

GEORGIA STATE BOARD OF PHYSICAL THERAPY
Rules Committee Zoom Meeting Minutes
Tuesday, June 27, 2023 – 9:00 a.m.

The Rules Committee of the Georgia State Board of Physical Therapy met via Zoom meeting on Tuesday, June 27, 2023. The following Committee members were present:

Committee Members Present

Destiny Hebert, Committee Chair
Terri Burner, Committee Member
Ashley Camoosa, Committee Member

Administrative Staff Present

Michelle Hornaday, Board Support Specialist
Meagan Doss, Licensing Analyst Supervisor

Attorney General's Office

Sandra Bailey, Assistant Attorney General

Visitors Present

Stacey Hoffman
Ansley Coles
Chris Noom
Taylor Ford
Daniel Dale, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)
Sandra Eskew-Capps, PT, DPT, American Physical Therapy Association-Georgia (APTA-GA)
Hunter Pauley
Ian Magandy
Jack Gallagher
Megan Perry
19 Unidentified callers

Administrative Staff Absent

Adrienne Price, Executive Director

Call to Order: Dr. Hebert called the Rules Committee meeting to order at 9:11 a.m.

OPEN SESSION

Agenda The Committee accepts the agenda as presented.

Discussion – Board Rules and Policy Statements

The Committee met for their annual review of all board rules and policies to ensure they are current with national standards, are the least restrictive for applicants and licensees, and best align to protect the health safety and welfare of all constituents in the State of Georgia. The Committee reviewed amendments recommended during the January 2020, July 2021, January 2022, and March 2022 Board meetings and accepted all previous recommendations made on Board Rules and Policy Statements, with the exception of BR 490-2-.03 Licensure: Foreign-Educated Applicants which was further amended today.

Additionally, the Committee referred Board Policy #5 – Traineeship, as amended today, and Policy #13 which was amended to correct the Board website reference. The Committee also worked together in the creation of Policy #18 Administrative Licensing Policy. After careful consideration, the Committee recommended to refer the following Board Rule and Policy Statements, as amended, to the full Board for review during the July 18, 2023 meeting.

1. BR 490-2-.03 Licensure: Foreign-Educated Applicants

The Committee entered into a discussion regarding Board Rule 490-2-.03 and made recommendation relative to foreign-educated applicants, reducing the amount of time required for active physical therapy practice in the United States whereby foreign educated applicants may be exempt from the IBT TOEFL requirement if the applicant submits verification of active physical therapy practice in the United States for a minimum of five (5) years.

The Committee determined the purpose for making the recommendation is to align this rule with other existing rules that have been amended. The policy purpose is to remove excessive burden from the applicant. This is

accomplished by prohibiting and preventing unsafe practices for those foreign trained physical therapists and physical therapy assistants living in the United States for at least five years as it allows adequate time to learn English language proficiency. The amendments ensure competent practitioners by requiring adequate time to show their proficiency in the English language, and it expands care and services by decreasing excessive burden on applicants.

The rule amendment decreases required time constraints by lowering the burden of ten years down to five years of the verification of active physical therapy practice in the United States. The Committee considered multiple variations and determined that five years is adequate time to ensure English language proficiency. This amendment is the least restrictive way to accomplish the State's policy and assists applicants with the speed of the licensure process.

The Committee considered independent support of how other states are handling this issue including examining the requirements for the states of Texas and Florida. The rule amendment will affect licensure requirements for foreign educated applicants and decrease their economic burden of having to take the TOEFL by demonstrating language proficiency with five years of active practice in the US.

The rule amendment will have a decreased economic impact on businesses in Georgia as the applicants will not be required to pay for the TOEFL if they can fulfill the requirement and they will be able to go to work sooner.

Ga. Comp. R. & Regs. r. 490-2-.03 Licensure: Foreign-Educated Applicants

Georgia Administrative Code

Department 490. RULES OF GEORGIA STATE BOARD OF PHYSICAL THERAPY

Chapter 490-2. LICENSURE REQUIREMENTS

Current through Rules and Regulations filed through December 29, 2021

Rule 490-2-.03. Licensure: Foreign-Educated Applicants

- (1) All applicants who are graduates of educational programs conducted in a foreign country that are not accredited by CAPTE and approved by the Board must submit credentials prescribed by the Board in order to be considered for approval to take the licensing examination.
 - (a) Transcripts must be evaluated by a credential evaluation agency approved by the Board to determine if the professional instruction is substantially equivalent to that of entry-level United States-educated therapists. The credentialing evaluation agency shall evaluate the transcripts and professional instruction using the most recent Coursework Tool (CWT) adopted by the Federation of State Boards of Physical Therapy and send its evaluation and a copy of the official transcript directly to the Board. A list of credentialing agencies approved by the Board shall be included in each application packet.
 - (b) Proof of licensure/certification/registration, that is current and in good standing, to practice physical therapy, or proof of appropriate eligibility to practice physical therapy, in the country of education must be submitted.
 - (c) Verification of licensure/certification/registration in all jurisdictions in which the candidate holds or has ever held a license/certification/registration must be submitted.
 - (d) Applicants educated in a non-English speaking physical therapy program must take and receive a passing score of 89 on the IBT TOEFL to include: a passing score of 22 on the writing section, a passing score of 22 on the reading section, a passing score of 21 on the listening section and a passing score of 24 on the speaking section before being allowed to sit for the licensure examination. Official score results must be submitted to the Board. Applicants may be exempt from the IBT TOEFL requirement if:

- (1) The applicant submits an official letter from their physical therapy

program attesting that the physical therapy curriculum was taught in English; or,

- (2) The applicant submits verification of active physical therapy practice in the United States for a minimum of 5 years.
- (e) Once a completed application is on file and prior to initiation of a traineeship, all foreign educated applicants must take and pass the NPTE and the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy.
- (f) All foreign-educated applicants must complete a Board-approved traineeship consisting of a minimum of 480 hours, which must be completed within three (3) months of the issuance of the traineeship permit. *This requirement may be waived if the applicant demonstrates clinical competency to the satisfaction of the Board by providing proof of 2 years of continuous, active physical therapy practice in the United States and license in good standing.*

- (2) Applicants educated in a foreign physical therapy program that is accredited by CAPTE and approved by the Board, do not have to submit a credentials evaluation but they must meet the conditions of Board Rule [490-2-.02](#).

Cite as Ga. Comp. R. & Regs. R. 490-2-.03

Authority: §§ [43-1-25](#); [43-33-10\(1\)](#), [\(2\)](#), [\(3\)](#), [\(10\)](#), [\(11\)](#); [43-33-12\(1\)](#); [43-33-13\(1\)](#); [43-33-14](#).

History. Original Rule entitled "Board Action Upon Application for Registration" adopted. F. and eff. June 30, 1965.

Repealed: New Rule of same title adopted. F. May 1, 1973; eff. May 21, 1973.

Repealed: New Rule entitled "Licensure: Foreign-Educated Applicants" adopted. F. Jan. 19, 2005; eff. Feb. 8, 2005.

Repealed: New Rule of the same title adopted. F. May 12, 2010; eff. June 1, 2010.

Amended: F. May 23, 2013; eff. Jun. 12, 2013.

Amended: F. Aug. 26, 2015; eff. Sep. 15, 2015.

Amended: F. Sep. 14, 2020; eff. Oct. 4, 2020.

2. Discussion – Board Policy #5 – Traineeship

The Committee determined the purpose for making the recommendation is to remove unnecessary requirements that do not follow statute. The policy purpose of the amendment is designed to carry out policy objectives that are expressed in a statute and is the least restrictive way to accomplish the State's policy as the policy now aligns with statutory requirements. The amendment will affect foreign trained, non CAPTE, students, which is a moot point because they cannot complete a traineeship without passing the national exam. The policy amendment will not afford any economic impact on businesses in Georgia.

Policy #5 – Traineeship

(A) The Board has designated a board member to review all non-CAPTE and all foreign educated examination applications for approval.

(B) Once Traineeship Supervision is approved, a letter will be sent to the physical therapist approved as the primary supervisor and alternate supervisor that all supervision must be in compliance with board rule 490-2-.04.

Policy approved at the March 16, 2004 meeting.

Policy reaffirmed at the January 2009 meeting.

Policy reaffirmed at the June 19, 2010 meeting.

*Policy revised added 5(c) May 17, 2011 meeting.
Policy revised at the January 28, 2014 meeting.
Policy revised at the November 18, 2014 meeting.*

3. Discussion – Board Policy #13 – Georgia Jurisprudence

The only recommended amendment for Policy #13 is to update the web address for the Board website which has no economic impact on Georgia businesses and is being referred to the full Board in an effort to correct information asymmetries.

Policy #13 – Georgia Jurisprudence

- (A) In order to meet the minimum four (4) contact hour continuing competence requirement, Aa Georgia Ethics and Jurisprudence Continuing Competency Course must include a review of the Georgia General Provisions (Title 43 Chapter 1 -specifically 43-1-9 and 43-1-19 through 43-1-27), Georgia Physical Therapy Practice Act (Title 43 Chapter 33), Board Rules (Chapter 490), Board Policies and a general review of the Board’s web-site (<https://sos.ga.gov/georgia-state-board-physical-therapy> including the Frequently Asked Questions (FAQ’s). A review of the Jurisprudence exam will occur when the laws and rules change.
- (B) The requirement of (4) contact hours in Ethics and Jurisprudence can be met through coursework or may also be satisfied by taking and passing completion of the Georgia Jurisprudence Exam offered by FSBPT.
- (C) Licensees will not receive credit towards the current continuing competency requirements for any passing score on a Georgia Jurisprudence Exam that was taken to satisfy the requirements for initial licensure in this State, prior renewal cycles or the terms and conditions of a Board Order.

*Policy approved at the May 8, 2007 meeting. Policy revised at the January 2009 meeting. Policy revised at the July 2010 meeting.
Policy revised at the September 18, 2012 meeting.
Policy amended at the November 18, 2014 meeting.
Policy amended at the November 17, 2015, meeting.*

Meagan Doss left the meeting at 10:53 a.m.

4. Discussion – Proposed Administrative Licensing Policy

During the March 7, 2023 Board Zoom meeting, the development of an Administrative Licensing Policy specific to the profession of physical therapy was referred to the Rules Committee for the purpose of expedited the processing of applications relative to arrests and convictions. The creation of this policy provides clear administrative guidance for administratively handling applications between meetings. The recommendations further prohibit and prevent unsafe practices by ensure the public health, safety, and welfare, and outlines guidelines for approval of licensure versus what information needs to come before the board.

The new policy further ensures competent practitioners and expands access to care and services, by removing information asymmetries for applicants in providing information in exactly what is required for licensure. The Administrative Licensing Policy will carry out objectives that are expressed in a statute and streamline the licensure process which decreases administrative burden.

The Committee took into careful consideration the current Administrative Licensing Policy for the Georgia State Board of Cosmetology and Barbers. This policy is the least restrictive way to accomplish State policy because it allows for expediting the licensure process decreasing those applications which must go before the Board, thus eliminating time constraints which can be incurred due to the timing of the Board's meetings.

The independent support for the new policy comes from substantiated examples of harm in the absence of a new policy due to the added time it may take for the application review process. The new policy provides clear guidance for applicants as well as constituents by removing information asymmetries and will affect initial applicants as well as renewal and reinstatement applicants by providing policy information and circumstances that might affect ability to obtain licensure. The suggested policy improves the economic impact on businesses in Georgia and decreases any economic burden by allowing administrative issuance of licenses between Board meetings and decreasing cases coming before the Board decreasing time lost from not being able to practice.

Meagan Doss rejoined the meeting at 11:33 a.m.

Policy #18 - Administrative Licensing Policy

Category: Licensing Policy: Yes

Process: Applications, Renewals Procedure: Yes

Purpose: The Board policies below apply administrative authority to reviewing and issuing applications in which the applicant(s) disclosed the existence of criminal conviction(s). This policy by the Board enables staff to administratively process applications per the below policy

1. Initial Applicants

a. Sexual Offenses

- i. If an applicant has been convicted of a misdemeanor sex crime, the application shall be referred for presentation before the board.
- ii. If an applicant has been convicted of a felony sex crime, the application shall be referred for presentation before the board.

b. Violent Felonies

- i. Probation, parole or supervised release completed. If an applicant has been convicted of no more than one violent felony and is not on probation, parole or supervised release, the license can be administratively issued.

c. Non-violent Felonies

- i. Probation, parole or supervised release completed. If an applicant has been convicted of two or less non-violent felonies and is not on probation, parole or supervised release, the license can be administratively issued.
- ii. For no more than two (2) convictions occurring more than 15 years ago, no court or case closed documents will be required and the license can be administratively issued.

d. Mixed Felony Convictions Initial applications with two or more felony convictions (with a combination of both non-violent *and* violent) shall be referred to legal services for presentation before the board. This applies regardless of whether or not probation, parole or supervised release has been completed.

e. Misdemeanor Convictions

- i. For no more than two (2) misdemeanor convictions excluding DUI occurring more than 10 years ago, no court or case closed documents will be required and the license can be administratively issued.

f. Misdemeanor Convictions for DUI

- i. For no more than two (2) DUI misdemeanor convictions occurring more than 10 years ago, no court or case closed documents will be required and the license can be administratively issued.

2. Renewing or Reinstating Applicants.

- a. Applicants for license renewals and reinstatements are subject to the policies for initial applicants as described herein.
- b. Board staff may administratively reinstate or renew a license when the applicant submits convictions if (1) the applicant previously submitted the same convictions to the Board, (2) the board previously reviewed those convictions.
- c. Additionally, if an applicant for renewal or reinstatement discloses a misdemeanor or felony conviction which occurred while the applicant was licensed, then the application shall be referred to legal services for presentation before the board.

3. Criminal Documentation. Board staff will continue to request final disposition, sentence documentation, and/or official letterhead from probation, parole or supervising officers for applicants with convictions.

4. Failure to Disclose. When an applicant fails to disclose an arrest or conviction, staff may administratively issue the license in accordance with the policies set forth herein. However, in such cases, a Letter of Concern shall also be sent as a reminder to applicants that they shall disclose all convictions and failure to do so in the future may result in the board exercising its right to sanction the license.

5. Conviction Information. If necessary, information concerning convictions is not readily apparent on the court documents received by staff; staff shall refer the application to the board. The board will determine the appropriate course of action. Additionally, any applications not falling within the parameters indicated above shall be referred to the Board for review.

6. Incarcerated Applicants. When an applicant is incarcerated, the application shall be presented to the board for review.

7. Fraudulent Documentation. When an application is submitted with documentation suspected to be fraudulent, the application may be administratively referred to the Board for review.

The Committee meeting was adjourned at 12:10 p.m.

Minutes recorded by: Michelle Hornaday, Board Support Specialist

Minutes reviewed and edited by: Meagan Doss, Licensing Supervisor & Adrienne Price, Executive Director

Minutes approved on: July 18, 2023

DESTINY HEBERT
COMMITTEE CHAIR

ADRIENNE PRICE
EXECUTIVE DIRECTOR

ANNE THOMPSON
BOARD CHAIR