

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Teleconference Minutes
Tuesday, July 14, 2020 - 9:00 a.m.

The Georgia State Board of Physical Therapy met via teleconference on Tuesday, July 14, 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
Laurri Wallace, Board Member
Terri Burner, 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

Destiny Hebert, Board Member

Visitors Present

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

Call to Order: Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 9:07 a.m.

OPEN SESSION

Agenda The Board voted to accept the agenda as presented.

Open Session Minutes

1. June 9, 2019 Board Teleconference Minutes

Dr. Cortes motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to approve the June 9, 2020 open session Board teleconference minutes as presented.

2. June 9, 2019 Rules Committee Teleconference Minutes

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to approve the June 9, 2020 rules committee teleconference minutes as presented.

Licenses to Ratify May 5, 2020 – July 7, 2020

Mr. Whitefield motioned, Mr. Bass 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 – U.S. Department of Education Guidance Document Update 05152020

The Board accepts the correspondence in reference to the announcement from the USDOE as information.

Correspondence – Request to Clarify Supervision of PTAs in Mobile Clinics – Megan McLain, PT

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to notify the writer that the Georgia State Board of Physical Therapy and its administrative staff may not provide advice to any third party relevant to scope of practice questions due to potential legal ramifications for providing such advice. As a result, it is suggested that the writer review the Georgia Physical Therapy Act or seek guidance from their personal legal counsel on the matter.

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

1. Board Assessment Resource – Raising the BAR for Board Performance

The Board tabled discussion for Executive Session.

- 2. May News Brief**
- 3. Faculty Newsletter Second Quarter 2020**
- 4. Virtual 2020 FSBPT Membership Meetings**
- 5. June News Brief**

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

Discussion – International Network of Physiotherapy Regulatory Authorities (INPTRA) – 2nd Quarter 2020 Network News

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

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

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

Petition for Rule Waiver

1. BR 490-2-.03(1)(b) Choi, Daelim

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

2. BR 490-2-.03(1)(g) Choi, Daelim

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.03(1)(g) based on insufficient evidence to substantiate a substantial hardship.

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:

- Georgia General Assembly
- Notice of Fee Increase for Criminal Background Checks – Marina Fox, NCJ Customer Support & Compliance Supervisor
- ELDD Agreement
- Potential Changes Due to Budget Cuts

Mr. Whitefield motioned, Dr. Cortes 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

Ms. Gaskin expressed appreciation to Board members and staff for their continued flexibility and adapting to new ways of operating. She encouraged everyone to stay safe. She stated that the Board’s mission continues to be to protect the public and ensure candidates for licensure are qualified, and added that during the November meeting, the Board will create goals for the New Year.

Miscellaneous Discussion – CE Broker

Dr. Sylvester queried the Board regarding the launch of CE Broker. Ms. Price explained that with the Declared Public Health Emergency, the Governor’s Office may be delayed in the approval process for Board Rules submitted for their review. She stated that when the rule has been approved, the effective date for the implementation of CE Broker will be posted on the Board website. She added that the data will be transferred from aPTitude to CE Broker and the licensee will not be responsible for moving their information.

Dr. Eskew-Capps addressed the Board seeking clarification on recording CE certificates and whether to continue entering them into aPTitude, or to maintain the documents until CE Broker is in place. Ms. Price responded that this process has gone on longer than anticipated and FSBPT has been very gracious to support the process. Ms. Price indicated that licensees will not be able to access their aPTitude accounts after this month and they should retain their certificates until such time as they are able to load them to CE Broker.

Dr. Burner motioned, Mr. Bass 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, Laurri Wallace, Terri Burner and Norma Cortes.

At the conclusion of the Executive Session of Tuesday, July 14, 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

Scheduled Board Appointments

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

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|--------------------------------------|--|
| 11:00 a.m. PT200118
Order | Rescind the previous motion and refer to Legal Services for a Private Consent for Renewal of Licensure with a fine of \$500 for failure to meet requirements. |
| 11:30 a.m. PT200116
Order | Rescind the previous motion and refer to Legal Services for a Private Consent for Renewal of Licensure with a fine of \$1000 for false attestation and failure to meet requirements. |
| 12:00 p.m. PT200064
Order | Rescind the previous motion and refer to Legal Services for a Private Consent for Renewal of Licensure with a fine of \$500 for failure to meet requirements. |
| 12:30 p.m. PT180025 | Send a notice via certified mail scheduling a Personal Appearance for the September 22, 2020 meeting. |
| 1:00 p.m. PT200104
Private | Rescind the previous motion and refer to the Attorney General’s Office for a Consent Order for Renewal of Licensure with a fine of \$500 for failure to meet requirements. |

Executive Session Minutes – June 9, 2020 Executive Board Teleconference Minutes

Dr. Cortes motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to accept the June 9, 2020 executive session Board teleconference minutes as presented.

Attorney General’s Report – M. Tracy

Dr. Cortes motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to accept the Attorney General’s Report as presented.

Discussion – Federation of State Boards of Physical Therapy (FSBPT) – Board Assessment Resource – Raising the BAR for Board Performance

The Board voted to present their results for discussion during the November 17, 2020 meeting.

Legal Services MEMO

1. Appearances (noted above in interviews)

- i. PT200118
- ii. PT200116
- iii. PT200064
- iv. PT180025
- v. PT200104

2. Cases for Reconsideration

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

- i. PT200032 Rescind previous motion and refer to Legal Services for a Private Consent Order for Renewal of Licensure with a fine of \$250 for failure to meet requirements, which must be paid by December 31, 2021.
- ii. PT200041 Rescind previous motion and refer to LS for a Public CO for with a \$1000 fine for failing to meet the CE requirements for the renewal and false attestation.
- iii. PT200077 Rescind previous motion and refer to Legal Services for a Private Consent Order for Renewal of Licensure with a fine of \$250 for failure to meet requirements.

3. Case for Ratification

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in Executive Session:

- i. PT200115 Accept the order as received.

4. Cases for Closure-Renewal Requirements Met

Dr. Wallace motioned, Dr. Cortes seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- i. PT200047 Rescind previous motion and close the case.
- ii. PT200029 Rescind previous motion and close the case.

5. Case for Closure – Unresponsiveness

Dr. Wallace motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the following recommendation made in Executive Session:

- i. PT200061 Refer to the Attorney General's Office for a hearing for disciplinary action for failure to complete requirements for renewal of licensure.

Cognizant Report – C. Whitefield

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:

- PT130013** Deny request based on statute.
- PT190010** Close the case.
- PT190011** Close the case.
- PT200028** Request treatment records via certified mail. Upon receipt, refer to Cognizant for review. If not received, refer to Attorney General's Office for an OMPE.
- PT200070** Close the case.
- PT200071** Allow Respondent an additional 45 days to submit appropriate OMPE. If not received, refer to Attorney General's Office for a hearing for Suspension of Licensure until which time the terms of the order are met.
- PT200072** Request treatment records via certified mail to include a statement from the treatment provider concerning their ability to practice with reasonable skill and safety.
- PT200082** Close the case with a Letter of Concern regarding BR 490-4.02(1) Continuing Competence Requirements.

Miscellaneous Executive Discussion

1. CE Audit

Dr. Cortes motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session:

- PT200118** Renew the license and close the case.
- PT200119** Renew the license and close the case.
- PT200123** 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 both the 2017 and 2019 renewal cycles. Fine may be paid in installments of \$100 monthly beginning 30 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 and the Georgia Ethics and Jurisprudence course taken January 17, 2020 may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200124** Renew the license and close the case.

- PT200128** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$500 violation of BR 490-4-.02(1). Fine must be paid in installments of \$100 per month beginning one (1) month after the docket date of the order until paid in full.
- PT200129** Renew the license and close the case.
- PT200130** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$2000 for failure to meet requirements for renewal of the license for the 2019 renewal cycle. Fine must be paid in installments of \$100 per month beginning one (1) month after the docket date of the order until paid in full. Must complete eight (8) 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.
- PT200133** Renew the license and close the case.
- PT200134** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for failure to meet requirements for renewal of the license for the 2017 renewal cycle. Fine must be paid in installments of \$100 per month beginning one (1) month 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.
- PT200135** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for failure to meet requirements for renewal of the license for the 2019 renewal cycle. Fine must be paid in installments of \$100 per month beginning one (1) month after the docket date of the order until paid in full. Must complete one (1) hour 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.
- PT200137** Renew the license and close the case.
- PT200138** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for failure to meet requirements for renewal of the license for the 2019 renewal cycle. Fine must be paid in installments of \$100 per month beginning one (1) month after the docket date of the order until paid in full. GA JAM exam taken on June 11, 2020 may not be used to meet CE requirements for the biennium ending December 31, 2021 and flag for CE audit.
- PT200139** Renew the license with a Public Consent Order for License Renewal with a reprimand and fine of \$1000 for failure to meet requirements for renewal of the license for the 2019 renewal cycle. Fine must be paid in installments of \$100 per month beginning one (1) month after the docket date of the order until paid in full. 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.
- PT200140** Renew the license and close the case.
- PT200142** 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 for the 2019 renewal cycle. Fine must be paid in \$100 installments beginning 30 days after the docket date of the order until paid in full. 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.

PT200143 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 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.

PT200144 Renew the license and close the case.

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

2. **PT200051** Rescind the Letter of Concern and close the case.
3. **PT200136** Acknowledge request with statement that there is no information to provide at this time. Release requested information once outcome is received.

Chuck Bass left the meeting at 3:20 p.m. with a quorum of the Board still present.

Applications for Board Review

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

Initial Applications

Applicant 2820599 Applicant must submit passing scores from a nationally approved exam as a requirement for licensure, in accordance with O.C.G.A. 43-33-12 and Board Rule 490-2-.09(3)(e).

Applicant 2844184 Must be submit Traineeship Agreement prior to the expiration date of application for licensure, at which time the Board will consider an extension of the application.

OMPE

Applicant 2816281 Table pending additional information as discussed in Executive Session.

Reinstatements

Applicant 2869547 Refer to Legal Services for a Private Consent Agreement for Reinstatement of Licensure with a fine of \$1000 for unlicensed practice from March 1, 2020 – May 4, 2020.

Traineeship

Applicant 2843629 Grant extension until December 4, 2020 due to declared public health emergency.

Applicant 2843178 Approve traineeship.

Applicant 2839479 Must submit new traineeship application.

Adjournment: There being no further business to discuss, the meeting adjourned at 3:34 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed by: Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: August 19, 2020

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR