

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Zoom Meeting Minutes
Tuesday, November 17, 2020 - 9:00 a.m.

The Georgia State Board of Physical Therapy met via Zoom meeting on Tuesday, November 17, 2020. The following members were present:

Board Members Present

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

Chad Whitefield, Board Member
Norma Nunez-Cortes, Consumer Board Member

Visitors Present

Dr. Daniel Dale, PT, DPT, President, American Physical Therapy Association-Georgia (APTA-GA)
Dr. Kathryn Sylvester, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)
Dr. Sandra Eskew-Capps, PT, DPT
Tina Spears, PT

Call to Order: Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 9:14 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 – October 13, 2020 Board Zoom Meeting Minutes

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

Licenses to Ratify September 15, 2020 – November 10, 2020

Dr. Wallace motioned, Dr. Burner 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.

Discussion – Dry Needling Course – Poonam Hurley & Anjanette Nunez, Georgia State University

The Board tabled discussion for Executive Session.

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

1. September 2020 News Brief
2. Faculty Newsletter Third Quarter 2020
3. Using the Board Assessment Resource (BAR) as Part of Strategic Planning
4. October News Brief
5. January NPTE Update

6. Webinar – A Discussion of Diversity in Physical Therapy Regulation

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

Discussion – APTA-GA – Request for Open Period for Comments/Questions at Board Meetings

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to amend the agenda to allow Dr. Dale to address the Board.

Dr. Dale reiterated concerns noted within the letter he submitted on behalf of APTA-GA regarding the Zoom meeting format and how it seems to limit the visitors' ability to share information during meetings. Thereafter, he was provided with additional clarification on the Board meeting process and the basis for the requirement that topics for discussion during a meeting be submitted at least 2 weeks in advance in order to be added to Board agendas. Dr. Dale stated that he will share the information provided to educate members on submitting letters to Board to be considered for agenda items at least two weeks in advance of scheduled Board meeting dates.

The Board approved the addition of a standing APTA-GA agenda item for all full Board meetings going forward.

Petition for Rule Variance - BR 490-2-.01(3) Giwon Lee

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 490-2-.01(3) based on insufficient evidence to substantiate a substantial hardship and to notify the petitioner that she has three months before application expires.

Petitions for Rule Waiver

1. BR 490-4-1-4(a) Amy Middleton

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to deny the petition to waive BR 490-4-1-4(a) based on insufficient evidence to substantiate a substantial hardship.

2. BR 490-2-03(1)(g) Tasha Shah

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) based on insufficient evidence to substantiate a substantial hardship.

3. BR 490-2-03(1)(g) & (b) Anne Sheridan

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

Board Member Elections

1. Board Chairperson

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to re-elect Mrs. Dorothy Gaskin as the Board's Chair.

2. Vice Chairperson

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Anne Thompson as the Board's Vice Chairperson.

3. Complaints/Disciplinary Cognizant

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to re-elect Mr. Chad Whitefield as the Board's Complaint/Disciplinary Cognizant.

4. Application Cognizant

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Anne Thompson as the Board's Application Cognizant.

5. Rules Committee

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to elect Dr. Destiny Hebert as Committee Chair, Dr. Terri Burner and Ms. Dorie Gaskin as a Rules Committee Members.

6. Special Projects Committee

Dr. Wallace motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to re-elect Dr. Laurri Wallace and the Committee Chair and Mr. Chuck Bass and Dr. Norma Nunez-Cortes as a Special Projects Committee Members.

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:

- ELDD Agreement & Data Entry Requirements
- Fingerprint Background Checks
- Transition from aPTitude to CE Broker

Dr. Wallace motioned, Dr. Burner 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 shared her recommended goals for the Board for year 2021.

1. Execute the Compact and issue the first privilege.
2. Fingerprint Background Check process implemented.
3. CE Broker implemented.
4. Successful renewal process in 2021.
5. Maintain the state's 4-Star status.

Ms. Gaskin expressed gratitude and congratulations to the Board and staff as Georgia now has a 5-Star status in Licensure and a 4-Star status overall in the ELDD. Additionally, she requested that Ms. Price add the number of Dry Needlers in Georgia to her Executive Director Report going forward.

Ms. Price apprised the Board that the CE Broker contract has been executed, but the process of implementation is pending the model for the uploading of CE developed in accordance with the new rule requirements that went into effect last month. She is working with CE Broker on this and stated that the data transfer has gone well. She anticipates the ability for licensees to record their CE will launch in late January 2021.

Dr. Thompson motioned, Dr. Wallace seconded and the Board voted unanimously in favor of the motion to accept the 2021 Goals for the Georgia State Board of Physical Therapy as presented.

Dr. Hebert 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, Charles Bass, Laurri Wallace, Terri Burner, and Destiny Hebert.

At the conclusion of the Executive Session of Tuesday, November 17, 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

11:00 a.m. Applicant 2861495

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to uphold the previous decision.

Executive Session Minutes – October 13, 2020 Executive Zoom Meeting Minutes

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to accept the October 13, 2020 executive zoom meeting minutes as presented.

Attorney General's Report – M. Tracy

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

- a) Policy Manual

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to refer the Board Policy Manual as amended to the Attorney General's Office for a final Memorandum of Authority, and if no objections, forward it to the Governor's Office for approval along with any memoranda granting authority.

Legal Services MEMO – Case for Closure PT200080

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to refer to the Attorney General's Office for hearing for revocation or Public Consent Order with terms and conditions as discussed by the Board.

Cognizant Report – C. Whitefield

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

- PT200087** Close the case.
- PT200098** Close the case.
- PT210011** Close the case, no action.
- PT210012** Refer to Investigations.

Miscellaneous Executive Discussion

- 1. PT200048 – Request for Investigative Records – Dorsey Luther, Legal Review Coordinator – TN Department of Health**

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to refer to Legal Services to release the records as requested.

2. Non-Compliant PT Cases

Dr. Burner motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to send the following Respondents a violation letter via certified mail. If Respondents are not in compliance within 15 days of receipt of the notice, refer to the Attorney General's Office for a hearing for revocation. If proof of completion of requirements is provided prior to hearing, close the case.

- a) PT170010
- b) PT170012
- c) PT170173
- d) PT170267

Applications for Board Review

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:

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|--------------------------|--|
| Applicant 2886820 | Issue license with a Letter of Concern regarding previous disciplinary action in another jurisdiction. |
| Applicant 2894366 | Issue license with a Letter of Concern regarding criminal history. |
| Applicant 2901794 | Approve request. If all other requirements are met, issue license. |
| Applicant 2869641 | Applicant must submit proof of completion of 26 hours of acceptable CE or the applicant must complete a 480-hour Traineeship Agreement within 90 days. |
| Applicant 2844517 | Grant extension request through the Georgia public health state of emergency and up to 90 days thereafter. |

Discussion – Dry Needling Course – Poonam Hurley & Anjanette Nunez, Georgia State University

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to inform the writers that the Board Rule has been forwarded to the Rules Committee to review the in-person requirements. The Board is requesting that they amend their certificates to accurately reflect the hours of instruction to include a start and end date during which the education took place, as well as inform their students that a petition for rule variance or waiver is required if any of the 50 hours of dry needling instruction was completed online or virtually in accordance with Board Rule 490-9-.05, until such time that a rule amendment has been approved by the Governor or an emergency rule is in place to allow dry needling instruction to be provided by other means.

The Rules Committee of the Georgia State Board of Physical Therapy discussed meeting dates and has scheduled to meet via Zoom on Tuesday, December 8, 2020 at 9:00 a.m.

Adjournment: There being no further business to discuss, the meeting adjourned at 12:58 p.m.

Minutes recorded by:	Michelle Hornaday, Board Support Specialist
Minutes reviewed by:	Charlotte Mason, Licensing Supervisor & Adrienne Price, Executive Director
Minutes approved on:	December 14, 2020

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR