

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Board Zoom Meeting Minutes
Tuesday, January 11, 2022 - 9:00 a.m.

The Georgia State Board of Physical Therapy met via Zoom meeting on Tuesday, January 11, 2022. The following members were present:

Board Members Present

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

Administrative Staff Present

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

Attorney General's Office

Betsy Cohen, Assistant Attorney General

Board Members Absent

Chad Whitefield, Board Member
Laurri Wallace, Board Member

Administrative Staff Absent

Charlotte Mason, Licensing Supervisor

Visitors Present

Dr. Katherine Sylvester, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)
Dr. Sandra Eskew Capps, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)
Dr. Kathleen Geist, PT, DPT, President, American Physical Therapy Association-Georgia (APTA-GA)
Tina Spears, PT
Yesha Mehta
Yogeshkumar Makvana
Jacob Hammond
Leila Rahnama
1 unidentified caller (Call-in User 1)

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

Open Session Minutes – December 14, 2021 Board Zoom Meeting Minutes

Dr. Burner motioned, Dr. Thompson seconded and the Board voted unanimously in favor of the motion to approve the December 14, 2021 Open Session Zoom Meeting Minutes as presented.

Licenses to Ratify: November 9, 2021 - January 4, 2022

Dr. Burner motioned, Dr. Cortez 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 – Commission on Accreditation in Physical Therapy Education (CAPTE)

1. CAPTE 14 Day Actions November 2, 2021
2. Accreditation Actions November 2, 2021

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

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

1. November News Brief
2. 2022 Budget
3. December News Brief
4. Faculty Newsletter 4th Quarter 2021
5. Forum 2021
6. Webinar – For the Love of Regulation
7. 2022 NPTE Policies
8. Regulatory Hour – In Review – 2021 Has Led to Change
9. January Regulatory Hour - Judgments

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

Delegates for FSBPT

Dr. Burner motioned, Dr. Cortez seconded and the Board voted unanimously in favor of the motion to maintain Dorothy Gaskin as the Primary Delegate and Anne Thompson as the Alternate Delegate and PT Compact Delegate for all FSBPT and PT Compact Commission meetings for calendar year 2022.

Petitions for Rule Variance

1. BR 490-2-.03(b) William Davis James Brown

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to grant the petition for variance of BR 490-2-.03(b) based on sufficient evidence to substantiate a substantial hardship, pending receipt of the Certificate of Registration Status from the Australian Health Practitioner Regulation Agency (AHPRA).

2. BR 490-02-.01(3) Yogeshkumar Makvana

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to deny the petition for variance of BR 490-02-.01(3) based on insufficient evidence to substantiate a substantial hardship. However, notify the petitioner of the application items that will not have to be resubmitted should a new application be submitted in 2022.

Petitions for Rule Waiver

1. BR 490-2-.03 & 490-2-.04 Ashwinbhai Chhaya Anugra

Table discussion for Executive Session.

2. BR 490-2-.03(1)(g) Andrea Erica Anotado Dagoco

Table discussion for Executive Session.

3. BR 490-2-.03(1)(g) Engelbert Solis

Table discussion for Executive Session.

American Physical Therapy Association – Georgia Chapter (APTA-GA) – Dr. Kathleen Geist, PT, DPT, Executive Director – Correspondence: Process to Dry Needle in Georgia

To supplement the letter that APTA-GA submitted to the Board, Dr. Geist addressed the Board by requesting that they reconsider the requirement for a dry needling license subtype. Dr. Thompson and Ms. Gaskin noted the large number of discrepancies the Board has found in personally reviewing the documentation submitted from licensees requesting the designation and more often than not, the documentation does not meet the requirements. Additionally, Dr. Thompson and Ms. Gaskin noted that the requirement is justified based on the statute and other state Boards which track dry needlers. Ms. Price noted that there are other healthcare boards with language in their statutes which is similar to that of the physical therapy practice act and those boards track those modalities which are within the scope but require additional training in like manner. Ms. Price stated that all of these factors were considered before the Board took its current approach to ensuring that those who wish to practice dry needling meet the educational requirements set forth in the laws and rules. Dr. Thompson reiterated that the Board and staff have put a great deal of time, money and effort into making the process clear for those seeking to add the designation to their license by working to greatly simplify the website and Board Rules to explain the process.

In response to APTA-GA's suggestion that the Board consider obtaining the documentation after licensees are already engaging in the practice of dry needling, Dr. Thompson remarked that staff spends an inordinate amount of time requesting the required documentation from licensees, who more often than not, fail to respond to the Board's request or they do respond and do not meet requirements and should never have been practicing dry needling. As a result, it would be more burdensome and inefficient to request the information during an audit or renewal. Ms. Price reviewed the process by which licensees may request that the dry needling designation be added to their licenses. She indicated that such requests are addressed within 15 business days of the licensee having notified the Board by email that their documentation has been loaded into CE Broker. Ms. Price explained that the purpose of the email notification is to alert them that the educational requirements are available to review within CE Broker. She stated that the email notification is necessary as the systems do not communicate

Dr. Thompson stated that the Georgia physical therapist members of APTA-GA are invested in their profession and are likely the cream of the crop who may follow directions, but they only comprise a quarter of licensees in the state. Three-fourths of the licensees are not members of APTA-GA, do not remain abreast of requirements and fail to ensure that they meet them, so in the interest of public protection, it is important that the Board knows that they meet the basic minimum requirements before they start practicing dry needling on others.

Dr. Geist asked the Board if there would be any objections to APTA-GA creating an FAQ list for their members who reach out with questions. Ms. Gaskin stated that it certainly couldn't hurt to make as much information available as possible. Dr. Geist thanked the Board for clarifying their questions as well as the open dialog regarding this topic and all matters affecting licensees in the State of Georgia.

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
- Transfer of Data from aPTitude to CE Broker
- Annual Public Officer Affidavit

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

No report was presented.

Mr. Bass 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, Chuck Bass, Terri Burner, Destiny Gaddis, and Norma Cortes.

At the conclusion of the Executive Session of Tuesday, January 11, 2022, 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 – December 14, 2021 Executive Zoom Meeting Minutes

Dr. Gaddis motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion to accept the December 14, 2021 Executive Session Zoom Meeting Minutes as presented.

Attorney General's Report – B. Cohen

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

Legal Services MEMO – Case for Closure PT200018/PT220012

Dr. Thompson motioned, Dr. Burner seconded and the Board voted unanimously in favor of the motion that if the licensee attempts to renew, must provide proof of CE for the biennium ending December 31, 2021, then refer to the Attorney General's Office for a hearing or Public Consent Order with a fine of \$500 per violation for action in another jurisdiction and CE violation(s) for the biennia ending December 31, 2019 and December 31, 2021 if applicable [O.C.G.A. § 43-1-19(a)(8)]. Must complete the number of deficient CE hours within 90 days of the docket date of the order. CE completed to satisfy the terms of the order shall not be used to satisfy any of the CE requirements for the future license renewals. Flag for CE Audit and the ELDD. If the Respondent does not renew, close the case. The Board may consider the facts of the case should the Respondent attempt to reinstate. Place a hold on the record, if attempts to reinstate.

Cognizant Summary Report

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

- PT200005** Close the case, insufficient evidence.
- PT210012** Table pending Cognizant review.
- PT210017** Table pending Cognizant review.
- PT220003** Close the case with a Letter of Concern regarding client communication and appropriate record keeping.
- PT220005** Table pending Cognizant review.

Applications for Board Review

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

Arrest

- Applicant 2975701** Issue license with Letter of Concern recording false attestation on application and criminal history.

Renewals

Applicant 2534117 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$500 for false attestation on renewal application and completing CE hours after renewal biennium 2021 deadline. Fine to be paid in full within ninety (90) days of the docket date of the order, CE hours submitted January 5-6, 2022 to satisfy the renewal requirement for biennium 2021 cannot be used to meet the CE requirements for the biennium ending December 31, 2023. Flag for CE Audit.

Applicant 2690505 Issue the license with a Letter of Concern regarding submission of the same CE coursework to satisfy the requirements for more than one biennium. Such practice is not allowed and shall not be accepted in the future.

Applicant 1147223 Refer to Legal Services for a Public Consent Order for Renewal of Licensure with a fine of \$500 for false attestation on renewal application. Fine to be paid in full within ninety days of the docket date of the order. Flag for CE Audit.

Applicant 2619705 Renew license with Letter of Concern regarding alcohol and mental health treatment.

Petitions for Rule Waiver

1. BR 490-2-.03 & 490-2-.04 Ashwinbhai Chhaya Anugra

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

2. BR 490-2-.03(1)(g) Andrea Erica Anotado Dagoco

Dr. Thompson 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)(g) based on sufficient evidence to substantiate a substantial hardship.

3. BR 490-2-.03(1)(g) Engelbert Solis

Dr. Thompson 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)(g) based on sufficient evidence to substantiate a substantial hardship, if the Board receives a positive traineeship evaluation completed by a licensed physical therapist in supervision at the petitioner's current clinical assignment in the State of Georgia.

Chuck Bass left the meeting at 11.30 a.m. with a quorum of the Board still present.

Adjournment: There being no further business to discuss, the meeting adjourned at 11:36 a.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist
Minutes reviewed by: Adrienne Price, Executive Director
Minutes approved on: March 8, 2022

DOROTHY GASKIN
BOARD CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR