Jurisprudence for Physical Therapy Practice in Georgia

Date: Sunday, October 2, 2016  
Time: 10:30 AM - 12:30 PM

Session ID & Location: 10B: MtgRm3  
CEU Eligibility: 0.20

Presented by: David Taylor, PT, DPT, GCS

Session Description: This two hour course is designed to review the current Georgia law related to the practice of physical therapy. This course addresses the jurisprudence component of the Georgia State Board of Physical Therapy’s ethics and jurisprudence continuing competence requirement per biennium, as documented in Rule 490-4-.02.

- Describe the Georgia General Provisions (Title 43 Chapter 1, 43-1-9 to 43-1-27), Georgia Physical Therapy Practice Act (Title 43 Chapter 33), Board Rules (Chapter 490), Board Policies the Board’s web-site, and FAQ’s
- Review the Consumer Information and Awareness Act, 43-1-33 O.C.G.A and implications for physical therapy practice, including signage, advertising, and penalties for intentional violation of the law.
- Discuss the implications of HB 505 and revisions to Chapter 33 of Title 43 O.C.G.A Board rules and policies related to licensure and regulation of physical therapists and physical therapist assistants including: definitions, professional titles, grounds for granting licensure, disciplinary sanctions, animal rehabilitation, dry needling and physician consultation and referral requirements for physical therapy treatment.

Presenter Bio(s): David Taylor, PT, DPT, GCS is a Clinical Assistant Professor in the Department of Physical Therapy at Mercer University, in Atlanta Georgia. Dr. Taylor received his B.S. in Psychology in 1988, Master of Physical Therapy in 1992, and Doctor of Physical Therapy in 2004 from Emory University. In 2015, Dr. Taylor completed a Certificate in Health Focused Patient/Client Management for Physical and Occupational Therapists from the University of Alabama at Birmingham. He has provided continuing education in professional ethics and Georgia physical therapy jurisprudence for the last ten years.
Pre/Post-test: Jurisprudence for Physical Therapy Practice in Georgia

NAME: ___________________________ Instructions: Circle the correct answer.

A pre/post-test has been provided as a personal assessment of your knowledge before and after the course.

1. True  False  The Georgia Physical Therapy Act (43-33-1 to 43-33-20) contains the law related to the practice of physical therapy?

2. True  False  Adequate supervision of the physical therapist assistant includes being present at least 50% of the work week in institutional settings and available for advice, instruction, and assistance at all times, including weekends?

3. True  False  The GA General Provisions were updated in 2015 related to how PTs and PTAs identify licensure and educational credentials?

4. True  False  Licensees must complete Class I and Class II continuing competency requirements to comply with board rule 490-4?

5. True  False  The Board has determined that DPT is the appropriate regulatory designator for all physical therapists licensed in Georgia.

6. True  False  Sara received her DPT and initial licensed 8 months ago. She is currently treating a self-referral patient for an acute episode of ankle sprain. Sara is practicing legally under the current law?

7. True  False  In Georgia, a patient/client may self-refer to physical therapy and receive evaluation and treatment for up to 21 visits before a referral from an appropriately licensed provider.

8. True  False  The composition of the Georgia State Board of Physical Therapy was changed to include a physician and a chiropractor effective July 1, 2015.

9. True  False  The GA General Provisions indicate that unethical or unprofessional behavior may preclude granting or renewing of licenses.

10. True  False  GA rules provide examples of specific unprofessional/unethical conduct behaviors.
JURISPRUDENCE FOR
PHYSICAL THERAPY
PRACTICE IN GEORGIA

David Taylor, PT, DPT, GCS
October 2, 2016
Chattanooga, TN

Objectives

At the end of the program participants will be able to:

- Describe the Georgia General Provisions (Title 43 Chapter 1, 43-1-1 to 43-1-27), Georgia Physical Therapy Practice Act (Title 43 Chapter 33), Board Rules (Chapter 490), Board Policies the Board's web-site, and FAQs.
- Review the Consumer Information and Awareness Act, 43-1-33 O.C.G.A and implications for physical therapy practice, including signage, advertising, and penalties for intentional violation of the law.
- Discuss the implications of HB 505 and revisions to Chapter 33 of Title 43 O.C.G.A Board rules and policies related to licensure and regulation of physical therapists and physical therapist assistants including definitions, professional titles, grounds for granting licensure, disciplinary sanctions, animal rehabilitation, dry needling and physician consultation and referral requirements for physical therapy treatment.

Order of Business

- Review of what's currently required for a Board approved course to meet the 4 hour E & J requirement.
- Review of Laws governing PT Practice
- Board Policy & Rule Changes
- Proposed Rule changes
- Questions

What Do We Need to Cover?

- Board FAQ, Policy #7, #13 (revised 11/18/14)
  - "A GA Jurisprudence Continuing Competency Course must include a review of the Georgia General Provisions (Title 43 Chapter 1, 43-1-9 to 43-1-27), Georgia Physical Therapy Practice Act (Title 43 Chapter 33), Board Rules (Chapter 490), Board Policies the Board's web-site, and FAQ's. The four hour requirement can be met through coursework or completion of the FSBPT Georgia Jurisprudence Exam (GA JAM)." (Policy #13)

What's New in 2016?

<table>
<thead>
<tr>
<th>Unchanged</th>
<th>Changed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia General Provisions</td>
<td>Board Policies (5)</td>
</tr>
<tr>
<td>43-33 (HB 505)</td>
<td>#2,3,7,13,17</td>
</tr>
<tr>
<td>July 1, 2015</td>
<td>A few board rules</td>
</tr>
<tr>
<td>aPTitude</td>
<td>490-2-.03; 490-4-.01*; 490-4-.02; 490-5-.01*; 490-9-.04e; 490-12-01</td>
</tr>
<tr>
<td>Consumer Information and Awareness Act, 43-1-33 O.C.G.A</td>
<td>GA JAM</td>
</tr>
<tr>
<td>Board Policies (12)</td>
<td></td>
</tr>
<tr>
<td>Most Board Rules</td>
<td></td>
</tr>
</tbody>
</table>

Unchanged (this biennium)

- Georgia General Provisions
- § 43-1-1 to § 43-1-31:
  - PLB regulations/powers
  - Foundation for Practice Act
- The Board identifies § 43-1-9 to § 43-1-27 to be reviewed in an approved ethics and jurisprudence course.
- 43-1-33 Consumer Information and Awareness Act
  - http://gao.ge.org/proviolence/
Unchanged

- § 43-1-9 to § 43-1-13 address Veterans taking PLB examinations related to eligibility, point credit, grading and informing applicants about veterans credit.
- PLB sets passing score for exam (490-4-01)
- § 43-1-14, § 43-1-16, and § 43-1-17 Address appointments and removal from a PLB. (43-33-4 to 43-33-6)
- § 43-1-14: Interferant Entertainers
- § 43-1-18 Consumer member of PLB gets vote

§ 43-1-19

- PLB empowered to refuse to grant an applicant a license, revoke a license issued by the board or discipline a person licensed by the board if a majority of the entire board finds the licensee or applicant has:

Unchanged

- § 43-1-18.1. Waiver of deductibles or copayments in health insurance plans, deceptive or misleading advertising.
- § 43-1-18.2. License applications to include questions on prior revocation or denial of license
- § 43-1-20 and § 43-1-20.1
  - Empowers the PLB to enjoin unlicensed practice, issue cease and desist orders and impose a fine of up to $500 for each violation.
  - Each day of practice that violates the order is a separate violation.
- § 43-1-21 Release of information regarding investigations.
  - Allows information regarding past or pending investigation or disciplinary actions, including unlicensed practice to be shared with lawful licensing authorities.
- § 43-1-22 This section allows for inactive licenses.
- § 43-1-23. Exoneration of licensees of professional licensing boards from filing with clerk of superior court.

Unchanged

- § 43-1-24. Licensed professionals subject to regulation by professional licensing board
  - (490-2.01; 490-2.02; 491-2.06; 490-2.08; 490-3.02; 490.4-01; 490-4.02; 490-9-.04; 490-9-.05; 490-11-.01)
- § 43-1-25. Authority of professional licensing boards to promulgate rules and regulations
  - (490.2.01; 490-2.02; 491-2.06; 490-2.08; 490-3-.02; 490-4-.01; 490-4-.02; 490-9-.04; 490-9-.05)
- § 43-1-27
  - Notification of felony
43-1-33 New General Provision 7/1/15

- **Consumer Information & Awareness Act**
  - Relates directly to 43-33-11 use of titles
  - Requires licensed health care practitioners to provide for certain identification, educational identifiers and signage in the workplace and in advertisements.
  - Violations can result in sanctions by PLB

43-1-33 Definitions

- **Advertisement**
  - means any communication or statement, whether printed, electronic, or verbal, that names a health care practitioner in relation to his or her practice, profession, or institution in which the practitioner is employed, volunteers, or otherwise provides health care services.
  - This term includes business cards, letterhead, patient brochures, e-mail, Internet, audio, and video.

43-1-33 Health care practitioner

- Chiropractor
- Professional counselor, social worker or marriage and family therapist
- Dietician
- Advanced practice RN, NP, Nurse Anesthetist, Midwife, Clinical Nurse specialist, RN, LPN
- OT
- Optometrist
- PT
- Physician or Osteopath
- PA
- Acupuncturist
- Podiatrist
- Psychologist or Audiologist
- Pharmacist
- Ophthalmic technician
- Medical assistant or CNA
- Respiratory care professional

43-1-33

- An advertisement by a health care practitioner shall identify the type of license the health care practitioner holds.
- shall not apply to an advertisement by a health care practice or facility and shall not be construed to require any such practice or facility in which multiple health care practitioners are employed to list in an advertisement the name of every health care practitioner so employed by such practice or facility.

43-33-1

- Health care practitioners shall wear an identifier during all patient encounters:
  - Name and type of license or educational degree
  - Sufficient in size to be apparent and conspicuous
  - Not needed where medically unnecessary
  - Not in mental health setting if impedes psychotherapeutic relationship
  - Not if impairs provider or patient safety
43-33-1

- A health care practitioner in a health care practice or facility other than a hospital shall display in the reception area of such practice or facility a notice that clearly identifies the type of health care practitioners employed in such practice or facility and the right of a patient to inquire as to the type of license of the health care practitioner treating such patient. The notice shall be of sufficient size so as to be visible and apparent to all current and prospective patients.
- Does not apply if only one type of practitioner practicing.

Rule Change

- 4909-04e Disciplinary Sanctions
- Consumer Information and Awareness Act O.C.G.A §43-1-33
- Conspicuous Posting & Affirmatively Communicating
  - Visitor Designation (PT/PTA)
  - Level of Education & Training
  - To ALL CURRENT & PROSPECTIVE Patients
  - Name Badges
  - Facility Notices & Advertisements

Unchanged: Board FAQs

- Get a license
- Register for exam
- Foreign trained
- Application/license expiration
- Provisions/Temporary licenses
- Address/name changes

- Continuing Competency*
  - Changed 7/21/15
  - License expiration
  - E & J content
  - Remediation plans
  - Residency/Fellowship scope of practice for PT or PT

Board Policies

- The GSBPT has 17 board policies
- 5 (5) been revised to date in this biennium
- Policy #1 General Application Information
  - Revised 1/28/14
  - Addresses "administrative" application approval
  - Avg time to process application is 15 working days
  - Except for those with an "affirmative response" to conviction or board sanction question, OR Criminal offenses
  - Applications outside of guidelines go to Board Cognizant an/or Board for consideration

Board Policy #1 Criminal Offenses

<table>
<thead>
<tr>
<th>Offense</th>
<th>Frequency</th>
<th>Other</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>DUI</td>
<td>One Time</td>
<td>N/A</td>
<td>Conviction &gt; 5yr old present with license; &lt;5yrs, license with letter of suspension. <strong>Lifers</strong></td>
</tr>
<tr>
<td>Bad Checks, Municipal Ordinance Violations, Driving with suspended or revoked license</td>
<td>One Time</td>
<td>No payment, No points</td>
<td>Conviction &gt; 5yr old present with license with letter of suspension. <strong>Lifers</strong></td>
</tr>
<tr>
<td>Petit Theft, Shoplifting Non-Violent Property Crimes (not drug related)</td>
<td>Two Times</td>
<td>No payment, No points</td>
<td>Conviction &gt; 5yr old present with license with letter of suspension. <strong>Lifers</strong></td>
</tr>
<tr>
<td>Marijuana possession of less than 1 ounce</td>
<td>One Time</td>
<td>N/A</td>
<td>Conviction &gt; 5yr old present with license with letter of suspension. <strong>Lifers</strong></td>
</tr>
<tr>
<td>Misdemeanor Offenses with the Exception of Drug Related</td>
<td>No Limit</td>
<td>No points</td>
<td>Conviction &gt; 5yr old present with license with letter of suspension. <strong>Lifers</strong></td>
</tr>
<tr>
<td>Misdemeanor Crimes</td>
<td>No Limit</td>
<td>N/A</td>
<td>Must be presented in the Board</td>
</tr>
<tr>
<td>Any Offenses of a Sexual Nature</td>
<td>No Limit</td>
<td>N/A</td>
<td>Must be presented in the Board</td>
</tr>
<tr>
<td>Any Traffic Offense</td>
<td>No Limit</td>
<td>N/A</td>
<td>Must be presented in the Board</td>
</tr>
<tr>
<td>Appellate with Multiple Offenses</td>
<td>No Limit</td>
<td>N/A</td>
<td>Must be presented in the Board</td>
</tr>
</tbody>
</table>

Policy #2

- Examination (Revised 3/17/15) Board Rule 480.2-02
  - Board will make applicants eligible for the licensure exam upon receipt of proof that the applicant has successfully completed the CAPTE-accredited PTTPA program and is awaiting degree conformation. (College/University Registrar, Dean, or Program Director)
  - A designated board member will review all non-CAPTE and foreign educated applications for approval.
  - Applicants not passing the NPTE by the fourth (4th) time will not be allowed to sit for the exam a 5th time without extensive further study, which may include completing a CAPTE approved PT education program.
  - Board may grant 6th attempt (FSSBPT lifetime maximum)
  - All applicants for initial licensure by exam must take and pass the electronic Georgia Jurisprudence exam from FSSBPT.
<table>
<thead>
<tr>
<th>Board Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy #3 Endorsement</strong> (Revised 7/21/2015)</td>
</tr>
<tr>
<td>• Passed NPTE within 1 year of graduation and include verification of licensure for every state held</td>
</tr>
<tr>
<td>• Take &amp; Pass Georgia Jurisprudence exam from FSBPT</td>
</tr>
<tr>
<td><strong>Policy Change</strong></td>
</tr>
<tr>
<td>• An applicant who has not passed the Georgia Jurisprudence exam by the 4th time will not be allowed to sit for the exam a 5th time without evidence of completion of additional Jurisprudence coursework as deemed necessary by the Board.</td>
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<tr>
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<tbody>
<tr>
<td><strong>Policy #4 Renewal</strong> (Revised 11/18/14)</td>
</tr>
<tr>
<td>• Renewal applicants answering &quot;no&quot; to the continuing competency question must provide proof of the continuing competency requirement.</td>
</tr>
<tr>
<td><strong>Policy #5 Traineeship</strong> (Revised 11/18/14)</td>
</tr>
<tr>
<td>• Non-CAPTE and foreign trained applications reviewed by PLB member; approved traineeship supervisor(s) notified and must comply with board rule 490-2-04</td>
</tr>
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<table>
<thead>
<tr>
<th>Policy #6</th>
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<tbody>
<tr>
<td><strong>Reinstatement</strong> (Revised 11/18/14)</td>
</tr>
<tr>
<td>• All licensees failing to renew by the established deadline are placed in a &quot;lapsed&quot; status and must apply to reinstate their license.</td>
</tr>
<tr>
<td>• If a licensee with a &quot;lapsed&quot; license has been found to have practiced without a current license, reinstatement may be considered upon issuance and docketing of a Public Consent Agreement or Public Reprimand including but not limited to:</td>
</tr>
<tr>
<td>• $25/day fine for each day of unlicensed practice</td>
</tr>
<tr>
<td>• Must take and pass the jurisprudence exam within 6 months of the docket date on the consent agreement/reprimand; and</td>
</tr>
<tr>
<td>• Report the period of unlicensed practice to their employer(s)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policy #7 Continuing Competency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Board Rule 490-4-.01 (FAQ)</strong></td>
</tr>
<tr>
<td>• Maintain documents for no less than 3 years from beginning of licensure period through even numbered year after license reviewed (12/16)</td>
</tr>
<tr>
<td>• PT/PTA licensees will maintain a record of CC using aPTitude from FSBPT</td>
</tr>
</tbody>
</table>

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<tbody>
<tr>
<td><strong>Minimum of 30 clock hours CC, not to exceed 10 credit hours/day AND a minimum of 4 hours in E&amp;J OR passage of the Georgia Jurisprudence Assessment Module (GA JAM)</strong></td>
</tr>
<tr>
<td>• Can't use for CC if took for initial licensure (New)</td>
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</tbody>
</table>

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<tr>
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</thead>
<tbody>
<tr>
<td>• CC experiences are planned and address content beyond the licensees present level of knowledge and competence</td>
</tr>
<tr>
<td>• No longer class I or II CEUS</td>
</tr>
<tr>
<td>• aPTitude</td>
</tr>
<tr>
<td>• Effective 2/5/2015 for all licensees</td>
</tr>
<tr>
<td>• Must keep active and current with continuing education</td>
</tr>
<tr>
<td>• Copy of completion certificate</td>
</tr>
<tr>
<td>• Failure to do so increases likelihood for audit</td>
</tr>
<tr>
<td>• Proposed Rule: 400-03 Continuing Competency Audit</td>
</tr>
<tr>
<td>• Guide for Continuing Competence Activities &amp; Documentation Requirements for aPTitude</td>
</tr>
</tbody>
</table>
Rule 490-4-.02 Continuing Competency
Programs accredited by National and/or State professional organizations or FSPT & others

- Presenter CC ed course (10/20 topics)
- Authorship/Presenter/Poster/Platform (10/20 events, 20 max)
- Adjunct PT/PTA teaching (20 max)
- Self-instruction lit (3)
- Attendance Scientific Poster/Presentation/Lecture (1/hr/contacts hr)
- Clinical Instructor (1/8, 10 max)
- Donating time in role of PT/PTA to charity/volunteer clinic (1/8, 5/3 max)
- Post-professional education, passing grade
  - 1Univ. Ctr=10 CC units

Policy #7 Continuing Competency
- Exemption from CC requirements for renewal:
  - Passing the NPTE in the current renewal biennium
  - Licensure in the last 6 months of a biennium renewal period
  - Reinstatement in last 6 months of biennium
  - If audited, submit the Verification of Continuing Competence Form and provide
    the documentation requested by the Board.

Board Policies
- Policy #8 Cognizant Matters/Investigations/Disciplinary
  Matters/Cognizant Review (Revised 9/16/14)
- Policy #9 Peer Review
- Policy #10 Mental Physical Evaluations
- Policy #11 Meeting Records (43-33-7)
- Policy #12 Position on Medications

Board Policies
- Policy #13 Georgia Jurisprudence (rev 11/17/15)
  - No CC credit if GA JAM used for initial licensure, prior renewal cycle
- Policy #14 Foreign Credentialing
- Policy #15 Residency Programs
  - Programs must petition board to allow residents to practice
    without license
- Policy #16 Telehealth (Approved 1/28/14)
  - Guidelines for telehealth; must conform to all rules
    and PT licensed in GA unless licensed in another US
    jurisdiction and consulting with a PT.

Board Policies
- Policy #17 PT & PTA Relationship (11/17/15)
  - PT is responsible for care
  - Recommend PT not supervise > 3 supportive clinicians
    (PTAs, Trainees, PT/PTA students)
  - Care coordination based on patient needs, progression,
    and setting
  - PT has discretion to delegate treatment to PTA during
    the 21 day or 8 visit period, whichever comes first, prior
    to discharge or receipt of referral

Georgia Physical Therapy Act
- Post HB 505
  - 43-33-1 Short Title
  - "Georgia Physical Therapy Act"
  - 43-33-2 Declaration of Purpose
    - Safeguarding public health safety and welfare
      and providing for administrative control,
      supervision, and regulation of the practice of PT.
  - 43-33-4 Creation of Board
    - Creates a State Board of Physical Therapy
Georgia Physical Therapy Act

- 43-33-5 Appointment of board members; term; vacancies; removal (490-1.01; 490-1.02)
  - 8 members of board appointed by the Governor, confirmed by the Senate for three year terms; Governor can remove members; no member to serve consecutively more than two full terms.

- 43-33-6 Qualifications of board members
  - Board members must be a resident of the state, 6 PT, 1 PTA, 1 public at large with no connection to PT. PT/PTA members must be licensed and have practiced a minimum of 5 years.

- 43-33-8 Reimbursement of board members
  - Reimbursement per 43-1-2

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43-33-10

- Board prepares/approves examinations; applicants for licensure
- Initiates investigations / Conduct hearings
- Discipline licensees
- Adopt Code of Ethics (490.9-.01)
- Issue permits
- Adopt and enforce rules and regulations pertaining to the practice of physical therapy

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Georgia Physical Therapy Act

- 43-33-9 Division director as secretary of board; subpoena power; service of process and documents; official records as prima-facie evidence (490.1.03)
  - Division Director has subpoena power; documents to be filed with the board are done with the division director. All official board records shall be prima-facie evidence of all matters required to be kept therein.

- 43-33-10 General powers and duties of the board (490-2.01; 490-2.02; 490-2.03; 490-2.04.3; 490-2.05; 490-2.06; 490-2.07; 490-2.08; 490-2.09; 490-2.10; 490-2.11; 490-2.12)
  - A general rule for the board to follow.

- 43-33-19 General Provisions

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Georgia Physical Therapy Act

- 43-33-13.1 Physical Therapy Aide (490.8-.01; 490.8-.03; 490.9-.02)
  - Individual employed to assist the PT/PTA by performing only designated physical therapy tasks under the direct supervision of a licensee per the board approved rule.

- 43-33-14 Determining Competence of Applicants (490.2-.01; 490.2-.02; 490.2-.03; 490.3-.01; 490.3-.02; 490.3-.03; 490.4-.01)
  - Competence to practice may be determined by any method deemed necessary by the board to test applicants qualifications.

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Georgia Physical Therapy Act

- 43-33-15 Reciprocity; waiver of examination requirement for persons licensed in another state who meet certain qualifications (490-2-.08; 490-2-.09)

- 43-33-16 Expiration, renewal and restoration of licenses; canceled licenses; continuing education (490-4-.01; 490-4-.04)
  - Expire every 2 yrs unless renewed prior to expiration and a fee paid.
  - Expired/cancelled licenses can be restored following board rules.

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Georgia Physical Therapy Act

- 43-33-17 Training Permits (490-2.02; 490-2.03; 490-2.04; 490-2.05)
  - May be issued to applicant who:
    - graduated from an approved program and been approved to take the exam or has taken the exam and is awaiting results;
    - foreign trained applicant approved to take licensing examination;
    - to a reinstatement applicant with a PT/PTA license expired more than 2 years.
  - Training permit holder may only work under the direct supervision of a PT approved by the board, who has practiced more than 1 year;
  - Rule 490-2-.04 governs training permits.
Georgia Physical Therapy Act

- 43-33-19 Unlicensed practice as constituting a public nuisance; injunctions
  - Practice of PT is in the public interest, practice without a license is harmful to the public health and welfare.
  - Board may petition to restrain or enjoin unlicensed practice in the superior court of the county where the unlicensed person resides
- 43-33-20 Penalty
  - Any person convicted of violating this chapter shall be guilty of a misdemeanor.

HB 505
AMENDING CHAPTER 33 OF TITLE 43

43-33-3 Definitions

(5)'Physical Therapist' means a person licensed to practice physical therapy as defined in the chapter and whose license is in good standing.

- REMOVED: A PT shall be designated by the initials P.T. Titles and regulatory designators are addressed in 43-33-11.
- Board Rules 490-5-.01; 490-5-.02; 490-8-.01; 490-8-.02; 490-8-.03; 490-9-.02; 490-9-.04; 490-9-.05; 490-10-.01

43-33-3 Definitions

(6) 'Physical therapist assistant' or 'physical therapy assistant' means a person who is licensed by the board to assist a physical therapist, whose activities are supervised and directed by a physical therapist, and whose license is in good standing.

- REMOVED: A PTA shall be designated by the initials P.T.A

43-33-3 Definitions

(7) 'Physical therapy' means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to this chapter.

- The term 'physiotherapist' shall by synonymous with 'physical therapy' pursuant to this chapter.

43-33-3 Definitions

- The practice of physical therapy means:
  - (A) Examining, evaluating, and testing patients and clients with mechanical, physiological, and developmental impairments, activity limitations, participation restrictions, and disabilities or other movement related conditions in order to determine a physical therapy diagnosis, prognosis, and plan of intervention and to assess the ongoing effects of intervention;
43-33-3 Definitions

- (B) Alleviating impairments of body structure or function by designing, implementing, and modifying interventions to improve activity limitations or participation restrictions for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.
- (C) Reducing the risk of injury, impairment, activity limitation, participation restrictions and disability, including the promotion and maintenance of health, fitness, and wellness in populations of all ages

43-33-3 Definitions

- (D) Planning and administering, evaluating, and modifying intervention and instruction, including the use of physical measures, activities, and devices, including but not limited to dry needling for preventative and therapeutic purposes; &

(E) Engaging in administration, consultation, education, teaching, research, telehealth, and the provision of instructional, consultative, educational, and other advisory services.

490-5-.01 (NEW RULE 3/17/15):
- Licensed PT shall at all times be responsible for providing adequate supervision of the assistant supervised by him as defined in 490-5-.02
- 490-5-.02: adequate supervision of the assistant

Institutional Setting
- 25% work week M-F & readily available for advice, assistance & instruction at all times, including weekends

Home Health
- PT performs eval, establishes POC
- Meets with PTA not less than once weekly to review all pts treated & document meetings
- Be available at all times for advice, assistance, & instruction

School
- PT performs all PT evals; develop & amend PT interventions on IEP (Frequency/Duration)
- Onsite visits no less than 2 months (weekly): 5 months (monthly or less)
- Onsite visit includes case review, documentation of visit, interaction with PTA
- Be available at all times for advice, assistance & instruction

43-33-7

- Conduct of business by telephone
  - Added the phrase "or other digital means" to how the board can conduct business and the board won't receive compensation for business conducted by telephone or other digital means.

43-33-11

- License required for physical therapists or physical therapist assistants; use of titles; limitation on scope of code section
- Board Rules: 490-2.01; 490-2.02; 490-2.03; 490-4-.02; 490-4-.01; 490-9-.04; 490-9-.05
- 43-1-33 Consumer Information and Awareness Act (2015)
43-33-11

(a) A physical therapist shall clearly inform the public of his or her professional credential as a physical therapist. A physical therapist shall use the appropriate regulatory designator as identified by the board.

(b) A physical therapist assistant shall use the letters 'PTA' immediately following his or her name to designate licensure under this chapter. A person shall not use the title ‘physical therapist assistant’, the letters ‘PTA’, or any other words, abbreviations, or insignia in connection with that person’s name to indicate or imply, directly or indirectly, that the person is a physical therapist assistant unless that person is licensed as a physical therapist assistant pursuant to this chapter.

43-33-11

(c) A person or business entity and its employees, agents, or representatives shall not use in connection with that person’s name or the name or activity of the business entity the words ‘physical therapy;’ physical therapist,”, ‘physiologist, or ‘doctor of physical therapy’, the letters ‘PT;’ ‘CPT;’ DPT;’ LPT; ’RPT;’ or ‘MPT;’ or any other words, abbreviations, or insignia indicating or implying, directly or indirectly, that physical therapy is provided or supplied, unless such services are provided by or under the direction of a physical therapist licensed pursuant to this chapter.

43-33-11

(d) A person or business entity shall not advertise or otherwise promote another person as being a physical therapist or physiotherapist unless the individual so advertised or promoted is licensed as a physical therapist under this chapter. A person or business entity that offers, provides, or bills any other person for services shall not characterize those services as physical therapy unless the individual directing and supervising those services is a person licensed under this chapter.

(d) Nothing in this code shall be construed as preventing or restricting the practice, services, or activities of:

(unchanged except)

(1) A person currently licensed in another state who is present in this state for treatment of a temporary soujourner only, such treatment in this state not to exceed a total of 60 days during any 12 month period; or

(7) A person currently licensed in another state who is present in this state providing physical therapy services during a declared local, jurisdictional, or national disaster or emergency, such services not to exceed a total of 60 days during any 12 month period.

Rule 490-12-01

Practice of Physical Therapy During A Declared Natural Disaster

If licensed in another state, may provide PT services during a declared disaster or emergency, without penalty for up to 60 days during any 12 month period

As long as practice not contrary to GA law

If laws violated or practice exceeds 60 days in 12 months, a cease and desist order prohibiting practice may be issued.

43-33-12

Requirements for license to practice physical therapy (490-2.01:490-2:02:490-2.03; 490-2.08-490-3.02)

Added: (3) is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (a) or (c) of Code Section 43-1-19

(c) For purposes of this Code section, a professional licensing board may obtain, through subpoena by the division director, upon reasonable grounds, any and all records relating to the mental or physical condition of a licensee or applicant, and such records shall be admissible in any hearing before the board.
43-33-13
- Requirements for license to practice as a physical therapist assistant
- Board Rules: 490-2.01; 490-2.02; 490-3-.02
- Added:
  - (3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (b) or (c) of Code Section 43-1-19

43-33-18
- Refusal to grant or restore licenses; discipline of licensees; suspension, revocation, or restriction of licenses; immunity for violation reporters
  - Board Rules: 490-2.01; 490-2.02; 490-2-.08; 490-3-.02; 490-4-.01; 490-9-.02; 490-9-.04; 490-9-.05; 490-10-.91; 490-11-.01.
  - Identification as a doctor (43-1-33);
  - Performance of PT care and services without examination and evaluation;
  - Referral and self-referral patients;
  - Practice of medicine;
  - PT diagnosis;
  - Dry needling;
  - Patient/client management;
  - Supervision and direction of the PTA.

43-33-18
- a) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist licensed under this chapter upon finding by the board that the licensee or applicant has:
  - (1) Identified himself or herself as a doctor without also clearly informing the public of his/her professional credential as a physical therapist.

43-33-18 (Self Referral)
- (A) Failed to refer the patient to an individual licensed pursuant to Article 2 of Chapter 11 Title 43 or Article 2 of chapter 34 of Title 43 if at any time the physical therapist has reason to believe that the patient has symptoms or conditions that require treatment beyond the scope of practice of the physical therapist OR

43-33-18 (Self-Referral)
- (2) Performed physical therapy care and services without examination and evaluation of patients or clients in order to determine a physical therapy diagnosis, prognosis, and plan of intervention, which in the case of patients who have self-referred, means the physical therapist has:

43-33-18 (Self-Referral)
- regardless of the patient’s condition, if after 21 days or eight visits from the initiation of a physical therapy plan of intervention, the physical therapist has not received a referral from the patient’s provider who is licensed pursuant to Article 2 of Chapter 11 Title 43 or Article 2 of chapter 34 of Title 43.
  - The day and visit limitation contained in this subparagraph shall not apply:
### 43-33-18 (Self Referral)

- (i) In the case of services provided for **health promotion, wellness, fitness, or maintenance purposes**, in which case the physical therapist shall refer a client seen for health promotion, wellness, fitness, or maintenance purposes to an appropriate individual licensed pursuant to Article 2 or 4 of chapter 34 of Title 43, if the client exhibits or develops signs and symptoms beyond the scope of practice of the physical therapist;

- (ii) In the case of a patient **diagnosed within the previous nine (9) months** with a **neuromuscular or developmental condition** when the evaluation, treatment, or services are being provided for problems or symptoms associated with that **previously diagnosed condition**; or

### 43-33-18 (Self Referral)

- (iii) In the case of a patient **diagnosed within the previous 90 days** with a **chronic musculoskeletal condition** and noted by a current **relevant document** from and appropriate licensed health care provider.

### 43-33-18 (a)(2)

- (B) Ordered radiology, performed surgery, ordered laboratory or body fluid testing, diagnosed disease, or practiced medicine;

- (C) Failed to provide each self-referred patient with a written disclosure that a physical therapy diagnosis is not a medical diagnosis by a physician or based on radiological imaging and that such services might not be covered by the patient’s health plan or insurer:

### 43-33-18 (a)(2)

- (2) Not satisfied additional requirements for seeing a patient who has self-referred, which shall include:
  - (i) A doctorate in physical therapy or equivalent degree from an accredited institution plus two years of clinical practice experience;
  - (ii) A doctorate in physical therapy or equivalent and:
    - (a) Post-graduate certification;
    - (b) American Board of Physical Therapy Specialties Board Certification;
  - (iii) Resident or fellowship training; or
  - (iv) Five years of clinical practice experience; or

- (E) Performed dry needling treatment interventions without consulting an individual licensed pursuant to Article 2 or 4 or Chapter 34 of Title 43.

### 490-9-.05 Dry Needling

- Performed by a PT with specific training, not online

- Standards
  - OSHA education
  - Minimum 50 hours total and competency assessment in curriculum (entry-level post-graduate residency/fellowship, or didactic course)
490-11-.01 Consultation
Addresses 43-33-18

- "Consultation" = provision of professional advice.
- "Licensed Practitioner of the Healing Arts" = health care practitioner licensed GA to diagnose and treat individuals with physical/mental disability or functional limitations, in scope of practice defined in Title 43 Chapter 33.*

490-11-.01 Consultation

- To determine if a licensed Practitioner is appropriate the PT should consider:
  - physical condition of patient
  - nature of ailment
  - extent to which the consulting Practitioner has knowledge of the patient to make an informed judgment
  - The consultation should be documented prior to implementing a program of physical therapy treatment.

43-33-18 (a)

- (3) Acted in a manner inconsistent with generally accepted standards of physical therapy practice (43-33-3), regardless of whether actual injury to a patient occurs, or failed to provide the expected minimal standard of patient or client management, which shall include that:
  - (A) A physical therapist is fully responsible for managing all aspects of the physical therapy care of each patient. A physical therapist shall provide
    - (i) The initial evaluation, determination of physical therapy diagnosis, prognosis, and plan of intervention and documentation of the initial evaluation;
    - (ii) Periodic reevaluation and documentation of findings for each patient; and
    - (iii) The documented episode of care for each patient, including the patient's response to the plan of intervention at the time of completion of the episode of care.

43-33-18 (a)(3)

- (B) A physical therapist shall assure the qualifications of all physical therapist assistants and physical therapy aides under his or her direction and supervision.
- (C) For each patient on each date of service, a physical therapist shall provide all of the intervention that requires the education, skills, knowledge, and abilities of a physical therapist;
- (D) A physical therapist shall determine the use of physical therapist assistants and physical therapy aides to ensure the delivery of care that is safe, effective, and efficient. A physical therapist may use physical therapy aides for designated routine tasks. A physical therapy aide shall work under the direction of a physical therapist.
- (E) A physical therapist shall communicate the overall plan of care with the patient or the patient's legally authorized representative.

43-33-18 (a)(3)

- (F) A physical therapist's responsibility shall include accurate documentation and billing of the services provided;
- (G) A physical therapist shall adhere to the recognized standards for professional conduct and code of ethics of the physical therapy profession as established by rule; and
- (H) A physical therapist shall ensure he or she has liability coverage either independently or provided by the entity by which he or she is employed.

490-9-.04 Disciplinary Sanctions.
When providing PT treatment following appropriate consultation, unprofessional and unethical conduct shall include, but is not limited to:

- Code of ethics 490-8.01 – 490-9.03
- Inappropriate delegation of PT tasks (490-8)
- Failure to provide supervision of aide
- Performing PT if不合格 490-3-05
- Consumer Information Awareness Act
- Failing to provide eval, PT diagnosis, POC, record, periodic re-evals, adjust POC, form and record a DC plan.
- Direct or indirect involvement in division, transferring, rebating or refunding fees or payment for referring a patient.
43-33-18 (b)
• (b) the board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist assistant licensed under this chapter upon a finding by the board that the licensee or applicant has:
  • (1) Worked outside the supervision of a physical therapist;
  • (2) Failed to provide accurate documentation or billing of services provided;
  • (3) Failed to adhere to the recognized standards of ethical conduct and code of ethics as established by rule; or
  • (4) Acted in a manner inconsistent with generally accepted standards of the physical therapist assistant’s scope of work, regardless of whether actual injury to the patient occurs.

Proposed Rule Changes
• 490-2.09 Licensure by Endorsement
• 490-4.02 Continuing Competency
• Refer to Policy #7
• 490-4.03 Continuing Competency Audit (Reserved)
• 490-9.02 Principles of Conduct PT
• 490-9.03 Principles of Conduct PTA
• 490-9.05 Dry Needling
• 490-9.07 Animal Rehabilitation

Possible New Rule
• 490-2.09 Licensure Endorsement
• Hearing 9/20/2016
• Applicants via endorsement MUST submit:
  • Verification of active license in good standing (all states)
  • Verify ACTIVE PRACTICE
    • not just attest to 5 years AP immediately prior to application date
• No operational definition of active practice in proposed rule

Possible New Rule
• 490-4.03 Continuing Competency Audit
• Licensee responsible for meeting ALL renewal requirements on or before 12/31 of odd years &
• Record in online system approved by Board prior to expiration of license
• Subject to audit if:
  • Randomly selected before license expiration date
  • "Yes" to CC question
  • Disciplined by ANY state or regulatory board; and/or
  • Convicted, entered plea of nolo contendere, sentenced under "First Offenders Act" for felony, misdemeanor or ANY offence other than minor traffic violation
    • DUI/DWI not minor

Continuing Competency Audit
• If selected licensee MUST
  • Submit records of attendance/proof of completion before renewal application complete
  • Late submission, after late renewal period = license administratively lapsed
  • Board can audit CC hours AFTER license renewed
  • If audit occurs after, and documentation in online system before end of late period AND hours are deficient, incorrect, false or fraudulent:
    • Disciplinary action taken
      • $500 violation
      • Submit proof of satisfactory completion for all deficient CC hours
      • Can’t use for new renewal cycle
      • Failure to comply = sanctions

Possible New Rule
• 490-9.02 Principles of Conduct PT (490-9.03 PTA)
• Change proposed at 10/27/16 Board Meeting
• Change Principles of Conduct to Code of Ethics
• (3) (b) Documentation is to be generated in accordance with federal and state guidelines at the time of service or shortly thereafter.
• (h) Upon initiation of a PT plan of intervention, PTs may, at their discretion, allow PT treatments to be performed by PTAs to include a period of 21 days or eight (8) visits, whichever comes first, prior to discharge or receipt of a referral from the patient’s provider.
Possible New Rule
(490-6-02 Principles of Conduct PT (490-9-03 PTA)

- (d) Physical therapists shall not commit any act of sexual intimacy, abuse, misconduct, or exploitation of any individual related to the licensee's practice of physical therapy regardless of consent
- 1. This subsection of the rule shall apply to former patients where the licensee did not terminate in writing the physical therapist/patient relationship and supportive clinicians under supervision of the licensee.
  - For the purpose of this rule, supportive clinicians are defined as physical therapist assistants, trainees, and students.

Possible New Rule: Animal Rehab

- 490-9-07 Animal Rehabilitation (referred to AG Nov 17, 2015 meeting)
- PT practicing under this section held to ASC for PTs and Veterinarians per Rules an Regs Chapters 490/700.
- PT licensed in GA can accept referral from GA licensed with conditions:
  - Referral in writing
  - Vet who has established VCPR under GA State Board of VM
  - Patient record includes documented evidence of consultation with referring Vet and specify treatment/therapy to be provided by PT

Possible New Rule: Dry Needling

- 490-9-05 Dry Needling (Nov 17, 2015 Board meeting referred to AG voted to post if no AG objections)
- Unprofessional & unethical conduct for a PT to perform technique of dry needling (DN) without Board approval.
  - Online study for DN instruction not appropriate training.
- Effective 9/1/2016 PT's must be approved by Board to perform DN and submit 'Application for Approval to Perform Dry Needling' & applicable fee, proof of OSHA BBPS and one of the following:

Possible New Rule: Animal Rehab

- Upon license renewal, each licensed PT shall certify to Board he/she completed CC hrs required for licensure and whether they practiced animal rehab in the biennium
- PTs practicing Animal Rehabilitation (AR) in GA MUST obtain 7 clock hours of CC pertinent to AR, these satisfy 30 hr requirement
- Failure to disclose practice of AR in the biennium or meet CC requirements is grounds for disciplinary action as determined by the Board

Possible New Rule: Dry Needling

- Graduation from entry-level, credentialed post-professional, or successful completion of didactic course of study in DN consisting of:
  - minimum of 50 hours total and competency assessment and achievement in its curriculum;
- A licensed PT successfully completed 20 hrs of specialized DN coursework may utilize skills for period not to exceed 12 months provided:
  - Remaining 50 hours completed in 12 months from achieving 20 hrs
  - Practice limited to body areas/skills studied in 20 hrs
- If not completed 50 hrs as above, must cease DN
Possible New Rule: Dry Needling

- Upon satisfying the application requirements and being granted approval by the Board to perform DN, the applicant will be notified and the DN designation placed on the license.
- PTs with at least 2 years experience in the clinical practice of DN as of September 1, 2016, have until the end of the current biennium on December 31, 2017 to submit a complete application and meet the requirements in subsection C(1-4) in order to be granted approval to perform DN and receive the designation on the license.

Summary

- Licensure = Responsibility
- You are responsible for knowing & following the current laws, rules and regulations
- Georgians may self-referral to physical therapy for all aspects of patient/client management IF the appropriate conditions are met
- Multiple changes in this biennium so far,
- More to come!

Resources

- Georgia State Board of Physical Therapy website
- David Taylor, PT, DPT, GCS
  - Taylor_dw@mercer.edu
  - 678-547-6110
Pre/Post-test: Jurisprudence for Physical Therapy Practice in Georgia

NAME: __________________________________  Instructions: Circle the correct answer.

A pre/post-test has been provided as a personal assessment of your knowledge before and after the course.

1. True   False  The Georgia Physical Therapy Act (43-33-1 to 43-33-20) contains the law related to the practice of physical therapy?

2. True   False  Adequate supervision of the physical therapist assistant includes being present at least 50% of the work week in institutional settings and available for advice, instruction, and assistance at all times, including weekends?

3. True   False  The GA General Provisions were updated in 2015 related to how PTs and PTAs identify licensure and educational credentials?

4. True   False  Licensees must complete Class I and Class II continuing competency requirements to comply with board rule 490-4?

5. True   False  The Board has determined that DPT is the appropriate regulatory designator for all physical therapists licensed in Georgia.

6. True   False  Sara received her DPT and initial licensed 8 months ago. She is currently treating a self-referral patient for an acute episode of ankle sprain. Sara is practicing legally under the current law?

7. True   False  In Georgia, a patient/client may self-refer to physical therapy and receive evaluation and treatment for up to 21 visits before a referral from an appropriately licensed provider.

8. True   False  The composition of the Georgia State Board of Physical Therapy was changed to include a physician and a chiropractor effective July 1, 2015.

9. True   False  The GA General Provisions indicate that unethical or unprofessional behavior may preclude granting or renewing of licenses.

10. True    False  GA rules provide examples of specific unprofessional/unethical conduct behaviors.