license.

- PT200024** Refer to Legal Services to issue a Public Consent Order with a fine of \$1000 for making a false attestation on renewal application and for failure to meet CE requirements for license renewal. Must submit an additional four (4) hours of CE to satisfy the requirements for the biennium ending December 31, 2019. CEs submitted to satisfy terms of order may not be used for the biennium ending December 31, 2021 and flag for audit. Fine may be paid in monthly installments of \$100 until paid in full. Flag for CE Audit.
- PT200025** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for failure to meet CE requirements for license renewal. Must submit 30 hours of CE to include four (4) hours Georgia Ethics and Jurisprudence, to satisfy the requirements of the 2017-2019 biennium. CEs submitted to satisfy terms of order may not be used towards the CE requirements for the current biennium and flag for audit. Fine to be paid within 90 days of docket date.
- PT200026** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for violation of Board Rule 490-4-.02(1) with the fine to be paid in full within 90 days of the docket date of the order and flag for CE audit.
- PT200027** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for violation of Board Rule 490-4-.02. Must complete an additional four (4) hours of CE to satisfy the requirements of the biennium ending December 31, 2019. Fine to be paid within 90 days of the docket date of the order. CEs submitted to satisfy terms of order may not be used for the biennium ending December 31, 2021, and flag for audit.
- PT200030** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation on license renewal application and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in monthly installments of \$100 beginning 30 days after the docket date of the order. The four (4) hours of Georgia Ethics and Jurisprudence taken in January 2020 may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200031** Renew the license with a Public Consent Order for License Renewal with a reprimand fine of \$500 for failure to meet requirements for renewal of the license within the biennium. Fine to be paid and 4 hours of GA E&J must be completed within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200032** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 failure to meet requirements for renewal of the license within the biennium. The fine must be paid within 90 days of the docket date of the order. Must complete 22 hours of Board approved CEs within 90 days of the docket date of the order. CEs completed to satisfy the requirements of the order may not be used for the biennium ending December 2021 and flag for audit.
- PT200033** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 (\$500 per violation) which must be paid within 90 days after the docket date of the order. CEs completed in January 2020 may not be used to meet the CE requirements for the biennium ending December 2021 and flag for audit.
- PT200034** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 for failure to meet CE requirements within the biennium. Fine must be paid within 90 days after the docket date of the order. CEs completed in February 2020 may not be used to meet the CE requirements for the biennium ending December 2021 and flag for audit.
- PT200035** Renew the license with the dry needling designation.
- PT200036** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 per violation for

failure to meet CE requirements for the biennium ending December 31, 2017. Fine must be paid and an additional 13.75 hours of CE must be completed within 90 days of the docket date of the order to satisfy the requirements for the biennium ending December 31, 2017. CEs submitted to satisfy terms of order may not be used to satisfy the CE requirements for the biennium ending December 31, 2021 and flag for audit.

- PT200037** Refer to Legal Services to issue a Public Consent Order with a fine of \$500 per violation for failure to meet CE requirements within the biennium. Fine may be paid in full within 90 days of the docket date of the order. Licensee must submit proof of 30 hours of CE, four (4) hours of which must be in Georgia Ethics and Jurisdiction, to satisfy the requirements for the biennium ending December 31, 2019. CEs submitted to satisfy terms of order may not be used to satisfy the CE requirements for the biennium ending December 31, 2021 and flag for audit.
- PT200038** Refer to Legal Services to issue a Public Consent Order with a fine of \$1500 for failure to meet requirements, falsely attested to meeting them and took more than 10 hours in one calendar day. Fine may be paid in monthly installments of \$100 beginning 30 days after the docket date of the order until paid in full. Licensee must submit proof of four (4) hours of Georgia Ethics and Jurisdiction, to satisfy the requirements for the biennium ending December 31, 2019. CEs submitted to satisfy terms of order may not be used to satisfy the CE requirements for the biennium ending December 31, 2021 and flag for audit.
- PT200040** Renew with a Letter of Concern regarding compliance with Board Rule 490-4-.02, to include taking four (4) hours of Georgia Ethics and Jurisprudence or the GA JAM.
- PT200041** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1500 for false attestations and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. Must complete four (4) hours of Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200043** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$500 for failure to meet requirements for renewal of the license within the biennium. Fine may be paid within 90 days of the docket date of the order. Must complete 30 hours CE, four (4) of which must be in Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200045** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. Must complete 13.75 hours of CE within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200046** Renew the license with dry needling designation.
- PT200047** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. Must complete 13 hours of CE, two (2) of which must be in Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.

- PT200048** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. The Georgia Ethics and Jurisprudence course taken in February 2020 may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200051** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. Must complete two (2) hours of CE within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200053** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$500 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine to be paid within 90 days after the docket date of the order. Must complete 6 hours CE and achieve passing score on GA Jam within 90 days. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200054** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$500 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine to be paid within 90 days after the docket date of the order. Must complete 26 hours of CE within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200055** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid within 90 days after the docket date of the order. Must complete four (4) hours of Georgia Ethics and Jurisprudence within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200056** Renew the license.
- PT200057** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. The GA JAM taken on March 3, 2020 may not be used to meet CE requirements for the biennium ending December 31, 2021. Flag for CE audit.
- PT200059** Renew the license.
- PT200060** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1500 for false attestation and failure to meet requirements for renewal of the license and dry needling within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Must complete 14 hours of CE, to include four (4) hours of Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200061** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Must complete four (4) hours of Georgia Ethics and Jurisprudence, within

90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit. Add dry needling designation.

- PT200062** Renew the license with dry needling designation.
- PT200063** Renew the license with dry needling designation.
- PT200064** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Four (4) hours of Georgia Ethics and Jurisprudence may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200065** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Must complete two (2) hours of Georgia Ethics and Jurisprudence within 90 days of the docket date of the order and CE taken to satisfy the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit. Add the dry needling designation.
- PT200066** Renew the license and send a letter of concern to CE provider regarding entering number of CE hours awarded for course on CE certificate.
- PT180001** Refer to Attorney General's Office for a hearing for revocation of licensure for violation of consent order and failure to meet CE requirements for renewal of the license within the biennium.
- PT200075** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1500 for false attestations and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order. Must complete 30 hours of CE, four (4) of which must be in Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE taken to satisfy the terms of the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.

2. RENEWALS_ARRESTS_SANCTIONS

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

- PT200028** Renew the license and require the licensee to submit her treatment record as the renewal application required to determine if licensee is able to practice with reasonable skill and safety. If not received within a certain timeframe, refer to the Attorney General's Office for an outpatient mental and physical examination.
- PT200029** Renew the license with a referral to Legal Services for a Public Consent Order for License Renewal with a reprimand fine of \$500 for false attestation on license renewal application. Fine to be paid and 30 hours of CE, to include four (4) hours of Georgia Ethics and Jurisprudence, must be completed within 90 days of the docket date of the order. CEs completed to satisfy the order may not be used to satisfy the CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200069** Renew the license and close the case.
- PT200070** Renew the license with a Letter of Concern regarding the violation of BR 490-4-.02(1) and

statement that the Board reserves the right to implement sanction depending upon the outcome of the criminal case.

- PT200071** Renew the license with a reservations of rights letter and refer to the Attorney General's Office for an outpatient mental and physical examination.
- PT200072** Renew the license with a reservations of rights letter and refer to the Attorney General's Office for an outpatient mental and physical examination.
- PT200068** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for false attestation and failure to meet requirements for renewal of the license within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Must complete four (4) hours of Georgia Ethics and Jurisprudence within 90 days of the docket date of the order and CE taken to satisfy the order may not be used to meet CE requirements for the biennium ending December 31, 2021, and flag for CE audit.

3. Question Concerning Scoring of the TOEFL Exam, Eric Verner

Ms. Gaskin motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to notify the writer the NPTE Policy Manual states in the requirements for candidates on page five, section 1(1)(g), that the score must be from the most recent exam which may not be a composite score.

Applications for Board Review

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

- Applicant 2839392** Issue the license.
- Applicant 2840670** Issue the license.
- Applicant 935779** Refer to Legal Services for a Public Consent Order with a fine of \$1000.00 for false attestation on renewal application and failure to complete the continuing competency requirements within the biennium. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full. Must complete 4 hours of Georgia Ethics and Jurisprudence within 90 days of the docket date of the order and CE taken to satisfy the order may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- Applicant 2789282** Renew with a Letter of Concern regarding false attestation on renewal application relevant to the completion of CE after the date of attestation and notification that the Board reserves the right to sanction the license based on outcome of the criminal case.
- Applicant 955430** Refer to Legal Services for a Public Consent Order with a fine of \$2000.00 for false attestation on renewal application for 2017 and 2019 and failure to complete the continuing competency requirements [O.C.G.A. § 43-1-19(a)(1)(2), 43-33-16, Board Rule 490- 4-.01(1) and 490-4-.02]. Must submit 34 hours Board approved CE to include four (4) hours Georgia Ethics and Jurisprudence, within 90 days of the docket date of the order. CE hours obtained (2020) to satisfy the Board order cannot be used for 2021 renewal. Fine may be paid in installments of \$100 to begin 30 days after the docket date of the order until paid in full.
- Applicant 823753** Renew license with Letter of Concern regarding criminal history and request a certified copy of the final disposition of the reported case within 14 days of being adjudicated.

Adjournment: There being no further business to discuss, the meeting adjourned at 2:43 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed and edited by: Adrienne Price, Executive Director
Minutes approved on: April 6, 2020

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR