

**GEORGIA STATE BOARD OF PHYSICAL THERAPY**  
**Board Teleconference Minutes**  
**Wednesday, April 15, 2020 - 8:30 a.m.**

The Georgia State Board of Physical Therapy met via teleconference on Wednesday, April 15, 2020. The following members were present:

**Board Members Present**

Dorothy Gaskin, Board Chair  
Anne Thompson, Vice Chair  
Chad Whitefield, Board Member  
Terri Burner, Board Member  
Lauri Wallace, Board Member  
Destiny Hebert, Board Member  
Charles Bass, Board Member  
Norma Nunez-Cortes, Consumer Board Member

**Administrative Staff Present**

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

**Attorney General's Office**

Melissa Tracy, Assistant Attorney General

**Board Members Absent**

No members absent.

**Visitors Present**

Daniel Dale, PT, DPT, Physical Therapy Association of Georgia (PTAG), President  
Sandra Eskew Capps, PT, DPT  
Sam Martigke

**Call to Order:** Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 8:33 a.m.

**OPEN SESSION**

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

**April 6, 2020 Board Teleconference Minutes**

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to approve the April 6, 2020 open session teleconference minutes as presented.

**Correspondence – A Word of Appreciation – La Trenda Tyler-Jones, Division Director, Professional Licensing Boards Division, Georgia Secretary of State**

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion for Ms. Gaskin to send a letter on the Board's behalf expressing gratitude and appreciation for the hard work of staff during this transition.

**Correspondence – Physical Therapy Association of Georgia Public Comment on Emergency Rules – Dr. Daniel Dale, PT, DPT, PTAG President**

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

**Discussion – Emergency Board Rules**

**1. Rule 490-5-1.0-.01 Adequate Supervision and Direction of the PTA and PTA Students**

Upon finding that the coronavirus pandemic is of imminent peril to the public health, safety, or welfare; and, upon Governor Kemp's executive order declaring a public health emergency in the state of Georgia; and based upon the fact that in-person supervision of physical therapist assistants and physical therapist assistant students may not always be feasible due to social distancing orders; Dr. Wallace motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to refer to the Governor's Office for approval, Board Rule 490-5-1.0-.01 Emergency Rule On Responsibility of Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistant and Adequate Supervision Defined.

The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-33-3(6); 43-33-10(9). Additionally, it is not legal or feasible to meet the objectives of O.C.G.A. §§ 43-33-3(6); 43-33-10(9) 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 490-5-0.1-.01 Emergency Rule On Responsibility of Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistant and Adequate Supervision Defined**

- (1) This rule shall be in effect for the duration of the public health state of emergency regarding COVID-19 and no more than 30 days thereafter.
- (2) A licensed physical therapist shall at all times be responsible for and provide adequate supervision to the physical therapist assistant (PTA) and PTA student as required in Rule 490- 5-.01 and 490-5-.02; and may meet, supervise and be readily available to the physical therapist assistant as required in person or via audio and video technology as appropriate.

**2. BR 490-2-4a Training Permits for Graduates of CAPTE Accredited Schools**

Upon finding that the coronavirus pandemic is of imminent peril to the public health, safety, or welfare; and, upon Governor Kemp's executive order declaring a public health emergency in the state of Georgia; and based upon the fact that graduates of physical therapy and physical therapist assistants are unable to take the national examination to gain licensure in the state of Georgia as a result of COVID-19; and, the inability to gain licensure will prevent them from becoming gainfully employed in the field of physical therapy; and, the length of time between education and the ability to practice may have an adverse effect on the graduates ability to practice with reasonable skill and safety, Ms. Gaskin motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to refer to the Governor's Office for approval, Board Rule 490-2-4a Training Permits for Graduates of CAPTE Accredited Schools as presented below.

The formulation and adoption of this rule does not impose excessive regulatory cost on any licensee; and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-1-25, 43-33-3, 43-33-10, 43-33-12, 43-33-17. Additionally, 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 490-2-0.1-.04. Emergency Rule on Training Permits**

(1) Due to the State of Emergency regarding COVID-19, graduates of CAPTE accredited entry level physical therapy or physical therapist assistant programs may be issued a training permit upon approval of the Board if the graduate:

- (a) Submits an application on forms approved by the Board;
- (b) Has acquired the education and training required for licensure;

(c) Has been approved by their educational program to take the national examination approved by the board;

(d) Is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (a) or (c) of Code Section 43-1-19; and,

(e) Has successfully passed a criminal history records check as determined by the board.

(2) The training permit shall allow the holder thereof to work:

(a) Only under the direct supervision of a physical therapist who has been approved by the board and has practiced for not less than one year prior to assuming the supervisory role; and,

(b) For the duration of the public health state of emergency regarding COVID-19 and no more than 30 days thereafter.

(3) A training permit shall become invalid and must be immediately returned to the Board office by the trainee if:

(a) The trainee does not exhibit performance satisfactory to their board approved supervisor(s); or,

(b) The 30 day period after the expiration of the public health state of emergency has ended;

or,

(c) The training permit holder is issued a license by the Board.

(4) Applicants may name both a primary and a secondary supervisor on the training permit application.

(a) The supervisors named on the training permit application hold 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.

(b) The supervisors must hold a license in good standing under O.C.G.A. Title 43, Chapter 33 and may not supervise more than two (2) training permit holders at one time.

(c) A named supervisor must regularly evaluate trainee performance in all areas as specified by the Board, to include cosigning any documentation provided by the trainee, and must notify the Board of unsatisfactory performance at which time the training permit becomes null and void.

### **Discussion – Continuing Competence Activities Documentation Requirements for aPTitude**

The Board tabled the discussion in reference to Continuing Competence Activities Documentation Requirements for aPTitude for Executive Session.

### **Petition for Rule Variance**

#### **1. BR 490-2-.03(1)(b) – Sheridan, Anne**

Ms. Gaskin motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of BR 490-2-.03(1)(b) based on sufficient evidence to substantiate hardship.

### **Petition for Rule Waiver**

#### **1. BR 490-2-.03(d) – Aquino, Paul**

Dr. Thompson motioned, Dr. Hebert seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(d) based on sufficient evidence to substantiate a substantial hardship.

#### **2. BR 490-2-.03(g) – Aquino, Paul**

Dr. Thompson motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(g) based on sufficient evidence to substantiate a substantial hardship.

**3. BR 490-2-.03(d) – Prince, Debbie**

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(d) based on sufficient evidence to substantiate a substantial hardship.

**4. BR 490-2-.03(1)(b) & (g) – Lim, Jeagwan**

Ms. Gaskin motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(1)(b) & (g) based on sufficient evidence to substantiate a substantial hardship.

**Miscellaneous Discussion**

Ms. Price updated the Board on the processing of renewal applications which have an “active-renewal pending” status.

**Ms. Gaskin motioned, Dr. Thompson 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. Voting in favor of the motion were those present who included Board members: Dorothy Gaskin, Anne Thompson, Chad Whitefield, Charles Bass, Laurri Wallace, Destiny Hebert, Terri Burner and Norma Cortes.**

**At the conclusion of the Executive Session of Wednesday, April 15, 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**

**April 6, 2020 Executive Session Board Teleconference Minutes**

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to accept the April 6, 2020 executive session teleconference minutes as presented.

**Miscellaneous Executive Discussion**

**1. PT200066 – Request RE LOC Issued to CE Provider**

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to remove the letter of concern from the Respondent’s record as proof of non-negligence was provided.

**2. CE Audit**

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session. If Respondents are able to demonstrate having met the CE requirements within the biennium, renew license with a Letter of Concern regarding accurate and timely completion of recording of CE as required and close the case.

**PT200076** Must produce evidence of meeting renewal requirements for 2017 biennium. If unable to produce, renew with a Public Consent Order for License Renewal with a fine of \$1500 for failure to meet requirements for renewal of the license within the biennia ending December 31, 2017 and December 31, 2019. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order until paid in full and flag for CE audit.

**PT200079** Renew the license without the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE into aPTitude and contact FSBPT for assistance with a dry needling account if needed.

**Charles Bass left the meeting at 9:48 a.m.**

- PT200080** 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 until paid in full. 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.
- PT200083** Renew the license with a Letter of Concern regarding making false statements on an application to the Board and caution the licensee to read the questions carefully and answer appropriately.
- PT200090** Renew with dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required and close the case.
- PT200092** Renew the license without the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required and contact FSBPT for assistance with a dry needling account if needed.
- PT200093** Renew the license with the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required.
- PT200094** Renew the license with the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required.
- PT200095** 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 until paid in full. Must complete 10.4 hours of CE, four (4) hours 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.
- PT200096** Renew the license without the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required. Must submit verification from provider regarding DN1 certificate for designation to be added to license.
- PT200099** Renew the license with the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required.
- PT200101** 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 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.
- PT200103** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$2000 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 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.

**PT200104** 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 must be paid in installments of \$100 monthly beginning 30 days after the docket date of the order until paid in full and 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.

**PT200105** Must produce evidence of meeting renewal requirements for 2017 and 2019 biennia. If able to produce, renew license with a Letter of Concern regarding accurate and timely completion of recording of CE as required.

If unable to produce, renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$2000 for false attestation and failure to meet requirements for renewal of the license for each biennium. Fine must be paid in installments of \$100 monthly beginning 30 days after the docket date of the order until paid in full and must all missing 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.

**PT200106** Renew the license without the dry needling designation with a Letter of Concern regarding accurate and timely completion of recording of CE as required.

**PT200107** 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 \$100 per month beginning 30 days after the docket date of the order until paid in full. Must complete four (4) hours of CE 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.

### **3. Mentorship Requirements**

Dr. Wallace motioned, Mr. Whitefield seconded and the Board voted unanimously in favor of the motion for Dr. Thompson to draft language to clarify the mentorship requirements and present it to the Board at next meeting.

#### **Applications for Board Review**

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

**Applicant 2850439** Reinstate license with no action and close the case.

**Applicant 2861549** Require 480 hours Traineeship Agreement.

**Applicant 1828351** Rescind previous Board motion made on 03/10/2020 and renew license with Letter of Concern regarding Board Policy #7 and Board Rule 490-4-.01-.02.

**Applicant 2843629** Approve 480 hour Traineeship Agreement.

**Adjournment:** There being no further business to discuss, the meeting adjourned at 11:05 a.m.

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

**Minutes reviewed and edited by:** Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director

**Minutes approved on:**

May 12, 2020

DOROTHY GASKIN  
**BOARD CHAIR**

ADRIENNE PRICE  
**EXECUTIVE DIRECTOR**