

# Ethics & Jurisprudence – Georgia Physical Therapy

## Ethics & Jurisprudence – Georgia Physical Therapy

### Goals & Objectives

#### Course Description

“Ethics and Jurisprudence – Georgia Physical Therapy” is an asynchronous online continuing education program for Georgia licensed physical therapist and physical therapist assistants. Information presented includes sections on the theoretical basis for ethical decision-making, informed consent, conflict of interest, relationships, confidentiality, 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 including the FAQ’s, and hypothetical case studies.

#### Course Rationale

This course was developed in accordance with the Ethics & Jurisprudence CE requirement defined by section 490-4-02 of the Rules of the Georgia State Board of Physical Therapy and the GA PT Board’s Policy #13; and is intended to promote and facilitate ethical behavior by Georgia licensed physical therapists and physical therapist assistants

#### Course Goals & Objectives

At the end of this course, the participants will be able to:

1. Define the meaning of Ethics and differentiate between the various theories that promote ethical behavior.
2. Define the principles of the ethical decision-making model
3. Define the parameters of informed consent
4. Differentiate between appropriate and inappropriate relationships
5. Define conflict of interest
6. Recognize all of the rights and responsibilities of physical therapy licensure as defined by 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
7. Identify patients’ rights relating to confidentiality
8. Analyze and interpret clinical situations to determine appropriate professional legal and ethical behavior.

**Course Provider** – Innovative Education Services

**Course Instructor** - Michael Niss, DPT

**Target Audience** - Georgia licensed physical therapists and physical therapist assistants

**Level of Difficulty** – This course is applicable for introductory/intermediate/advanced learners.

**Course Prerequisites** - None

**Method of Instruction/Availability** – Online asynchronous media-based course available continuously

**Criteria for Issuance of CE Credits** – A score of 70% or greater on the course post-test

**Continuing Education Credits** – Four (4) hour of continuing education credit.

**Course Fee** - \$19.95

**Conflict of Interest** – No conflict of interest exists for the presenter or provider of this course. The presenter attests that they will avoid any intentional self-promotion or promotion of any product or services in which they have a vested interest.

**Refund Policy** - Unrestricted 100% refund upon request. The request for a refund by the learner shall be honored in full without penalty or other consideration of any kind. The request for a refund may be made by the learner at any time without limitations before, during, or after course participation.

## Ethics & Jurisprudence – Georgia Physical Therapy

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#### Course Outline

	Time
Goals and Objectives	0:00
Course Outline	
Ethics Overview	
Ethics Theories	
Model for Ethical Decision Making	
APTA Code of Ethics	0:30
Informed Consent	
Relationships	
Gifts & Conflict of Interest	
Confidentiality	1:00
Georgia Physical Therapy Practice Act	
Rules of GA State Board of Physical Therapy	
Licensure Requirements	1:30
Evaluation of Examination	
Renewal: Continuing Competency	
Supervision of Physical Therapist Assistants	
Physical Therapy Aides	2:00
Code of Ethics	
Dry Needling	
Preventative Services	
Proposed Rule Changes	
GA State Board of PT Policies	2:30
GA General Provisions	
Georgia State Board of PT FAQs	
Review of GA State Board of PT Website	
Recording and Tracking CE (CE Broker)	
Case Studies	3:00
Professional Accountability	
Ethical Behavior	
Professional Boundaries	
Confidentiality	
Informed Consent	3:30
Medical Necessity	
Conflicts of Interest	
Relationships	
References	
Post-Test	4:00

Innovative Educational Services  
To take the post-test for CE credit, go to: Cheapceus.com

## Ethics Overview

The word “ethics” is derived from the Greek word *ethos* (character). In philosophy, ethics defines what is good for the individual and for society and establishes the nature of duties that people owe themselves and one another. Ethics is also a field of human inquiry (“science” according to some definitions) that examines the bases of human goals and the foundations of “right” and “wrong” human actions that further or hinder these goals.

Ethics are important on several levels.

- People feel better about themselves and their profession when they work in an ethical manner.
- Professions recognize that their credibility rests not only on technical competence, but also on public trust.
- At the organizational level, ethics is good business. Several studies have shown that over the long run ethical businesses perform better than unethical businesses.

### Ethics vs. Morals

Although the terms “ethics” and “morals” are often used interchangeably, they are not identical. Morals usually refer to practices; ethics refers to the rationale that may or may not support such practices. Morals refer to actions, ethics to the reasoning behind such actions. Ethics is an examined and carefully considered structure that includes both practice and theory. Morals include ethically examined practices, but may also include practices that have not been ethically analyzed, such as social customs, emotional responses to breaches of socially accepted practices and social prejudices. Ethics is usually at a higher intellectual level, more universal, and more dispassionate than morals. Some philosophers, however, use the term “morals” to describe a publicly agreed-upon set of rules for responding to ethical problems.

### Ethical Questions

Ethical questions involve 1) responsibilities to the welfare of others or to the human community; or 2) conflicts among loyalties to different persons or groups, among responsibilities associated with one’s role (e.g. as consumer or provider), or among principles. Ethical questions include (or imply) the words “ought” or “should”.

## Ethics Theories

Throughout history, mankind has attempted to determine the philosophical basis from which to define right and wrong. Here are some of the more commonly accepted theories that have been proposed.

### **Utilitarianism**

This philosophical theory develops from the work of Jeremy Bentham and John Stewart Mill. Simply put, utilitarianism is the theory that right and wrong is determined by the consequences. The basic tool of measurement is pleasure (Bentham) or happiness (Mill). A morally correct rule was the one that provided the greatest good to the greatest number of people.

### **Social Contract Theory**

Social contract theory is attributed to Thomas Hobbes, John Locke, and from the twentieth century, John Rawls. Social contract theories believe that the moral code is created by the people who form societies. These people come together to create society for the purpose of protection and gaining other benefits of social cooperation. These persons agree to regulate and restrict their conduct to achieve this end.

### **Deontological or Duty Theory**

Under this theory you determine if an act or rule is morally right or wrong if it meets a moral standard. The morally important thing is not consequences but the way choosers think while they make choices. One famous philosopher who developed such a theory was Immanuel Kant (1724-1804).

### **Ethical Intuitionism**

Under this view an act or rule is determined to be right or wrong by appeal to the common intuition of a person. This intuition is sometimes referred to as your conscience. For example- anyone with a normal conscience will know that it is wrong to kill an innocent person.

### **Ethical Egoism**

This view is based on the theory that each person should do whatever promotes their own best interests; this becomes the basis for moral choices.

### **Natural Law Theory**

This is a moral theory which claims that just as there are physical laws of nature, there are moral laws of nature that are discoverable. This theory is largely associated with Aristotle and Thomas Aquinas, who advocated that each thing has its own inherent nature, i.e. characteristic ways of behavior that belong to all members of its species and are appropriate to it. This nature determines what is good or bad for that thing. In the case of human beings, the moral laws of nature stem from our unique capacity for reason. When we act against our own reason, we are violating our nature, and therefore acting immorally.

### **Virtue Ethics**

This ethics theory proposes that ethical behavior is a result of developed or inherent character traits or virtues. A person will do what is morally right because they are a virtuous person. Aristotle was a famous exponent of this view. Aristotle

felt that virtue ethics was the way to attain true happiness. These are some of the commonly accepted virtues.

**Autonomy:** the duty to maximize the individual's right to make his or her own decisions.

**Beneficence:** the duty to do good.

**Confidentiality:** the duty to respect privacy of information.

**Finality:** the duty to take action that may override the demands of law, religion, and social customs.

**Justice:** the duty to treat all fairly, distributing the risks and benefits equally.

**Nonmaleficence:** the duty to cause no harm.

**Understanding/Tolerance:** the duty to understand and to accept other viewpoints if reason dictates.

**Respect for persons:** the duty to honor others, their rights, and their responsibilities.

**Universality:** the duty to take actions that hold for everyone, regardless of time, place, or people involved.

**Veracity:** the duty to tell the truth.

### **Model for Ethical Decision Making**

The foundation for making proper ethical decisions is rooted in an individual's ability to answer several fundamental questions concerning their actions.

#### **Are my actions legal?**

Weighing the legality of one's actions is a prudent way to begin the decision-making process. The laws of a geographic region are a written code of that region's accepted rules of conduct. This code of conduct usually defines clearly which actions are considered acceptable and which actions are unacceptable. However, a legitimate argument can be made that sometimes what is legal is not always moral, and that sometimes what is moral is not always legal. This idea is easily demonstrated by the following situation.

It is illegal for a pedestrian to cross a busy street anywhere other than at the designated crosswalk (jaywalking). A man is walking down a street and sees someone fall and injure themselves on the other side of the street. He immediately crosses the street outside of the crosswalk to attend to the injured person. Are his actions legal? Are they moral? What if by stepping into the street he causes a car to swerve and to strike another vehicle?

Admittedly, with the exception of policemen and attorneys, most people do not know all of the specific laws that govern their lives. However, it is assumed that most people are familiar with the fundamental virtues from which these laws are based, and that they will live their lives in accordance with these virtues.

**Are my actions ethical?**

Professional ethical behavior as it is defined in this context relates to actions that are consistent with the normative standards established or practiced by others in the same profession. For physical therapists and physical therapist assistants, these ethical standards are documented in the APTA's Code of Ethics. All PT's and PTA's, even those who are not members of the APTA, are bound to these guidelines. This is because The APTA Code of Ethics is the accepted and de facto standard of practice throughout the profession.

**Are my actions fair?**

I think most people would agree that the concept of fairness is often highly subjective. However, for these purposes, we will define fairness as meaning deserved, equitable and unbiased. Fairness requires the decision-maker to have a complete understanding of benefits and liabilities to all parties affected by the decision. Decisions that result in capricious harm or arbitrary benefit cannot be considered fair. The goal of every decision should be an outcome of relative equity that reflects insightful thought and soundness of intent.

**Would my actions be the same if they were transparent to others?**

This question presents as a true reflection of the other three. Legal, ethical, and fair are defined quite differently by most people when judged in the comfort of anonymity versus when it is examined before the forum of public opinion. Most often it is the incorrect assumption that "no one will ever find out about this" that leads people to commit acts of impropriety. How would your decisions change, if prior to taking any actions, you assumed just the opposite; "other people will definitely know what I have done". One sure sign of a poor decision is debating the possible exposure of an action instead of examining the appropriateness of it.

**APTA Code of Ethics**

**Preamble**

The vision of the American Physical Therapy Association is "transforming society by optimizing movement to improve the human experience." Our profession's charge, as we strive to be an inclusive moral community that is diverse and equitable, is to meet the health needs of all people. APTA is a voluntary professional society that strives both to serve APTA members and to support the profession as a whole. Ethical conduct by physical therapists and physical therapist assistants is vital to the standing of the profession.

## Ethics & Jurisprudence – Georgia Physical Therapy

The Code of Ethics for the Physical Therapy Profession established by APTA is the ethical foundation to which APTA members commit and was developed to provide guidance and define the ethical expectations for the profession. The Code of Ethics establishes the ethical framework guiding the conduct of all members of the physical therapy profession (physical therapists and physical therapist assistants) throughout their careers, in all practice settings, and in all roles relating to patient and client management, consultation, education, research, and administration. The Code of Ethics also provides the public with ethical standards to which we aspire and for which we are accountable.

Fundamental to the Code of Ethics is the obligation of the physical therapy professional to educate, enable, and empower the public to facilitate greater independence, health, wellness, and enhanced quality of life. Physical therapists and physical therapist assistants strive for the highest standards of ethical conduct based on the core values of the profession and the ethical principles (respect for autonomy, beneficence, non-maleficence, justice, veracity, and fidelity) that are part of ethical action at all levels: individual, organizational, and societal. The Ethical Commitments set forth in the Code of Ethics are important to patients, clients, the public, colleagues, and other health care providers. The Ethical Commitments detail the elements of the ethical fiduciary duty of physical therapists and physical therapist assistants to act in the best interests of their patients and clients.

Regulators and others may rely on the Code of Ethics in assessing the conduct of physical therapists and physical therapist assistants. The Standards of Conduct set forth in the Code of Ethics are used by the APTA Ethics and Judicial Committee to assess whether APTA members have engaged in unethical conduct. At all times the physical therapist maintains responsibility for all physical therapist services. The physical therapist assistant shall work in collaboration with and under the supervision of the physical therapist for select interventions when appropriate. Student physical therapists and student physical therapist assistants have the responsibility to adhere to the Code of Ethics during their entire academic program under the guidance of faculty and supervising clinical instructors.

### **APTA Code of Ethics Overview**

The nine Ethical Commitments are: Respect, Integrity, Accountability, Maintaining Professional Relationships, Compassion and Trust, Responsible Business and Organizational Practices, Direction and Supervision, Professional Expertise, and Societal Responsibility.

The Code serves two purposes:

1. It delineates enforceable Standards of Conduct in accordance with those Ethical Commitments that APTA enforces with regard to APTA members. The Standards of Conduct address the actions of physical therapists and physical therapist assistants in their roles relating to patient and client management, consultation, education, research, and administration.
2. It provides aspirational illustrative examples of Ethical Commitments that guide physical therapists and physical therapist assistants toward ethical courses of action in professional and volunteer roles related to their field.

This Code of Ethics is not exhaustive; that is, the Ethical Commitments and Standards of Conduct cannot address every possible situation. In some circumstances, APTA may set higher expectations than legal requirements applicable to physical therapist and physical therapist assistant members that are enforced by state licensing authorities. In other circumstances, the enforceable Standards of Conduct may not address behavior that, although unethical, does not relate to the core professional roles of physical therapist and physical therapist assistant members. All physical therapist and physical therapist assistant members shall act in an ethically responsible manner, using the Ethical Commitments set forth in the Code of Ethics to guide their decisions and actions.

The Code of Ethics does not instruct the individual professional on what decision to make or how to act; rather, it provides guidance for ethical decision making. Ethical decision-making is a process by which the Ethical Commitments and Standards of Conduct need to be taken into consideration as the professional makes an ethical judgment. In addition to seeking guidance from the Code of Ethics, PTs, PTAs, and students should also seek advice from trusted mentors or colleagues when ethical issues arise, using the Code as a guide for deliberation and action.

### **Ethical Principles**

The nine Ethical Commitments for the physical therapy profession build on the ethical principles of autonomy, beneficence, nonmaleficence, justice, veracity, and fidelity, which are the pillars of ethical decision-making. PTs and PTAs should carefully consider, balance, and weigh these commitments within the context of the situation in making ethical judgments that are in the best interest of the patient or client and society. Members of the physical therapy profession shall abide by the ethical principles of:

#### **Autonomy**

Respect the rights of individuals to make decisions and determinations about their life and body to the greatest extent possible. Respecting autonomy includes the imperative to always respect another's privacy, maintain confidentiality, and

obtain informed and ongoing consent in every interaction involving physical touching of another individual.

**Beneficence**

Take action to ensure the welfare and safety of the individuals with whom they make professional decisions, to advance the good of the individual and society.

**Nonmaleficence**

Make decisions and take actions with the intention to prevent or minimize injury, harm, or wrongdoing.

**Justice**

Make objective decisions that result in the most equitable outcome possible, as justice is an expression of the mutual recognition of respect for each other's human dignity and an acknowledgement that we live together in an interdependent community.

**Veracity**

Be honest and truthful in all professional decisions and actions, with all internal and external parties.

**Fidelity**

Treat all individuals (people, groups, and populations) with respect, fairness, discretion, and integrity.

**Ethical Commitments and Standards of Conduct**

As applied to the physical therapy profession, APTA builds on these principles to identify nine Ethical Commitments to which all APTA members should aspire and which serve as a basis for APTA's enforceable Standards of Conduct.

**1. Respect**

Physical therapists and physical therapist assistants shall respect the inherent dignity and rights of all individuals.

Standards of Conduct:

- 1.1 Physical therapists and physical therapist assistants shall not discriminate against any person.
- 1.2 Physical therapists and physical therapist assistants shall protect patients' and clients' confidential information and not disclose that confidential information except as authorized by the patient or client or as permitted or required by law.

Aspirational Illustrative Examples:

- 1.A Physical therapists and physical therapist assistants shall strive to acknowledge and respect an individual's known identity and culture.

1.B Physical therapists and physical therapist assistants shall strive to recognize their explicit and implicit personal biases.

**2. Integrity**

Physical therapists and physical therapist assistants shall act with professional integrity and responsibility, and fulfill their respective legal and ethical obligations.

Standards of Conduct:

2.1 The physical therapist shall retain full responsibility for all physical therapist services provided under the provisions of the physical therapist's license, including all aspects of the evaluation and management of the patient or client.

2.2 Physical therapists and physical therapist assistants shall obtain ongoing informed consent after providing information that is understandable, honest, and necessary to allow the patient or client or their surrogate to make informed decisions about participation in physical therapist services or research.

2.3 Physical therapists and physical therapist assistants having knowledge that, in their reasonable judgment, raises a substantial question as to whether a colleague is unfit to perform their professional responsibilities with competence and safety shall report this information to the appropriate authorities.

2.4 Physical therapists and physical therapist assistants shall address known illegal or unethical acts by physical therapy personnel or that affect physical therapist services.

2.5 Physical therapists and physical therapist assistants shall comply with applicable mandatory reporter laws for suspected cases of abuse, neglect, or exploitation involving children or vulnerable adults.

2.6 Physical therapists and physical therapist assistants involved in research shall comply with accepted standards governing the protection of research participants.

Aspirational Illustrative Examples:

2.A Physical therapists and physical therapist assistants shall strive to discourage misconduct by any physical therapy personnel or other health care professionals and make appropriate reports of known illegal or unethical acts, including verbal, physical, emotional, or sexual harassment.

2.B Physical therapists and physical therapist assistants shall strive to demonstrate integrity in their relationships with patients and clients, families, colleagues, students, research participants, other health care providers, employers, payers, and the public.

2.C Physical therapists and physical therapist assistants shall strive to ensure that they take appropriate action to address known illegal or unethical acts by physical therapy personnel or that affect physical therapist services, such as by speaking directly to the individual, consulting with mentors, or reporting the misconduct to a supervisor or relevant legal authority.

### **3. Accountability**

Physical therapists and physical therapist assistants shall be accountable for making sound professional judgments and decisions within the scope of practice established by laws and regulations.

Standards of Conduct:

3.1 Physical therapists and physical therapist assistants shall not exceed their professional, jurisdictional, and personal scopes of practice and shall communicate with, collaborate with, or refer to a peer or other health care professionals when necessary.

3.2 Physical therapists and physical therapist assistants shall practice without impairment from substance misuse and without impairment from cognitive deficiency or mental illness that, even with appropriate reasonable accommodation, adversely affects their practice.

3.3 Physical therapists and physical therapist assistants shall comply with applicable local, state, and federal laws and regulations, including any duty to report when concerned about the safety of other individuals.

Aspirational Illustrative Examples:

3.A Physical therapists shall strive to demonstrate independent and objective professional judgment and make decisions in the patient's or client's best interests in all settings.

3.B Physical therapists shall strive to make professional judgments and decisions that are informed by professional standards, evidence, provider knowledge and experience, and patient and client values.

3.C Physical therapist assistants shall strive to make decisions in the patient's or client's best interests, in consultation with the physical therapist.

3.D Physical therapists and physical therapist assistants shall strive to be accountable for the accuracy and truthfulness of information they disseminate, including in the use of emerging technologies, such as social media and artificial intelligence.

### **4. Maintaining Professional Relationships**

Physical therapists and physical therapist assistants shall respect the boundaries of professional, therapeutic, organizational, and personal relationships to promote a safe environment.

Standards of Conduct:

4.1 Physical therapists and physical therapist assistants shall not abusively exploit persons over whom they have supervisory, evaluative, or other authority (e.g., patients and clients, students, supervisees, research participants, and employees).

4.2 Physical therapists and physical therapist assistants shall not engage in any sexual relationship with any of their patients and clients, supervisees, or students.

4.3 Physical therapists and physical therapist assistants shall not harass anyone verbally, physically, emotionally, or sexually.

4.4 Physical therapists shall provide reasonable notice and information about alternative sources for obtaining care if the physical therapist terminates the provider relationship while the patient or client continues to need physical therapist services.

**Aspirational Illustrative Examples:**

4.A Physical therapists and physical therapist assistants shall avoid initiating or entering into sexual relationships with individuals over whom they have significant influence on patients' and clients' care decisions and should refer patients and clients to other providers if an existing close personal or sexual relationship with such a person might influence or impinge on the integrity of the relationship between the provider and patient or client.

4.B Physical therapists and physical therapist assistants shall strive to collaborate with patients and clients to empower them in making decisions about their health care.

4.C Physical therapists and physical therapist assistants shall strive to create an inclusive and civil work environment that strives to promote each colleague's sense of belonging.

4.D Physical therapists and physical therapist assistants shall strive to, as appropriate, encourage colleagues with physical, psychological, or substance-related impairments that may adversely impact their professional responsibilities to seek assistance or counsel.

**5. Compassion and Trust**

Physical therapists and physical therapist assistants shall be trustworthy and compassionate in addressing the rights and needs of patients and clients.

**Standards of Conduct:**

5.1 Physical therapists and physical therapist assistants shall provide the information necessary to allow patients and clients, or their surrogates, to make informed decisions about physical therapist services or participation in clinical research, including ensuring that information regarding the authorship of clinical documentation, patient education materials, publications, and presentations is truthful, accurate, and relevant.

5.2 Physical therapists and physical therapist assistants shall address barriers to communication and comprehension with recipients of services, caregivers, students, and research participants.

**Aspirational Illustrative Examples:**

5.A Physical therapists and physical therapist assistants shall strive to demonstrate care and compassion in the provision of physical therapist services.

5.B Physical therapists and physical therapist assistants shall strive to be responsible and accountable for the use of respectful, accurate, and truthful written, verbal, and nonverbal communication in all forms, including social media.

5.C Physical therapists and physical therapist assistants shall strive to recognize the public trust placed in them as health care professionals and maintain professional responsibility when information is disseminated using current and emerging technologies, including but not limited to social media and artificial intelligence.

## **6. Responsible Business and Organizational Practices**

Physical therapists and physical therapist assistants shall promote accountable and truthful organizational behaviors and business practices.

Standards of Conduct:

- 6.1 Physical therapists and physical therapist assistants shall provide information about their services that is truthful and accurate and shall not make misleading representations in any forms of communication, including billing.
- 6.2 Physical therapists and physical therapist assistants shall ensure that documentation for physical therapist services accurately reflects the provider, nature, and extent of the services provided.
- 6.3 Physical therapists and physical therapist assistants shall disclose any conflicts of interest and not permit any conflicts of interest to interfere with professional judgments and decisions.
- 6.4 Physical therapists and physical therapist assistants shall not, at any time, accept gifts or other considerations that influence or give an appearance of influencing their professional judgment and decision-making.
- 6.5 Physical therapists and physical therapist assistants shall fully disclose any financial interest they have in products or services that they recommend to patients and clients or to the public.
- 6.6 Physical therapists shall ensure that patients and clients are informed of their financial obligations prior to incurring charges so that shared decision-making can be incorporated into the treatment plan.
- 6.7 Physical therapists and physical therapist assistants shall not knowingly enter into or continue any employment or other arrangements that prevent them from fulfilling professional and ethical obligations to patients and clients.

Aspirational Illustrative Examples:

- 6.A Physical therapists and physical therapist assistants shall strive to provide relevant and truthful information to current and prospective patients and clients about the services to be provided.
- 6.B Physical therapists and physical therapist assistants shall strive to promote environments that support independent and accountable professional judgment as well as ethical and accountable decision-making.

6.C Physical therapists and physical therapist assistants shall strive to seek compensation that supports the provision of legal, safe, and effective physical therapist services.

**7. Direction and Supervision**

Physical therapists and physical therapist assistants shall provide appropriate and timely direction to and communication with anyone over whom they have legal supervisory responsibility.

Standards of Conduct:

- 7.1 Physical therapists shall ensure that all duties directed to other physical therapy personnel are congruent with the credentials, qualifications, competencies, and legal scope of practice or scope of work of the individual.
- 7.2 Physical therapist assistants shall provide physical therapist services under the direction and supervision of a physical therapist and shall communicate with the physical therapist when the patient's or client's status requires modification to the established plan of care.
- 7.3 Physical therapists shall exercise primary responsibility for the supervision of physical therapist assistants and support personnel.
- 7.4 Physical therapist assistants shall support and respect the supervisory role of the physical therapist to ensure quality of care and promote patient and client safety.
- 7.5 Physical therapist assistants shall take responsibility to communicate in a timely manner to the supervising physical therapist any areas in which they do not have the necessary level of knowledge and skill to practice safely and effectively.

Aspirational Illustrative Example:

7.A Physical therapists and physical therapist assistants shall strive to take responsibility to mentor learners in order to help the learners develop knowledge, skills, behaviors, and attitudes that will enable them to provide safe and effective care while embodying professionalism.

**8. Professional Expertise**

Physical therapists and physical therapist assistants shall enhance their expertise and competency through career-long acquisition and refinement of knowledge, skills, abilities, and professional behaviors.

Standards of Conduct:

- 8.1 Physical therapists shall recognize and practice within the limits of their skills and competence and refer a patient or client to another health care professional when it is in the best interests of the patient or client.
- 8.2 Physical therapists and physical therapist assistants shall practice consistent with accepted current standards of care.

**Aspirational Illustrative Examples:**

- 8.A Physical therapists and physical therapist assistants shall strive to develop and maintain competence and exercise appropriate care in using current and emerging technologies, including but not limited to social media and artificial intelligence.
- 8.B Physical therapists and physical therapist assistants shall strive to engage in professional development based on critical self-assessment and reflection on changes in physical therapist practice, education, health care delivery, and technology.
- 8.C Physical therapists and physical therapist assistants shall strive to evaluate the strength of evidence and applicability of content presented during professional development activities before integrating the content or techniques into practice, as appropriate to their professional roles.
- 8.D Physical therapists and physical therapist assistants shall strive to cultivate and support practice environments that support professional development, career-long learning, and excellence.
- 8.E Physical therapists and physical therapist assistants shall strive to reflect on and take action needed to maintain their own physical, emotional, and mental health, and seek outside assistance when needed.

**9. Societal Responsibility**

Physical therapists and physical therapist assistants shall participate in efforts to meet the health needs of people locally, nationally, and globally.

**Aspirational Illustrative Examples:**

- 9.A Physical therapists and physical therapist assistants shall strive to provide resources to assist those who they believe are in harm's way.
- 9.B Physical therapists and physical therapist assistants shall strive to recognize and address the multiple determinants of health that impact an individual's ability to optimize their own health and shall strive to provide appropriate suggestions to patients and clients of available community resources.
- 9.C Physical therapists and physical therapist assistants shall strive to advocate to reduce health disparities and health care inequities, improve access to health care services, and address the health, wellness, and preventive health care needs of people.
- 9.D Physical therapists and physical therapist assistants shall strive to recognize and respect the unique roles of other health professions and engage in interprofessional collaboration to meet the individual needs of people as well as improve access to appropriate services.
- 9.E Physical therapists and physical therapist assistants shall strive to provide pro bono physical therapist services or support organizations that meet the needs of people who are economically disadvantaged, uninsured, or underinsured.

9.F Physical therapists and physical therapist assistants shall strive to be responsible stewards of health care services and advocate for just utilization of those services, including taking action to reduce barriers to access.

9.G Physical therapists and physical therapist assistants shall strive to educate the public about the scope of practice and benefits of physical therapy as part of interprofessional collaborative practice to protect and advance the health and well-being of individuals, communities, and populations.

9.H Physical therapists and physical therapist assistants shall strive to be good stewards of limited resources and take action to avoid unnecessary waste of those resources.

### **Informed Consent**

Patients have a fundamental right to direct what happens to their bodies, grounded in the principles of autonomy and respect for persons. In turn, health care professionals have an ethical obligation to involve patients in a process of shared decision making and to seek patients' informed consent for treatments and procedures. Good informed consent practices, thus, are an essential component of ethics quality in health care. And that means more than getting a patient's signature on a consent form.

The goal of the informed consent process is to ensure that patients have an opportunity to be informed participants in decisions about their health care. To achieve that goal practitioners must inform the patient (or authorized surrogate) about treatment options and alternatives, including the risks and benefits of each, providing the information that a "reasonable person" in similar circumstances would want to know in making the treatment decision. A key element of the process is that the practitioner must explain why he or she believes recommended treatments or procedures will be more beneficial than alternatives in the context of the patient's diagnosis.

Informed consent must always be specific: to the individual patient, the clinical situation, and the recommended plan of care or recommended treatment(s) or procedure(s).

### **Consent for Multiple Treatments**

Although consent is always specific, it is not the same as saying that separate consent is always required for every episode of repeated treatment. When the plan of care for a given diagnosis involves repeated treatments or procedures—for example, a course of diagnostic tests or ongoing therapy—practitioners do not need to obtain consent for each individual episode.

### **Blanket Consent**

Informed consent for a planned course of multiple repeated treatments based on a specific diagnosis is very different from practices sometimes referred to as “routine” or “blanket” consent. Asking a patient to agree at the outset of care to “any treatment your doctors think is necessary,” or “routine procedures as needed,” is ethically problematic in several ways. Such practices fail to meet the requirement that consent be specific.

Moreover, seeking consent “in case” a patient should need some future intervention that is not related to that patient’s current clinical status violates the fundamental ethical norm that patients must make decisions about proposed treatments or procedures in the context of their present situation. As a “patient-centered action,” informed consent involves the contemporaneous bodily integrity, rights, dignity, intelligence, preferences, interests, goals, and welfare. If a patient’s condition changes enough to warrant a change in the plan of care, the practitioner must explain to the patient (or authorized surrogate) how the situation has changed, establish goals of care in light of the new situation, recommend a new plan of care, and obtain informed consent for the new plan or for specific treatment(s) or procedure(s) now recommended.

### **Notification versus Consent**

Informed consent is also different from “notification,” that is, providing general information relevant to patients’ participation in health care. Notification informs patients not only about their rights, but also about organizational activities and processes that shape how care is delivered. Like informed consent, notification serves the goal of respecting patients as moral agents.

### **Refusing Treatment**

The right to refuse unwanted treatment, even potentially life-saving treatment, is central to health care ethics. Health care professionals are understandably concerned when patients refuse recommended treatments. How should practitioners respond when a patient declines an intervention that practitioners believe is appropriate and needed? The answer to that question depends on both the patient’s decision-making capacity and the particular circumstances of the treatment decision.

Practitioners should take care not to assume that a patient who refuses recommended treatment lacks decision-making capacity. A capacity assessment is appropriate if the practitioner has reason to believe the patient might lack one or more of the components of decision-making capacity. When decision-making capacity is not in question, practitioners must respect the patient’s decision to decline an intervention, even if they believe the decision is not the best one that could have been made. However, this does not mean that health care professionals should never question the patient’s decision, or never try to persuade the patient to accept treatment. For example, by exploring the reasons

for refusal with the patient, a practitioner might learn that the patient simply needs more information before deciding to proceed.

The professional ethical ideal of shared decision making calls for active, respectful engagement with the patient or surrogate. As a prelude to exploring a patient's refusal of recommended treatment, practitioners should clarify the patient's (and/or surrogate's) understanding of the clinical situation and elicit his or her expectations about the course of illness and care. Practitioners should clarify the goals of care with the patient or surrogate, address expectations for care that may be unrealistic, and work with the patient or surrogate to prioritize identified goals as the foundation for a plan of care.

Asking in a nonjudgmental way, "What leads you to this conclusion?" can then help the practitioner to understand the reasons for the patient's decision to decline recommended treatment. It can also help to identify concerns or fears the patient may have about the specific treatment that practitioners can address. The aim should be to negotiate a plan of care that promotes agreed on goals of care.

### **Resisting Treatment**

Health care professionals face different concerns when patients who lack decision-making capacity resist treatment for which their authorized surrogates have given consent. When a surrogate consents to treatment on behalf of a patient who lacks decision-making capacity, practitioners are authorized to carry out the treatment or procedure even if the patient actively resists. In such cases, treatment is not being administered over the patient's refusal because the surrogate has taken the patient's place in the process of shared decision making and exercised the patient's decision-making rights. However, practitioners should still be sensitive to patients who resist treatment. They should try to understand the patient's actions and their implications for treatment. Practitioners should ask themselves why, for example, a patient repeatedly tries to pull out a feeding tube. Is the tube causing physical discomfort? Is the patient distressed because he or she does not understand what is happening?

Resistance to treatment should prompt practitioners to reflect on whether the treatment is truly necessary in light of the established goals of care for the patient, or whether it could be modified to minimize the discomfort or distress it causes. For instance, a patient may resist treatment via one route of administration but not another.

Practitioners should also be alert to the implications of the patient's resistance for the judgment that he or she lacks decision-making capacity. In some cases, resistance to treatment may be an expression of the patient's authentic wishes. Decision-making capacity is not an "all or nothing" proposition. Rather, decision-making capacity is task specific. It rests on being able to receive, evaluate, deliberate about and manipulate information, and communicate a decision, which

can vary considerably with the decision to be made. A patient may have capacity to make a simple decision but not a more complex one.

When a patient resists, surrogates, family members, or friends may be able to shed light on the patient's actions and help practitioners identify ways to provide treatment that are less upsetting for the patient. For patients with fluctuating capacity, it may be possible to explore concerns directly with the patient during lucid moments.

Patients who resist treatment present unique challenges for health care practitioners. The root cause of the resistance should be explored, as well as other clinically acceptable alternatives to the proposed treatment.

## **Relationships**

Boundaries define the limits of appropriate behavior by a professional toward his or her clients. By establishing boundaries, a health care professional creates a safe space for the therapeutic relationship to occur. Health care professionals need guidance if they are to avoid engaging in interactions with their patients that may prove ethically problematic.

### **Professionalism**

The notion of boundaries in the health care setting is rooted in the concept of a “profession”. While this concept is understood in several different ways in the medical and sociological literature, there is consensus regarding one of the defining characteristics of professions and professionals: commitment to serve the profession’s clients. That is, professionals are expected to make a fiduciary commitment to place their clients’ interests ahead of their own. In exchange for faithfully applying their unique knowledge and skills on behalf of their clients, members of a profession are granted the freedom to practice and to regulate themselves.

Patients who come to health care professionals when they are ill and vulnerable bring with them expectations about this interaction and how clinicians should behave toward them as health care professionals, though patients are not always able to articulate those expectations clearly. Patients should be able to trust that their interests and welfare will be placed above those of the health care professional, just as they should be confident they will be treated with respect, and be informed so that they can make their own health care decisions to the greatest extent possible. Professionals, as such, are held to different standards of conduct from other persons. Relationships and interactions that may be ethically unproblematic among nonprofessionals may be unacceptable when one of the parties is a professional. An individual may have a personal interest that is

perfectly acceptable in itself, but conflicts with an obligation the same individual has as a health care professional.

For example, under circumstances in which it would normally be acceptable for one person to ask another individual for a date, it may not be acceptable for a health care professional to ask a patient for a date, because doing so might compromise the professional's fiduciary commitment to the patient's welfare. The nature of professions is such that the human needs the professions address and the human relationships peculiar to them are sufficiently distinct to warrant, indeed, to demand, expectations of a higher morality and a greater commitment to the good of others than in most other human activities.

### **Boundaries**

Boundaries define the professional relationship as fundamentally respectful and protective of the patient and as dedicated to the patient's well-being and best interests. A boundary violation occurs when a health care professional's behavior goes beyond appropriate professional limits. Boundary violations generally arise when the interaction between parties blurs their roles vis-à-vis one another. This creates what is known as a "double bind situation". That is a circumstance in which a personal interest displaces the professional's primary commitment to the patient's welfare in ways that harm—or appear to harm—the patient or the patient-clinician relationship, or might reasonably be expected to do so.

### **Legal Aspects**

Various legal and regulatory requirements address boundaries in patient-professional interactions. Clinicians are subject to guidelines for professional conduct in health care promulgated by state licensing boards. Most state professional licensing boards have addressed specific boundary issues. For example, "engaging in any conduct with a patient that is sexual or may be reasonably interpreted as sexual ... [or] behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient."

Some state board guidelines offer specific guidance to help clinicians avoid inappropriate conduct, such as recommending that professionals restrict contact with patients to appropriate times and places for the therapy to be given. Violations of these guidelines could result in probation, limitation of practice, and suspension or revocation of licensure. Clinicians should be aware; moreover, that inappropriate sexual or physical contact can result in patients suing clinicians for battery and malpractice, and in several states sexual exploitation of a patient is considered a felony.

### **Other Problematic Relationships**

Many kinds of interaction potentially interfere with the primary clinical relationship between practitioner and patient and pose concerns about acceptable conduct

for health care professionals. Becoming socially involved or entering into a business relationship with a patient, for example, can impair, or appear to impair, the professional's objectivity. Accepting a gift is sometimes an appropriate way to allow a patient to express his or her gratitude, and at other times is problematic. Showing favoritism—by giving a particular patient extra attention, time, or priority in scheduling appointments, for example—can cross the boundary between action that is appropriate advocacy on behalf of a particular patient and action that is unfair to others.

Such interactions or activities are ethically problematic when they can reasonably be expected to affect the care received by the individual or by other patients or the practitioner's relationships with his or her colleagues, or when they give the appearance of doing so. Yet not all behavior that might be considered inappropriate necessarily violates professional obligations.

Health care professionals should be alert to situations in which they may be likely to be motivated to behave in ways that violate accepted ethical standards. Ambiguous interactions and relationships, for example, have the potential both to impair the professional's objectivity and compromise his or her judgment, and to give rise to conflicting expectations on the patient's part, which can contaminate the therapeutic relationship and potentially undermine the patient's trust.

### **Gifts and Conflict of Interest**

Because gifts create relationships, health care professionals' acceptance of gifts from commercial vendors can be ethically problematic in several ways. Accepting gifts risks undermining trust. It may bias clinicians' judgments about the relative merits of different treatments. And it may affect treatment patterns in ways that increase costs and adversely affect access to care.

Health care professionals' fiduciary, or trust-based, relationship with patients requires that practitioners explain the reasons for treatment decisions and disclose any potential conflicts of interest, including the influence of gifts.

Given the ways in which gift giving differs from entering into a contractual relationship, gifts to health care professionals can blur the distinction between formal business exchanges and informal, interpersonal exchanges. Industry gifts to health care professionals create potential conflicts of interest that can affect practitioners' judgment—without their knowledge and even contrary to their intent—thereby placing professional objectivity at risk and possibly compromising patient care.

If accepting gifts is ethically problematic in these ways, why do health care professionals continue to take the gifts they are offered? One explanation is that

accepting a gift is a natural, socially expected reaction motivated by a combination of self-interest and politeness. But it is also argued that health care professionals have come to expect gifts as part of a “culture of entitlement” that has evolved over many years. Gifts have become a familiar part of many health care workplace cultures and established patterns of behavior often resist change. Other rationales are that inducements such as free lunches are needed to induce attendance at educational sessions (and may help offset the costs of such programs), and that they help boost employee morale. Some even claim that accepting gifts results in economic savings for health care institutions, because the industry provides for free items that the institutions would otherwise have to buy. Finally, apathy on the part of professional bodies allows the “tradition” of accepting gifts to continue.

Failure to enforce ethical standards consistently has made it easier simply not to notice, or not to be concerned about, the fact that accepting gifts creates ethical risks. None of these arguments, however, is compelling enough to allow an ethically problematic practice to continue. While habit and self-interest can be powerful motivators, ethical standards explicitly require health care professionals to place patient interests above their own.

In recent years, many prominent organizations and associations have established ethical guidelines for health care professionals about accepting gifts from industry representatives. These guidelines do not prohibit all gifts from industry, but there is general agreement that gifts from companies to health care professionals are acceptable only when the primary purpose is the enhancement of patient care and medical knowledge. The acceptance of individual gifts, hospitality, trips, and subsidies of all types from industry by an individual is strongly discouraged. Practitioners should not accept gifts, hospitality, services, and subsidies from industry if acceptance might diminish, or appear to others to diminish, the objectivity of professional judgment.

Professional guidelines seek to establish thresholds for what kinds of gifts and gift relationships are acceptable. In general, gifts to individual practitioners are discouraged unless they are of minimal value and related to the practitioner’s work—such as pads, pens, or calendars for office use.

The social dynamics of the gift relationship, the potential for gifts subtly to bias health care professionals’ prescribing practices and clinical decisions, and the obligation of health care professionals to avoid acting in ways that might undermine public trust all argue for the adoption of clear, robust policies regarding the acceptance of gifts from companies. Creating a workplace in which professionals no longer routinely expect or accept gifts from industry is a challenging task that calls for professional role modeling and sustained, coordinated efforts on the part of clinical and administrative leaders, as well as development and careful implementation of clear, well-considered policy.

## **Confidentiality**

The obligation to ensure patient privacy is rooted in the ethical principle of respect for persons. Health care providers convey that respect in a few ways with regard to privacy. They respect patient's informational privacy by limiting access to patient information to those authorized health care providers who need it to perform their duties. The obligation to ensure patient privacy is also justified by the obligation of harm prevention. Sometimes maintaining patient privacy is a way of keeping the patient safe, for example, by minimizing the risk of identity theft.

Confidentiality is mandated by HIPAA laws, specifically the Privacy Rule. The Privacy Rule protects all individually identifiable health information held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral.

“Individually identifiable health information” is information, including demographic data, that relates to:

- the individual's past, present or future physical or mental health or condition,
- the provision of health care to the individual, or
- the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.

Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

Health care providers must make reasonable efforts to use, disclose, and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure, or request. They must also develop and implement policies and procedures to reasonably limit uses and disclosures to the minimum necessary. When the minimum necessary standard applies to a use or disclosure, a covered entity may not use, disclose, or request the entire medical record for a particular purpose, unless it can specifically justify the whole record as the amount reasonably needed for the purpose.

## **Georgia Physical Therapy Practice Act Official Code 43-33**

The following is an abridged version of the Georgia Physical Therapy Practice Act, to view Code 43-33 in its entirety, go to: <https://sos.ga.gov/page/georgia-state-board-physical-therapy-rules-and-laws>

### **Title 43. Professions and Businesses**

#### **Chapter 33. Physical Therapists**

##### **§ 43-33-1. Short title**

This chapter shall be known and may be cited as the "Georgia Physical Therapy Act."

##### **§ 43-33-2. Declaration of purpose**

This chapter is enacted for the purpose of safeguarding the public health, safety, and welfare by providing for state administrative control, supervision, and regulation of the practice of physical therapy. The practice of physical therapy is declared to be affected with the public interest; and this chapter shall be liberally construed so as to accomplish the purpose stated in this Code section.

##### **§ 43-33-3. Definitions**

As used in this chapter, the term:

- (1) "Board" means the State Board of Physical Therapy.
- (2) "License" means a valid and current certificate of registration issued by the board, which shall give the person to whom it is issued authority to engage in the practice prescribed thereon.
- (3) "Licensee" means any person holding a license under this chapter.
- (4) "Person" means a human being only, not a legal entity.
- (5) "Physical therapist" means a person licensed to practice physical therapy as defined in this chapter and whose license is in good standing. A physical therapist shall be designated by the initials "P.T."
- (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. A physical therapist assistant shall be designated by the initials "P.T.A."
- (7) "Physical therapy" means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate, and limit physical disability, bodily malfunction and pain from injury, disease, and any other bodily and mental conditions and includes the administration, interpretation, documentation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventative and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(8) "Physical therapy aide" means a person who only performs designated and supervised physical therapy tasks. The physical therapy aide must receive direct supervision and must be directed on the premises at all times by a licensee. Physical therapy aides are not licensed under this chapter.

(9) "Trainee" means an individual who is approved for a traineeship.

(10) "Traineeship" means a period of activity during which a trainee works under the direct supervision of a licensed physical therapist who has practiced for not less than one year prior to assuming the supervisory role.

(11) "Training permit" means a valid and current certificate of registration issued by the board, which gives the person to whom it is issued authority to engage in practice through a traineeship prescribed thereon.

**§ 43-33-5. Appointment of board members; terms; vacancies; removal**

The board shall consist of eight members, as provided in Code Section 43-33-6, each of whom shall be appointed by the Governor and confirmed by the Senate for a term of three years and until a successor is appointed and qualified. Vacancies on the board shall be filled by the Governor's appointment of a successor to serve out the unexpired term. The Governor, after notice and opportunity for hearing, may remove any member of the board for neglect of duty, incompetence, revocation or suspension of license of those licensee members, or other dishonorable conduct. No person shall serve consecutively more than two full terms as a member of the board.

**§ 43-33-6. Qualifications of board members**

To be eligible for appointment to the board, a person must be a resident of this state. Six members of the board shall be licensed as physical therapists under this chapter who have practiced or taught physical therapy for at least three years. At least one member shall be licensed and practicing as a physical therapist assistant for at least three years. The eighth member shall be appointed from the public at large and shall have no business connection whatsoever with the practice or profession of physical therapy.

**§ 43-33-10. General powers and duties of board**

In carrying out the provisions of this chapter, the board shall, in addition to the other powers conferred upon it under this chapter, have the power to:

- (1) Prepare or approve all examinations or applicants for licenses;
- (2) Determine the qualifications of and authorize the issuance of licenses to qualified physical therapists and physical therapist assistants;
- (3) Determine the qualifications for and approve educational programs that prepare physical therapists and physical therapist assistants for the purpose of determining qualifications of applicants for licensure;
- (4) Initiate investigations of alleged or suspected violations of the provisions of this chapter or other laws of this state pertaining to physical therapy and any rules and regulations adopted by the board. For this purpose, any board member

or authorized agent of the board shall have the power and right to enter and make reasonable inspection of any place where physical therapy is practiced; (5) Conduct all hearings in contested cases according to Chapter 13 of Title 50, known as the "Georgia Administrative Procedure Act"; (6) Discipline any person licensed under this chapter, or refuse to grant, renew, or restore a license to any person upon any ground specified in this chapter; (7) Adopt a seal, the imprint of which together with the authorized signature of either the division director or other member authorized by the board shall be effective to evidence its official acts; (8) Establish licensing fees and maintain in the office of the division director a register of all persons holding a license and a record of all inspections made; (9) Adopt and publish a code of ethics; (10) Issue training permits; and (11) Adopt such rules and regulations as shall be reasonably necessary for the enforcement and implementation of the provisions and purposes of this chapter and other laws of this state insofar as they relate to physical therapy.

**§ 43-33-11. License required for physical therapists or physical therapist assistants; use of titles; limitation on scope of Code section**

A physical therapist shall display either the title "physical therapist" or the abbreviation "P.T." on a name tag or other similar form of identification during times when such person is providing direct patient care. A physical therapist assistant shall display either the title "physical therapist assistant" or the abbreviation "P.T.A." on a name tag or other similar form of identification during times when such person is providing direct patient care. A physical therapy aide shall be required to display the title "physical therapy aide" on a name tag or other similar form of identification during times when such person is assisting a licensee. No person shall practice as a physical therapist or as a physical therapist assistant nor hold himself or herself out as being able to practice as a physical therapist or as a physical therapist assistant or as providing physical therapy or use the initials P.T. or P.T.A. in conjunction therewith or use any word or title to induce the belief that he or she is engaged in the practice of physical therapy unless he or she holds a license and otherwise complies with the provisions of this chapter and the rules and regulations adopted by the board. Nothing in this Code section shall be construed as preventing or restricting the practice, services, or activities of:

- (1) Any person licensed under any other law of this state who is engaged in the professional or trade practices properly conducted under the authority of such other licensing laws;
- (2) Any person pursuing a course of study leading to a degree or certificate as a physical therapist or as a physical therapist assistant in an entry level educational program approved by the board, if such person is designated by a title indicating student status, is fulfilling work experiences required for the attainment of the degree or certificate, and is under the supervision of a licensed physical therapist;

- (3) Any person enrolled in a course of study designed to develop advanced physical therapy skills when the physical therapy activities are required as part of an educational program sponsored by an educational institution approved by the board and are conducted under the supervision of a physical therapist licensed under this chapter. If such person provides physical therapy services outside the scope of the educational program, he or she shall then be required to be licensed in accordance with this chapter;
- (4) A physical therapist licensed in another state or country or employed by the United States government conducting a teaching or clinical demonstration in connection with an academic or continuing education program;
- (5) Any person employed as a physical therapist or as a physical therapist assistant by the United States government if such person provides physical therapy services solely under the direction or control of the employing organization. If such person shall engage in the practice of physical therapy or as a physical therapist assistant outside the course and scope of such employment, he or she shall then be required to be licensed in accordance with this chapter; or
- (6) A person currently licensed in another state who is present in this state for treatment of a temporary sojourner only, said treatment in this state not to exceed a total of 60 days during any 12-month period.

**§ 43-33-12. Requirements for license to practice physical therapy**

A license to practice physical therapy shall be issued to any person who:

- (1) Is a graduate of an educational program that prepares physical therapists and which is accredited by a recognized accrediting agency and approved by the board or, in the case of an applicant who has graduated from an educational program which prepares physical therapists conducted in a foreign country, has submitted, in a manner prescribed by the board, credentials approved by the board and who has further demonstrated the ability to speak, write, and understand the English language and has satisfactorily completed a three- month board approved traineeship under the supervision of a physical therapist licensed under this chapter;
- (2) Has satisfactorily passed an examination prepared or approved by the board; and
- (3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (a) of Code Section 43-1-19.

**§ 43-33-13. Requirements for license to practice as physical therapist assistant**

A license to practice as a physical therapist assistant shall be issued to any person who:

- (1) Is a graduate of an educational program that prepares physical therapist assistants and which is accredited by a recognized accrediting agency and approved by the board or, in the case of an applicant who has graduated from an educational program which prepares physical therapist assistants conducted in a foreign country, has submitted, in a manner prescribed by the board, credentials

approved by the board and who has further demonstrated the ability to speak, write, and understand the English language and has satisfactorily completed a three- month board approved traineeship under the supervision of a physical therapist licensed under this chapter;

(2) Has satisfactorily passed an examination prepared or approved by the board; and

(3) Is not disqualified to receive a license under the provisions of Code Section 43-33-18 or subsection (a) of Code Section 43-1-19.

**§ 43-33-13.1. Physical therapy aide**

A physical therapy aide is one, other than a physical therapist or physical therapist assistant, who is employed to assist a physical therapist or a physical therapist assistant by performing only designated physical therapy tasks under direct supervision of a licensee as approved by the board by rule or regulation.

**§ 43-33-15. Reciprocity**

The board may grant to a person licensed in another state or territory of the United States full privileges to engage in equivalent practice authorized by this chapter without taking an examination, provided:

(1) That such person is properly licensed under the laws of another state or territory or the United States; and

(2) That the requirements for licensing in such other state or territory of the United States are substantially equal to the requirements for a similar license in this state.

**§ 43-33-17. Training permits**

(a) The board may issue a training permit to an applicant who is a graduate of an approved physical therapy program who is approved to take the physical therapy licensing examination or who has taken the examination but not yet received the examination results.

(b) The board may issue a training permit to a foreign trained applicant who is a graduate from a physical therapy program outside the United States and its territories and who is approved to take the physical therapy licensing examination.

(c) The board may issue a training permit to a reinstatement applicant whose license to practice as a physical therapist or license to practice as a physical therapist assistant has been expired for more than two years.

(d) The training permit shall allow the holder thereof to work only under the direct supervision of a physical therapist who has been approved by the board and has practiced for not less than one year prior to assuming the supervisory role.

(e) Training permits are governed by rules and regulations authorized under this chapter and approved by the board.

**§ 43-33-18. Refusal to grant or restore licenses; discipline of licensees; suspension, revocation, or restriction of licenses; immunity for violation reporters**

(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 article upon a 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 or her professional credential as a physical therapist;
- (2) Performed physical therapy care and services without examination and evaluation of patients 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:
  - (A) Failed to refer the patient to an appropriate licensed health care provider (this is to be specifically interpreted as an individual licensed pursuant to Article 2 of Chapter 11 of 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, 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 appropriate licensed health care provider. The day and visit limitations contained in this subparagraph shall not apply:
    - (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 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
    - (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 an appropriate licensed health care provider;
  - (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;
  - (D) Not satisfied the 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:
  - Post graduate certification;
  - American Board of Physical Therapy Specialties Board Certification; or
  - Residency or fellowship training; or
- (iii) Five years of clinical practice experience; or

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

- (3) Acted in a manner inconsistent with generally accepted standards of physical therapy practice, 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;
- (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 supervision 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;
- (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 that he or she has liability coverage either independently or provided by the entity by which he or she is employed.

(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 article 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.

(c) The board shall have authority to refuse to grant or restore a license to an applicant or to discipline a physical therapist or physical therapist assistant licensed under this article or any antecedent law upon a finding by the board that the licensee or applicant has:

- (1) Displayed an inability or has become unable to practice as a physical therapist or as a physical therapist assistant with reasonable skill and safety to patients by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition;
- (2) Been convicted of a felony or crime involving moral turpitude in the courts of this state or the United States or the conviction of an offense in another jurisdiction which if committed in this state would be deemed a felony. For the purpose of this Code section, a "conviction" shall include a finding or verdict of guilty, a plea of guilty, or a plea of nolo contendere in a criminal proceeding regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon pursuant to the provisions of Code Sections 42-8-60 through 42-8-64, relating to first offenders, or any comparable rule or statute;
- (3) Knowingly made misleading, deceptive, untrue, or fraudulent representations to a patient, consumer, or other person or entity in connection with the practice of physical therapy or in any document connected therewith; practiced fraud or deceit or intentionally made any false statement in obtaining or attempting to obtain a license to practice physical therapy or as a physical therapist assistant; or made a false or deceptive biennial registration with the board;
- (4) Practiced physical therapy contrary to this Code section or to the rules and regulations of the board; knowingly aided, assisted, procured, or advised any person to practice physical therapy contrary to this Code section or to the rules and regulations of the board; or knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person to practice physical therapy;
- (5) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice need not have resulted in actual injury to any person; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing physical therapy practice or the failure to comply with the code of ethics of the board;
- (6) Failed to report to the board any act or omission of a licensee or applicant or any other person which violates the provisions of this subsection; or
- (7) Divided fees or agreed to divide fees received for professional services with any person, firm, association, corporation, or other entity for bringing or referring a patient.

**§ 43-33-19. Unlicensed practice as constituting public nuisance; injunctions**

The practice of physical therapy is declared to be an activity affecting the public interest and involving the health, safety, and welfare of the public. Such practice when engaged in by a person who is not licensed is declared to be harmful to the public health, safety, and welfare. The board or the district attorney of the circuit where such unlicensed practice exists, or any person or organization having an interest therein, may bring a petition to restrain and enjoin such unlicensed practice in the superior court of the county where such unlicensed person resides. It shall not be necessary in order to obtain an injunction under this Code section to allege or prove that there is no adequate remedy at law, or to allege or prove any special injury.

**§ 43-33-20. Penalty**

Any person convicted of violating this chapter shall be guilty of a misdemeanor.

**Rules of the Georgia State Board of Physical Therapy  
(Chapter 490)**

The following is an edited and abridged version of The Rules of Georgia State Board of Physical Therapy (Chapter 490). To view the entire unedited chapter, please go to: <https://rules.sos.ga.gov/gac/490>

**Chapter 490-2 Licensure Requirements**

**Rule 490-2-01 Application for Licensure and Examination**

To practice in the State of Georgia, physical therapists and physical therapist assistants must first be licensed by the Georgia Board of Physical Therapy.

Individuals seeking licensure as a physical therapist or physical therapist assistant in the State of Georgia must complete and submit an application for examination. This application must then be approved by the Board before the applicant is permitted to take the examination.

Applicants for licensure have one year from their initial application submission to provide the Board with all required documentation.

**Rule 490-2-02 Licensure: Examination**

Applicants who are graduates of a Commission on Accreditation in Physical Therapy Education (CAPTE) approved physical therapy program must submit all the following to the Georgia Board of Physical Therapy to qualify for Georgia licensure:

1. passing scores from the national licensing examination
2. passing scores from the examination on the laws and rules governing the practice of physical therapy, and the rules of the Georgia State Board of Physical Therapy
3. official proof of graduation directly from the physical therapy degree-

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issuing institution

If the Georgia licensure applicant has ever previously been licensed in any other state, or is currently licensed in any other state; the Board may conduct verification of these other state licensures.

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

Individuals applying for Georgia licensure who graduated from non-CAPTE approved foreign-based educational programs must meet all the following conditions to receive Board consideration for approval to take the licensing examination:

- Applicant transcripts must be evaluated by a Board approved credential evaluation agency.
- Verification of licensure or license eligibility in the country where the applicant received their education.
- Verification of any previous licensure held in any jurisdiction.
- A documented total score of at least 89 on the IBT TOEFL exam. Applicants must achieve a passing score on each of the four sections; writing (24), reading (21), listening (18), and speaking (26).
- If the applicant graduated from an English speaking physical therapy program, a letter from a school official attesting to this must be submitted to the Board.

Following Board review and approval of the items listed above, foreign educated applicants must complete the following to be eligible for Georgia licensure:

- Achieve a passing score on the NPTE.
- Achieve a passing score on the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia State Board of Physical Therapy.
- Complete 480 hours of a Board-approved traineeship in a 3-month period. (The traineeship requirement may be waived by the Board if the applicant has at least 5 years of continuous active practice, demonstrates clinical competency, and has a license in good standing.)

Individuals applying for Georgia licensure who graduated from a CAPTE approved foreign physical therapy program are not required to submit a credentials evaluation.

**Rule 490-2-04 Training Permits**

**Qualified Applicants**

As per the Georgia Physical Therapy Act, qualified applicants may be issued a training permit after the Board has approved their application for licensure.

The Board defines a qualified applicant as any of the following:

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- Graduates of a CAPTE or non-CAPTE accredited program who have achieved a passing score on the NPTE and the Georgia physical therapy laws and rules exam.
- Individuals who have not actively practiced physical therapy for a period of 2-5 years and are applicants for licensure reinstatement.
- Individuals who have not practiced for greater than 5 years and have successfully passed the NPTE and the Georgia physical therapy laws and rules exam.
- Endorsement applicants who have not actively practiced physical therapy for a period of 2-5 years.
- Endorsement applicants who have not practiced for greater than 5 years and have successfully passed the NPTE and the Georgia physical therapy laws and rules exam.

### **Initial Applications and Reinstatement Applications**

Trainees must submit to the Board a notarized training permit completed by their supervisor that includes all the following:

- Name and license number of the trainee supervisor
- Name, address, phone number, fax number, and email address of all sites where the trainee and supervisor may be working during the traineeship.
- Dates of the traineeship.
- Supervisor acceptance of the responsibility for trainee supervision and performance evaluation.
- Termination of traineeship.
- Type of facility.

### **Training Permit Renewal**

Training permits may be renewed only once, for no more than 6 months.

Renewal requires Board approval via written request of the applicant. The Board requires an exceptional reason to grant applicants a renewal of a training permit.

Examples of exceptional reasons include the following:

- Death of a family member
- Illness of the applicant or immediate family member.
- Jury duty

### **Training Permit Validity**

The following conditions apply to training permits:

- Applicant must initiate training in Georgia within three months of permit issuance.
- Applicant must submit an explanation to the Board If the applicant does not initiate training in Georgia within three months of permit issuance.
- 480 hours of traineeship must be completed within three months.

Training permits are invalid and must be returned to the Board immediately if the trainee fails to complete the traineeship within the three-month time period; or if the supervisor determines that the trainee's performance is not satisfactory.

**Training Permit Supervision**

The supervisor named on the training permit must provide direct, continuous, on-site supervision of the trainee at all times. If the training permit supervisor is unable to fulfill their duties the trainee may not participate in any direct patient care until an alternative supervisor is approved by the Board.

Supervisors and alternative supervisors must hold a Georgia physical therapy license in good standing and have practiced full time for at least one continuous year.

The supervisor must evaluate trainee performance in all area on a regular basis and submit a performance evaluation to the Board at the end of the traineeship.

The supervisor must notify the Board if the trainee is performing at an unsatisfactory level.

Supervising therapists may not have more than 2 trainees under their supervision at any one

**Rule 490-2-09 Licensure: Reciprocity**

Applicants who have graduated from a CAPTE accredited physical therapy or physical therapist assistant program and approved by the Board must provide all the following:

- A list of all states that they hold an active physical therapy license
- License verification from all the states the applicant actively practiced in the prior two years.
- An official transcript from their entry level physical therapy educational institution that specifies the applicants date of graduation.
- NPTE scores.

Applicants who have graduated from a non-CAPTE accredited physical therapy or physical therapist assistant program must provide all of the following:

- A list of all states that they hold an active physical therapy license
- License verification from all the states the applicant actively practiced in the prior two years.
- Official transcripts and evaluation from a Georgia approved credential evaluation organization.
- NPTE scores.

**Chapter 490-3 Evaluation of Examinations: Applicants**

**Rule 490-3-01 Evaluation of Examinations. Amended**

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The minimum passing score on the NPTE for physical therapists and physical therapist assistants is 600.

**Rule 490-3-02 Re-examination**

An applicant who fails the national examination on the first attempt, may retake the examination up to the maximum lifetime limit.

An applicant who fails the examination will receive a notification from the Board that includes an acknowledgement of receipt of the examination scores with a request that the applicant complete a comprehensive review of their individual Score Report that is provided to them by the exam administrator; and information on practical considerations to assist and promote learning proficiency, to assist applicants with preparing to retake the examination.

An applicant may appeal to the Board for one additional attempt to retake and pass the national exam if the applicant has been notified by the exam administrator or the Board that the applicant is ineligible to register to retake the national examination.

The applicant may be required to complete a board approved traineeship after passing the examination and prior to the issuance of a license if the applicant has not successfully passed the NPTE within two years of the initial test date.

**Chapter 490-4 Renewal: Continuing Competence Requirements – Disciplinary Sanctions**

**Rule 490-4-01 Renewal and Reinstatement of License and Penalties**

Every Georgia licensed physical therapist and physical therapist assistant must do the following biennially on or before December 31<sup>st</sup> of odd years:

- Apply to the Board for license renewal.
- Submit proof of continuing competency.
- Pay a license renewal fee.

A late fee will be assessed to each licensee who fails to renew their license on or before December 31 of odd years.

If a license is not renewed on or before February 28 of the year following the renewal year, the license is considered revoked.

Individuals who have previously held a GA PT or PTA license and have allowed their license to lapse, must do all the following to qualify for licensure reinstatement:

- Apply for re-instatement to the Board.
- Pay a fee.

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- Submit proof of meeting continuing competence requirements established by the Board.

Individuals seeking re-instatement by Board who have not actively practiced in the previous 2 – 5 years must also complete 480 hours of supervised practice within 3 months and pass the examination on the laws and rules governing practice of physical therapy in Georgia and the rules of the Georgia Board of Physical Therapy.

Individuals seeking re-instatement by Board who have not actively practiced in more than 5 years must:

- Complete 1000 hours of supervised practice within 1 year.
- Take and pass the NPTE
- Take and pass the examination on the laws and rules governing practice of physical therapy in Georgia and the rules of the Georgia Board of Physical Therapy.

### **Rule 490-4-02 Continuing Competence Requirements**

#### **Requirements**

Georgia licensed physical therapists and physical therapist assistants are required to complete 30 clock hours of continuing competence each 2-year licensure period. The Board recommends that the continuing competence be a planned learning experience that has content which exceeds the licensee's current level of knowledge and competence. The learning experience must contain content that relates to physical therapy patient care in any of the following areas:

- Research
- Treatment
- Documentation
- Education
- Management
- Other content area

As part of their 30 hours of continuing competence, licensees must complete four hours of Ethics and Georgia Jurisprudence or successfully pass the Georgia Jurisprudence Examination.

The Georgia Physical Therapy Board highly encourages licensees to review the “Guide for Continuing Competence Activities & Documentation Requirements”

<https://sos.ga.gov/sites/default/files/forms/15%20Reference%20-%20Guide%20for%20Continuing%20Competence%20Activities%20%26%20Documentation%20Requirements.pdf>

Licensees that do not successfully complete the required continuing competence will not have their license renewed.

## Acceptable Activities

The following activities may be considered for approval, but are not limited to:

- Programs approved by the APTA or its affiliate components.
- Programs approved by PTAG or other state chapters.
- Programs approved by the Federation of State Boards of Physical Therapy.
- Programs provided by schools of physical therapy with a CAPTE approved institutions.
- Programs offered by similar professional organizations that has qualifying content.
- Undergoing a peer review (15 hours maximum)
- Performing a peer review that is not a responsibility of primary employment. (10 hours maximum)
- Presenter of continuing competence that has qualifying content (10 hours per topic maximum)
- Authorship of a presented scientific poster, scientific platform presentation, or published article. (10 hours per event maximum and may not exceed 20 hours total.)
- Teaching a PT or PTA credit course as an adjunct responsibility and not primary employment (20 hours maximum)
- Certification of clinical specialization by the American Board of Physical Therapy Specialties. (30 hours maximum; only in the biennium in which the certification is awarded.)
- Self-instruction from reading professional literature. (3 hours maximum)
- Attendance at a scientific poster session, lecture, panel, symposium, or university course.
- Being a clinical instructor for an accredited PT or PTA education program. (1 continuing competence hour is earned per 8 hours of clinical instruction; 10 hours maximum)
- Being a clinical instructor or an intern for a formal, nonacademic, advanced clinical internship; or as a mentor or learner for a formal nonacademic mentorship. (10 hours maximum)
- Volunteering in the role of a physical therapist or physical therapist assistant at a charity event. (1 continuing competence hour is earned per 8 hours of volunteer hours; 5 hours maximum)
- Post professional physical therapist educational programs that award academic credit. (10 continuing competence hours are earned for each 1 credit hour successfully completed with a passing grade.)

## Unacceptable Activities

Unacceptable activities for continuing competence include, but are not limited to:

- Orientation programs
- In-service programs
- Policy decision meetings

- Entertainment activities
- Recreational activities or meetings
- Committee meetings
- Organizational meetings
- Holding of professional offices
- Visiting exhibits
- CPR

### **Reporting Continuing Competence**

Georgia licensed PTs and PTAs must maintain a record of completed continuing competency programs and experiences utilizing CE Broker.

### **Continuing Competence Exemptions**

Pts and PTAs who received their GA license during the last 6 months of a biennium renewal period are exempt from continuing education requirements for that biennium.

Pts and PTAs who had their licenses reinstated in the last 6 months of a biennium are exempt from continuing education requirements for that biennium.

### **Audit**

Licensees selected for audit must submit to the Board a completed Verification of Continuing Competence form and documentation that supports their compliance. Acceptable documentation includes:

- An official course outline or program that includes content relating to physical therapy patient care and number of contact hours.
- Verification of successful completion of a home study course that includes the name of the sponsor, or final grade (University credit course), or specialization certificate, or proof of attendance with copy of the program, or documentation of self-instruction.
- Peer review verification by a recognized entity of acceptable practice.

### **Licensee Responsibilities**

Licensees must:

- Maintain original continuing competency documents for at least five years from the date the continuing education was obtained.
- If audited, submit to the Georgia State Board of Physical Therapy a properly completed and notarized “Verification of Competence Education” form.
- Complete all re-licensure requirements on or before December 31 of odd numbered years.
- If audited, provide requested information to the Board.
- Maintain a current mailing address and email address on file with the

Board at all times.

**Rule 490-4-.04 Inactive License**

A licensee who no longer practices physical therapy in Georgia may file an application with the Board for Inactive License status.

An individual with inactive status may not practice as a physical therapy professional in the state of Georgia; and is not subject to the biennial renewal fees or continuing competence requirements. An individual whose license is under sanctions may not transfer to inactive status. An individual with an inactive license may reactivate their license by applying for reinstatement to the Board, paying a fee, and providing verification of the following:

- Practice of physical therapy within the last 2 years.
- Proof of required continuing competence.

If the individual has not worked as physical therapy professional for more than 2 years, but has within 5 years, then the following is required for license reinstatement:

- Verification of required continuing competence.
- 480 hours of physical therapy practice within 3 months under the supervision of a Georgia licensed physical therapist.
- Passage of the examination on the laws governing the practice of physical therapy in Georgia and the rules of the Georgia state Board of Physical Therapy.

If an individual has not practiced as physical therapy professional in more than 5 years, then the following is required for licensure reinstatement:

- 1000 hours of continuous practice under the supervision of a Georgia licensed physical therapist completed in no less than 6 months.
- Passage of the next NPTE.

**Continuing Competence Exemption**

The Board may grant an exemption from continuing competency requirements and supervision requirements if an individual holds a current license in good standing from another state or the individual is currently employed as a PT or PTA by the United States government.

**Chapter 490-5 Supervision and Direction of Physical Therapy Assistant**

**Rule 490-5-.01 Responsibility of the Licensed Physical Therapist in Supervision and Direction of the Physical Therapist Assistant**

In an institutional setting, a licensed physical therapist is responsible for providing adequate supervision of the assistant supervised by him/her. Adequate supervision requires the licensed physical therapist must be present in the same

institutional setting 25% of any work week (Monday-Friday), and they must be readily available to the assistant at all other times including weekends.

In a home health setting, the physical therapist is responsible for supervising the physical therapist assistant and must:

- Perform the initial patient evaluation and establish a physical therapy diagnosis, treatment goals, frequency, duration, and a care plan.
- Review all patients being treated by the assistant at least one time per week.
- Document all meetings with the assistant and subsequent decisions.
- Be continuously available to the assistant for advice, assistance, and instructions.

In a school setting, the physical therapist is responsible for supervising the physical therapist assistant and must:

- Perform all physical therapy evaluations to develop or amend physical therapy interventions stated on the student's Individual Educational Plan (IEP).
- Establish physical therapy treatment frequency and duration.
- Perform an on-site visit every 2 months, with each student receiving weekly physical therapy services from an assistant; and every 5 months for students receiving monthly physical therapy services from an assistant. (The on-site visit must include a case review, reassessment of the program and services, and a review of the assistant's documentation.)
- Documentation of on-site visits.
- Interact with the physical therapist assistant relating to the student's IEP.
- Be continuously available to the PTA for advice, assistance, and instruction.

### **Rule 490-5-02 Adequate Supervision Defined**

Adequate supervision by a licensed physical therapist must include the following:

- Evaluation of each patient.
- Documentation of a physical therapy diagnosis.
- A physical therapy treatment program that identifies which elements of care may be delegated to an assistant.
- Periodic reevaluation of the treatment program and the patient's response.
- Periodic reevaluation of the assistant's performance relating to the execution of the treatment plan.
- Interaction with the assistant relating to the patient's plan of care.

## **Chapter 490-8 Physical Therapy Aides: Definition and Requirements**

### **Rule 490-8-01 Definition**

A physical therapy aide is any individual who aids a physical therapist or a physical therapist assistant in the provision of the licensee's physical therapy services. The activities an aide provides do not require technical training through a formal course of study.

**Rule 490-8-02 Supervision**

A physical therapy aide must have continuous direct on-site supervision when providing supportive activities for a physical therapist or physical therapist assistant. Direct supervision is defined as "on the premises and immediately available at all times.". "On the premises is defined as "immediate area of the patient."

A physical therapist or a physical therapist assistant may supervise a maximum of two (2) physical therapy aides.

**Rule 490-8-03 Duties**

Physical therapy aides may perform the following tasks without the supervision of a physical therapist or physical therapist assistant:

- Clerical tasks that do not include treatment documentation. "Treatment documentation" as defined by this rule as the creation, generation, and/or composition of any patient care report. Patient care reports include patient evaluations, assessments, plans of care, goals, progress notes, consultation reports, discharge summaries, and any other written materials related to patient management. The rule does not prohibit a physical therapy aide from transcribing, recording, or copying treatment documentation generated by a licensee. However, any treatment documentation prepared in this manner must be signed by the supervising licensee.
- Transporting patients
- Assembling and disassembling equipment areas
- Housekeeping activities

The physical therapy aide may provide supportive patient care activities at the discretion of the licensee. Supportive patient care activities include:

- Assisting the patient in preparation for treatment by a licensee.
- Assisting the patient after the cessation of treatment by a licensee.
- Assisting the licensee during treatment provided by that licensee.

Supportive patient care activities do not include the direct provision of any patient intervention. Licensed physical therapists and physical therapist assistants are the only providers of physical therapy.

**Chapter 490-9 Code of Ethics**

**Rule 490-9-02 Principles of Conduct for Physical Therapists**

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## Ethics & Jurisprudence – Georgia Physical Therapy

Each physical therapist licensee shall abide by the following ethical standard: The physical therapist shall act with consideration, within the scope of physical therapy, for the rights and dignity of all individuals.

Physical therapists shall:

- Hold as confidential information obtained while acting in a professional way.
- Provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability, or sexual preference.
- Balance considerations of the patient's physical, psychological, and socioeconomic welfare in professional decisions and actions and document these considerations in the patient's record of care.
- Communicate and interact with patients and all persons encountered in a professional capacity with courteous regard and timeliness.
- Not engage in any behavior that constitutes harassment or abuse of a patient, professional colleague, or associate.

Physical therapists must comply with all the laws and regulations governing the practice of physical therapy in the state of Georgia.

Physical therapists must accept responsibility for the exercise of sound judgement in all the following instances:

- When implementing treatment, the therapist must assume the responsibility for evaluating, planning, implementing, supervising, reevaluating, and changing the therapeutic program.
- The therapist must maintain adequate records including progress notes.
- When performing wellness and preventative services, the PT must assume responsibility for providing optimal patient care.
- When the individual's needs are beyond the scope of the PT's expertise, the PT must inform and assist the patient in identifying a qualified person to provide the necessary services.
- When the PT judges that benefit can no longer be obtained from their services, the PT must inform the individual receiving the services. It is unethical to initiate or continue services that, in the therapist's judgement, will not benefit the patient or are contraindicated.
- The PT's ability to make independent judgement must not be limited or compromised by professional affiliations, including employment relationships.
- A physical therapist may not delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgement of a physical therapist.

The supervising therapist has primary responsibility for physical therapy care assisted by supportive personnel. Acceptable supervision requires that the physical therapist perform the following:

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- Establish effective channels of written and oral communication.
- Interpret and communicate critical information about the patient to the supportive personnel.
- Perform an initial evaluation.
- Develop a plan of care, including short and long term goals.
- Delegate appropriate tasks to supportive personnel.
- Assess the supportive personnel's competence to perform assigned tasks.
- Provide supervision in accordance with the law, the patient's condition, and the specific situation.
- Identify and document precautions, special programs, contraindications, goals, anticipated progress, and plans for re-evaluation.
- Re-evaluate the patient, modify the plan of care when necessary, perform the final evaluation, and establish a follow-up plan.

Physical therapists are obligated to advise their employer of any practice that is considered unethical. Physical therapists must try to rectify any practices considered to be unethical.

Physical therapists should request reimbursement for their services that is deserved and reasonable. They may not:

- Directly or indirectly request, receive, or participate in the dividing, transferring, assigning, or rebating of an unearned fee.
- Profit via a credit or other consideration in connection with the provision of physical therapy services.
- Use influence on individuals, or families of individuals under their care, for utilization of a product or service for which they will receive direct or indirect compensation.

Physical therapists must provide accurate information to the public about the physical therapy profession and the services offered. They may not use deceptive, unfair, or fraudulent statements.

Physical therapists must protect the public from unethical, incompetent, or illegal acts. They must report such acts to the proper authorities.

Physical therapists must not participate in any arrangement that reimburses referral sources for their prescribing or referral of physical therapy services.

Physical therapists must disclose to patients any arrangement made with a referral source that may result in financial benefit from the referral.

**Rule 490-9-.03 Principles of conduct for Physical Therapist Assistants**  
Physical therapist assistants must act with consideration for the rights and dignity of all individuals. The physical therapist assistant shall:

## Ethics & Jurisprudence – Georgia Physical Therapy

- Protect the privacy of individuals receiving physical therapy services.
- Provide optimal care to all individuals without differentiation.
- Be aware of each patient's unique physical, psychological, and socioeconomic welfare when providing services.
- Interact with all individuals in a courteous, respectful, and timely manner.
- Avoid behaving in an abusive or harassing manner toward others.

Physical therapist assistants must comply with Georgia state laws and regulations and practice only under the supervision of a licensed physical therapist.

Physical therapist assistants must:

- Exercise sound judgement.
- Provide services only within the care plan established by the physical therapist.
- Inform the supervising physical therapist if the individual's needs are beyond the scope of the PTA's abilities.
- Contact the supervising PT when they determine that a change is needed in the patient's care plan.
- Inform the supervising PT when the patient has received maximum benefit from physical therapy.
- Avoid delegating any activity which requires professional knowledge or skill to a less qualified person.

To ensure appropriate supervision of supportive personnel, the physical therapist assistant must:

- Maintain effective channels of communication.
- Communicate critical information about the patient to the supervising PT.
- Function within the care plan.
- Identify and document all treatment activities.
- Request re-evaluation or plan modification when necessary.

Physical therapist assistants must advise their employer of any practices that conflict with ethical principles of the profession; and must attempt to rectify the identified unethical employment practices.

Physical therapist assistants may seek reimbursement for their services that are deserved and reasonable. PTAs may not:

- Request or receive an unearned fee.
- Profit by means of credit or other valuable consideration in connection with furnishing of physical therapy services.
- Use influence on individuals or their families to utilize any product or service that the PTA has a financial interest.

Physical therapist assistants must provide accurate information to the public about the physical therapy profession and the services offered. They may not use deceptive, unfair, or fraudulent statements.

Physical therapist assistants must protect the public from unethical, incompetent, or illegal acts. They must report such acts to the proper authorities.

Physical therapist assistants must not participate in any arrangement that reimburses referral sources for their prescribing or referral of physical therapy services.

Physical therapist assistants must disclose to patients any arrangement made with a referral source that may result in financial benefit from the referral.

**Rule 490-9-04 Disciplinary Sanctions**

Unprofessional and unethical conduct includes, but is not limited to, the following:

- Nonadherence to the Code of Ethics.
- Delegating a professional or skilled physical therapy task to an unlicensed person.
- Insufficient supervision of an unlicensed individual when they perform a designated task.
- Performing dry needling without obtaining the required training and competency.
- Failure to adequately inform the public of an individual's profession.
- Failure to perform an evaluation and establish a physical therapy diagnosis for each patient.
- Failure to create and record a treatment program for each patient.
- Failure to perform a periodic evaluation of each patient and documenting it in the patient record.
- Failure to create and record a patient's discharge plan.
- Participation in an arrangement that financially benefits, through any means, an individual for the referral of a patient. This includes: payments, rebates, discounts, rent reduction, fee division, refunds, and non-disclosed waivers of charges.

**Rule 490-9-05 Dry Needling**

Dry needling may only be performed by a licensed PT who has received specialized training and is competent to perform the procedure. The Georgia Board of physical therapy does not consider online study adequate or appropriate training to perform dry needling.

To perform dry needling, a physical therapist must complete an OSHA Blood Borne Pathogens education program and at least one of the following:

- Graduation from an entry level physical therapy program that included a minimum of 50 hours of dry needling instruction and a competency

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assessment in its curriculum.

- Graduation from a post-graduate residency or fellowship that included a minimum of 50 hours of dry needling instruction and a competency assessment in its curriculum.
- Successful completion of a didactic dry needling course that included a minimum of 50 hours of dry needling instruction and a competency assessment in its curriculum.

To perform dry needling, Georgia licensed physical therapists and physical therapists applying for licensure must submit documentation of dry needling education and training into CEBroker.

At the time of license renewal, licensees approved to perform dry needling must attest that they are practicing in accordance with the rules and regulations of the Georgia Board of Physical Therapy.

### **Chapter 490-10 Preventive Services**

Licensed physical therapists or licensed physical therapist assistants under the supervision of a licensed PT may perform preventive services such as education or activities for the purposes of injury prevention, stress reduction, or fitness promotion.

### **Proposed Rule Changes (Chapter 490)**

To review the most current information regarding proposed changes to Georgia Physical Therapy Rules (Chapter 490), please go to: <https://sos.ga.gov/page/georgia-state-board-physical-therapy-rules-and-laws>

There are currently no new proposed rule changes on record.

## **Georgia State Board of Physical Therapy Board Policies**

### **Policy #1 – Administrative Issuance of Licenses**

The Board policy below grants administrative authority to staff to review and issue licenses when an application meets all criteria as outlined in the law and board rules. When an application reveals that the applicant has disclosed the existence of criminal conviction(s) staff is granted administrative authority to process the application in accordance with this policy. Any license issued in accordance with this policy shall be ratified by the Board during the next scheduled board meeting.

#### **(1) Initial Applications**

- (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.

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- (b) Violent Felonies. If probation, parole, or supervised release is complete and the applicant has been convicted of no more than one violent felony, the license can be administratively issued.
- (c) Non-Violent Felonies. i. If probation, parole, or supervised release is complete and the applicant has been convicted of two or less non-violent felonies, the license can be administratively issued. ii. If the applicant has been convicted of two or less non-violent felonies more than 15 years ago, no court documents will be required, and the license can be administratively issued.
- (d) Mixed Felony Convictions. If the applicant has been convicted of more than two felonies (both nonviolent and violent), the application shall be referred to by Legal Services for review and presentation of a recommendation to the Board in accordance with O.C.G.A. 43-1-19(q)(1&2).
- (e) Misdemeanor Convictions. If the applicant has had two (2) non-DUI misdemeanor convictions that occurred more than ten (10) years ago, no court documents are required, and the license can be administratively issued. (f) Misdemeanor Convictions for DUI. If the applicant has had no more than two (2) misdemeanor DUI convictions, occurring more than 10 years ago, no court documents are required, and the license can be administratively issued.

(2) Renewing or Reinstating Applicants

- (a) Applicants for license renewal and reinstatement are subject to the policies for initial applicants as described herein.
- (b) Board staff may administratively reinstate or renew a license when the applicant has convictions if:
  - (i) The applicant previously submitted the same convictions to the Board; and,
  - (ii) The Board previously reviewed those convictions.
- (c) 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 of a recommendation to the Board in accordance with O.C.G.A. 43-1-19(q)(1&2).

(3) Documentation.

- (a) Board staff will continue to request final disposition, sentence documentation, and/or official letterhead from probation, parole or supervising officers for applicants with convictions in accordance with this policy and direction of the Board.
- (b) If information concerning convictions is not readily apparent in the court documents received by staff, staff shall refer the application to the Board. The Board will determine the appropriate course of action.

(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) Incarcerated Applicants. When an applicant is incarcerated, the application shall be presented to the Board for review.

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

(7) Other Applications. Any application which does not fall within the parameters set forth in this policy shall be referred to the Board for review.

**Policy #2 Non-CAPTE Application Review**

The Board has designated a Board member to review all non-CAPTE and all foreign educated examination applications for approval. All applications approved for licensure by the Board member will be considered for a vote to ratify at the next regularly scheduled Board meeting.

**Policy #3 Georgia Ethics and Jurisprudence Requirements**

(1) In accordance with Board Rule 490-4-.02(2)(a & b), a licensee may satisfy the Georgia Ethics and Jurisprudence requirement for renewal of licensure by:

- a. Achieving a passing score on the Georgia Ethics and Jurisprudence Examination provided that:
  - i. The same test result has not been previously submitted to the Board as part of an application for licensure or to satisfy the requirements of an order of the Board; and,
  - ii. The examination is the Georgia Jurisprudence Assessment Module (GA-JAM) offered through the Federation of State Boards of Physical Therapy (FSBPT).
- b. Completing a Georgia Ethics and Jurisprudence Continuing Competency Course that:
  - i. Awards a minimum of four (4) contact hours for completion of the course; and,
  - ii. Is offered by a Georgia college or university with an accredited physical therapy education program or a provider which holds a current American Physical Therapy Association, Georgia Chapter (APTA Georgia) Approval Certificate for the course; and,
  - iii. The course content includes a review of the following:
    1. Georgia General Provisions (Title 43 Chapter 1 - specifically 43-1-9 and 43-1-19 through 43-1-27),
    2. Georgia Physical Therapy Practice Act (Title 43 Chapter 33),
    3. Board Rules (Chapter 490),
    4. Board Policies; and,
    5. Board's website to include the Frequently Asked Questions (FAQ's).

(2) A review of the Georgia Ethics and Jurisprudence Exam will occur as laws and rules are promulgated and adopted.

**Policy #4 Traineeship Supervision**

Once Traineeship Supervision is approved, a letter will be sent to the physical therapist approved as the primary supervisor and secondary supervisor informing them that all supervision must be in compliance with Board Rule 490-2-.04.

**Policy #5 Continuing Competence Policy**

Continuing competence hours obtained from, but not limited to, the following programs or organizations are generally accepted by the Board provided that the experience meets the requirements of Board Rule 490-4-.02 and is related to the practice of physical therapy:

- (a) The American Physical Therapy Association (APTA) and its affiliate components;
- (b) The American Physical Therapy Association of Georgia (APTA-GA) or any other state chapters;
- (c) The Federation of State Boards of Physical Therapy (FSBPT);
- (d) Programs provided at CAPTE-Accredited colleges and universities with programs in physical therapy when the continuing competency course is held under the auspices of the school of physical therapy;
- (e) The American Occupational Therapy Association (AOTA);
- (f) The American Academy of Physical Therapy (AAPT);
- (g) Programs approved by another state licensing boards;
- (h) Healthcare organizations accredited by The Joint Commission;
- (i) The American Academy of Orthopedic Surgeons (AAOS);
- (j) The National Athletic Trainers Association (NATA);
- (k) The American Dental Association (ADA);
- (l) The National Council of State Boards of Nursing (NCSBN) and nursing associations;
- (m) The American Association of Veterinary State Boards (AAVSB); and,
- (n) The Federation of Chiropractic Licensing Boards (FCLB)

**Policy #6 Foreign Credentialing**

The Board approved foreign credentialing agencies are International Education Research Foundation (IERF) and Foreign Credentialing Commission on Physical Therapy (FCCPT).

**Policy #7 Residency/Fellowship Internship Programs**

Pursuant to O.C.G.A. §43-33-11(d)(3), the Board approves educational institutions for the purposes of offering residency or fellowship training to develop advanced physical therapy skills if the program is accredited by the American Board of Physical Therapy Residency and Fellowship Education (ABPTRFE).

**Policy #8 Physical Therapist and Physical Therapist Assistant Relationship**

Upon initiation of a physical therapy plan of intervention, physical therapists may, at their discretion, allow physical therapy treatments to be performed by physical therapist assistants to include the period in the 21 days or eight (8) visits,

whichever comes first, prior to discharge or receipt of a referral from the patient's provider. While technology allows for supervision in new and expanded methods, the PTAs, Trainees, and Students should know who and how to contact the supervising PT.

- (a) It is recommended that the PT supervise no more than three (3) other supportive clinicians at any given time. For the purposes of this policy, supportive clinicians are defined as PTAs, Trainees, and PT/PTA students.
- (b) Care coordination discussions are expected in all settings. Such communication should be documented in the patients' medical record. The frequency of communication should be based on the patient condition, progression and setting.

**Policy #9 Cognizant Matters/Investigations/Disciplinary Matters**

- (1) In compliance with Georgia law, the Board maintains strict confidentiality of investigations of alleged violations of the Board's Laws and Rules and the identity of the individuals involved. To this end the Board has assigned a member of the Board to act as Cognizant.
- (2) The Cognizant member shall have access to all records and documents relating to applications which fall outside of the established guidelines for administrative issuance, complaints submitted, and investigative records. 8
- (3) The Cognizant member shall not disclose information leading to the identity of the involved persons or entities until such time as the Board votes to pursue formal disciplinary action. In addition, all complaints received alleging irregular insurance billing practices will automatically be referred to the Insurance Commissioner's Office for investigation and to the appropriate agencies for Medicaid and Medicare fraud.
- (2) Cognizant Review: The Board staff shall receive all applications which fall outside of the established guidelines for administrative issuance and complaints of alleged violations of the Board's laws and rules and present them to the Cognizant member.
  - (a) The applicant and/or complainant will be notified in an appropriate timeframe of any deficiencies or complaints that have been received by the Board office and forwarded to the Cognizant member for review and action.
  - (b) The Cognizant member shall have the following authority:
    - (i) Review the application with any supporting documentation and issue the license if it is determined that all qualifications have been met.
    - (ii) Recommend that the application be reviewed by the full Board.
    - (iii) Provide a recommendation to the full Board that a complaint be dismissed due to no alleged violation of the laws or rules.
    - (iv) Refer a complaint directly to the Enforcement Division for investigation.
    - (v) Conduct an Investigative Interview.

(vi) After an investigation is complete, make a recommendation to the full Board for one of the following:

1. Close – No violation
2. Sanction if investigative findings are that a violation has occurred.

(c) In all situations, the Cognizant member shall report to the Board the actions taken regarding the application or investigation of the complaint to ensure that their actions are ratified by the Board.

(d) The Cognizant member shall timely receive and review copies of Enforcement Referrals and/or Dispositions to investigations in each case.

(e) All requests for additional information, from staff or Cognizant member shall be in writing.

### **Policy #10 Peer Review**

(1) Individuals working as peer reviewers for the Board must have:

- (a) An unencumbered license to practice as a physical therapist in the State of Georgia, .
- (b) Never been arrested, disciplined or sanctioned by any lawful licensing authority or law enforcement agency,
- (c) Current clinical expertise with a minimum of five (5) years of physical therapy experience,
- (d) Been actively practicing within the profession,
- (e) An active membership in an organization or association affiliated with the profession of physical therapy,
- (f) Familiarity with the current standards of practice in the physical therapy profession to include but not limited to the laws and rules governing the practice of physical therapy in Georgia,
- (g) The ability to timely write and submit a report which provides an impartial, unbiased, expert opinion on the subject matter which speaks to general questions of patient care, policy, procedures, and record keeping and includes reference materials such as peer-reviewed journal articles, recognized specialty society guidelines, textbook articles, and other relevant medical literature.

(2) Peer reviewers are selected by the Board on a case-by-case basis.

### **Policy #11 Board Orders**

(1) If the Board staff is directed to refer an applicant or licensee matter to the Attorney General's Office for a consent agreement or order, the Board's disposition will include a requirement that the disciplined licensee must take and pass the jurisprudence examination within three months of the docket date of the Consent Order.

(2) The Board President or Chair gives express consent for the Board's Executive Director or designee, to sign a consent agreement or order on behalf of the Board Chair if the applicant or licensee agreed to the terms initiated by the Board or Cognizant. 10

(3) A list of the Respondents who signed orders will be presented to the full Board at the next scheduled meeting for ratification.

**Policy #12 Meetings/Records (Policy Review, Minutes, Meetings)**

The Board will conduct meetings to conduct board business as follows:

- (a) Rule and Policy Review will be conducted annually.
- (b) A draft of the minutes and the Board agenda will be provided to the Board at least one (1) week prior to the Board meeting date.
- (c) Meetings will be held as established by a yearly calendar as approved by the Board. Changes to the meeting dates and times may occur as necessary and properly noted in accordance with the Open Meetings Act.

**Policy #13 Records Release**

Pursuant to the provisions of O.C.G.A. §§ 43-1-19(h)(2); 43-33-10(11 & 12), it is the policy of the Georgia State Board of Physical Therapy to authorizes the Division Director and/or designees of the Professional Licensing 11 Boards Division to release application and investigative information to the following law enforcement agencies and/or lawful licensing authorities:

1. All Georgia County and/or Judicial Circuit District Attorney Offices
2. All Georgia County and/or Judicial Circuit District Solicitor General Offices
3. All Georgia County, Judicial Circuit, and/or City Police/Investigations Departments.
4. Georgia Bureau of Investigation (GBI)
5. Federal Bureau of Investigation (FBI)
6. United States Department of Homeland Security (DHS)
7. United States Immigration and Customs Enforcement (Investigative arm of DHS)
8. United States Drug Enforcement Administration (DEA)
9. State Licensing Boards
10. Physical Therapy Licensure Compact Provided that the application and investigative information is requested in writing for the purpose of:
  - a. Conducting an investigation which may lead to disciplinary action; or
  - b. Pursuing criminal prosecution for offenses which are a violation of the laws, rules and policies of the Georgia State Board of Physical Therapy.

The Division Directors or designees shall notify the Board of such request(s) and/or release(s) in writing and such written notification shall become part of the Board's investigative records. Any release of information shall include statements regarding the statutory confidentiality of the information being released pursuant to O.C.G.A. §§ 43-1- 2(k), 43-1-19(h)(2). A list which includes the applicant or case number of the applicant or licensee involved and the records released under the terms of this policy will be presented to the Board to be ratified during the Board's next regularly scheduled meeting and shall be reflected in the Board minutes.

## Title 43, Chapter 1 General Provisions

### 43-1-1. Definitions

- (1) "Division" means the professional licensing boards division created under Code Section 43-1-2.
- (2) "Division director" means the individual appointed by the Secretary of State as director of the professional licensing boards division within the office of the Secretary of State.
- (3) "Professional licensing board" means any board, bureau, commission, or other agency of the executive branch of state government which is created for the purpose of licensing or otherwise regulating or controlling any profession, business, or trade and which is placed by law under the jurisdiction of the director of the professional licensing boards division within the office of the Secretary of State.

### 43-1-2. Appointment and general powers of division director; members and meetings of professional licensing boards; examination standards; roster of licensees; funding.

- (1) The Secretary of State is authorized and directed to appoint a director of the professional licensing boards division.
- (2) The rights, privileges, entitlements, or duties of parties to contracts, leases, agreements, or other transactions entered into by the joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or diminished by reason of the succession of the division director to the powers and duties of the joint-secretary.
- (b) The salary of the division director shall be fixed by the Secretary of State, and he or she shall hold office at the pleasure of the Secretary of State.
- (c) The Secretary of State shall employ personnel as deemed necessary to carry out this chapter and to provide for all services required by each of the professional licensing boards and shall establish within the guidelines provided by the laws and rules and regulations of the State Personnel Board the qualifications of such personnel.
- (d) The division director, with the approval of the Secretary of State shall enter into such contracts as are deemed necessary to carry out this chapter to provide for all services required by each of the professional licensing boards.
- (e) The Secretary of State shall have the power to employ and shall set the qualifications and salary for a deputy division director and shall appoint executive directors as required who shall act in the absence of the division director and who shall perform such other functions of the division director under this chapter as the division director may designate.
- (f) Each member of the various professional licensing boards may receive the expense allowance and the same mileage allowance for the use of a personal car as that received by all other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier within the state. Any board member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her duties as a board member. For each day's service outside of the state as a board member, such member shall receive actual expenses as an expense allowance as well as the same mileage allowance for the use of a personal car as that received by other state officials and employees or a travel allowance of actual transportation cost if traveling by public carrier or by rental motor vehicle. Expense vouchers submitted by members of the various professional licensing boards are subject to approval of the president or chairperson of the respective board and the division director.

**(g)** All meetings and hearings of the respective professional licensing boards shall be held in the capitol, at the site of the office of the respective board, or at such other site as may be requested by the chairperson or president of a professional licensing board and approved by the division director.

**(h)** A majority of the appointed members of a professional licensing board shall constitute a quorum for the transaction of business by that board.

**(h.1)** Members of a professional licensing board shall serve until the expiration of the term for which they were appointed and until their successors have been appointed and qualified unless otherwise specified under the provisions of this title.

**(i)** A schedule of all meetings and hearings of the various professional licensing boards shall be maintained at the office of the division director and be available for public review.

**(j)** The division director may establish administrative standards for the examination of applicants for licensure by the various professional licensing boards, notwithstanding any other provisions of law to the contrary. These administrative standards may include the setting of date, time, and location of examinations, subject to the approval of the respective professional licensing boards. Notwithstanding any other provisions of law to the contrary, examination criteria, examination grading procedures, examination fees, examination passing score requirements, and other matters pertaining to the examination of applicants for licensure may be adopted by rules of the respective professional licensing boards as necessary to implement such examination standards. Examination standards, including examination criteria, grading procedures, and passing score requirements, developed in agreement or in conjunction with a national association of state boards or other related national association for the administration of a nationally recognized uniform examination may be adopted in lieu of state standards by the respective professional licensing boards.

**(k)** The division director shall prepare and maintain a roster containing the names and addresses of all current licensees for each of the various professional licensing boards. A copy of this roster, except for home addresses of licensees, shall be available to any person upon request at a fee prescribed by the division director sufficient to cover the cost of printing and distribution. The following shall be treated as confidential and need not be disclosed without the approval of the professional licensing board to which application is made:

**(1)** Applications and other personal information, including home addresses, submitted by applicants, except to the applicant, staff, and the board;

**(2)** Information, favorable or unfavorable, submitted by a reference source concerning an applicant, except to the staff and the board;

**(3)** Examination questions and other examination materials, except to the staff and the board; and

**(4)** The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes.

**(l)** Funding for the office of the division director and the various professional licensing boards served by such office shall be contained in a common budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the "Budget Act."

**43-1-3. Duties of division director.**

The division director is responsible for records relating to the professional licensing boards, receiving all applications for licenses, scheduling examinations, scheduling

## Ethics & Jurisprudence – Georgia Physical Therapy

hearings, issuing certificates, and collecting all fees required by law in connection with the licensing of trades and professions. The division director may serve legal notice upon any of the professional licensing boards.

### **43-1-4. Expiration, renewal, and penalty dates of licenses and certificates; duration of validity; Renewals**

The division director determines the expiration, renewal, and penalty dates for each license and certificate issued by the professional licensing boards. Expiration, renewal, and penalty dates must be approved by the respective professional licensing boards prior to them going into effect. Each license or certificate is valid for up to two years and is renewable biennially on the renewal date established by the division director.

The division director may create biennial renewal rules and regulations for licenses and certificates to ensure even distribution throughout each two-year period.

### **43-1-5. Investigators for professional licensing boards**

Designated investigators have all the powers of a Georgia peace officer when engaged in the enforcement of any of the laws created or related to the professional licensing boards. Investigators may carry firearms with written approval of the division director.

### **43-1-6. Venue of actions involving professional licensing boards.**

The venue of any action involving the members of any professional licensing board shall be governed by the Georgia laws specific to the venue. The division director is not considered a member of any board in determining the venue of any action.

The division director's residence does not determine jurisdiction of any action.

### **43-1-7. Determination of fees by professional licensing boards; Refunds**

Each professional licensing board is authorized to charge an examination fee, license fee, license renewal fee, or similar fee. Each board may establish the amount of the fee to be charged. The fee must be reasonable, and the total amount of the fees must approximate the total of the direct and indirect costs to the state of the operations of the board. Fees may be refunded for good cause, as determined by the division director.

### **43-1-8. [Reserved] Disposition of fees.**

### **43-1-9. Point credit for veterans taking examinations given by professional licensing boards.**

An applicant taking a licensing board required examination will receive the following applicable points:

**(1)** Active duty in the U.S. armed forces, or on active reserve duty for a period of one year or more, of which at least 90 days were served during wartime or during any conflict when military personnel were committed by the President of the United States, shall be entitled to a credit of five points. The points will be added to the grade made by the applicant.

**(2)** Disabled veteran and who served on active duty in the U.S. armed forces or on active reserve during wartime or during any conflict when military personnel were committed by the President of the United States will receive five points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at less than 10 percent at the time of taking the examination. The points will be added to the grade made by the applicant.

**(3)** Disabled veteran and who served on active duty in the U.S. armed forces or on active reserve during wartime or during any conflict when military personnel were committed by the President of the United States will receive ten points if the disability was for an injury or illness incurred in the line of duty and such disability is officially rated at 10 percent or above at the time of taking the examination. The points will be added to the grade made by the applicant.

**43-1-10.** Credit to veteran's grades when examination given in parts or by subject. Additional points will be added to the grade before the average grade is determined.

**43-1-11.** Veteran's examination to be graded prior to determination of eligibility for credit. A professional licensing board examination will be initially graded without veteran credit. If proof is submitted that the applicant is a veteran, applicable credit will be added. The applicant will pass the examination if the grade equals or exceeds the requirement to pass the examination.

**43-1-12.** Duty of division director to inform applicants of availability of veteran credit; rules and regulations for implementing veteran credit program.

The division director will inform examination applicants of the available point credits for veterans.

**43-1-13.** Inapplicability of veteran credit provisions to applicants who were not honorably discharged.

Veteran point credits do not apply to individuals who were not honorably discharged.

**43-1-14.** Authority of Governor to appoint qualified persons to professional licensing boards.

The Governor can appoint any qualified person to serve as a member of any professional licensing board.

**43-1-15.** Itinerant entertainers

Not applicable to physical therapy.

**43-1-16.** Senate confirmation of appointments to professional licensing boards

Governor appointees for a professional licensing board must be confirmed by the Senate; appointments made when the Senate is not in session will be effective until acted upon by the Senate.

**43-1-17.** Removal from office of member of a professional licensing.

The Governor may remove any professional licensing board member from office for any of the following: Inability or neglect to perform the duties; Incompetence; or dishonest conduct

**43-1-18.** Eligibility of consumer members of professional licensing boards to vote on all matters.

Professional licensing board consumer members are eligible to vote on all board matters.

**43-1-19.** Refusal to grant, revocation, and reinstatement of licenses; surrender; probationary license.

(a) A professional licensing board has the authority to refuse to grant a license, revoke a license, or discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

- (1) Failed to demonstrate the qualifications or standards for a license
- (2) Knowingly made misleading, deceptive, untrue, or fraudulent representations; practiced fraud or deceit or intentionally made any false statement in obtaining a license; or made a false statement or deceptive registration with the board;
- (3) Been convicted of any felony or of any crime involving moral turpitude
- (4) Been arrested, charged, and sentenced for the commission of any felony, or any crime involving moral turpitude.
- (5) Had a license to practice a business or licensed profession revoked, suspended, or annulled by any lawful licensing authority; had other disciplinary action taken against them by any licensing authority; was denied a license by any lawful licensing authority pursuant to disciplinary proceedings; or was refused the renewal of a license by any licensing authority pursuant to disciplinary proceedings.
- (6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious harmful conduct that materially affects the individual's ability to practice a business or profession licensed under this title or is likely to jeopardize the interest of the public. The conduct need not result in injury or be directly related to the practice of the licensed profession; only that the licensee or applicant committed an act or omission indicative of bad moral character or untrustworthiness. This includes any departure from, or failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the profession.
- (7) Knowingly performed any act which aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by a professional licensing board to practice a profession or to practice outside the disciplinary limitations placed upon the licensee by the board.
- (8) Violated a statute, law, or any rule or regulation of lawful authority without regard to whether the violation is criminally punishable when such statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title and when the licensee or applicant knows or should know that such action violates such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;
- (9) Been adjudged mentally incompetent by a court of competent jurisdiction within or outside this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the reissuance or renewal of any license so suspended for so long as the adjudication of incompetence is in effect.
- (10) Displayed an inability to practice a licensed profession licensed with reasonable skill and safety to the public or has become unable to practice the licensed profession with reasonable skill and safety to the public by reason of illness or the use of alcohol, drugs, narcotics, chemicals, or any other type of material; or
- (11) Failed to comply with an order for child support.

(b) The provisions of the "Georgia Administrative Procedure Act," with respect to emergency action by a professional licensing board and summary suspension of a license are adopted and incorporated by reference into this Code section.

**(c)** A professional licensing board may obtain 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.

**(d)** When a professional licensing board finds that any person is unqualified to be granted a license or finds that any person should be disciplined, the board may take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of such license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

(5) Revoke any license;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

(7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or

(8) Impose fees or charges in an amount necessary to reimburse the professional licensing board for the administrative and legal costs incurred by the board in conducting an investigative or disciplinary proceeding.

**(e)** A professional licensing board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which may be vacated upon noncompliance with such reasonable terms as the board may impose.

**(f)** Initial judicial review of a final decision of a professional licensing board shall be had solely in the superior court of the county of domicile of the board. The court may assess reasonable and necessary attorney's fees and expenses of litigation in any such review if, upon the motion of any party or the court itself, it finds that an attorney or any party aggrieved by an action of the board appealed such action of the board or any part thereof when such appeal lacked substantial justification or when such appeal or any part thereof was interposed for delay or harassment or if it finds that an attorney or aggrieved party unnecessarily expanded the proceeding by other improper conduct.

**(g)** In its discretion, a professional licensing board may reinstate a license which has been revoked or issue a license which has been denied or refused, following such procedures as the board may prescribe by rule; and, as a condition thereof, it may impose any disciplinary or corrective method provided in this Code section or the laws relating to the licensed business or profession.

**(h)**

(1) The division director may make investigations for the enforcement of this Code section and the laws relating to businesses and professions licensed by that board. Any person properly conducting an investigation on behalf of a professional licensing board shall have access to and may examine any writing, document, or other material relating to the fitness of any licensee or applicant.

(2) The results of all investigations initiated by the board shall be reported solely to the board, and the records of such investigations shall be kept for the board by the division director, with the board retaining the right to have access at any time to such records. No part of any such records shall be released, except to the board, for any purpose other

than a hearing before the board, nor shall such records be subject to subpoena; provided, however, that the board shall be authorized to release such records to another enforcement agency or lawful licensing authority.

**(3)** If a licensee is the subject of a board inquiry, all records relating to any person who receives services rendered by that licensee in his or her capacity as licensee shall be admissible at any hearing held to determine whether a violation of this chapter has taken place, regardless of any statutory privilege; provided, however, that any documentary evidence relating to a person who received those services shall be reviewed in camera and shall not be disclosed to the public.

**(4)** The board shall have the authority to exclude all persons during its deliberations on disciplinary proceedings and to discuss any disciplinary matter in private with a licensee or applicant and the legal counsel of that licensee or applicant.

**(5)** When a member of the public files a complaint with a professional licensing board or the division director against a licensee, within 30 days after the conclusion of the investigation of such complaint, the professional licensing board or the division director shall notify the complainant of the disposition of such complaint. Such notification shall include whether any action was taken by the board regarding the complaint and the nature of such action. In addition, upon request, the division director and the board shall advise the complainant as to the status of the complaint while a complaint is pending.

**(i)** Any entity who reports, investigates, testifies or who makes a recommendation to a professional licensing board, in good faith, without fraud or malice, relating to a licensee's or applicant's fitness to practice the business or profession licensed by the board is immune from civil and criminal liability.

**(j)** Issuance of a private reprimand, denial of a license by reciprocity, denial of a request for reinstatement of a revoked license, or the refusal to issue a previously denied license are considered to be a contested case; notice and hearing within the meaning of such chapter are not required, but the applicant or licensee are allowed to appear before the board if he or she so requests. A board may resolve a pending action by the issuance of a letter of concern. The letter shall not be considered a disciplinary action or a contested case and shall not be disclosed to any person except the licensee or applicant.

**(k)** If any licensee or applicant fails to appear at any hearing of the professional licensing board for that licensee or applicant, the board may proceed to hear the evidence against such licensee or applicant and take action as if such licensee or applicant had been present.

**(l)** The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of such license, subject to reinstatement in the discretion of a board. A board may restore and reissue a license to practice under the law relating to that board and, as a condition thereof, may impose any disciplinary sanction provided by this Code section or the law relating to that board.

**(m)** This Code section shall apply equally to all licensees or applicants whether individuals, partners, or members of any other incorporated or unincorporated associations, corporations, limited liability companies, or other associations of any kind whatsoever.

**(n)** Regulation by a professional licensing board of a business or profession licensed under this title shall not exempt that business or profession from regulation pursuant to any other applicable law.

**(o)** Professional licensing boards are not prohibited from acting pursuant to those provisions of law which may now or hereafter authorize other disciplinary grounds and

actions for that particular board. In cases where those other provisions of law so authorize other disciplinary grounds and actions but subsection (a), (d), or (e) of this Code section limits such grounds or actions, those other provisions shall apply so long as the requirements of subsection (q) of this Code section are met.

**(p)**

**(1)** When an applicant submits an application for licensure or renewal, together with proof of completion of a drug court, a mental health court division, a veterans court, an operating under the influence court division, or a family treatment court division, a board shall issue the applicant a probationary license.

**(2)** Paragraph (1) of this subsection shall not supersede a board's consideration of an applicant's other prior criminal history or arrests or convictions that occur subsequent to completion of a court division identified in paragraph (1) of this subsection.

**(q)**

**(1)** Unless a felony or crime involving moral turpitude directly relates to the occupation for which the license is sought or held, no professional licensing board shall refuse to grant a license to an applicant or shall revoke the license of an individual licensed by that board due solely or in part to such applicant's or licensee's:

**(A)** Conviction of any felony or any crime involving moral turpitude,

**(B)** Arrest, charge, and sentence for the commission of such offense;

**(C)** Sentence for such offense pursuant first offender laws;

**(D)** Sentence for such offense pursuant to Code Section 16-13-2;

**(E)** Sentence for such offense as a result of a plea of nolo contendere;

**(F)** Adjudication of guilt or sentence was otherwise withheld or not entered; or

**(G)** Being under supervision for a conviction of any felony or any crime involving moral turpitude, so long as such individual was not convicted of a felony violation of Chapter 5 of Title 16 nor convicted of a crime requiring registration on the state sexual offender registry.

**(2)** In determining if a felony or crime involving moral turpitude directly relates to the occupation for which the license is sought or held, the professional licensing board shall consider:

**(A)** The nature and seriousness of the felony involving moral turpitude and the relationship of such felony or crime involving moral turpitude to the occupation for which the license is sought or held;

**(B)** The age of the individual at the time such felony or crime involving moral turpitude was committed;

**(C)** The length of time elapsed since such felony or crime involving moral turpitude was committed;

**(D)** All circumstances relative to such felony or crime involving moral turpitude, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of such felony or crime involving moral turpitude; and

**(E)** Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the license is sought or held.

**43-1-19.1.** Waiver of deductibles or copayments in health insurance plans; deceptive or misleading advertising

**(a)** For the purposes of applicable provisions of Code Section 43-1-19, it shall be considered a deceptive or misleading practice for any person duly licensed and authorized to provide any type of health care services to advertise, as an inducement to

attract patients, the waiver of a deductible or copayment required to be made to such person under the patient's health insurance policy or plan.

(b) This Code section shall not apply to nonprofit community health centers which primarily serve indigent patients.

(c) Notwithstanding the provisions of any other law of this Code to the contrary, it shall not be considered a misleading, fraudulent, or deceptive act for a provider to waive occasionally such a deductible or copayment required to be made under the patient's health insurance contract, policy, or plan if the waiver is authorized by the insurer or if the waiver is based on an evaluation of the individual patient and is not a regular business practice of the person providing the health care services.

**43-1-19.2. License applications to include questions on prior revocation or denial of license**

Each application for a license to practice a profession or business to be issued by a professional licensing board or any agency of the state shall include a question as to whether the applicant for such license:

- (1) Has had revoked or suspended or otherwise sanctioned any license issued to the applicant by any board or agency in Georgia or any other state; or
- (2) Was denied issuance of or, pursuant to disciplinary proceedings, refused renewal of a license by any board or agency in Georgia or any other state.

The question shall be answered under oath and the answer shall include the name of the board or agency which revoked, suspended, denied, refused renewal of, or otherwise sanctioned the license.

**43-1-20. Actions to enjoin unlicensed practice.**

A professional licensing board, the division director, or the appropriate prosecuting attorney may bring an action to enjoin the unlicensed practice by any person of a profession or business required to be licensed by a professional licensing board. The action to restrain and enjoin such unlicensed practice shall be brought in the superior court of the county where the unlicensed person resides. It shall not be necessary to allege or prove that there is no adequate remedy at law to obtain an injunction under this Code section.

**43-1-20.1. Cease and desist orders against persons practicing without a license; fine for violating order**

(a) Notwithstanding any other provisions of the law to the contrary, after notice and hearing, a professional licensing board may issue a cease and desist order prohibiting any person from violating the provisions of this title by engaging in the practice of a business or profession without a license.

(b) The violation of any cease and desist order of a professional licensing board issued under subsection (a) of this Code section shall subject the person violating the order to further proceedings before the board, and the board shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation thereof. Each day that a person practices in violation of this title shall constitute a separate violation.

(c) Initial judicial review of the decision of the board entered pursuant to this Code section shall be available solely in the superior court of the county of domicile of the board.

(d) Nothing in this Code section shall be construed to prohibit a professional licensing

board from seeking remedies otherwise available by statute without first seeking a cease and desist order in accordance with the provisions of this Code section.

**43-1-21. Release of information regarding investigations**

The division director is authorized to provide to any lawful licensing authority of this or any other state, upon inquiry by such authority, information regarding a past or pending investigation of or disciplinary sanction against any applicant for licensure by that board or licensee of that board notwithstanding the provisions of subsection (h) of Code Section 43-1-19 or any other law to the contrary regarding the confidentiality of that information. Nothing in this Code section or chapter shall be construed to prohibit or limit the authority of that director to disclose to any person or entity information concerning the existence of any investigation for unlicensed practice being conducted against any person who is neither licensed nor an applicant for licensure by a professional licensing board.

**43-1-22. Inactive status licenses**

The division director may provide for inactive status licenses for the various professional licensing boards.

**43-1-23. Exemption of licensees of professional licensing boards from filing with clerk of superior court.**

No licensee of a professional licensing board shall be required to file or record his license with the clerk of the superior court, and no clerk shall be required to report the filing or recordation of any such license.

**43-1-24. Licensed professionals subject to regulation by professional licensing board.**

Any person licensed by a professional licensing board and who practices a "profession," as defined in Chapter 7 of Title 14, the "Georgia Professional Corporation Act," or who renders "professional services," as defined in Chapter 10 of Title 14, "The Georgia Professional Association Act," whether such person is practicing or rendering services as a proprietorship, partnership, professional corporation, professional association, other corporation, limited liability company, or any other business entity, shall remain subject to regulation by that professional licensing board, and such practice or rendering of services in that business entity shall not change the law or existing standards applicable to the relationship between that person rendering a professional service and the person receiving such service, including but not limited to the rules of privileged communication and the contract, tort, and other legal liabilities and professional relationships between such persons.

**43-1-25. Authority of professional licensing boards to promulgate rules and regulations**

Except as provided in subsection (o) of Code Section 43-1-19, Code Sections 43-1-16 through 43-1-24 shall apply to all professional licensing boards and licenses thereunder, except the Georgia Real Estate Commission and its licensees, notwithstanding any other law to the contrary, and each such professional licensing board may promulgate rules and regulations to implement the authority provided by the applicability of said provisions to said boards.

**43-1-26. Exemption of credentialed persons from licensure, registration, or certification in the state in connection with the Olympic and Paralympic Games; conditions and**

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limitations; consent for certain medical services; automatic repeal  
Repealed by Ga. L. 1994, p. 480, § 1, effective December 31, 1996.

### **43-1-27. Licensee required to notify licensing authority of felony conviction**

Any licensed individual who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony as defined in paragraph (3) of subsection (a) of Code Section 43-1-19 shall be required to notify the appropriate licensing authority of the conviction within 10 days of the conviction. The failure of a licensed individual to notify the appropriate licensing authority of a conviction shall be considered grounds for revocation of his or her license, permit, registration, certification, or other authorization to conduct a licensed profession.

### **43-1-28. Volunteers in health care specialties.**

**(a) "Georgia Volunteers in Health Care Specialties Act."**

**(1) "Health care board"** means that professional licensing board which licenses a health care practitioner under this title.

**(2) "Health care practitioner"** means a chiropractor, registered professional nurse, podiatrist, optometrist, professional counselor, social worker, marriage and family therapist, occupational therapist, physical therapist, physician assistant, licensed practical nurse, certified nurse midwife, pharmacist, speech-language pathologist, audiologist, psychologist, or dietitian.

**(3) "Health care specialty"** means the practice of chiropractic, nursing, podiatry, optometry, professional counseling, social work, marriage and family therapy, occupational therapy, physical therapy, physician assistance, midwifery, pharmacy, speech-language pathology, audiology, psychology, or dietetics.

**(4) "Unrestricted"** means that no restrictions have been placed on a health care practitioner's license by a health care board, no sanctions or disciplinary actions have been imposed by a health care board on a health care practitioner, and a health care practitioner is not under probation or suspension by a health care board.

**(c) Notwithstanding any other provision of law, each health care board shall issue a special license to qualifying health care practitioners whose health care specialty is licensed by that board under the terms and conditions set forth in this Code section. The special license shall only be issued to a person who:**

**(1) Is currently licensed to practice the applicable health care specialty in any health care specialty licensing jurisdiction in the United States and whose license is unrestricted and in good standing; or**

**(2) Is retired from the practice of the health care specialty or, in the case of a physician assistant, has an inactive license and is not currently engaged in such practice either full time or part time and has, prior to retirement or attaining inactive status, maintained full licensure unrestricted in good standing in the applicable health care specialty licensing jurisdiction in the United States.**

**(d) The special licensee shall be permitted to practice the health care specialty only in the non-compensated employ of public agencies or institutions, not for profit agencies, not for profit institutions, nonprofit corporations, or not for profit associations which provide health care specialty services only to indigent patients in areas which are underserved by that specialty or critical need population areas of the state.**

**(e) The person applying for the special license under this Code section shall submit to the appropriate health care board a copy of his or her health care specialty degree, a copy of his or her health care specialty license in his or her current or previous licensing**

and regulating jurisdiction, and a notarized statement from the employing agency, institution, corporation, association, or health care program on a form prescribed by that board, whereby he or she agrees unequivocally not to receive compensation for any health care specialty services he or she may render while in possession of the special license.

**(f)** Examinations by the health care board, any application fees, and all licensure and renewal fees may be waived for the holder of the special license under this Code section.

**(g)** If, at the time application is made for the special license, the health care practitioner is not in compliance with the continuing education requirements established by the health care board for the applicable health care specialty, the health care practitioner shall be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license.

**(h)**

**(1)** The liability of persons practicing a health care specialty with a special license issued under this Code section and the liability of their employers for such practice shall be governed by Code Section 51-1-29.1.

**(2)** The liability of persons practicing a health care specialty pursuant to Article 8 of Chapter 8 of Title 31 under and in compliance with a special license issued under this Code section and the liability of their employers for such practice shall be governed by the provisions of such article.

**43-1-29.** Suspension of license for nonpayment of student loans prohibited.

A professional licensing board shall not suspend the license of a person because he or she is a borrower in default under the Georgia Higher Education Loan Program or because he or she has been certified by any entity of the federal government for nonpayment under any federal educational loan, loan repayment, or service conditional scholarship program.

**43-1-30.** [Reserved] Collection of work force and demographic data; procedure for collection and utilization.

**43-1-31.** Expiration of professional licenses of service members on active duty outside of state.

**(a)** “service member” means an active-duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard on ordered federal duty for a period of 90 days or longer.

**(b)** Any service member whose license to practice a profession expired while such service member was serving on active duty outside the state shall be permitted to practice such profession and shall not be charged with a violation related to practicing a profession with an expired license for a period of six months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six months after the date of his or her discharge from active duty or reassignment to a location within the state. The service member must present to the applicable professional licensing board either a copy of the official military orders or a written verification signed by the service member’s commanding officer to waive any charges.

**43-1-32.** Limitations on licensure requirements for physicians and dentists.  
Not applicable for physical therapy

**43-1-33.** Advertisement, signage, and identifier requirements for health care practitioners.

**(a)** This Act shall be known and may be cited as the “Consumer Information and Awareness Act.”

**(1)** An advertisement by a health care practitioner shall identify the type of license the health care practitioner holds.

**(2)** This subsection 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.

**(e)**

**(1)** A health care practitioner must conspicuously post and affirmatively communicate the practitioner’s specific licensure to all current and prospective patients as follows:

**(A)**

**(i)** The health care practitioner must wear an identifier during all patient encounters that shall include:

**(I)** The health care practitioner’s name; and

**(II)** The type of license or educational degree the health care practitioner holds.

**(ii)** The identifier must be of sufficient size and be worn in a conspicuous manner so as to be visible and apparent. A lab coat or similar distinguishing clothing or uniform indicating the practitioner’s specific licensure may be considered an identifier

**(iii)** An identifier shall not be required in an operating room or other setting where surgical or other invasive procedures are performed or in any other setting where maintaining a sterile environment is medically necessary.

**(iv)** An identifier shall not be required in any mental health setting where it would impede the psychotherapeutic relationship.

**(v)** If a safety or health risk to the health care practitioner or a patient would be created as a result of the practitioner wearing such identifier in a specified practice setting, an identifier shall not be required or may be modified by omitting or concealing the last name of the practitioner in accordance with the requirements of the health care practice or facility; and

**(B)** 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.

**(2)** A health care practitioner who practices in more than one office shall place the identifier information conspicuously on the practitioner’s website if he or she maintains a website.

**(3)** A health care practitioner who practices in a nonpatient care setting and who does not have any direct patient care interactions is not subject to the provisions of this subsection.

**(4)** A health care practice or facility which requires, as of the effective date of this Code section, its health care practitioners to wear an identification badge shall not be required to replace such badges to conform to the requirements of this subsection.

- (5)** This subsection shall not apply to health care practices or facilities in which only one type of health care practitioner practices.
- (6)** This subsection shall only apply to a dentist if such dentist is practicing in a hospital. This subsection shall only apply to a chiropractor or optometrist if such chiropractor or optometrist is practicing in a hospital, nursing home, assisted living community, or personal care home.
- (f)** A health care practitioner who intentionally violates any provision of this Code section may be subject to disciplinary action by the health care practitioner's professional licensing board.
- (g)** A violation of this Code section shall not constitute a private cause of action.

**43-1-34. Licenses for transitioning members of the armed forces.**

- (b)** Transitioning service members may qualify for temporary licenses, licenses by endorsement, expedited licenses, or a combination thereof for each profession, business, or trade for which a license is issued. Such process may include the issuance of a license to an applicant based upon such applicant:
  - (1)** Holding a license from another state for which the training, experience, and testing substantially meet or exceed the requirements under this state to obtain a license; and
  - (2)** Obtaining a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.

**43-1-35. Expedited license by endorsement for spouses of active or transitioning members of the armed forces.**

- (b)** Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual who:
  - (1)** Is a spouse of a service member or transitioning service member stationed within the State of Georgia;
  - (2)** Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;
  - (3)** Is in good standing in such other state; and
  - (4)** Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.
- (c)** An expedited license by endorsement shall be issued no later than 90 days from the date of receipt of an application and information and documents that show that all the requirements of subsection (b) of this Code section have been met. Such application shall only require such information and documentation necessary to verify that the applicant meets the requirements set forth in subsection (b) of this Code section.

**GA State Board of Physical Therapy Frequently Asked Questions**

To read the complete unabridged GA State Board of Physical Therapy FAQs, please go to:  
<https://sos.ga.gov/page/faq-georgia-state-board-physical-therapy>

The following are answers to some of the most frequently asked questions submitted to the Georgia State Board of Physical Therapy.

**What is the Georgia State Board of Physical Therapy's website address?**  
<https://sos.ga.gov/georgia-state-board-physical-therapy>

**How can I change my address?**

The Professional Licensing Boards Division is pleased to offer licensees the opportunity to update license address information and renew their professional licensure via GOALS.

**How can I change my name?**

Please download the Name and Address Change form that is located in the Application/Forms Downloads section of the website. Complete the form and submit it along with a copy of your marriage certificate, divorce decree or court order, as well as your license number. A copy of your driver's license or social security card is not acceptable.

**Am I required to participate in Continuing Education?**

Yes, unless you qualify for an exemption indicated in Board Rule 490-4-.02. The Board requires 30 clock hours of continuing competency activities between January 1st of the even numbered year through December 31st of the odd numbered year of each biennium. A minimum of 4 hours per biennium must be obtained in an ethics and jurisprudence course or by retaking the Georgia Jurisprudence Examination. Continuing Competency hours submitted must be beyond the licensee's current level of competence to practice Physical Therapy and must be "per biennium" which means hours cannot be submitted from a previous biennium. You are not able to submit any pre-licensure hours to meet continuing education requirements for renewal because those hours were taken prior to you being subject to the renewal requirements. Additionally, the hours were credited towards another requirement and receiving double credit for the same hours is prohibited.

THE BOARD DOES NOT PRE-APPROVE CE COURSES; THEREFORE, IT IS THE LICENSEE'S RESPONSIBILITY TO REVIEW BOARD RULE 490-4-.02 AND POLICY #7 TO ENSURE THE COURSES TAKEN MEET THE BOARD'S REQUIREMENTS. In addition, the rolling over of unused hours will not be allowed from one biennium to the next biennium.

For detailed information concerning Continuing Competence, please review the Board rules and policies that address continuing competence (Rule 490-4 and Board Policy).

Please note that those applying for a license by endorsement must also verify that the continuing education requirements have been met by submitting proof of completion of the coursework directly to the Board office.

*You are encouraged to review the "Guide for Continuing Competence Activities & Documentation Requirements" to ensure that you are providing accurate documentation as proof of completion of the requirements.*

If selected for CE Audit, applicants must provide all activities and certificates accurately and in the manner prescribed by the Board to receive credit for completing the requirements.

Please note that a failure to demonstrate to the satisfaction of the Board that you have met continuing competency requirements is a violation of the Board Rules and may subject a licensee to disciplinary action by the Board. Once your file is reviewed and it is determined that the audit has been passed, the license will be renewed.

If a deficiency is noted, the processing of your renewal application may be delayed. You will be sent a deficiency notice from the Board office via email with information concerning your audit results and the next steps you are to take. If you meet the requirements of Board Rule 490-4-.02 for a continuing competence exemption AND are notified that you are selected for CE Audit, you will need to submit a statement to the Board via email to PLB-Healthcare2@sos.ga.gov indicating that you are exempt and referencing the paragraph of the rule which qualifies you for an exemption.

### **When does my license expire?**

Yes, all licenses expire December 31 of odd years. You may renew your license online during the renewal period.

On the renewal application you may be asked a series of questions regarding continuing education, arrests or criminal history, drug and alcohol treatment and citizenship. Please read the questions carefully and answer honestly. Inaccurate or erroneous responses will delay and/or cause the denial of the renewal of your license.

\*\*\*NOTE: By answering "yes" to the CE question on the renewal application, you are attesting that you have completed ALL CE requirements at the time you submitted your renewal application. As a result, it is recommended that you complete all CE prior to submitting your renewal application to avoid disciplinary action by the Board.

### **What is covered in the Board-approved Ethics and Jurisprudence course?**

An acceptable 4-hour continuing competency course must include a review of the Georgia General Provisions and the Rules and Laws governing Physical Therapy in the State of Georgia. Specifically, these are Georgia Rules 490-1 through 490-11, Georgia Laws 43-33, and Georgia General Provisions 43-1-19 through 43-1-27. Also recommended is a review of the Georgia Code of Ethics as specified in GA Rules 490-9 and a review of any recent Laws or Rules changes. Current

versions of the General Provisions, Rules and Laws may be accessed on the Georgia State Board of Physical Therapy website.

**What is the scope of practice for a Physical Therapist or Physical Therapist Assistant in Georgia?**

The Georgia State Board of Physical Therapy does not provide legal advice regarding specific scope of practice questions. Please review the Georgia statutes and Board Rules carefully as most individuals are able to answer their questions with relative ease. It is important to remember that physical therapists and physical therapist assistants must practice within their scope and in accordance with the law and rules.

**How do I obtain a letter of good standing from the Board?**

The Georgia State Board of Physical Therapy does not issue letters of good standing. If another licensing authority or employer requires an official statement about the status of a license in this state, the licensee may submit an Online License Verification request via the Quick Link entitled Purchase a Verification of Licensure, which can be found on the home page of the Board website.

**If I feel a board rule should not apply to my situation, how do I ask the Board to vary or waive the rule or a portion of the rule?**

O.C.G.A. 50-13-9.1 Allows for an applicant and/or entity to petition the Georgia State Board of Physical Therapy to vary (modify) or waive (not apply) all or part of a rule requirement in their particular situation. In order for a rule or portion thereof to be varied or waived, the petitioner must be able to demonstrate strict application of rule can lead to unreasonable, uneconomical, and unintended results in the petitioner's particular instance. The statute also allows for the Board to grant a variance or waiver when the petitioner is able to demonstrate that the purpose of the underlying statute upon which the rule is based can be or has been achieved by other specific means which are agreeable to the person seeking the variance or waiver and that strict application of the rule would create a substantial hardship to such person.

If an applicant and/or entity desires to make such a petition, you must download and complete a Petition for Rule Variance or Waiver form and submit it along with any supporting documentation to the Board for consideration. You may download the instruction and form by visiting the Application/Form downloads section on the home page of the Board website.

Please be aware that a failure to properly complete the form and submit the documentation supporting your statements within the petition may result in the denial of the request based on insufficient evidence to substantiate that the application of the rule in your circumstance will cause a hardship.

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The petition will be posted for a minimum of fifteen days on the GeorgiaNet Public Registry and petitioners may conduct a search for their petition. Please note that any member of the public, including interested parties, shall have the opportunity to submit written comments in support of or against proposed variances or waivers prior to the Board decision. The Board has up to 60 days from receipt of the petition to render a decision to either grant or deny the petition. The petitioner will be notified in writing of the Board's decision and the written statement will include relevant facts and reasons for the Board's action.

### **Review of GA State Board of Physical Therapy Website**

#### **GA State Board of Physical Therapy Website**

URL: <https://sos.ga.gov/georgia-state-board-physical-therapy>

Near the top of the home page is a green banner with the words "Physical Therapists Menu". To the right of these words is a menu icon (3 horizontal lines). Click on the menu icon. A drop-down menu appears with the following options:

##### **Board Information**

- About the board
- Board members
- Board Meeting & Minutes
- Search Historical Meeting Minutes
- PT Compact

##### **Forms**

- Fee Schedule

##### **Licensing Services**

- Apply for a License
- Dry Needling Approval
- Check Application Status
- License Search
- Renew Your License
- Active License Statistics

##### **Rules & Regulations**

- Board Rules & Laws
- Rule Waiver Register
- Cease & Desist Orders

##### **FAQs**

- Frequently Asked Questions

Innovative Educational Services

To take the post-test for CE credit, go to: [Cheapceus.com](http://Cheapceus.com)

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- Continuing Education
- File a Complaint

In addition to the tabs on the top of the webpage, users will also find several buttons on the bottom of the page that provide convenient access to other important information:

- Licensure
- Renewal
- Compact Privilege Renewal
- File a Complaint
- About the Board
- Physical Therapy FAQs
- Forms
- Physical Therapy Rules & Laws
- How to Gain Approval for Dry Needling
- PT Compact Privilege Holders with Dry Needling Certification
- Subscribe for Board Updates

### **Recording and Tracking Continuing Education (CE Broker)**

Board Rule 490-4-.02(6)(a) was revised in 2020.

“...persons licensed to practice as a physical therapist or a physical therapist assistant... are to maintain a record of completed continuing education courses and experiences by registering with an online recording and reporting system approved by the Board.”

“For the purposes of this requirement, the Georgia State Board of Physical Therapy adopts the utilization of CE Broker.”

GA PT & PTA licensees may access the CE Broker system by going to:  
CEBroker.com

Features of the CE Broker system include:

1. Searchable database of CE programs available to licensees
2. Licensee CE completion record
3. GA PT Board access and integration of licensee CE compliance records

### **Ethics Case Studies**

#### **Case Study #1 – Professional Accountability**

*Danielle White PT works in an acute care hospital. She is treating a patient for a colleague who is on vacation. The patient, Mrs. Carson, had a hip arthroplasty 3*

Innovative Educational Services  
To take the post-test for CE credit, go to: Cheapceus.com

*days ago. Danielle reviews the treatment plan written by the vacationing therapist. It documents that yesterday Mrs. Carson ambulated 50 feet FWB with a walker. The treatment plan calls for continued gait training FWB with walker to 100 feet. Danielle ambulates with Mrs. Carson as per the plan and begins documenting the treatment. It is then that she notices that earlier in the day, the physician changed the weight bearing status to NWB because he suspected there may be a problem with the prosthesis.*

*What is Danielle's professional accountability relating to this situation?*

Accountability means an obligation or willingness to accept responsibility for one's actions. Rehabilitation professionals are accountable to many entities including: patients, colleagues, employers, payors, the public, and government/regulatory agencies. In health care, there are times when actions can cause harm if not carried out in a careful and competent way. There are also times when failure to do something can also cause harm. Health care professionals are ultimately accountable for any errors they make, or any acts they fail to take, that cause harm. The above case study is a good example of this. Danielle is accountable for actions she did and as well as actions she failed to do.

As a therapist, it is Danielle's professional responsibility to thoroughly monitor and review the most current information available for each patient under her care. When accessing the chart prior to treatment, she failed to perform a comprehensive review of new orders. Instead, she based her treatment solely on a plan of care written 24 hours earlier.

Because she failed to review the chart properly, she had the patient ambulate with FWB on the surgical leg and unintentionally placed the patient in a potentially dangerous situation.

Danielle is now obligated to accept responsibility for her actions. This obligation is independent of whether Mrs. Carson suffered any actual harm as a result of the action. In this case, "accepting responsibility" may require Danielle to take several actions including, but not limited to, informing her employer, the physician, and the patient, of her error.

### **Case Study #2 – Ethical Behavior**

*An employee of a busy outpatient clinic is a physical therapy aide who has worked in rehabilitation for more than 20 years. Frequently, this aide is called upon to perform treatments that should be done by a PT or PTA. The patients always give her compliments, and frequently request her to treat them. She demonstrates exceptional skills and achieves outstanding outcomes.*

*Is the clinic providing ethical care to its patients?*

The practice of physical therapy is closely regulated throughout the United States. Each state, through legislation, establishes minimal licensure and practice standards. This is done to protect the general public against fraud and substandard care by under-qualified practitioners. It is each physical therapist's responsibility to adhere to the standards of care and licensure requirements specific to the state in which they practice. The therapist must also ensure that all care provided not directly by them, but under their supervision, also meets these standards.

In this situation, the aide's abilities and outcomes are considered irrelevant. The key sentence in the paragraph is: "perform treatments that should be done by a PT or PTA.". The "should" in this case must not be interpreted as merely a casual suggestion but rather a legal definition regulated by the state's Physical Therapy Practice Act. Any treatment or procedure that should be performed by a licensed professional must be performed by a licensed professional.

The Rules of the Georgia Board of Physical Therapy, Chapter 490-9 Code of Ethics, subsection (3)(f): Physical therapists are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a physical therapist.

### **Case Study #3 – Professional Boundaries**

*Frank Jackson, DPT is currently treating Allison Brown following her ACL reconstruction. After 1 month of therapy, Allison begins flirting with Frank. He is single and attracted to Allison, so he reciprocates the flirting. Two weeks later she asks him out for a drink. He accepts and they go out on a date. Their relationship progresses quickly and eventually turns sexual.*

*Has Frank crossed a professional boundary by having a consensual sexual relationship with Allison while she was an active patient of his?*

Professional boundaries are integral to a good therapist–patient relationship. They promote good care for patients and protect both parties. A boundary crossing is defined as a deviation from classical therapeutic activity that is harmless, non-exploitative, and possibly supportive of the therapy itself. In contrast, a boundary violation is harmful or potentially harmful, to the patient and the therapy. It constitutes exploitation of the patient.

Good therapeutic practice is based on trust between therapy professionals and their patients. It is always unethical, unprofessional and a boundary violation for a physical therapy professional to breach this trust by entering into a sexual

relationship with a patient, regardless of whether the patient has consented to the relationship.

Sexual misconduct covers a range of inappropriate behaviors including:

- Sexualized behavior such as any words or actions that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desire
- Sexual exploitation or abuse, which includes sexual harassment (unwelcome behavior of a sexual nature including, but not limited to, gestures and expressions), or entering into a consensual sexual relationship
- Sexual assault, which ranges from inappropriate touching to rape

The APTA Code of Ethics, Principle 4E: Physical therapists shall not engage in any sexual relationship with any of their patients/clients, supervisees, or students.

#### **Case Study #4 - Confidentiality**

*John Jones PT, Sue Brown (therapy receptionist), and Mary Smith (Marketing Director), are in a private PT office discussing the fact that they are treating Biff Simpson, a star NFL quarterback. John says, “I can’t believe that I’m actually treating Biff Simpson.” Mary asks, “How bad do you think his injury is?” John replies, “I saw his MRI report, it looks like he is going to need surgery.”*

*Is this a breach in confidentiality?*

The information contained in each patient's medical record must be safeguarded against disclosure or exposure to nonproprietary individuals. The right to know any medical information about another is always predicated on a sound demonstration of need. Frequently, many individuals require access to information contained in a patient's medical record. Their right to access this information is limited to only that information which is deemed necessary for them perform their job in a safe, effective, and responsible manner.

The first questions we must ask are “What information is being disclosed and do the three individuals engaged in the conversation have a need to know this information?”

John's first statement discloses the name of person receiving care, and his second statement reveals private patient medical information. Certainly, as the primary therapist, John would need to know the patient's name and therapy related diagnosis in order to provide care. Sue, the receptionist, may also need this information to schedule appointments and perform other essential clerical tasks. Mary, the facility's Marketing Director, most likely has no compelling reason to know either the patient's identity or any of his medical information.

Therefore, the disclosure to Mary of the patient's identity and medical information is a breach of patient confidentiality.

The Rules of the Georgia Board of Physical Therapy, Chapter 490-9 Code of Ethics, subsection (1)(a): The physical therapist shall hold as confidential information obtained while acting in a professional capacity.

### **Case Study #5 – Informed Consent**

*Sam is a PT who has just received orders to begin ambulation with a 75-year-old woman who is s/p right hip ORIF. He goes to her hospital room to evaluate her and begin ambulation. She says she does not want therapy today because she is in too much pain. Sam explains to her that the doctor has left orders for her to begin walking. The patient refuses. Sam leaves and returns the next day to try again. Again, she declines treatment and he then leaves.*

*Under the guidelines of informed consent, were the therapist's actions adequate?*

Informed consent is the process by which a fully informed patient can participate in choices about their health care. It originates from the legal and ethical right the patient has to direct what happens to their body and from the ethical duty of the therapist to involve the patient in her health care. The most important goal of informed consent is that the patient has an opportunity to be an informed participant in their health care decisions. It is generally accepted that complete informed consent includes a discussion of the following elements:

- the nature of the decision/procedure
- reasonable alternatives to the proposed intervention
- the relevant risks, benefits, and uncertainties of each alternative
- the consequences on non-treatment
- the goals of treatment
- the prognosis for achieving the goals
- assessment of patient understanding
- the acceptance of the intervention by the patient

In order for the patient's consent to be valid, they must be considered competent to make the decision at hand and their consent must be voluntary. The therapist should make clear to the patient that they are participating in a decision, not merely signing a form. With this understanding, the informed consent process should be seen as an invitation for them to participate in their health care decisions. The therapist is also generally obligated to provide a recommendation and share their reasoning process with the patient. Comprehension on the part of the patient is equally as important as the information provided. Consequently, the discussion should be carried on in layperson's terms and the patient's understanding should be assessed along the way.

The therapist's actions in this case were not sufficient. None of the required information was offered to the patient. The most important thing the therapist failed to explain to the patient was the consequences of non-treatment. The patient cannot make an informed decision regarding therapy without this information. It could be argued that her decision to refuse therapy may have changed had she known that one of the consequences of this decision could be the development of secondary complications. (i.e. increased risk of morbidity or mortality).

### **Case Study #6- Medical Necessity**

*Steve is a physical therapist and owns his own therapy clinic. He recently signed a contract with an HMO to provide physical therapy services. The contract stipulates that Steve will be compensated on a case rate basis. (A fixed amount of money per patient, based on diagnosis) Steve has performed a thorough cost analysis on this contract and has determined that the financial “breakeven” point (revenue equals expenses) on each of these patients is 5 visits. He informs his staff that all patients covered by this insurance must be discharged by their fourth visit.*

*Is limiting care in this manner ethical?*

Therapists are obligated to propose and provide care that is based on sound medical rationale, patient medical necessity, and treatment efficacy and efficiency. It is unethical to either alter or withhold care based on other extraneous factors without the patient's knowledge and consent.

In this instance, the decision to limit care is not ethical. The quantity of care is not being determined by the medical necessity of the patient. A therapist must be able to justify all of their professional decisions (such as the discharging of a patient from clinical care) based on sound clinical rationale and practices.

### **Case Study #7 – Conflicts of Interest**

*Debi Jones PT works in an acute care hospital. She is meeting with a vendor whose company is introducing a new brace onto the market. He offers her 3 free braces to “try out” on patients. The vendor states that if Debi continues to order more braces, she will qualify to receive compensation from his company by automatically becoming a member of its National Clinical Assessment Panel.*

*Does this represent a conflict of interest?*

Yes, there exists a conflict of interest in this situation. Debi has two primary obligations to fulfill. The first is to her patient. It is her professional duty to recommend to her patient a brace that, in her judgment, will benefit them the most. The second obligation is to her employer, the hospital. As an employee of the hospital it is her responsibility to manage expenses by thoroughly and objectively seeking effective products that also demonstrate economic efficiency. The conflict of interest occurs when she begins to accept compensation from the vendor in direct or indirect response for her brace orders. Even if she truly believes it is the best brace for her patient, and it is the most cost-effective brace the hospital could purchase, by accepting the money she has established at least an apparent conflict of interest. Under this situation she is obligated to disclose to all parties her financial interest in ordering the braces. This disclosure is necessitated because the potential for personal gain would make others rightfully question whether her objectivity was being influenced.

The Rules of the Georgia Board of Physical Therapy, Chapter 490-9 Code of Ethics, subsection (4)(b)2: Physical therapists shall not profit by means of a credit or other valuable consideration, such as an unearned commission, discount, or gratuity in connection with furnishing of physical therapy services.

The Rules of the Georgia Board of Physical Therapy, Chapter 490-9 Code of Ethics, subsection (3)(e): The physical therapist's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.

### **Case Study #8 – Relationships with Referral Sources**

*Larry Johnson PT owns a private practice. Business has been poor. He decides to sublease half of his space to an orthopedic surgeon. Larry's current lease is at \$20/sq ft. The doctor wants to pay \$15/sq ft. They come to a compromise of \$17/sq ft. Larry also agrees that if the doctor is his top referral source after 3 months, he'll make him the Medical Director of the facility and pay him a salary of \$500/month.*

*Is this an ethical arrangement?*

No, this agreement is not ethical. The most notable infraction involves offering to designate and compensate the physician as the Medical Director contingent upon the number of referrals he sends. It is perfectly acceptable (and required in some instances) to have a physician as a Medical Director; however, compensating the Medical Director based on their referral volume is unethical. Another area of concern is the rent. At first glance, the rent amount of \$17/sq ft seems fair because it was a compromise between the two parties. However, closer scrutiny reveals this to be unethical. The fair market value for rent has been established as \$20/sqft. (Larry's current rental agreement with his landlord)

By discounting the doctor \$3/sq ft on his rent, Larry is giving a referral source something of value.

It is unethical for a physical therapist to offer anything of value to physicians or any other referral source in direct response for the referral of patients or services. This includes cash, rebates, gifts, discounts, reduced rent, services, equipment, employees, or marketing. Many mistakenly believe that it is a normal acceptable business practice to offer these things to referral sources. It is not. In most states, the practice is not only unethical, but it is also illegal. Exchanges of valued items or services between therapists and referral sources must never have any relationship to the referral of patients. Goodwill gifts of nominal value are acceptable provided that no correlation can be made between the magnitude or frequency of the gift giving and referral patterns. All business agreements and transactions should always be well documented and most importantly, reflect fair market value.

The Rules of the Georgia Board of Physical Therapy, Chapter 490-9 Code of Ethics, subsection (6)(b): Physical therapists shall not participate in any arrangement in which patients are exploited due to the referring sources enhancing their personal incomes as a result of referring, prescribing, or recommending physical therapy or a specific physical therapy practice.

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**Ethics & Jurisprudence – Georgia Physical Therapy  
Post-Test**

1. Which ethics theory is accurately defined? (p. 4-5)
  - A. Utilitarianism proposes that right and wrong is determined by consequence.
  - B. Social Contract Theory is based on the theory that each person should do whatever promotes their own best interests..
  - C. Ethical Egoism is the theory that ethical behavior is a result of inherent character traits.
  - D. Natural Law Theory proposes that moral code is created by the people who form societies.
2. Which of the following statements is TRUE? (p. 5-6)
  - A. All actions that are legal are also morally right.
  - B. All actions that are morally right are also legal.
  - C. Physical therapy ethical behavior is established by the normative standards practiced by others in the same profession.
  - D. All of the above are true.
3. Which of the following is NOT one of the stated Commitments of the APTA's Code of Ethics? (p. 7-8)
  - A. Compassion and Trust
  - B. Financial Ascendancy
  - C. Professional Expertise
  - D. Social Responsibility
4. As per the principles of the APTA's Code of Ethics, it is unethical for a physical therapist to have a sexual relationship with \_\_\_\_\_. (p. 11-12)
  - A. their patient
  - B. a PTA working under their supervision
  - C. their physical therapy student intern
  - D. All of the above
5. According to the APTA's Code of Ethics, physical therapist assistants shall provide physical therapy services under the direction and supervision of a \_\_\_\_\_. (p. 14)
  - A. physical therapist
  - B. physical therapist or physician
  - C. physical therapist, physician, or other qualified health care professional
  - D. None of the above

## Ethics & Jurisprudence – Georgia Physical Therapy

6. The primary goal of the informed consent process is to \_\_\_\_\_. (p. 16)

- A. Provide protection for health care providers against litigation
- B. Ensure that patients have an opportunity to be informed participants in decisions about their health.
- C. Improve efficiency and accuracy throughout the health care system.
- D. Facilitate the practice of evidence-based medicine.

7. PT professionals are expected to make a "fiduciary" commitment to their patients. This means that they will \_\_\_\_\_. (p. 19-20)

- A. Place the needs and interests of their patients before their own.
- B. Provide only evidence-based care.
- C. Charge the patient based only on their ability to pay.
- D. Provide pro bono services.

8. Gifts from companies to physical therapists are acceptable only when \_\_\_\_\_. (p. 21-22)

- A. the primary purpose is the enhancement of patient care and medical knowledge
- B. each professional in the field receives the same gift without regard to previous product usage
- C. the company is introducing a new product or service to the market.
- D. permission is received from the professional's employer

9. The GA Board of Physical Therapy consists of \_\_\_\_ PTs, \_\_\_\_PTAs, and \_\_\_\_ unaffiliated person(s) from the public at large. (p. 25)

- A. 4, 2, 1
- B. 6, 1, 1
- C. 5, 1, 2
- D. 3, 1, 2

10. A physical therapist must display either the title "physical therapist" or the abbreviation "P.T." on a name tag or other similar form of identification when they are providing direct patient care. (p. 26)

- A. True
- B. False

11. According to the GA PT Practice Act (43-33-18), the Physical Therapy Board may discipline a physical therapist for which of the following? (p. 29)

- A. Performing PT services without examination and evaluation.
- B. Failing to provide self-referred patients with a disclosure that PT services may not be covered by the patient's insurer.
- C. Dividing fees for bringing or referring a patient
- D. All of the above

## Ethics & Jurisprudence – Georgia Physical Therapy

12. Which of the following is FALSE regarding GA physical therapy continuing competence requirements (Chapter 490-4)? (p. 36-40)

- A. The deadline to complete the biannual requirement is December 31 of each odd year.
- B. Continuing competency should have content beyond the licensee's present level of knowledge or competence.
- C. Continuing competency activities must be pre-approved by the Georgia State Board of Physical Therapy
- D. Licensees must complete 4 hours of ethics & jurisprudence education each licensure biennium.

13. Which of the following is TRUE regarding supervision requirements? (p. 40-41)

- A. In an institutional setting, PTAs must have continuous on-site supervision by a PT.
- B. In a home health setting, the supervising PT must review all patients being treated by the assistant at least one time per week.
- C. In all settings, physical therapy aides must have general supervision by a PT or physician.
- D. All of the above

14. Physical therapy aides are permitted to create treatment documentation. (p. 42)

- A. True
- B. False

15. Which of the following is stipulated in the Georgia PT Code of Ethics (490-9)? (p. 42-46)

- A. The PT shall provide optimal physical therapy care for all patients regardless of patient race, gender, age, religion, disability or sexual preference.
- B. The PT's ability to make independent judgment must not be limited or compromised by professional affiliations, including employment relationships.
- C. PTs are not to delegate to a less qualified person any activity which requires the unique skills, knowledge, and judgment of a PT.
- D. All of the above

16. Georgia licensed physical therapists who wish to perform dry needling must complete at least 40 hours of didactic training either online or in person. (p. 46-47)

- A. True
- B. False

17. Which of the following may perform preventative services? (p. 47)

- A. Licensed physical therapist
- B. Licensed PTA under the supervision of a licensed PT
- C. Both A & B
- D. None of the above

18. It is recommended that a PT supervise no more than \_\_\_\_\_ other supportive clinicians at any given time. (p. 51)

- A. 2
- B. 3
- C. 4
- D. 5

19. Physical therapists may routinely waive patient coinsurance or deductible payments. (p. 61-62)

- A. True
- B. False

20. It is unethical for a physical therapist to \_\_\_\_\_. (p.78-79)

- A. Have a physician as a medical director.
- B. Sublease office space to a potential referral source.
- C. Give a restaurant gift certificate to the physician who referred the most patients in the previous month.
- D. Meet with a physician to educate them about new physical therapy techniques and interventions.

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