

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Zoom Meeting Minutes
Tuesday, July 13, 2021 - 9:00 a.m.

The Georgia State Board of Physical Therapy met via Zoom meeting on Tuesday, July 13, 2021. The following members were present:

Board Members Present

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

Administrative Staff Present

Charlotte Mason, Licensing Supervisor
Michelle Hornaday, Board Support Specialist

Attorney General's Office

Betsy Cohen, Assistant Attorney General

Administrative Staff Absent

Adrienne Price, Executive Director
Meagan Doss, Complaints/Compliance Analyst

Board Members Absent

Destiny Gaddis, Board Member
Laurri Wallace, Board Member

Visitors Present

Dr. Sandra Eskew-Capps, PT, DPT
Dr. Katherine Sylvester, PT, DPT, President, American Physical Therapy Association-Georgia (APTA-GA)
Dr. Daniel Dale, PT, DPT, Past President, American Physical Therapy Association-Georgia (APTA-GA)
Tina Spears
Anugra Chhaya
Vrunda Takalkar
Donald Walsh
Vivian Simmons
Matthew Simmons
Yogeshkumar Makvana
(1) Unidentified caller

Call to Order: Ms. Gaskin established that a quorum of the Board was present and called the meeting to order at 9:03 a.m.

OPEN SESSION

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

Open Session Minutes – May 4, 2021 Board Zoom Meeting Minutes

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to approve the May 4, 2021 Open Session Zoom Meeting Minutes as presented.

Licenses to Ratify: April 27, 2021 – July 6, 2021

Dr. Thompson 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.

Correspondence – Practicing Telehealth, Marla Payne, PT006034

Dr. Burner motioned, Dr. Cortes seconded and the Board voted unanimously in favor of the motion to notify the writer that the Board only has jurisdiction over that which occurs in Georgia; therefore, the Board cannot provide

any guidance or direction regarding the practice of telehealth while in another state. Additionally, the Board or its staff may not provide what is considered legal advice regarding the scope of practice. The writer is encouraged to review the laws and rules in the state of South Carolina as well as Georgia to determine that which is allowed. If they are unable to make that determination it is recommended that they seek guidance from legal counsel of their choosing on the matter.

Discussion – Brenau University request for DPT Verification

Dr. Thompson motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to notify the writer that the Commission on Accreditation in Physical Therapy Education (CAPTE) is the accrediting body that determines verification, not the state Board, and to refer them to the Board Rules [BR 490-2-.02] and law.

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

1. **Spring Decisions 2021**
2. **Spring Decisions 2021 14 Day Notices**
3. **Master List of Accredited PT Programs**
4. **Master List of Accredited PTA Programs**

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

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

1. **Board Training Presentations and Save the Date**
2. **May News Brief**
3. **Council of Board Administrators (CBA) – 2021 State Board/Agency Reports**
4. **Faculty Newsletter Second Quarter 2021**
5. **Webinar – Fundamentals of Regulatory Design**
6. **Webinar – CAPTE: Need to Knows for Regulators**
7. **Webinar – Exploring the Challenges of Regulating a 'Hands on' Profession in a 'Hands off' Era**
8. **Regulatory Hour – Together is Better – Collective Wisdom & Voice**
9. **Regulatory Hour – The Conflict Zone**

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

Discussion – Physical Therapy Commission Compact (PTCC)

1. **Legal Advisory Opinion: Encumbrances & Investigations – T.J. Cantwell, Compact Administrator**

The Board tabled further discussion for Executive Session.

2. **Compact Privilege and Dry Needling Designations**

The Board discussed Compact privileges and dry needling designations. There is no storehouse for dry needling certificates in CE Broker nor is there a system for logging the information in the Georgia licensing data base for those compact privilege holders who do not hold a Georgia PT license. Dr. Thompson will check with FSBPT as the Board delegate for the Compact, to determine how other states process the designations. Staff is to confer with CE Broker as well.

Discussion – 2022 Board Meeting Dates

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

January 11, 2022
March 8, 2022
May 3, 2022

June 28, 2022 (Rules Committee)
July 12, 2022
September 20, 2022
November 8, 2022

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to approve the 2022 Board meeting dates as presented, pending the 2022 Rules Committee date review by Dr. Gaddis.

American Physical Therapy Association – Georgia Chapter (APTA-GA) – Dr. Katherine Sylvester, PT, DPT

Dr. Sylvester presented a report to the Board on behalf of Dr. Geist, APTA-GA President. She stated that APTA-GA has three recommendations:

1. They are suggesting the development of a decision tree to simplify the application process for applicants and licensees, and if the Board agrees with its formulation, the form will be posted on their website. The decision tree will also include a list of FAQs to help streamline the process.
2. Dr. Sylvester recommended that the agency have a dedicated support phone line for PT licensure questions. Ms. Gaskin responded that all license types are created equal and it would not be possible for one profession to have a dedicated line. Dr. Sylvester countered with suggesting that the call center staff have additional training.
3. APTA-GA would like to submit a letter of support to their state legislative leaders for additional staff for the Board office. This was greatly appreciated by both Board members and staff.

Dr. Cortes motioned, Mr. Bass seconded and the Board voted unanimously in favor of the motion to accept the report presented by Kathryn Sylvester on behalf of APTA-GA.

Petitions for Rule Waiver

1. BR 490-2-.03(g) & BR 490-2-04 Amr Elzeidy

The Board tabled discussion for Executive Session.

2. Noha Soliman

- a) BR 490-2-.03(1)(e)
- b) BR 490-2-.03(1)(b)
- c) BR 490-2-.03(1)(g), BR 490-2-.04(a)(4), BR 490-2-.04(a)(5)

The Board tabled discussion for Executive Session.

3. BR 490-2-.03(1)(a)&(b) Chaya Ashwinbhai

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

Dr. Thompson motioned, Dr. Cortes 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.

4. BR 490-2-.03(3) Myla Salazar

Dr. Burner 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.

Petition for Rule Variance – BR 490-2-.03(e) Yewon Park

The Board tabled discussion for Executive Session.

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
- CE Broker

Ms. Gaskin referenced the end of the declared Public Health Emergency July 1, 2021, and how this will affect the Emergency Rule. It was a consensus of the Board that the Rules Committee will address the Emergency Rule, which is in effect 30 days following July 1, 2021. It will be considered during their meeting next week for the purpose of making it permanent going forward.

Ms. Gaskin brought up issues she is having with CE Broker and stated much of her CEs have not transferred over from aPTitude. Staff will research the issue further.

Dr. Thompson recommended that staff add to website that it is a renewal year and to underscore the importance of not waiting until the last minute. She stressed the importance of licensees not attesting to completion of CE before the fact.

Dr. Burner motioned, Dr. Thompson 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 reminded the Rules Committee Members of their meeting next Tuesday, July 20, 2021 and asked Board members to submit any recommended rule revisions to the Board office prior to that meeting for Committee consideration.

Dr. Cortes motioned, Dr. Burner 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, Terri Burner, and Norma Cortes.

At the conclusion of the Executive Session of Tuesday, July 13, 2021, 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 – May 4, 2021 Executive Zoom Meeting Minutes

Dr. Thompson motioned, Dr. Cortes seconded and the Board voted unanimously in favor of the motion to accept the May 4, 2020 Executive Session Zoom Meeting Minutes as presented.

Attorney General’s Report – B. Cohen

PT190012 Mr. Whitefield motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to rescind the previous motion, not pursue the cease and desist order, and close the case.

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

Cognizant Report – C. Whitefield

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of tabling the Cognizant Report until the September 21, 2021 Zoom meeting.

Miscellaneous Executive Discussion – PT200076

Dr. Cortes motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to release the requested records as allowed by law.

Applications for Board Review

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

Arrests

Applicant 2892896 Issue license with Letter of Concern regarding criminal history.

Applicant 2918871 Issue license with Letter of Concern regarding criminal history.

Dry Needling Designations

Applicant CP004874T Approve the Dry Needling designation.

Applicant CP005200T Approve the Dry Needling designation.

Initial Applications

Applicant 2868408 Grant appeal request.

Applicant 2931967 Issue the license.

Request for Reconsideration

Applicant 2929388 Deny for failure to meet requirement [O.C.G.A. § 43-33-12(1) and BR 490-2-.03].

Traineeship Agreements

Applicant 2937980 Approve the 480-hour Traineeship Agreement.

Applicant 2913882 Approve the 480-hour Traineeship Agreement.

Applicant 2935232 Approve the 1000-hour Traineeship Agreement.

Applicant 2943128 Approve the 480-hour Traineeship Agreement and request an updated Traineeship Agreement with current start date.

Discussion – Physical Therapy Commission Compact (PTCC)

1. Legal Advisory Opinion: Encumbrances & Investigations – T.J. Cantwell, Compact Administrator

The Board recommended to table the discussion for the September 21, 2021 meeting after reviewing the Attorney General's Memo of Authority on the PT Compact from the May 4, 2021 meeting.

1. BR 490-2-.03(g) & BR 490-2-04 Amr Elzeidy

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted unanimously in favor of the motion to grant the petition to waive BR 490-2-.03(g) & BR 490-2-.04 based on sufficient evidence to substantiate a substantial hardship.

2. Noha Soliman

- a) BR 490-2-.03(1)(e)
- b) BR 490-2-.03(1)(b)
- c) BR 490-2-.03(1)(g), BR 490-2-.04(a)(4), BR 490-2-.04(a)(5)

Chuck Bass left the meeting at 11:49 a.m. a quorum of the Board still present.
Laurri Wallace joined the meeting at 11:50 a.m.

Dr. Cortes 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)(e) based on sufficient evidence to substantiate a substantial hardship.

Dr. Cortes 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)(b) based on sufficient evidence to substantiate a substantial hardship.

Dr. Cortes 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), BR 490-2-.04(a)(4), BR 490-2-.04(a)(5) based on sufficient evidence to substantiate a substantial hardship.

Petition for Rule Variance – BR 490-2-.03(e) Yewon Park

Dr. Thompson motioned, Ms. Gaskin seconded and the Board voted in favor of the motion to grant the petition for variance of BR 490-2-.03(e) based on sufficient evidence to substantiate a substantial hardship. Mr. Whitefield recused himself from the vote.

Adjournment: There being no further business to discuss, the meeting adjourned at 12:03 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 18, 2021

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR