

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Teleconference Minutes
Tuesday, September 22, 2020 - 9:00 a.m.

The Georgia State Board of Physical Therapy met via teleconference on Tuesday, September 22, 2020. The following members were present:

Board Members Present

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

Administrative Staff Present

Adrienne Price, Executive Director
Michelle Hornaday, Board Support Specialist
Charlotte Mason, Licensing Supervisor
Meagan Doss, Complaints/Compliance Analyst

Attorney General's Office

Melissa Tracy, Assistant Attorney General

Board Members Absent

No members absent.

Visitors Present

Dr. Kathryn Sylvester, PT, DPT, APTA-GA
Dr. Sandra Eskew-Capps, PT, DPT
Olufisayo Aloba
Jordan Davis
Kurt McDonald
Tina Speers
Daniel Dale, PT, DPT, President, APTA-GA

Call to Order: Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 9:05 a.m.

OPEN SESSION

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

Open Session Minutes – August 19, 2019 Board Teleconference Minutes

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to approve the August 19, 2020 open session Board teleconference minutes as presented.

Licenses to Ratify July 7, 2020 – September 15, 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 – Clarification on Doctor Referrals – Judith Waddell Piette, PT001431

Mr. Bass motioned, Dr. Cortes 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.

Correspondence – APTA GA, GCCE - Request for Rule Amendment Concerning CC Credit for Supervising Clinical Education - Daniel Dale, DPT & Tami Phillips, DPT

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to refer the request back to the writers with a statement that the Board supports clinical education and welcomes ideas, but that changing the Board Rule, either for emergency purposes during the declared public health emergency, or to amend the Board Rule going forward, may not achieve the specific purposes of the request. Additional information and data is needed to determine if their intent would resolve the issue.

Correspondence – Web-based or Virtual Dry Needling Coursework - Rule 490-9-.05. Dry Needling

Dr. Wallace motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board is not considering the request at this time and BR 490-9-.05 Dry Needling does not allow for virtual coursework.

Correspondence - Professional Licensure Disclosure for Clinical Exercise Physiology, East Stroudsburg University - Mary Fredette, Research Analyst

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 does not license clinical exercise physiologists. The degree is not appropriate for licensure of Physical Therapists or Physical Therapy Assistants in the state of Georgia.

Discussion – Guide for Continuing Competence Activities Documentation Requirements for aPTitude

The Board tabled discussion of the Guide for Continuing Competence Activities Documentation Requirements for discussion pending the effective date of BR 490-4-.02 Continuing Competence Requirements, at which time the Board will revisit the Guide for the purpose of clean-up and revision.

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

1. 2020 Annual Meeting Webinar Series
2. 2020 Annual Meeting Webinar Series for INPTRA
3. July 2020 News Brief
4. July News Brief
5. August 2020 News Brief
6. 2020 Delegate Handbook
7. October Exam Update
8. Webinar – Artificial Intelligence in Medicine and PT
9. Webinar – Changing Hats – Conflicts Between Professional Interests and Public Protection in Board Decision-Making
10. Webinar: Physiotherapy Otherwise?

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

Discussion – PT Compact

1. Member State Checklist
2. View of Customer Interface – Applying for a Privilege

The Board accepts the correspondence in reference to the PT Compact as information.

Discussion – GPRR Active Supervision Decision

1. BR 490-2-.01 Approved Application For Licensure And Examination

2. **BR 490-2-.03_ Approved_ Licensure: Foreign-Educated Applicants**
3. **BR 490-2-.09_ Approved_ Licensure: Endorsement/Reciprocity**
4. **BR 490-2-.10_ Approved_ Licensure: Endorsement/Reciprocity for Military Spouses and Transitioning Service Members**
5. **BR 490-4-.02_ Approved_ Continuing Competence Requirements**
6. **BR 490-4-.03_ Approved_ Continuing Competency Audit**
7. **BR 490-5-.01_ Approved_ Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistant**
8. **BR 490-9-.05_ Approved_ Dry Needling**
9. **BR 490-13-.01_ Approved_ Licensure Compact**

The Board accepts the correspondence in reference to the GPRR Active Supervision Decisions as information.

Discussion – 2021 Board Meeting Dates

All meetings are scheduled for Tuesdays to begin at 9:00 a.m.

- January 12, 2021
- March 9, 2021
- May 4, 2021
- June 15, 2021 (Rules Committee)
- July 13, 2021
- September 21, 2021
- November 16, 2021

Dr. Cortes motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to approve the 2021 Board Meeting Dates as presented.

Petitions for Rule Waiver

1. BR 490-2-.03 - Vrunda Takalkar

Dr. Wallace motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.03 based on insufficient evidence to substantiate a substantial hardship. Notify the petitioner to submit the full FCCPT report and proof of employment for the last five years.

2. BR 490-2-.03(1)(g) & 490-2-.03(1)(b) - Jung Seung Young

Mr. Bass motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-2-.03(1)(g) and BR 490-2-.03(1)(b) 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
- ELDD Agreement
- Potential Changes Due to Budget Cuts
- Letter from American Physical Therapy Association (APTA) Georgia Chapter Requesting an Emergency Rule Change Regarding CE Requirements

Dr. Thompson addressed the request from APTA Georgia Chapter. She remarked that the request for a rule changing continuing competency reporting requirements is not warranted, as the delay in opening CE Broker is a

temporary problem. Ms. Price apprised the Board that all internal systems are ready for the transition from aPTitude to CE Broker and the data transfer is ready; however, the contract has not yet been executed. Once it is signed by both parties the official transfer of the continuing education from aPTitude to CE Broker can take place.

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion that the Board is not in favor of a rule revision for CE, and moves that the Board may deny the request for any temporary variance, with an explanation that the revision or variance would not correct the problem or any unforeseen difficulties in entering documentation into CE Broker. It is noted that the Board fully supports any concerns and reinforces that licensees will have the ability to enter their information into CE Broker in a timely manner.

Dr. Cortes motioned, Mr. Bass 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 her appreciation to Board Members for being prepared for meetings and continually adapting to new ways of operating.

Mr. Whitefield 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 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, Destiny Hebert and Norma Cortes.

At the conclusion of the Executive Session of Tuesday, September 22, 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. Thompson motioned, Dr. Cortes seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session.

11:00 a.m. PT180025 Rescind the previous motion and refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$750 for failure to meet requirements for two biennia. Notify the Respondent that he is responsible for CE for the current biennium and that CE taken to fulfill the requirements of the 2017 and 2019 cycles cannot be applied to the current or future biennia.

Mr. Bass left the meeting at 11:35 a.m. with a quorum of the Board still present.

11:30 a.m. PT200142 Rescind the previous motion and allow the Respondent to withdraw the application and allow the license to lapse by operation of law.

Executive Session Minutes – August 19, 2020 Executive Board Teleconference Minutes

Dr. Cortes motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to accept the August 19, 2020 executive session Board teleconference minutes as presented.

Attorney General's Report – M. Tracy

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

Legal Services MEMO

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

1. Reconsideration Requests

- a) **PT200130** Rescind the previous motion and refer to Legal services for a Private Consent Order with a fine of \$500 for failure to meet CE requirements for two (2) biennia. Hours taken to meet CE requirements for the 2017 and 2019 biennia may not be used to satisfy CE requirements for the biennium ending December 31, 2021.
- b) **PT200135** Rescind the previous motion, close the case and renew the license.
- c) **PT200134** Rescind the previous motion, close the case and renew the license.

2. Case for Ratification – PT200080 Accept the order as received.

3. Cases for Closure

- a) **PT200032** Send a final notice via certified mail that a response to the order is required within 15 days of receipt of the notice. If fail to respond, refer to the AG's office for a hearing or Public Consent Order with terms and conditions as discussed.
- b) **PT200076** Refer to the Attorney General's Office for a hearing or Public Consent Order for failure to complete requirements for renewal of licensure for two biennia with a fine of \$1500. Fine may be paid in installments of \$100 monthly beginning 30 days after the docket date of the order until paid in full.

5. Open Records Request – PT210005 Release the requested records as allowed by law.

Cognizant Report – C. Whitefield

Dr. Hebert motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to table discussion of the Cognizant Report for review during the November 2020 meeting.

PT200042 Grant the request for an extension. Results must be received by the board within 45 days from receipt of the notification.

Miscellaneous Executive Discussion

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

- 1. PT200075** Grant request to withdraw application and allow the license to lapse by operation of law.
- 2. PT200065** Accept order as received.
- 3. PT200071** Refer to Attorney General's Office for a Private Consent Agreement with monitoring for a minimum of two (2) years as discussed in Executive Session.
- 4. Board Assessment Resource** Table for review during the November 2020 meeting.

5. Cases for Closure

Close the following cases. Should the Respondent attempt to reinstate, the Board reserves the right to re-examine the facts of the case to determine if action is warranted.

**PT210009
PT170088
PT170094**

**PT180051
PT180074
PT180084**

**PT180085
PT180094
PT180097**

Applications for Board Review

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:

Initial Applications

- Applicant 2872281** Issue the license with a Letter of Concern regarding criminal history.
- Applicant 2887315** Issue the license.
- Applicant 2873213** Issue the license with a Letter of Concern regarding previous disciplinary action in other jurisdictions.
- Applicant 2879829** Issue the license with a Letter of Concern regarding criminal history.
- Applicant 2861495** Deny licensure based upon action in other jurisdictions.

Reinstatement

- Applicant 2857284** Allow applicant to use the 26 hours of CE completed in 2020 (pre-reinstatement) to satisfy the 26 hours of CE they would be required to complete for renewal for the cycle ending December 31, 2021.

Traineeship Agreement

- Applicant 2839479** Uphold the previous decision.

Ms. Price informed the Board that she has been granted permission from the Division Director and Human Resources to continue to serve as the Administrative Member of the Federation of State Boards of Physical Therapy Board of Directors.

Dr. Thompson remarked that she is very happy to hear this news as having someone from our state in that position on the Federation Board is valuable and as a result of Ms. Price’s involvement our state has benefited tremendously.

Adjournment: There being no further business to discuss, the meeting adjourned at 1:07 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed by: Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on: 10/13/2020

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR