

North Carolina Board of Physical Therapy Examiners
MINUTES
December 6, 2023
8300 Health Park, Conference Center
Raleigh, North Carolina 27615

Members Present:

C. David Edwards, PT, Chair
Leslie P. Kesler, PT, Secretary/Treasurer
Teresa Hale, PT
Jamie Miner, PT
Stephanie Bernard, PTA
Renu Kasula, CEO, Public Member
Lee Diehl, MD

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
Bill Arney, IT Infrastructure Contractor
Ellen Roeber, PT, Deputy Director

David C. Gadd, Board Attorney

Members Absent:

Megan Wentz, PTA

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)*

A. Preliminary Matters

The Chair had several announcements including attendance at the meeting of PT licensee at 2:00 p.m. EST – Erik Bidinger.

B. Meeting Called to Order by C. David Edwards, Board Chair at 8:37 a.m. December 6, 2023. The meeting was conducted in-person and open to the public. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call; a quorum was present, as noted above. Renu Kasula was recognized by the Chair as present to the meeting at 8:40 a.m.

Conflict of Interest Reminder by the Chair

The Board Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, the Chair asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before

the Board today as required by NCGS 138A. No Board member indicated conflicts of interest with the business before the Board today.

C. Approval of the Minutes

V-041-'23 Passed Minutes September 13, 2023 [Attachment I]

Motion to approve draft Minutes of the Board Meeting held on September 13, 2023. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

V-042-'23 Passed Minutes Special Meeting September 25, 2023 [Attachment II]

Motion to approve draft Minutes of the Board Meeting held on September 25, 2023. *(Diehl)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

D. Applications for Review

- Pandit, Rupa – Foreign Educated PT applicant by Exam – The educational credentials provided were not substantially equivalent according to CWT#6 with deficiencies in general education and total credits. The applicant has completed all but 1.19 credits and completed the content requirements by submitting proof of completion. The applicant would be eligible for the NPTE with a completed substantially equivalent education (submission of proof of completion of deficiencies of 1.19 academic credits) and documentation of English proficiency as described in the Board rules and is eligible for licensure with a completed application once the exam is take and passed.

V-043-'23 Pandit, R – Foreign Educated PT applicant by Exam

- Motion to Approve the recommendation that with a completed substantially equivalent education (submission of proof of completion of deficiencies of 1.19 academic credits) and documentation of English proficiency as described in the Board rules, the Board approves eligibility for the NPTE exam and after the exam is passed and with a completed application, the applicant is eligible for licensure. *(Kesler)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

- Ukani, Y. Yogeshbhai – Foreign Educated PT applicant by Endorsement – The educational credentials are not substantially equivalent based on CWT#6. The applicant was deficient in professional educational content. The recommendation is that the applicant becomes eligible for licensure upon receipt of documentation of completion of educational deficiencies and a completed application for licensure.

V-044-'23 Ukani, Y. Yogeshbhai – Foreign Educated PT applicant by Endorsement

Motion to Approve the recommendation of the applicant eligibility for licensure upon receipt of documentation of completion of educational deficiencies and a completed application for licensure. (Hale)

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula
Members voting in the negative: None

- Yu-Lee, A – PTA Application for Exam Appeal – The applicant has taken the NPTE 6 times and failed each attempt. Her efforts for remediation include: PEAT and a beta test NPTE for PTAs and passed both. She has completed additional course work in an effort to improve areas of deficiency in exam failures. The recommendation is the applicant be allowed one additional attempt to take the NPTE exam upon resubmission of education credentials for review. Upon passing the NPTE the applicant is eligible for licensure with a completed application.

V-045-'23 Yu-Lee, A – Application for Exam Appeal

Motion to Approve the recommendation (Kesler)

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula
Members voting in the negative: None

- Ginsberg, L – PT Continuing Competence (CC) Exemption Request Form - Personal hardship. The licensee indicates a personal hardship in completion of her continuing competence activities for the reporting period ending January 1, 2024 due to long-term caring for family members on the west coast. She has not been working in PT since 2022. Extensive group discussion, which included Attorney Gadd reviewed Board rules pertaining to CC exemption for the Board Members. Additional discussion noted, licensees have 25 months to complete activities providing ample time for completion in general. In order to maintain an active license, licensees are required to maintain competence activities to practice. If an exemption is granted, it should be time limited given these circumstances.

V-046-'23 Ginsberg, L – Continuing Competence Exemption Request Form

Motion to Approve the request with the stipulation that the licensee must complete 30 continuing competence by August 1, 2024, (6 months after the close of the licensee's assigned continuing competence reporting period) and if not completed the license will be revoked. (Hale)

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula
Members voting in the negative: None

- ED verbally reviewed the Board Member application processing timelines. NC timelines, while appropriate for completion of a licensure application that is accurate and complete, are being perceived as lengthy based on public comment. The licensing staff communicates with both contacts for Board members to provide notice that applications are waiting for review. When the application sits without action for 5-7 days the staff needs to move the application to another member to be addressed timely if the Board member doesn't indicate when the application can be processed. Discussion between Board and Board Members on how to improve timeliness on processing applications. Board members offered assistance and suggestions.

E. Closed Session

V-047-'23 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 9:25 am, in accordance with GS 143-318.11 (a) (5) to engage in privileged communications with the Board's counsel. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula

Members voting in the negative: None

V-048-'23 Passed - Return to Open Session

Motion to return to Open Session at approximately 9:32 a.m. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula

Members voting in the negative: None

Approval of actions taken during the Closed Session

V-049-'23 Passed – Motion to approve Minutes from the Closed Session of September 13, 2023, as written. *(Kesler)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula

Members voting in the negative: None

V-050-'23 Passed – Motion to approve Minutes from the Closed Session of Special Meeting September 25, 2023, as written. *(Kesler)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl, Miner, Kasula

Members voting in the negative: None

V-051-'23 Passed – Motion to approve Directors and Officers Liability Insurance for 2024 *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula
Members voting in the negative: None

F. Responses from ED/DD to questions addressed at the previous Board Meeting [Attachments III-VI]

Responses to questions or posting on the website or in the Newsletter, by staff, approved by the Board at its prior meeting were included for review and reference:

- BCBS CPT Code Usage Question Response
- Dry Needling by PTAs – Dry Needling is not part of the PTA Scope of Practice, discussion continued in section G.
- Suctioning – Current response was provided, and PTA performance of suctioning is being researched and addressed by PPTF.
- Cupping – Updated response was added to the Board website and sent as a response to questions from licensees.

G. Scope of Practice Questions for Board Consideration/Public Protection Task Force (PPTF) [Attachment VII]

- **Public Protection Task Force update** – PPTF Chair Edwards and Ellen Roeber DD updated the Board from the Task Force meeting on November 28, 2023. Vision Therapy, PTAs and Joint Mobilization, PTAs and Suctioning, and Pre-payment of PT services are all ongoing topics for the PPTF.
- **Board Internal Policy – Continuing Competence Activities** – Both licensees and course providers have recently inquired about continuing competence activities for PT/PTA licensees that are not currently within their scope of practice in North Carolina. One example: A question was asked about continuing competence topics of dry needling, spinal manipulation/thrust manipulation, vestibular concussion, and Musculoskeletal Ultrasound being offered to PTAs. In the past the board has determined if it relates to the practice of Physical Therapy, then licensees are allowed to use that as a CC activity. The prior and current Board Attorney agree that continuing competence topics for licensees should not be limited by scope of practice as defined by the NC PT Practice Act and Board Rules. Other occupational licensing boards allow continuing educational courses on a variety of topics even when the courses aren't specifically in the licensee scope of practice. Extensive discussion amongst the Board members. The Board consensus is that an internal Board policy will be established advising licensees and the public that if a course meets the standard for continuing competence activities as defined by Board rules, then the course can be counted toward a licensee's continuing competence requirement. It is incumbent upon each licensee to abide by the NC PT Practice Act and Board rules related to scope of practice.
- **Perineural Dry Needling** – The Board definition of Dry Needling is based upon the Board's 2016 Declaratory Ruling and subsequent NC Supreme Court affirmation of that decision.

H. Attorney's Report- including potential legislation and regulatory education

General Attorney Update:

- A significant increase in the number of complaints have occurred in 2023 compared to prior years. With the increase in complaints the Investigative Committee (IC) has to waitlist licensees to attend informal meetings with the Investigative Committee.
- Continuing use of the CPEP courses has been helpful in addressing the violations. CPEP is expensive, which can be an issue for the licensee. EBAS is another remediation course with sufficient rigor the IC may begin using after vetting the materials and content.

Legislative Update:

- The NC General Assembly has been out of session since September 2023. No new update to provide.

Disciplinary Actions:

Licensee: Erik Bidinger, PT met with the Board at 2:00 p.m.

- Licensee (Bidinger) moved to North Carolina from Arizona (AZ) with pending disciplinary action. On May 4, 2023, the Board was notified of licensee discipline issued by AZ. The Board issued disciplinary action for the same violations when the Board voted 06-07-23 to issue probation for 6 months, require completion of approved continuing competence training activities and pay costs of the investigation. The licensee presented a timeline to Board of events surrounding disciplinary action and requested Board consider early termination of his probation based on his completion of the AZ CE requirements and meeting the other conditions of the NC probation. The licensee also reported insurance credentialing challenges in his current NC job due to the active probation related to his discipline. Gadd and ED confirmed the early termination of the AZ Board Consent Agreement and Order of Probation 7/25/2023. After answering all the Board member's questions and further Board discussion surrounding licensee's fulfillment of the AZ consent agreement and order of probation, motion was made to grant licensee's request.

V-052-'23 Disciplinary Action – Erik Bidinger, PT

Motion to terminate the probation early, effective December 6, 2023, for licensee Erik Bidinger from the Notice of Disciplinary Action taken in NC on June 7, 2023. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

Regulatory Training:

This topic was chosen for regulatory training as the majority of this Board served terms at least partially during COVID where meeting participation different from

current Open Meeting laws to the pandemic State of Emergency, an effort for Board Member understanding of current statutory requirements and to create a Board approved internal policy related to meeting attendance for clarity to all Board members and staff.

Training included review of:

- Open meetings law GS143-318.10 review – included in Board meeting orientation and will be emphasized with the 3 oncoming Board members with the expiration of the State of Emergency law.
- Public Notice requirements – Secretary of State must be updated prior to all Board Meetings being held.
- Attendance at Board meetings – Remotely – During the State of Emergency, “electronic meetings shall provide a link and information for public members to attend. “The Board discussed the requirements of the open meetings law in GS143-318.10 and compared it to Session Law 2020-3. Session Law 2020-3 applied during the State of Emergency only and ended on August 15, 2023. Based on the language of the open meeting law which currently applies, the Board should only have someone phone in if a quorum was already present. Discussed creating an internal policy under our Board Rules pertaining to remote voting being acceptable.
- Action post training: By consensus of the Board, Attorney Gadd and ED will create an internal policy regarding remote attendance that applies to Board Meetings and any meeting that is subject to the open meetings law.

I. Executive Director’s (ED) Update – [Attachments VIII-IX]

The Executive Director provided verbal updates including the following:

- Board Contact Information- ED requested Board members review for accuracy and contact the Office Administrator for any changes or updates.
- Current Licensees Count – Growth of 3%
- Strategic Plan- ED reviewed each category and updated Board members on progress.
- Consumer Protection Rating 2023 Q3 – FSBPT rating – A rating to help jurisdictions understand their compliance; ED explained why Board is showing yellow in one of three categories. Two reasons for this, first the compliance requirement does not align with current Board rules, and second, the disciplinary action is related to licensees signing and returning consent orders. The Investigative Committee will now change the process with consent orders to comply with FSBPTs standards. FSBPT will not review again for two years.
- Renewal 2024 Statistics – as of December 6, 2023, renewals were 5% ahead of the same date last year. Renewal email reminder and other improvements in Board communication may be related.
- NC Professionals Health Program - ED reported a 30% increase in mental health issues with healthcare professionals. The Board’s MOU already covers substance abuse participants and should be updated to include mental health participants. The money goes for an assessments and treatment plan for participants, licensees are able

to self-refer. After Board discussion members unanimously agreed the MOU should be amended.

V-053-'23 Amendment of NC PHP MOU with the Board

Motion to amend the NC PHP MOU per the ED's recommendation (*Kesler*)

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

- Telehealth Survey – request by the Kentucky Board of Physical Therapy; ED verbally collected answers from Board members to relay to the Kentucky Board ED.
- Use of Board Minimum Set (MDS)/SHEPS data– Presentation using SHEPS Data granted by the Board – PT and PTAs in NC Public Schools.
- Arney appointed to the FSBPT Workforce PT Cross Professional MDS (CPMDS) Task Force for 2024 – ED will also be recommending Board use of the CPMDS during license renewals for 2025.

J. Financial Update [Attachments X-XI]

The Financial Update was provided by Arney in the absence of Finance Manger, Joyce Tynes. The financial picture continues to be strong and stable. Depending on future consistent IT Expenses the need to review and update reserve categories may be appropriate. The Finance Manager will address this at a future meeting.

- Update – prepared by Joyce Tynes, Finance Manager
 - Profit and Loss FY 2023 compared to FY 2022 – The Finance Manager made notations on the document reviewed on larger category differences to provide more perspective for the Board. (i.e. more renewals, more revivals probably due to post covid, spending less than anticipated due to less contractors, credit card/processing fees higher than last year).
 - Profit and Loss Comparison to Budget – The Board is in a strong financial position.
 - Variance of budget to actual YTD FY 2023 – Variance notations on the document were reviewed.
 - Balance Sheet FY 2023 – The Balance sheet represents the strong financial position continues from 2022. The Reserve categories and amounts will be reviewed at a future meeting for potential update.
 - Annual Financial Audit FY 2023 – ED discussed a change in accounting for the lease to comply with GASB standards which occurred in 2022 which was corrected in this audit and completed as required for the FY 2023 audit. With the change in net position of approximately \$250,000, staff will make a recommendation for an amount to move money in the investments for Board approval in March.

K. Report from Deputy Director (DD) [Attachment XII]

- Report from DD - reviewed all sections of Deputy Director (DD) December Board report, highlighting communication and outreach efforts. The DD showed the Board the newest short video posted on the website for benefit of license holders, monthly newsletters and discussed

two recent continuing competence webinars that had 100-200 attendees.

L. Committee on Board Rules

- Update – Rules Committee Staff Update – In communication with APTA-NC regarding possible Practice Act changes that may affect rule recommendations. The DD is the rule making coordinator and will engage the Rules Committee as appropriate.
- Periodic Review Process – Rules are due August 2025
- Consideration of modernized language in the NC PT Practice Act:
 - Three major changes- insertion of standards of practice and prevailing PT practice, and deletion of the section on temporary permit to practice are being considered for Board approval.
 - These possible changes are common in other NC Occupational Licensing Board statutes and other jurisdictions PT statutes. Modernizing language to enable to the Board to better serve its mission of public protection is appropriate.

V-054-'23 Support the changes to the NC PT Practice Act [Attachment XIII]

Motion to approve/support the potential NC PT Practice changes. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Bernard, Diehl,
Miner, Kasula

Members voting in the negative: None

M. Committee on Information Technology

IT Update – A written update was provided by the IT Team

- IT team is very busy, and daily support is required for staff and licensees. Many website changes were accomplished with the personal dashboard.
- The IT inventory has been completed and will create efficiencies in managing equipment and supplies.
- IT will be purchasing 2 in 1 computers/tablets for the oncoming Board Members.
- IT staff is performing review and analysis to find possible efficiencies in service usage to reduce costs now that the Board has fully transitioned to the Cloud.
 - Sample Weekly Cost Report from Surya provided for review – October and November are staying steady at \$4,600 per month, working to cut costs starting with changing VPN mechanism. Board member discussion resulted with the assurance that current costs are in line with industry standards.
- IT Strategic Plan Update – A written update was provided for Board review. The Cloud migration required significant effort as anticipated and is now considered complete. The current focus is cost management and Cloud performance. Next, highest priority projects include: automation of the PT Compact (FSBPT API), which should increase Board office administrative efficiencies in PT Compact management and end user interface ease of use and implementation of internet soft phones (Voice over IP) that came with new Microsoft licenses.

N. Correspondence with Schools and Annual School Score Reports

- Updated PT/PTA Academic Programs – Contact list
 - New PTA Candidate for Accreditation – Central Carolina Community College has reached Candidacy for Accreditation status. Applicants from CCCC may be eligible for licensure with this status. Full accreditation should happen in the next 2 years. Federal law requires the Board to accept applicants for licensure of students graduating from programs with this status.
 - Tiffany Needham is the director at Central Carolina Community College and is the new PTA Board Member for the Board in 2024.
- Multi-school score reports are not functional at this time.
- 2024 Exam schedule and Board member notification for score days – an invite will be sent to Board members as a reminder to look for these dates on the ncptboard email accounts.
- School Presentations- DD goes over the licensure application process to help with soon to graduate students.
- School Communications- regular communication regarding educational curriculum related to scope of practice questions.

O. Prometric

- NPTE Comments submitted by Exam candidates / NC – Results for Q3 2023
 - Most of the feedback from the NC exam candidates is related to the testing environment. The Board reviewed NC customer satisfaction and staff was asked to find out what information goes into the percent satisfied other than post-exam survey responses. There is always room for improvement and additional information would be useful.

P. Ethics Commission

Reminders were issued to the Board members for the following:

- Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training <http://ethics.nc.gov/education>. See the compliance report for next date due.
- SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>
- Reminder invites will be sent to Board members ncptboard accounts for assistance in completing these required tasks timely.
- Ethics Compliance Report- reviewed with the Board.

Q. PT Compact Commission

Compact Update

- The Board ED will continue to be PT Compact Commission Chair for 2024
- Compact Compliance Reports – 90% compliance is the requirement for submitting at least weekly data sharing with FSBPT, use of FSBPT IDs and investigatory and disciplinary information. NC is 100% in the first 2 categories and 50% this quarter for

investigatory/disciplinary data. A report was sent to the PT Compact Commission Compliance Committee regarding the 50% status. NC disciplinary procedures are not the same as PT Compact and how it's being measured. Efforts to improve this percentage will be made as within state law compliance.

- Annual PT Compact Meeting – December 5, 2023 – held virtually. No significant changes were made to Rules or Bylaws at this meeting.
- PT Compact API – update – Board technology update will automatically put the PT Compact number into our system. This is next on the Board IT Department priority list.
- Letter sent by the PT Compact Commission to the NC Department of Insurance – Communicating with the state department of insurance to recognize NC PT compact privilege holders the same as NC PT/PTA licensees. All licensees and compact privilege holders can be verified in the Board licensee lookup tool.

R. Board Appointments 2023

2024 Board Appointments – New Member appointments anticipated for the term beginning January 1, 2024:

- Tiffany Needham, PTA
- Lisa Johnston, PT
- Jerri Shepard, PT

S. Submission of Reports to State etc. [Attachments XIV-XVI]

- BCBS Eligibility Audit for 2024 policy
- Ethics Liaison Expense Filing Q3 2023
- Request Q3 Disciplinary Actions Report – NC Medicaid – C. May
- APTA NC Report 2023
- Financial Audit Report - FY 2023
- Sheps Center Request for 2023
- Annual Report Submission for FY 2023
- NC Department of Commerce – Division of Employment Security
- Quarterly Wage and Tax report – Q3
- NC Department of Revenue Submission

T. Election of officers and FSBPT Delegates/Appointment of Standing Committee members

Information was provided to the Board in order to conduct Election of Officers and for Committee appointments for 2024 including:

- List of Orientation-Committees, Subcommittees, Advisory Panels, Task Forces:
- Roberts Rule of Order – Election of Officers
- Board Officer and Committee Roles Duties and Time Commitment
- Board Member Job Description and Tasks

Nominations were accepted and as there were single candidates for each were chosen by acclamation:

Chair of the Board – Leslie Kesler

Secretary-Treasurer – Jamie Miner

Terms for those elected begin January 1, 2024.

Chair appointments for Committees and Task Forces for 2024 were:

Investigative Committee– Jamie Miner

Public Protection Task Force – Leslie Kesler, Stephanie Bernard, Dr. Lee Diehl

Rules Committee- Leslie Kesler, Jamie Miner

Finance and Audit Committee- Renu Kasula and Secretary-Treasurer Miner

Executive Director of Performance Review Committee- Leslie Kesler

Strategic Planning Task Force- To be determined at the March 2024 Board Meeting

FSBPT Delegate- Jaime Miner

Alternate FSBPT Delegate- To be determined March 2024 Board meeting

U. Federation (FSBPT)

- Required FSBPT member portal for all members and those eligible wishing to participate in webinars and resources
- FSBPT Publications are available at this link: <https://www.fsbpt.org/News-Events/News>
- FSBPT Annual Meeting – October 19-21, 2023 Jacksonville, FL – attended by Board Chair, ED, and DD attended; ED and DD attended the CBA
- The virtual House of Delegates did not meet in 2023 due to no business agenda.

V. APTA NC & APTA

APTA NC

- APTA NC – November Newsletter was provided for review
- APTA NC October 2023 Meeting – ED attended business meeting and DD attended conference. Tiffany Needham, new Board appointee was elected to the APTA NC Board as PTA Director
- APTA NC Webinar Advertisement was shared for interest
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APTA

- APTA Advocacy Network Newsletter Oct. 2023- heavily promoting economic value of PT's.
- Information Bulletin: Release of Economic Value of PT Report was provided for information

W. Other regulatory Organizations –

- CLEAR
 - Opportunities for education are accessible on the Clear website, the Board is a member
 - ED was invited to be a speaker at the September 2024 meeting.

X. Credentialing Agencies

- No new report

Y. Correspondence from ED, Articles, etc.

- Concussion SOP- PT can't make these assessments, but licensees and the public are looking for that to change.

- Article shared with the Board by James Dunning, PT “NCPT Board accused of improperly defined Dry Needling”

Z. Dates and Locations for Future Meetings:

Upcoming Quarterly Board Meeting will be held at AIHF Conference Room 8300 Health Park, Raleigh, NC 27615.

Dates –Wednesdays:

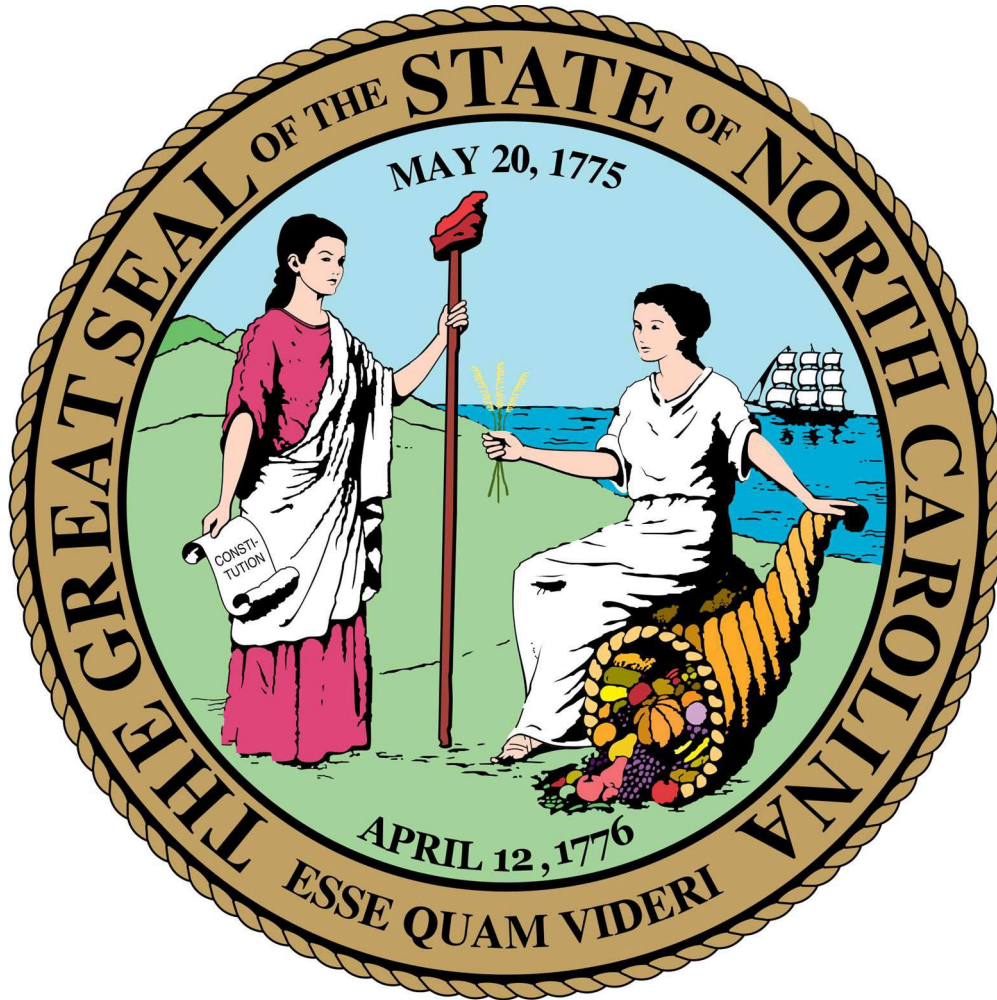
- March 6, 2024
- June 5, 2024
- September 18, 2024
- December 4, 2024

Adjourn

Meeting adjourned by C. David Edward, Chair at 2:34 PM

Emily Smith
Recording Secretary

Leslie Kesler, PT
Secretary-Treasurer



Attachment I

North Carolina Board of Physical Therapy Examiners
MINUTES
September 13, 2023
8300 Health Park, Conference Center
Raleigh, North Carolina 27615

Members Present:

C. David Edwards, PT, Chair
Leslie P. Kesler, PT, Secretary/Treasurer
Teresa Hale, PT
Jamie Miner, PT (remote participant)
Megan Wentz, PTA
Stephanie Bernard, PTA
Renu Kasula, CEO, Public Member (remote participant arrived 8:40 a.m.)
Lee Diehl, MD (remote participant)

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
David Nall, IT Manager: Contract Management and Infrastructure Support
Joyce Tynes, Finance Manager/Licensing Manager
Ellen Roeber, PT, Deputy Director

David C. Gadd, Board Attorney

Members Absent:

None

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)* All votes at this meeting will be completed by roll call.

A. Preliminary Matters

The Chair reviewed the agenda with the Board and by consensus re-ordered the agenda to prioritize motions. The Chair welcomed Jamie Miner, PT, back to the Board as a new Governor physical therapist appointee.

B. Meeting Called to Order by C. David Edwards, Board Chair for NCBPTE at 8:35 a.m. September 13, 2023. The meeting was conducted in-person with three (3) board members participating remotely for health reasons. The meeting was open to open to the public, noticed

in the Board office, on its website, and on the NC Secretary of State website calendar. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call. All Board members were present except for one remote Board member joining late, as noted above. A quorum was present.

Conflict of Interest Reminder by the Chair

David Edwards, Board Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, David Edwards asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Board today as required by NCGS 138A. No Board member indicated any conflicts of interest with the business before the Board today.

C. Approval of the Minutes

V-036-'23 Passed Minutes June 7, 2023 [Attachment I]

Motion to approve draft Minutes of the Board Meeting as written held on June 7, 2023.

(Kesler)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Diehl, Miner

Members voting in the negative: None

D. Applications for Review

Update to FE Educational Credentials - FCCPT advocates that applicants meet all of the content requirements as well as educational credits to be approved.

O'Farrell, Thomas – FE PT applicant by Exam – education not substantially equivalent based on an FCCPT educational credentials review. Additional information submitted by the applicant prior to the Sept. 13, 2023 Board meeting, demonstrated proof of completion of educational content and credit deficiencies. The applicant's education was deemed substantially equivalent. The ED recommends approving the applicant to be eligible for the NPTE and licensure upon submission of a completed application.

V-037-'23 O'Farrell, T – FE PT applicant by exam

Motion to approve ED recommendation *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Diehl, Miner

Members voting in the negative: None

- Haile, H. – Applicant for Exam Appeal – the applicant has previously taken the NPTE eleven (11) times without successfully passing. The Board reviewed the applicants' statement and application for exam appeal form. ED informed the Board that the applicant has submitted an incomplete application and documents for the Board to

consider. Ms. Haile does not have a current application on file with the Board and has not completed any remedial work, according to her personal statement. Attorney Gadd's informed the Board the military status would not affect the decision to approve or deny the appeal. The ED recommended the Board ask the applicant to submit a complete request, which includes a complete application and evidence of remedial work before Board re-consideration of her appeal application.

V-038 -'23 Haile, H – applicant for Exam appeal

Motion to approve ED recommendation (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

- Sharma, S – FE PT applicant by Exam – education not substantially equivalent based on an FCCPT educational credentials review. The applicant has educational deficiencies in professional education content. ED recommendation for Sharma to be eligible for Exam once educational deficiencies are completed and be approved for licensure in North Carolina pending a complete application.

V-039-'23 Sharma, S. – FE PT applicant by Exam

Motion to Approve ED recommendation (*Bernard*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

E. Closed Session

V-040-'23 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 8:56 am, in accordance with GS 143-318.11 (a) (5) to engage in privileged communications with the Board's counsel concerning Closed Session Minutes of Board Meetings and contracts for services to the Board. (*Hale*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	

None

During the closed session, the Board reviewed the closed session minutes from the June 7, 2023 meeting and considered responses to the request for proposal for the financial auditor for fiscal years 2024 – 2026.

V-041-'23 Passed - Return to Open Session

Motion to return to Open Session at approximately 9:19 a.m. *(Hale)*

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

Approval of actions during the Closed Session

V-042-'23 Passed – Motion to approve Minutes from the Closed Session of June 7, 2023, as written and approve the Financial Auditor Contract for the Fiscal Years 2024-2026. *(Hale)*

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

F. Responses from ED/DD to questions addressed at the previous Board Meeting

The following responses and actions were taken by the Board staff after the June Board meeting in follow up to the Board actions:

- MSK US – Response to licensee based on PPTF recommendations—Response attached for informational purposes. Current response will replace the 2019 scope of practice response on Board website. Licensees and the public will be notified through newsletter and website communication.
- Cupping –Updated response based on PPTF recommendations—Response for informational purposes and discussion. No discussion and no concerns from the Board therefore licensee will be sent updated response. Current response will replace the 2016 scope of practice response on Board website. Licensees and the public will be notified through newsletter and website communication.
- PTA Scope of Practice – Topical medications Lymphedema and Wound Care— Response for informational purposes. Response already posted on scope of practice page on Board website.
- DN Students on clinicals—Addressed in PPTF and with DN position statement which the Board will have opportunity to review and discuss later in agenda. An example of the continued questions received by ED/DD on regular basis concerning DN.

G. Scope of Practice Questions for Board Consideration/Public Protection Task Force (PPTF) [Attachments II-IV]

Public Protection Task Force update – David Edwards, Chair of the PPTF and Ellen Roeber DD updated the Board on the following topics from the Task Force meeting on August 24, 2023.

- Position Statements – This is a summary statement describing the purpose and role of position statements in occupational regulation. Board reviewed and discussed.

Hale, Bernard, Edwards, and Kessler spoke in favor of the statement. PPTF recommends the Board adopt this position statement for licensee clarification.

V-043-'23 Position Statements in Regulation of PT/PTA Practice [Attachment II]

Motion to accept the Position on Position Statements (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Dry Needling – Position Statement – PPTF, after many meetings and discussion, refined this position statement to present to the full Board for review and discussion. PPTF recommendation is adoption of the new position statement to address ongoing licensee and public requests for clarification and information concerning the physical therapy practice of dry needling. Discussion was had regarding licensee requests for stricter guidelines, the value of the Board recommendations for advanced training as it pertains to dry needling, and appreciation for the multiple resources utilized to create the position statement. Further discussion was had regarding preferring position statements over having to go to Board rules and Practice Act to locate information about a specific topic. No concerns brought by Board members regarding adoption of the position statement.

V-044-'23 Dry Needling Position Statement [Attachment III]

Motion to accept the dry needling position statement as presented. (*Bernard*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Informed consent – PPTF created this regulatory statement to better inform licensees and the general public of the importance of informed consent in physical therapy practice. Discussion was had on the following topics:
 - Reference to “prevailing” standards of practice.
 - The importance of the statement for accountability and clarity for licensees.
 - Experience on the Investigative Committee where a document outlining the relevance of the Practice Act and Board rules to informed consent expectations would have been beneficial.
 - Adding JE questions concerning informed consent.
 - Experience from guest lecturing on regulatory topics for a PT academic educational program and learning this program highlights the importance of informed consent for every practical student exam.
 - The accessibility of a singular document being important for licensees.

V-045-'23 Informed Consent Regulatory Spotlight Document [Attachment IV]

Motion to accept the informed consent statement. (*Wentz*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Suctioning – ED received a question regarding whether it is in the scope of practice for “PTA’s [to] do suctioning?” When considering questions of scope of practice the Board first refers to the rule on “Permitted Practice” 21 NCAC 48 C. .0101. Of the 11 PTA programs in NC, 4 responded to ED inquiry and reported suctioning not taught or practically performed. One response offered strong evidence it is being performed in practice in some setting. The response from the NC Respiratory Care Board was also considered. Board members familiar with the long-term care setting agreed with the performance in certain settings. Board members also discussed differences in types of suctioning and patient risk with suctioning vs not being suctioned. Due to multi-faceted concerns, ED recommended tasking the PPFT to create a statement by the December board meeting. The Board unanimously agreed.

Overall the PPTF topics discussed, the Board expressed their thanks to Deputy Director Roeber for her thorough and enthusiastic work with the PPTF and bringing several topics to fruition that have been discussed at length.

H. Attorney’s Report- including potential legislation and regulatory education

General Attorney Update –

- Gadd reported having full agendas for Investigative Committee meetings. A lot of complaints concerning fraudulent billing in relation to billing what is being performed. Gadd reported more prevalent with PTA’s and home health. Pressures from employers and productivity expectations are influencing behavior. The Investigative Committee is continuing to use the PROBE ethics and boundary violation course. Gadd shared that a licensee wrote him stating it was the best professional course they completed.

Legislative Update—Bill tracking of Bills with possible impact on the Board

- None of the bills discussed at the last Board meeting, June 7, 2023, have moved out of committee. (House bill, 63, 567, 576, 819)
- OSBM (Office of the State Budget and Management) is still working on the budget.

Board Member Regulatory Training:

- Statutory requirement for Board Application review – The Practice Act, G.S. 90-270-90, lays out requirements for an application to be reviewed. G.S. 150B and G.S 93B apply to authorized Boards to issue licenses. D. Gadd states it is extremely important for the Board to review the applicants based on the Practice Act and the General Statutes. The Board rules 21 NCAC 48a and 48b dictate what documents are necessary for the different types of applicants. Gadd, ED, and Licensing Manager walked Board members through the example documents for discussion and questions. Communicated the turnaround time for Board approval is 5-10 business days plus up to 2 additional days for Board staff to

complete the licensure process. Accuracy, timeliness, and consistency are of utmost importance.

- Scope of Practice Board discussions and considerations – Gadd discussed the Scope of Practice PEER review tool and the fact that while the tool should not be used exclusively to determine whether a topic is within the scope of practice, it is very to help identify the issues which should be considered in the analysis. Gadd pointed out most scope of practice questions come via email and are often the subject of PPTF meetings. Gadd cautioned the Board to never be in a hurry to answer questions and generally speaking, if a licensee cannot find the answer in the Practice Act or Board Rules, then the Board should take their time in providing a response. Gadd gave an example of using the PEER review tool and advised Board and PPTF discussion and consideration is the most valuable tool. Both Gadd and ED encouraged all Board members to voice their opinions and experiences and appreciate the diversity in both.

Disciplinary Actions: None

I. Executive Director's (ED) Update – [Attachments V-VI]

The Executive Director provided verbal updates including the following:

- Board Contact Information - please update this with staff if needed.
- Current Licensees Count – Growth of 3.88% during the last quarter; related to a large July exam participation.
- Strategic Plan – Will be reorganizing the document to show the completed, in progress, and planning phase of each goal.
- Request from BCBS – NC PT Scope of Practice related to use of Evaluation and Management Codes. Extensive discussion by Board members and discussions regarding avoiding making a statement on coding. A similar situation with a payer and APTA where the discussion was to not take a position was discussed. In some instances, PT's are currently using Physical Medicine and Rehabilitation Evaluation codes. Gadd cautioned the Board to comment only using PT Practice Act and Board Rules. Further discussion regarding issues with billing and whether the Board should remain silent and allow the payer to determine their own policy. Board members and ED agree that it is good to have a positive relationship with payers, therefore the ED will respond to BCBS with Board consensus.
- Is DPT a protected term in North Carolina? - The Board will be publishing an article written by Board Attorney Gadd.
- Indiana AG request for information related to the breach – Notice from Indiana

AG office that the matter is closed. The State Farm Cyber Insurance claim is now closed with all actions complete.

- Consumer Protection Rating 2023 Q2 – FSBPT rating, historically the NC Board was 100% compliant with all reporting categories. This current report shows less than 100% in reporting disciplinary data. Arney is investigating the change with FSBPT staff; however, delays in licensee’s responding with signed consent orders may be the cause. Gadd / Arney have suggested a process change that should improve this score. Arney will report back with new information.
- Board Office Lease – Update – Rebranding and signage occurring shortly.
- Cyber Insurance Quotes - Final update will be given at the December Board meeting.

J. Financial Update [Attachments VII-X]

- Update - Joyce Tynes, Finance Manager – Financial Report
 - **Profit and Loss FY 2023** compared to FY 2022 – review by Tynes. Results as expected and consistent; not a lot of variation year to year, easier to budget. Increased revenue is primarily due to an increase in renewals/revivals and less contractor expenses. (Decreased from 2 to 1 IT contractors)
 - **Balance Sheet FY 2023** – reviewed by Tynes and balance sheet is solid. Working on the audit now. There are a few tweaks, and the cash is earmarked. The asset base is getting older and older; 2018 office furniture is almost completely depreciated. Asset change is primarily computer replacements. Recent introduction is the lease asset category; liability for lease payments over the next 5 years. Most of the equity is still in place. When net income increases the equity increases. Will review reallocation after the audit is complete and will present at the December meeting.
 - **Comparison budget to actual YTD FY 2023** - Very little volatility. Budget hedged on part-time temporary help, and higher travel planned, which did not happen. For Professional fees, Board staff needed a consultant on Board Rules, Debbie Ragan has filled that role, so favorable here as well. Income is about \$100,000 more than projected. IT expenses are the major changes, running on the high side of the estimate. Arney, Tynes, and Nall explained the move to the cloud and the two-step process. Nall discussed the IT transition and Tynes relayed the effects on the budget. Tynes discussed the potential loss from the transition to the cloud and removed the Board about the reserves and that this IT project has been planned and approved by the Board. Due to the additional expenses Tynes requested the Board approve the revisions in the budget.

V-046-'23 Revised 2023 – 2024 Budget [Attachment X]

Motion to accept the Revised 2023-2024 Budget (*Hale*)

Members voting in the affirmative:

Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative:

None

K. Report from Deputy Director (DD) -[Attachment XI]

- Report from DD
- The DD highlighted communication and IT since taking on newer roles. Monthly newsletters are going well and have been well received. Kim Jackson has played a big roll with content and formatting. Kesler suggested DD engage the public/licensees in newsletter content. Discussed this being done by way of tracking trends in questions, complaints, etc. Social media is being explored. Other state, healthcare occupational licensing boards have been generous in sharing their resources and experiences. This month DD with assistance of IT and office staff will be doing voice-over videos for revival instruction ahead of renewal season. Then, in October, a live webinar will be scheduled on the topic of continuing competence (also ahead of renewal season). DD now in role of IT coach/manager therefore involved in Cloud transition and other IT projects. A lot of testing this quarter to prepare the Cloud move and other projects.

L. Committee on Board Rules

- **Update** – Rules Committee Staff Update – recommendation made by ED to follow Administrative Procedures Act (APA)
- **Periodic Review Preparation** - ED discussed the plan for the deep dive into all the rules, and the criteria in question “Does every rule have statutory authority?”. Other rules will need to be modernized. Great opportunity to look at every single rule. Periodic review used to be every 10 years but has been moved up for NCBPTE and scheduled August 2025. The Practice Act may also require changes rather than rules. The Board will be very involved in the rule review and proposed changes. The Board should expect rule review content every Board meeting. Ellen Roeber (DD and current rule making coordinator), Debbie Ragan (prn staff member and former rule making coordinator), Kathy Arney (ED) and David Gadd (Board attorney) will create an excel for Board review over the next year.

M. Committee on Information Technology - [Attachment XII]

- IT Update -
 - Person One Project and Cloud Migration highlighted in IT update. No discussion or concerns from the Board.
- Board member and Board staff transition to the Cloud and “MDM” security -
 - Nall provided each Board member with a packet of information for review of proposed internal policy change and IT agreement. Nall explained improving the Board security posture is the driver behind the changes. The major changes for Board members and Board staff to consider is the addition of Intune and

only using Board Issued devices to conduct all Board business, including Board email addresses. The acceptable use policy will manage how Board issued devices and Board information is handled going forward. Nall stated he will connect individually with the Board members to conduct the transition by September 27, 2023. As a result of this policy change the security score for NCBPTE is expected to increase to at least 80%. (Security score has already increased from 34% to 66% since working with Surya)

- Nall discussed with the Board the plan to exchange PC laptops for Microsoft Surface Pro's to increase convenience when conducting Board business. The board was receptive to this change.
- Board Member Technology Inventory - will be done via David Nall through remote communication with Board Members.
- Sample Weekly Cost report from Surya – was discussed in the financial update.
- IT Strategic Plan – 2023-2024 - Two current big projects for Q3 &4 are the Cloud Migration and renewal preparation. The plan is aligned with the Board Strategic Plan for FY2024. Board members had the opportunity to discuss and ask questions.

N. Correspondence with Schools and Annual School Score Reports

Documents provided for review and reference:

- Pass rate (2023) for NC PT and PTA Schools (as of August 28, 2023)
- Pass rate (2022) for NC PT and PTA Schools (as of August 28, 2023)
- Pass rate (2021) for NC PT and PTA schools (as of August 28, 2023)
- Pass rate (2020) for NC PT and PTA schools (as of August 28, 2023)
- 2023 Exam Schedule and Board member notification for score days – ED recommends to the Board to add the dates to their calendar and be on the lookout for a higher volume of applications.
- School Presentations
- School Communications

O. Prometric - [Attachment XIII] provided for review and reference:

- NPTE Comments submitted by Exam candidates / NC
- Customer Satisfaction (results for First Quarter 2023)

P. Ethics Commission [Attachment XIV]

- Reminders were issued to the Board members for the following:
 - Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training <http://ethics.nc.gov/education>
 - SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>

- Ethics Compliance Report – was reviewed with the Board and reminders for compliance were stated by the ED

Q. PT Compact Commission [Attachment XV]

- Compact Update –
 - Special PT Compact Commission Meeting to Adopt Rules and Bylaws Amendments was held. New rules and bylaws are in effect.
 - \$20 / Privilege cost being received
 - JE 30-day requirement implemented for PT Compact privilege holders
- Compact Compliance Reports – new report for Q2 2023 indicate ongoing NC PT Board compliance.
- Upcoming – Annual PT Compact Meeting – TBD – virtual December 5, 2023 from 2-4pm
- PT Compact API - a way to properly fill in expiration dates, will come after the cloud migration.

R. Board Appointments 2023

- 2024 Board Appointments – Terms Ending
 - 2 PT Board members — 2 Current Board members are not eligible for reappointment and term is ending.
 - 1 PTA Board member – 1 Current Board member is eligible for reappointment and term is ending.
- APTA NC ballot
- 2023 Board Appointments
 - 1 PT – Jamie Miner, PT

S. Submission of Reports to State etc. [Attachments XVI-XVIII]

- Ethics Liaison Expense Filing Q2 2023
- Request Q2 Disciplinary Actions Report – NC Medicaid – P. Gill
- NC Child Support Services – Submission
- Secretary of State FY 2022-2023 Appointments and Gender report
- NC OSBM – Collection Cost for Civil Penalties, Fines and Forfeitures
- Retirement Plan – annual policy fiduciary liability (Travelers) and audit information request
- Office of State Controller FY 2023 – Self Assessment of Internal Control Questionnaire/Certification Form submitted
- Quarterly Wage and Tax report – Q2
- Response to request for an agency contact from NC industrial Commission – Catherine Ittermann – Director Employee Classification
- NC Medicaid – Provider Reverification Suspensions – request notification sent to

all PT providers via August Newsletter 2023

T. Election of officers and FSBPT Delegates/Appointment of Standing Committee members

- List as of June 7, 2023 – will be updated after this meeting and reviewed in December for the upcoming year.
- Appointment of Investigative Committee Member – Jamie Miner, PT by Chair Edwards

U. Federation (FSBPT)

- NEW required FSBPT Member Portal – webinar sign up and member information
- FSBPT Publications – Links – <https://www.fsbpt.org/News>
- FSBPT Annual Meeting – CBA report will be filed when requested
- Annual FSBPT Education meeting October 18-21, 2023 Jacksonville, FL – Megan Wentz, PTA, needs to check the calendar, David Edwards, Chair, will attend and Jamie Miner, PT will know by Friday. Staff – DD and ED will attend.
- FSBPT Delegate Assembly - Virtual Required attendance David Edwards, PT Delegate; Leslie Kesler, PT Alternate Delegate
- FSBPT Leadership Issues Forum (LIF) - July 15-16, 2023 Arlington, VA Arney attended
- Model Practice Act Workshop - July 17, 2023 Arlington, VA - Arney attended with APTA NC President Mary Kay Hannah, PT, DPT
 - Came out with a new version of model Practice PT Act
 - Discussed with Mary Kay Hannah about how to include prevailing physical therapy practice (using Informed Consent as an example) into the NC PT Practice Act –other NC healthcare license practice acts were explored and found to include the prevailing practice language.
- FSBPT ELDD Video - Debbie Ragan, PT, DPT, Board prn employee, agreed to serve as a video participant - 08-30-23. She was thanked by FSBPT for her participation.

V. APTA NC & APTA

- APTA Meeting – October 13-14 2023, Elon NC – Deputy Director will attend
- Webinar Series – go to APTANC.org for listing may require membership for access

W. Other regulatory Organizations –

- CLEAR- ED reminded the Board of training opportunities through this organization given the Board’s membership. Staff will obtain log ins for Board members.

X. Credentialing Agencies

- FCCPT – no new updates
- IERF – Director of Evaluations, Emily Tse, Retirement

Y. Correspondence from ED, Articles, etc.

- Medicaid Expansion – will NOT launch October 1, 2023
- Talking about power imbalances – Kristina Lounsberry – Sexual boundary violations

article that may be of interest to Board members

Z. Dates and Locations for Future Meetings:

Upcoming Quarterly Board Meetings will be held at AIHF Conference Room 8300 Health Park, Raleigh, NC 27615. The final quarterly meeting of the Board is scheduled for Wednesday, December 6, 2023. Quarterly Board Meeting dates for 2024 were approved by Board members were selected as follows:

- Plan on Wednesday's and adjust as needed when new members are appointed:
March 6, 2024
June 5, 2024
September 18, 2024
December 4, 2024

Adjourn

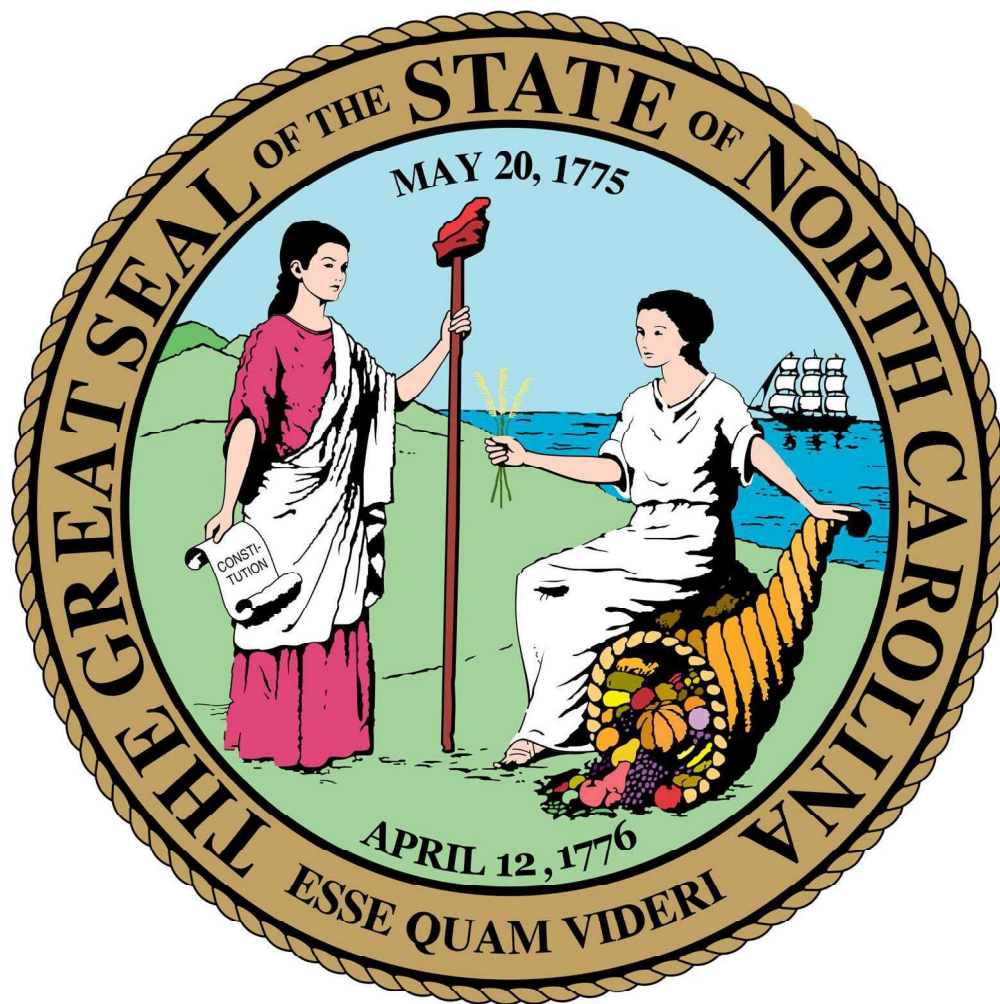
Meeting adjourned by C. David Edward, Chair at 1:47p.m.



Emily Smith
Recording Secretary



Leslie Kesler, PT
Secretary Treasurer



Attachment I

North Carolina Board of Physical Therapy Examiners
MINUTES – Draft 3
June 7, 2023
8300 Health Park, Conference Center
Raleigh, North Carolina 27615

Members Present:

C. David Edwards, PT, Chair
Leslie P. Kesler, PT, Secretary/Treasurer
Teresa Hale, PT
Megan Wentz, PTA
Stephanie Bernard, PTA – (remote participation)
Renu Kasula, Public Member
Lee Diehl, MD

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
David Nall, IT Systems Administrator
Joyce Tynes, Finance Manager/Licensing Manager
Ellen Roeber, PT, Deputy Director

David C. Gadd, Board Attorney

Members Absent:

Angela Diaz, PT (resigned) Open Position: (1) PT awaiting Governor appointment.

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)*

A. Preliminary Matters

The Chair recognized the two new Board Members, Lee Diehl, MD and Renu Kasula, Public Member, attending their first Board meeting in 2023.

Public Members present – Andrew Osborne

B. Meeting Called to Order by C. David Edwards, Board Chair for NCBPTE at 8:38 a.m. June 7, 2023. The meeting was conducted in-person and open to the public. Board Member Stephanie Bernard participated remotely. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call; all members were present, a quorum, as noted above.

Conflict of Interest Reminder by the Chair

David Edwards, Board Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, Chair Edwards asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Board today as required by NCGS 138A. No Board member indicated conflicts of interest with the business before the Board.

C. Approval of the Minutes

V-014-'23 Passed Board Meeting Minutes March 8, 2023 [Attachment I]

Motion to approve draft Minutes of the Board Meeting held on March 8, 2023. *(Kesler)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

D. Applications for Review

- Cruz, R – FEPT applicant by endorsement – education not substantially equivalent, recommendation by ED to be licensed with complete application and satisfactory completion of educational deficiencies

V-015-'23 Cruz, R – FE PT applicant by endorsement – Educational credentials not substantially equivalent

Motion to Approve ED recommendation *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Peeters, L – FEPT applicant by endorsement – education not substantially equivalent based on a recent educational credentials review

Additional information submitted by the applicant prior to the June 7, 2023 Board meeting, including a prior educational credentials review deemed substantially equivalent, the ED recommends approving the educational credentials and eligibility for licensure upon submission of a completed application.

V-016-'23 Peeters, L – FEPT applicant by endorsement

Motion to Approve ED recommendation *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Rawat, M – FEPT applicant by endorsement – education not substantially equivalent, ED recommends licensure with complete application and satisfactory completion of educational deficiencies: one humanities course and one social sciences course or passing score on CLEP Exam

V-017-'23 Rawat, M – FEPT applicant by endorsement

Motion to Approve ED recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Osborne, A – PTA Applicant by Endorsement – Criminal History – Andrew Osborne was present for review of his application and criminal history records; Gadd presented the applicant and disclosure of prior criminal history. The applicant spoke on his own behalf, with the board asking questions and receiving clarification. He reported completing remedial training required and has had no criminal behavior since this incident. After board discussion, a motion was made.

V-018-'23 Osborne, A – PTA applicant by endorsement

Motion to Approve licensure application (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Salvia J. – PTA Applicant by endorsement – disciplinary action by another licensure Board. Gadd presented new information received since application was discussed at the March board meeting; KY PT licensure board reported applicant voluntarily surrendering her license prior to completing disciplinary recommendations. KY also disclosed a similar complaint in Indiana regarding the licensee. Board discussion followed. The disciplinary history in KY was recent and is also a violation of NC law. The applicant has an opportunity to appeal this decision by the Board.

V-019 -'23 Salvia, J. – PTA applicant by endorsement

Motion to Deny licensure application (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Patterson, JP – PTA Exam Applicant – Criminal History- Gadd presented criminal history information about the applicant; Applicant did not disclose his prior history based on a misunderstanding his record had been expunged, when in fact he was pardoned by the Governor of Virginia. Board discussion followed. The criminal behavior was over 20 years ago, the applicant completed required remediation and has had no history of discipline against

his license or criminal behavior since.

V-020-'23 Patterson, JP – PTA Exam Applicant

Motion to Approve licensure application (*Hale*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Barbee, L – Revival by 500 hours – Deputy Director Roeber presented a completed revival by 500 hour plan and proof of completion of the requirements for revival. DD recommended approval of licensure revival based on complete application and applicant meeting requirements of revival by 500 hours as outlined in the board approved plan.

V-021-'23 Barbee, L – Revival by 500 hours

Motion to approve DD recommendation (*Megan Wentz*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Mandanas, V –TOEFL requirement, licensee was inadvertently licensed before TOEFL confirmed; the applicant submitted a 2005 TOEFL which did not meet the Board current English proficiency requirements; He was notified he needed to complete a recent TOEFL iBT within 90 days to complete his application. He complied with the board’s request to repeat the TOEFL and the score was one point shy of passing; due to his 20+ year work history in New Jersey and New York and board staff communication on multiple occasions without issue, the Board was asked to consider approving his English proficiency. The Board discussed the English proficiency requirement and circumstances of the inadvertent licensure.

V-022-'23 Mandanas, V – FEPT TOEFL Requirement

Motion that PT remains licensed in NC (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Gulati, B – FEPT applicant by endorsement – education not substantially equivalent, applicant is missing 4.78 credit hours, however no content deficits identified on the educational credentials review. The applicant is currently enrolled in a transitional DPT program scheduled for completion in summer 2023. ED recommended the board approve the educational credentials and applicant be eligible for licensure upon submission of a completed application.

V-023-'23 Gulati, B – FEPT applicant by endorsement

Motion to Approve ED recommendation (*Wentz*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

E. Closed Session

V-024-'23 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 9:23 am, in accordance with GS 143-318.11 (a) (1), (5) and (6) to engage in privileged communications with the Board’s counsel concerning Closed Session Minutes of Board Meetings, personnel matters and contracts for services to the Board. (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

V-025-'23 Passed - Return to Open Session

Motion to return to Open Session at approximately 10:37 a.m. (*Leslie Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

Approval of actions during the Closed Session

V-026-'23 Passed – Motion to approve actions discussed in closed session including:

- **Minutes from the Closed Session of the March 8, 2023, as written**
- **IT contract with Surya Technologies effective July 1, 2023**
- **Board office organizational chart restructuring [Attachments]**
- **Effective July 1, 2023 salary increase and bonus compensation for the Executive Director for performance in 2022** (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

F. Responses from ED/DD to questions addressed at the previous Board Meeting [Attachment II-VI]

Questions addressed at the March 8, 2023 Board meeting were sent to individuals posing the questions as follows: EKG, Pediatric Feeding, Scope of Practice questions will be updated with PTA scope of practice statement.

North Carolina Board of Physical Therapy Examiners
MINUTES
September 13, 2023
8300 Health Park, Conference Center
Raleigh, North Carolina 27615

Members Present:

C. David Edwards, PT, Chair
Leslie P. Kesler, PT, Secretary/Treasurer
Teresa Hale, PT
Jamie Miner, PT (remote participant)
Megan Wentz, PTA
Stephanie Bernard, PTA
Renu Kasula, CEO, Public Member (remote participant arrived 8:40 a.m.)
Lee Diehl, MD (remote participant)

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
David Nall, IT Manager: Contract Management and Infrastructure Support
Joyce Tynes, Finance Manager/Licensing Manager
Ellen Roeber, PT, Deputy Director

David C. Gadd, Board Attorney

Members Absent:

None

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)* All votes at this meeting will be completed by roll call.

A. Preliminary Matters

The Chair reviewed the agenda with the Board and by consensus re-ordered the agenda to prioritize motions. The Chair welcomed Jamie Miner, PT, back to the Board as a new Governor physical therapist appointee.

B. Meeting Called to Order by C. David Edwards, Board Chair for NCBPTE at 8:35 a.m. September 13, 2023. The meeting was conducted in-person with three (3) board members participating remotely for health reasons. The meeting was open to open to the public, noticed

in the Board office, on its website, and on the NC Secretary of State website calendar. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call. All Board members were present except for one remote Board member joining late, as noted above. A quorum was present.

Conflict of Interest Reminder by the Chair

David Edwards, Board Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, David Edwards asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Board today as required by NCGS 138A. No Board member indicated any conflicts of interest with the business before the Board today.

C. Approval of the Minutes

V-036-'23 Passed Minutes June 7, 2023 [Attachment I]

Motion to approve draft Minutes of the Board Meeting as written held on June 7, 2023.

(Kesler)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Diehl, Miner

Members voting in the negative: None

D. Applications for Review

Update to FE Educational Credentials - FCCPT advocates that applicants meet all of the content requirements as well as educational credits to be approved.

O'Farrell, Thomas – FE PT applicant by Exam – education not substantially equivalent based on an FCCPT educational credentials review. Additional information submitted by the applicant prior to the Sept. 13, 2023 Board meeting, demonstrated proof of completion of educational content and credit deficiencies. The applicant's education was deemed substantially equivalent. The ED recommends approving the applicant to be eligible for the NPTE and licensure upon submission of a completed application.

V-037-'23 O'Farrell, T – FE PT applicant by exam

Motion to approve ED recommendation *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Diehl, Miner

Members voting in the negative: None

- Haile, H. – Applicant for Exam Appeal – the applicant has previously taken the NPTE eleven (11) times without successfully passing. The Board reviewed the applicants' statement and application for exam appeal form. ED informed the Board that the applicant has submitted an incomplete application and documents for the Board to

consider. Ms. Haile does not have a current application on file with the Board and has not completed any remedial work, according to her personal statement. Attorney Gadd's informed the Board the military status would not affect the decision to approve or deny the appeal. The ED recommended the Board ask the applicant to submit a complete request, which includes a complete application and evidence of remedial work before Board re-consideration of her appeal application.

V-038 -'23 Haile, H – applicant for Exam appeal

Motion to approve ED recommendation (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

- Sharma, S – FE PT applicant by Exam – education not substantially equivalent based on an FCCPT educational credentials review. The applicant has educational deficiencies in professional education content. ED recommendation for Sharma to be eligible for Exam once educational deficiencies are completed and be approved for licensure in North Carolina pending a complete application.

V-039-'23 Sharma, S. – FE PT applicant by Exam

Motion to Approve ED recommendation (*Bernard*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

E. Closed Session

V-040-'23 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 8:56 am, in accordance with GS 143-318.11 (a) (5) to engage in privileged communications with the Board's counsel concerning Closed Session Minutes of Board Meetings and contracts for services to the Board. (*Hale*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	

None

During the closed session, the Board reviewed the closed session minutes from the June 7, 2023 meeting and considered responses to the request for proposal for the financial auditor for fiscal years 2024 – 2026.

V-041-'23 Passed - Return to Open Session

Motion to return to Open Session at approximately 9:19 a.m. *(Hale)*

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

Approval of actions during the Closed Session

V-042-'23 Passed – Motion to approve Minutes from the Closed Session of June 7, 2023, as written and approve the Financial Auditor Contract for the Fiscal Years 2024-2026. *(Hale)*

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Miner, Diehl, Kasula
Members voting in the negative:	None

F. Responses from ED/DD to questions addressed at the previous Board Meeting

The following responses and actions were taken by the Board staff after the June Board meeting in follow up to the Board actions:

- MSK US – Response to licensee based on PPTF recommendations—Response attached for informational purposes. Current response will replace the 2019 scope of practice response on Board website. Licensees and the public will be notified through newsletter and website communication.
- Cupping –Updated response based on PPTF recommendations—Response for informational purposes and discussion. No discussion and no concerns from the Board therefore licensee will be sent updated response. Current response will replace the 2016 scope of practice response on Board website. Licensees and the public will be notified through newsletter and website communication.
- PTA Scope of Practice – Topical medications Lymphedema and Wound Care— Response for informational purposes. Response already posted on scope of practice page on Board website.
- DN Students on clinicals—Addressed in PPTF and with DN position statement which the Board will have opportunity to review and discuss later in agenda. An example of the continued questions received by ED/DD on regular basis concerning DN.

G. Scope of Practice Questions for Board Consideration/Public Protection Task Force (PPTF) [Attachments II-IV]

Public Protection Task Force update – David Edwards, Chair of the PPTF and Ellen Roeber DD updated the Board on the following topics from the Task Force meeting on August 24, 2023.

- Position Statements – This is a summary statement describing the purpose and role of position statements in occupational regulation. Board reviewed and discussed.

Hale, Bernard, Edwards, and Kessler spoke in favor of the statement. PPTF recommends the Board adopt this position statement for licensee clarification.

V-043-'23 Position Statements in Regulation of PT/PTA Practice [Attachment II]

Motion to accept the Position on Position Statements (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Dry Needling – Position Statement – PPTF, after many meetings and discussion, refined this position statement to present to the full Board for review and discussion. PPTF recommendation is adoption of the new position statement to address ongoing licensee and public requests for clarification and information concerning the physical therapy practice of dry needling. Discussion was had regarding licensee requests for stricter guidelines, the value of the Board recommendations for advanced training as it pertains to dry needling, and appreciation for the multiple resources utilized to create the position statement. Further discussion was had regarding preferring position statements over having to go to Board rules and Practice Act to locate information about a specific topic. No concerns brought by Board members regarding adoption of the position statement.

V-044-'23 Dry Needling Position Statement [Attachment III]

Motion to accept the dry needling position statement as presented. (*Bernard*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Informed consent – PPTF created this regulatory statement to better inform licensees and the general public of the importance of informed consent in physical therapy practice. Discussion was had on the following topics:
 - Reference to “prevailing” standards of practice.
 - The importance of the statement for accountability and clarity for licensees.
 - Experience on the Investigative Committee where a document outlining the relevance of the Practice Act and Board rules to informed consent expectations would have been beneficial.
 - Adding JE questions concerning informed consent.
 - Experience from guest lecturing on regulatory topics for a PT academic educational program and learning this program highlights the importance of informed consent for every practical student exam.
 - The accessibility of a singular document being important for licensees.

V-045-'23 Informed Consent Regulatory Spotlight Document [Attachment IV]

Motion to accept the informed consent statement. (*Wentz*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative: None

- Suctioning – ED received a question regarding whether it is in the scope of practice for “PTA’s [to] do suctioning?” When considering questions of scope of practice the Board first refers to the rule on “Permitted Practice” 21 NCAC 48 C. .0101. Of the 11 PTA programs in NC, 4 responded to ED inquiry and reported suctioning not taught or practically performed. One response offered strong evidence it is being performed in practice in some setting. The response from the NC Respiratory Care Board was also considered. Board members familiar with the long-term care setting agreed with the performance in certain settings. Board members also discussed differences in types of suctioning and patient risk with suctioning vs not being suctioned. Due to multi-faceted concerns, ED recommended tasking the PPFT to create a statement by the December board meeting. The Board unanimously agreed.

Overall the PPTF topics discussed, the Board expressed their thanks to Deputy Director Roeber for her thorough and enthusiastic work with the PPTF and bringing several topics to fruition that have been discussed at length.

H. Attorney’s Report- including potential legislation and regulatory education

General Attorney Update –

- Gadd reported having full agendas for Investigative Committee meetings. A lot of complaints concerning fraudulent billing in relation to billing what is being performed. Gadd reported more prevalent with PTA’s and home health. Pressures from employers and productivity expectations are influencing behavior. The Investigative Committee is continuing to use the PROBE ethics and boundary violation course. Gadd shared that a licensee wrote him stating it was the best professional course they completed.

Legislative Update—Bill tracking of Bills with possible impact on the Board

- None of the bills discussed at the last Board meeting, June 7, 2023, have moved out of committee. (House bill, 63, 567, 576, 819)
- OSBM (Office of the State Budget and Management) is still working on the budget.

Board Member Regulatory Training:

- Statutory requirement for Board Application review – The Practice Act, G.S. 90-270-90, lays out requirements for an application to be reviewed. G.S. 150B and G.S 93B apply to authorized Boards to issue licenses. D. Gadd states it is extremely important for the Board to review the applicants based on the Practice Act and the General Statutes. The Board rules 21 NCAC 48a and 48b dictate what documents are necessary for the different types of applicants. Gadd, ED, and Licensing Manager walked Board members through the example documents for discussion and questions. Communicated the turnaround time for Board approval is 5-10 business days plus up to 2 additional days for Board staff to

complete the licensure process. Accuracy, timeliness, and consistency are of utmost importance.

- Scope of Practice Board discussions and considerations – Gadd discussed the Scope of Practice PEER review tool and the fact that while the tool should not be used exclusively to determine whether a topic is within the scope of practice, it is very to help identify the issues which should be considered in the analysis. Gadd pointed out most scope of practice questions come via email and are often the subject of PPTF meetings. Gadd cautioned the Board to never be in a hurry to answer questions and generally speaking, if a licensee cannot find the answer in the Practice Act or Board Rules, then the Board should take their time in providing a response. Gadd gave an example of using the PEER review tool and advised Board and PPTF discussion and consideration is the most valuable tool. Both Gadd and ED encouraged all Board members to voice their opinions and experiences and appreciate the diversity in both.

Disciplinary Actions: None

I. Executive Director's (ED) Update – [Attachments V-VI]

The Executive Director provided verbal updates including the following:

- Board Contact Information - please update this with staff if needed.
- Current Licensees Count – Growth of 3.88% during the last quarter; related to a large July exam participation.
- Strategic Plan – Will be reorganizing the document to show the completed, in progress, and planning phase of each goal.
- Request from BCBS – NC PT Scope of Practice related to use of Evaluation and Management Codes. Extensive discussion by Board members and discussions regarding avoiding making a statement on coding. A similar situation with a payer and APTA where the discussion was to not take a position was discussed. In some instances, PT's are currently using Physical Medicine and Rehabilitation Evaluation codes. Gadd cautioned the Board to comment only using PT Practice Act and Board Rules. Further discussion regarding issues with billing and whether the Board should remain silent and allow the payer to determine their own policy. Board members and ED agree that it is good to have a positive relationship with payers, therefore the ED will respond to BCBS with Board consensus.
- Is DPT a protected term in North Carolina? - The Board will be publishing an article written by Board Attorney Gadd.
- Indiana AG request for information related to the breach – Notice from Indiana

AG office that the matter is closed. The State Farm Cyber Insurance claim is now closed with all actions complete.

- Consumer Protection Rating 2023 Q2 – FSBPT rating, historically the NC Board was 100% compliant with all reporting categories. This current report shows less than 100% in reporting disciplinary data. Arney is investigating the change with FSBPT staff; however, delays in licensee’s responding with signed consent orders may be the cause. Gadd / Arney have suggested a process change that should improve this score. Arney will report back with new information.
- Board Office Lease – Update – Rebranding and signage occurring shortly.
- Cyber Insurance Quotes - Final update will be given at the December Board meeting.

J. Financial Update [Attachments VII-X]

- Update - Joyce Tynes, Finance Manager – Financial Report
 - **Profit and Loss FY 2023** compared to FY 2022 – review by Tynes. Results as expected and consistent; not a lot of variation year to year, easier to budget. Increased revenue is primarily due to an increase in renewals/revivals and less contractor expenses. (Decreased from 2 to 1 IT contractors)
 - **Balance Sheet FY 2023** – reviewed by Tynes and balance sheet is solid. Working on the audit now. There are a few tweaks, and the cash is earmarked. The asset base is getting older and older; 2018 office furniture is almost completely depreciated. Asset change is primarily computer replacements. Recent introduction is the lease asset category; liability for lease payments over the next 5 years. Most of the equity is still in place. When net income increases the equity increases. Will review reallocation after the audit is complete and will present at the December meeting.
 - **Comparison budget to actual YTD FY 2023** - Very little volatility. Budget hedged on part-time temporary help, and higher travel planned, which did not happen. For Professional fees, Board staff needed a consultant on Board Rules, Debbie Ragan has filled that role, so favorable here as well. Income is about \$100,000 more than projected. IT expenses are the major changes, running on the high side of the estimate. Arney, Tynes, and Nall explained the move to the cloud and the two-step process. Nall discussed the IT transition and Tynes relayed the effects on the budget. Tynes discussed the potential loss from the transition to the cloud and removed the Board about the reserves and that this IT project has been planned and approved by the Board. Due to the additional expenses Tynes requested the Board approve the revisions in the budget.

V-046-'23 Revised 2023 – 2024 Budget [Attachment X]

Motion to accept the Revised 2023-2024 Budget (*Hale*)

Members voting in the affirmative:

Edwards, Kesler, Hale, Wentz,
Bernard, Miner, Diehl, Kasula

Members voting in the negative:

None

K. Report from Deputy Director (DD) -[Attachment XI]

- Report from DD
- The DD highlighted communication and IT since taking on newer roles. Monthly newsletters are going well and have been well received. Kim Jackson has played a big roll with content and formatting. Kesler suggested DD engage the public/licensees in newsletter content. Discussed this being done by way of tracking trends in questions, complaints, etc. Social media is being explored. Other state, healthcare occupational licensing boards have been generous in sharing their resources and experiences. This month DD with assistance of IT and office staff will be doing voice-over videos for revival instruction ahead of renewal season. Then, in October, a live webinar will be scheduled on the topic of continuing competence (also ahead of renewal season). DD now in role of IT coach/manager therefore involved in Cloud transition and other IT projects. A lot of testing this quarter to prepare the Cloud move and other projects.

L. Committee on Board Rules

- **Update** – Rules Committee Staff Update – recommendation made by ED to follow Administrative Procedures Act (APA)
- **Periodic Review Preparation** - ED discussed the plan for the deep dive into all the rules, and the criteria in question “Does every rule have statutory authority?”. Other rules will need to be modernized. Great opportunity to look at every single rule. Periodic review used to be every 10 years but has been moved up for NCBPTE and scheduled August 2025. The Practice Act may also require changes rather than rules. The Board will be very involved in the rule review and proposed changes. The Board should expect rule review content every Board meeting. Ellen Roeber (DD and current rule making coordinator), Debbie Ragan (prn staff member and former rule making coordinator), Kathy Arney (ED) and David Gadd (Board attorney) will create an excel for Board review over the next year.

M. Committee on Information Technology - [Attachment XII]

- IT Update -
 - Person One Project and Cloud Migration highlighted in IT update. No discussion or concerns from the Board.
- Board member and Board staff transition to the Cloud and “MDM” security -
 - Nall provided each Board member with a packet of information for review of proposed internal policy change and IT agreement. Nall explained improving the Board security posture is the driver behind the changes. The major changes for Board members and Board staff to consider is the addition of Intune and

only using Board Issued devices to conduct all Board business, including Board email addresses. The acceptable use policy will manage how Board issued devices and Board information is handled going forward. Nall stated he will connect individually with the Board members to conduct the transition by September 27, 2023. As a result of this policy change the security score for NCBPTE is expected to increase to at least 80%. (Security score has already increased from 34% to 66% since working with Surya)

- Nall discussed with the Board the plan to exchange PC laptops for Microsoft Surface Pro's to increase convenience when conducting Board business. The board was receptive to this change.
- Board Member Technology Inventory - will be done via David Nall through remote communication with Board Members.
- Sample Weekly Cost report from Surya – was discussed in the financial update.
- IT Strategic Plan – 2023-2024 - Two current big projects for Q3 &4 are the Cloud Migration and renewal preparation. The plan is aligned with the Board Strategic Plan for FY2024. Board members had the opportunity to discuss and ask questions.

N. Correspondence with Schools and Annual School Score Reports

Documents provided for review and reference:

- Pass rate (2023) for NC PT and PTA Schools (as of August 28, 2023)
- Pass rate (2022) for NC PT and PTA Schools (as of August 28, 2023)
- Pass rate (2021) for NC PT and PTA schools (as of August 28, 2023)
- Pass rate (2020) for NC PT and PTA schools (as of August 28, 2023)
- 2023 Exam Schedule and Board member notification for score days – ED recommends to the Board to add the dates to their calendar and be on the lookout for a higher volume of applications.
- School Presentations
- School Communications

O. Prometric - [Attachment XIII] provided for review and reference:

- NPTE Comments submitted by Exam candidates / NC
- Customer Satisfaction (results for First Quarter 2023)

P. Ethics Commission [Attachment XIV]

- Reminders were issued to the Board members for the following:
 - Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training <http://ethics.nc.gov/education>
 - SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>

- Ethics Compliance Report – was reviewed with the Board and reminders for compliance were stated by the ED

Q. PT Compact Commission [Attachment XV]

- Compact Update –
 - Special PT Compact Commission Meeting to Adopt Rules and Bylaws Amendments was held. New rules and bylaws are in effect.
 - \$20 / Privilege cost being received
 - JE 30-day requirement implemented for PT Compact privilege holders
- Compact Compliance Reports – new report for Q2 2023 indicate ongoing NC PT Board compliance.
- Upcoming – Annual PT Compact Meeting – TBD – virtual December 5, 2023 from 2-4pm
- PT Compact API - a way to properly fill in expiration dates, will come after the cloud migration.

R. Board Appointments 2023

- 2024 Board Appointments – Terms Ending
 - 2 PT Board members — 2 Current Board members are not eligible for reappointment and term is ending.
 - 1 PTA Board member – 1 Current Board member is eligible for reappointment and term is ending.
- APTA NC ballot
- 2023 Board Appointments
 - 1 PT – Jamie Miner, PT

S. Submission of Reports to State etc. [Attachments XVI-XVIII]

- Ethics Liaison Expense Filing Q2 2023
- Request Q2 Disciplinary Actions Report – NC Medicaid – P. Gill
- NC Child Support Services – Submission
- Secretary of State FY 2022-2023 Appointments and Gender report
- NC OSBM – Collection Cost for Civil Penalties, Fines and Forfeitures
- Retirement Plan – annual policy fiduciary liability (Travelers) and audit information request
- Office of State Controller FY 2023 – Self Assessment of Internal Control Questionnaire/Certification Form submitted
- Quarterly Wage and Tax report – Q2
- Response to request for an agency contact from NC industrial Commission – Catherine Ittermann – Director Employee Classification
- NC Medicaid – Provider Reverification Suspensions – request notification sent to

all PT providers via August Newsletter 2023

T. Election of officers and FSBPT Delegates/Appointment of Standing Committee members

- List as of June 7, 2023 – will be updated after this meeting and reviewed in December for the upcoming year.
- Appointment of Investigative Committee Member – Jamie Miner, PT by Chair Edwards

U. Federation (FSBPT)

- NEW required FSBPT Member Portal – webinar sign up and member information
- FSBPT Publications – Links – <https://www.fsbpt.org/News>
- FSBPT Annual Meeting – CBA report will be filed when requested
- Annual FSBPT Education meeting October 18-21, 2023 Jacksonville, FL – Megan Wentz, PTA, needs to check the calendar, David Edwards, Chair, will attend and Jamie Miner, PT will know by Friday. Staff – DD and ED will attend.
- FSBPT Delegate Assembly - Virtual Required attendance David Edwards, PT Delegate; Leslie Kesler, PT Alternate Delegate
- FSBPT Leadership Issues Forum (LIF) - July 15-16, 2023 Arlington, VA Arney attended
- Model Practice Act Workshop - July 17, 2023 Arlington, VA - Arney attended with APTA NC President Mary Kay Hannah, PT, DPT
 - Came out with a new version of model Practice PT Act
 - Discussed with Mary Kay Hannah about how to include prevailing physical therapy practice (using Informed Consent as an example) into the NC PT Practice Act –other NC healthcare license practice acts were explored and found to include the prevailing practice language.
- FSBPT ELDD Video - Debbie Ragan, PT, DPT, Board prn employee, agreed to serve as a video participant - 08-30-23. She was thanked by FSBPT for her participation.

V. APTA NC & APTA

- APTA Meeting – October 13-14 2023, Elon NC – Deputy Director will attend
- Webinar Series – go to APTANC.org for listing may require membership for access

W. Other regulatory Organizations –

- CLEAR- ED reminded the Board of training opportunities through this organization given the Board’s membership. Staff will obtain log ins for Board members.

X. Credentialing Agencies

- FCCPT – no new updates
- IERF – Director of Evaluations, Emily Tse, Retirement

Y. Correspondence from ED, Articles, etc.

- Medicaid Expansion – will NOT launch October 1, 2023
- Talking about power imbalances – Kristina Lounsberry – Sexual boundary violations

article that may be of interest to Board members

Z. Dates and Locations for Future Meetings:

Upcoming Quarterly Board Meetings will be held at AIHF Conference Room 8300 Health Park, Raleigh, NC 27615. The final quarterly meeting of the Board is scheduled for Wednesday, December 6, 2023. Quarterly Board Meeting dates for 2024 were approved by Board members were selected as follows:

- Plan on Wednesday's and adjust as needed when new members are appointed:
March 6, 2024
June 5, 2024
September 18, 2024
December 4, 2024

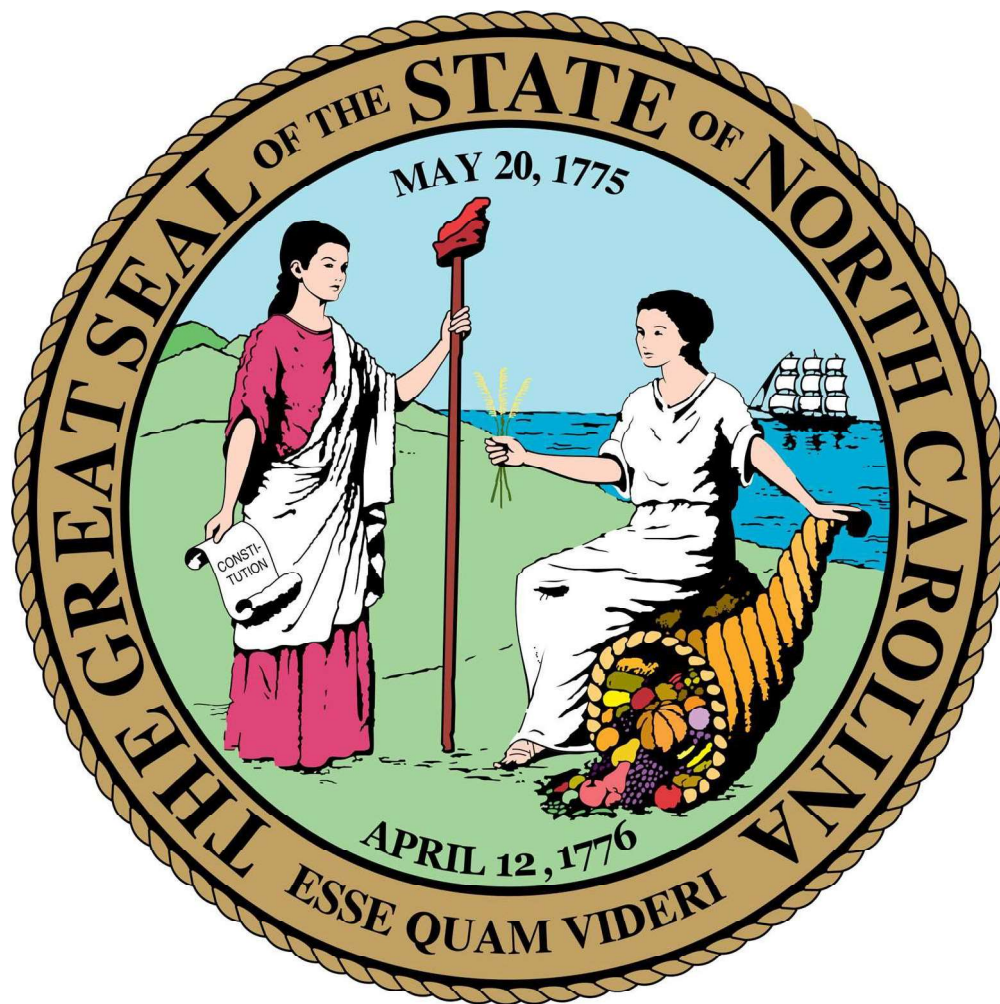
Board Member License upgrades and Security upgrades – Mandatory—Nall will schedule with each Board member individually before September 27, 2023.

Adjourn

Meeting adjourned by C. David Edward, Chair at 1:47p.m.

Emily Smith
Recording Secretary

Leslie Kesler, PT
Secretary Treasurer



Attachment I

North Carolina Board of Physical Therapy Examiners
MINUTES – Draft 3
June 7, 2023
8300 Health Park, Conference Center
Raleigh, North Carolina 27615

Members Present:

C. David Edwards, PT, Chair
Leslie P. Kesler, PT, Secretary/Treasurer
Teresa Hale, PT
Megan Wentz, PTA
Stephanie Bernard, PTA – (remote participation)
Renu Kasula, Public Member
Lee Diehl, MD

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
David Nall, IT Systems Administrator
Joyce Tynes, Finance Manager/Licensing Manager
Ellen Roeber, PT, Deputy Director

David C. Gadd, Board Attorney

Members Absent:

Angela Diaz, PT (resigned) Open Position: (1) PT awaiting Governor appointment.

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)*

A. Preliminary Matters

The Chair recognized the two new Board Members, Lee Diehl, MD and Renu Kasula, Public Member, attending their first Board meeting in 2023.

Public Members present – Andrew Osborne

B. Meeting Called to Order by C. David Edwards, Board Chair for NCBPTE at 8:38 a.m. June 7, 2023. The meeting was conducted in-person and open to the public. Board Member Stephanie Bernard participated remotely. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call; all members were present, a quorum, as noted above.

Conflict of Interest Reminder by the Chair

David Edwards, Board Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, Chair Edwards asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Board today as required by NCGS 138A. No Board member indicated conflicts of interest with the business before the Board.

C. Approval of the Minutes

V-014-'23 Passed Board Meeting Minutes March 8, 2023 [Attachment I]

Motion to approve draft Minutes of the Board Meeting held on March 8, 2023. (*Kesler*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard,
Kasula, Diehl

Members voting in the negative: None

D. Applications for Review

- Cruz, R – FEPT applicant by endorsement – education not substantially equivalent, recommendation by ED to be licensed with complete application and satisfactory completion of educational deficiencies

V-015-'23 Cruz, R – FE PT applicant by endorsement – Educational credentials not substantially equivalent

Motion to Approve ED recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard,
Kasula, Diehl

Members voting in the negative: None

- Peeters, L – FEPT applicant by endorsement – education not substantially equivalent based on a recent educational credentials review

Additional information submitted by the applicant prior to the June 7, 2023 Board meeting, including a prior educational credentials review deemed substantially equivalent, the ED recommends approving the educational credentials and eligibility for licensure upon submission of a completed application.

V-016-'23 Peeters, L – FEPT applicant by endorsement

Motion to Approve ED recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard,
Kasula, Diehl

Members voting in the negative: None

- Rawat, M – FEPT applicant by endorsement – education not substantially equivalent, ED recommends licensure with complete application and satisfactory completion of educational deficiencies: one humanities course and one social sciences course or passing score on CLEP Exam

V-017-'23 Rawat, M – FEPT applicant by endorsement

Motion to Approve ED recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Osborne, A – PTA Applicant by Endorsement – Criminal History – Andrew Osborne was present for review of his application and criminal history records; Gadd presented the applicant and disclosure of prior criminal history. The applicant spoke on his own behalf, with the board asking questions and receiving clarification. He reported completing remedial training required and has had no criminal behavior since this incident. After board discussion, a motion was made.

V-018-'23 Osborne, A – PTA applicant by endorsement

Motion to Approve licensure application (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Salvia J. – PTA Applicant by endorsement – disciplinary action by another licensure Board. Gadd presented new information received since application was discussed at the March board meeting; KY PT licensure board reported applicant voluntarily surrendering her license prior to completing disciplinary recommendations. KY also disclosed a similar complaint in Indiana regarding the licensee. Board discussion followed. The disciplinary history in KY was recent and is also a violation of NC law. The applicant has an opportunity to appeal this decision by the Board.

V-019 -'23 Salvia, J. – PTA applicant by endorsement

Motion to Deny licensure application (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Patterson, JP – PTA Exam Applicant – Criminal History- Gadd presented criminal history information about the applicant; Applicant did not disclose his prior history based on a misunderstanding his record had been expunged, when in fact he was pardoned by the Governor of Virginia. Board discussion followed. The criminal behavior was over 20 years ago, the applicant completed required remediation and has had no history of discipline against

his license or criminal behavior since.

V-020-'23 Patterson, JP – PTA Exam Applicant

Motion to Approve licensure application (*Hale*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Barbee, L – Revival by 500 hours – Deputy Director Roeber presented a completed revival by 500 hour plan and proof of completion of the requirements for revival. DD recommended approval of licensure revival based on complete application and applicant meeting requirements of revival by 500 hours as outlined in the board approved plan.

V-021-'23 Barbee, L – Revival by 500 hours

Motion to approve DD recommendation (*Megan Wentz*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Mandanas, V –TOEFL requirement, licensee was inadvertently licensed before TOEFL confirmed; the applicant submitted a 2005 TOEFL which did not meet the Board current English proficiency requirements; He was notified he needed to complete a recent TOEFL iBT within 90 days to complete his application. He complied with the board’s request to repeat the TOEFL and the score was one point shy of passing; due to his 20+ year work history in New Jersey and New York and board staff communication on multiple occasions without issue, the Board was asked to consider approving his English proficiency. The Board discussed the English proficiency requirement and circumstances of the inadvertent licensure.

V-022-'23 Mandanas, V – FEPT TOEFL Requirement

Motion that PT remains licensed in NC (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

- Gulati, B – FEPT applicant by endorsement – education not substantially equivalent, applicant is missing 4.78 credit hours, however no content deficits identified on the educational credentials review. The applicant is currently enrolled in a transitional DPT program scheduled for completion in summer 2023. ED recommended the board approve the educational credentials and applicant be eligible for licensure upon submission of a completed application.

V-023-'23 Gulati, B – FEPT applicant by endorsement

Motion to Approve ED recommendation (*Wentz*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

E. Closed Session

V-024-'23 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 9:23 am, in accordance with GS 143-318.11 (a) (1), (5) and (6) to engage in privileged communications with the Board’s counsel concerning Closed Session Minutes of Board Meetings, personnel matters and contracts for services to the Board. (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

V-025-'23 Passed - Return to Open Session

Motion to return to Open Session at approximately 10:37 a.m. (*Leslie Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

Approval of actions during the Closed Session

V-026-'23 Passed – Motion to approve actions discussed in closed session including:

- **Minutes from the Closed Session of the March 8, 2023, as written**
- **IT contract with Surya Technologies effective July 1, 2023**
- **Board office organizational chart restructuring [Attachments]**
- **Effective July 1, 2023 salary increase and bonus compensation for the Executive Director for performance in 2022** (*Kesler*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

F. Responses from ED/DD to questions addressed at the previous Board Meeting [Attachment II-VI]

Questions addressed at the March 8, 2023 Board meeting were sent to individuals posing the questions as follows: EKG, Pediatric Feeding, Scope of Practice questions will be updated with PTA scope of practice statement.

- EKG Monitoring/Interpretation
- Developing PTA Program Question: CAPTE Candidacy vs. accreditation status for licensure approval
- Position Statement 6 Performance of Medical Procedures Requested of PT licensees in Healthcare Settings - Revision – update to Pulse Oximetry
- PTA Scope of Practice – PTA Educators questions
- Pediatric Feeding and Pediatric PT Scope of Practice questions

G. Scope of Practice Questions for Board Consideration/Public Protection Task Force (PPTF)

Public Protection Task Force – Update - David Edwards, PPTF Chair and Ellen Roeber DD updated the Board on the following topics from the Task Force meeting on April 6, 2023.

- PTA Scope of Practice Statement – After PPTF consensus the following statement is brought before the board for review. If approved the statement will be included, as appropriate, in future position statements and scope of practice responses. Accurate, consistent, and concise communications is the goals for PTA statement.

V-027-'23 PTA Scope of Practice Statement [Attachment VII]

Motion to adopt the PTA scope of practice statement (*Hale*)

Members voting in the affirmative:	Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative:	None

The DD will update the EKG and Pediatric Feeding and Pediatric Scope of Practice questions will be updated with the PTA scope of practice statement and posted on the Board website for reference.

- Dry Needling – PPTF explored three different options for clarifying the practice of dry needling for licensees and the public. Consensus was to continue to identify alternatives for clarification of dry needling that are efficient and effective for dissemination and posting on the Board website. Dry needling training and clarification remain on the agenda for the upcoming June PPTF meeting.
- Informed consent – the topic of informed consent and methods to clarify it as part of the contemporary scope of PT practice are being considered for efficient and effective for dissemination and posting on the Board website and inclusion in regulatory training provided by staff. The PPTF will continue discussion on this topic.
- Imaging – the APTA NC or other individual or entity may propose legislation to update the NC PT Practice Act for PTs to have the authority to order imaging as part of their scope of practice.

Scope of Practice questions and responses discussed by the Board:

- Dry needling - students on clinicals – Licensee presented question to the board about PT students performing dry needling while on clinical rotation. Draft response based on the Board’s current scope of practice responses posted on the board website for dry needling, pelvic health (b/c both dry needling and pelvic health are both considered advanced skills), and advanced training. Board discussion surrounding duly-trained students (PT students who are licensed athletic trainers) being able to perform dry needling if their current training and professional license supports the skill performance. Clarity provided by attorney and seasoned Board members that regulation by the PT Board is for licensees only (PTs and PTAs) and that other licensed professionals are governed by their respective practice acts. As a result, student PTs, regardless of their background and other licenses, are regulated by the NC PT Practice Act and Board Rules while on clinical rotation. Dry needling is an agenda item for the upcoming June PPTF meeting, therefore student performance will specifically be addressed.
- MSK Ultrasound and PT scope of practice – Licensee requested the board to reconsider the scope of practice response to the MSK ultrasound. Extensive research on topic of MSK US presented by DD to Board for consideration. The Board discussed the topic at length. The licensee received a response advising that this topic will be on June PPTF agenda. PPTF will reconsider previous board response regarding use of ultrasound with biofeedback prior to issuing a more formal scope of practice response.
- PTA scope of practice – topical medications lymphedema and wound care- Licensee presented question to the board and draft response reviewed. Board approved draft response, board staff will communicate with licensee and post response on board website.
- Informed consent- Extensive discussion surrounding informed consent as currently defined in physical therapy standards of practice. Gadd explained the board’s statutory authority in addressing informed consent complaints. Informed consent is on the PPFT June meeting agenda. An interpretive statement and other avenues for licensee awareness will be explored, including but not limited to content related to jurisprudence exercises.
- Cupping – referred to PPTF for review – after question from licensee determined that scope of practice response needs to be updated.

H. Attorney’s Report- including potential legislation and regulatory education

General Attorney Update

- CPEP- Gadd provided education to the Board regarding how courses offered by CPEP are utilized by the Board especially in cases where there is a violation or potential violation of the NC PT Practice Act and Board rules. CPEP is a non-profit organization that offers intensive education services regarding ethics and topics in healthcare regulatory compliance to healthcare professionals. The Board has utilized the *Boundaries & Ethics Course* that

affords licensees the opportunity to remediate and rehabilitate rather than be subject to Board discipline alone. NC licensees who have completed this course have done so due to deception, unlicensed practice, sexual and non-sexual boundary issues, failure in supervisory responsibilities, etc. Positive feedback has been received both from licensees and investigative committee members.

Legislative Update—bill tracking due to possible impact on the Board.

- HB 576 – requires health care practitioners to wear a badge with their full name and type of license. If health care professionals did not, they would be guilty of unprofessional activity. There is an update for the advertising requirement. Passed House and currently in Senate.
- HB 819 – Medical Ethics Defense Act. Bill that defines conscience and protects medical providers and other health care entities from discrimination and liability related to decisions made due to conscience. Bill currently in committee; has not passed either chamber.
- HB 117 – Modify Administrative Law Provisions. Impacts rulemaking. Monitoring.
- HB 557 NC Healing Arts Commission – New occupational licensing board for reflexologists, music therapists, and naturopathic doctors. Surprised at introduction of a bill to create another occupational licensing board.

Disciplinary Actions:

- Bidinger, E – PT Licensee – Disciplinary action issued against the licensee in another state- Gadd submits this violation is also a violation of the NC Practice Act and NC Board Rules. Gadd’s recommendation is that the board accepts and imposes the same disciplinary actions as Arizona. Licensee would be required to submit proof of completion to the Board. Gadd will communicate with licensee.

V-028-’23 - Bidinger, E – PT Licensee – Disciplinary action in another state-
Motion to approve Gadd recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative: None

- Scott, J – PT Suspended License – New disciplinary action review- Gadd reports licensee violated his previous consent order issued by the Board September 14, 2022. Licensee admitted to the Investigative Committee that he applied for a job, worked in long-term care and home health, and submitted a fraudulent renewal card to his employer. The Investigative Committee reviewed violation and recommended suspension of license for 36 months, completion of recommend treatment, and not be eligible for licensure until a practice evaluation is completed (as approved by the Board).

V-029-’23 - Scott, Julian, PT Suspended License – new disciplinary action review –
Motion to approve investigative committee recommendation (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative: None

I. Executive Director's (ED) Update – [Attachment VIII-IX]

The Executive Director provided verbal updates including the following:

- Board Contact Information – requested Board Members to review and update contact information outside of their board email address. Survey completed.
- Current Licensees Count – as of 5/16/23 14,428; 2.8% increase which is consistent with this time of year and expected as there have been fewer changes to classes sizes and numbers of PT PTA programs in NC graduating students.
- Reference – Staff Photo Roster included in board meeting materials for board meeting reference, updated version to come.
- Strategic Plan – ED met with Strategic planning task force and thanked Bernard and Kesler for their participation and contributions. Highlights included: automating office calendar, need for soft phones, operations- electronically documenting all process documents and training, outreach and education, physical therapy practice and licensure – streamlining PT Compact, initiate Board rules committee.

V-030-'23 Strategic Plan proposal FY 2024 –

Motion to adopt the Strategic Planning Task Force proposed plan for FY2024 (*Hale*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Request for information from Florida AG Office – ED and Attorney have corresponded as needed regarding the outage
- FBI On-site Audit – William Shriver – meeting with ED, Debbie Ragan, and FBI auditor, audit was successful.
- Board Office Lease – Update – Rebranding and signage
- Board History Update – Updated 2021, 2022, and 2023 bullet points; will be posted on the Board website.
- New Medical Board CEO – Thom Mansfield – Thom Mansfield -

J. Financial Update [Attachment X-XI]

- Update - Joyce Tynes, Finance Manager provided the updated to the Board - In summary, nothing unexpected is occurring with the financials. Staff is exploring changing credit card processor (to PNC from BluePay) which would save significantly in processing fees.
 - Profit and Loss FY 2023 – Results as expected.
 - Balance Sheet FY 2023 – The balance sheet remains strong.
 - Working on reviewing documentation for the PNC investment account and once documents are approved, the plan is to move money there by September, for an improved rate over current investments.
 - Finance and Audit Committee
 - Minutes from Finance and Audit Committee for May 23, 2023 were reviewed
 - Financial Recommendations – FY 2024 – discussion regarding seeking a legislative fee increase was deferred until next year. The Board is currently at the legislative maximum for charging fees.

V-031 -'23 Extend Auditor RFP applications and recommendations FY 2024-2026 until September 13, 2023

Motion to approve extension for auditor RFP application receipt and decision until September 13, 2023 Board Meeting (*Kesler*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

V-032-'23 Increase compact fee by \$20

Motion to approve NC PT Compact fee increase - \$20.00 proposed by Tynes (*Wentz*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- PTO – hardship and payouts – proposal and revision of Employment Personnel Policy Manual wording

Policy Considerations from Staff Request

PTO Policies and proposed change in the EPPM are as follows:

Language below would replace the identified paragraph in the EPPM (accrual table remains).

All employees hired before July 1, 2017, may accrue a maximum of 480 hours per fiscal year

(12 weeks annually). All employees hired after July 1, 2017, may accrue a maximum of 320 hours (8 weeks annually). PTO accrual does not exceed beyond the maximum.

An employee may request one (1) PTO payout annually, up to 80 hours, in a fiscal year (July 1 – June 30) and maintain a PTO balance of no less than 100 hours.

V-033-'23 Passed – Approve revision of PTO Payout policy for all eligible employees once per fiscal year.

Motion to approve PTO policy change as outlined above. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative: None

- Recommendation for approval of FY 2024 budget – include IT managed Services Contract

V-034-'23 Passed – Approval of Proposed Budget for FY 2024 including updates for ED compensation approved during the Closed Session.

Motion to approve the proposed FY2024 budget with updates approved during closed session. *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Review of Designated Reserves – no changes are necessary at this time.

K. Report from Deputy Director (DD) [Attachment XII]

- Update – Continuing Competence Audits are not complete, but all licensees have been contacted and have either submitted documentation packet or are in process of submitting; about 30 outstanding of the 175; DD identifying areas for improvement and will address post-audit
- Working with IT and Kim Jackson, Board staff, to update website and add content to webinar library; exploring options for social media platform to push out information to licensees and the public; using final year student feedback (via survey) to inform decisions regarding Board communication.

L. Committee on Board Rules

- Update – Rules Committee Staff Update – recommendation made by ED to follow AAP
- Status of NCBPTE Rulemaking – ED recommendation to appoint Deputy Director Roeber as Rulemaking Coordinator
-

V-035 -'23 Passed – Approved Rulemaking Coordinator Change to Ellen Roeber, PT, DPT, Deputy Director *(Hale)*

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl

Members voting in the negative: None

- Submission of comments to RRC – D. Gadd Board attorney submitted comments to proposed changes to RRC rules on behalf of the Board. Those comments were noted and proposed rule changes were made in response.

M. Committee on Information Technology [Attachment XIII]

- IT Update - Primary work over the past quarter was to prepare for the migration to the Cloud. Other highlights include: Working with DD for webinar library, completed board member email addresses, re-synchronized Azure AD, person project – to unify user ID's, softphone integration planning, Linux server build -test server, SharePoint review and improvements, admin too enhancements, bring revivals online, physical inventory review, review Business Continuity plan
- Use of Board email address for Board Members - required
 - NCPT Board Member email Address Policy and solicitation of alternate contact information to alert board members of emailed communications.
 - Updated NCPT Board Member IT Agreement Form

N. Correspondence with Schools and Annual School Score Reports

Documents provided for review and reference:

- Pass rate (2023) for NC PT and PTA Schools (as of February 13, 2023)
- Pass rate (2022) for NC PT and PTA Schools (as of February 13, 2023)
- Pass rate (2021) for NC PT and PTA schools (as of February 13, 2023)
- Pass rate (2020) for NC PT and PTA schools (as of February 13, 2023)
- School Presentations – DD reported. Final year student presentation on “navigating NC PT/PTA licensure” and “practicing year 1” -DD reached out to all CAPTE accredited DPT and PTA programs in NC to strengthen relationships and offer support/resources. DD and LS (a senior staff member along with LS manager for most dates) have interacted with final year students either virtually or live for the presentation. The format included 30-40 minutes of presentation and 20-40 minutes of Q/A. Well received with positive feedback. Currently, of the 10 DPT programs, 6 have participated, 1 is on the schedule to participate, 2 have plans to participate, and 1 has not responded. Of the 11 PTA programs, 2 have participated, 1 is on the schedule to participate, and 3 are in the process of scheduling. The goal of Board staff is to expedite the licensure process by reducing applicants' confusion and errors. Other goals include building rapport with students, who will soon be new licensees, and program faculty/representatives.
- School Communications – DD communicates regularly regarding program curriculum (when assisting ED with answering scope of practice questions) and Board interaction/outreach.
- Updated School Addresses and contacts provided for review and reference [**Attachment**]

O. Prometric [Attachment XIV]

- NPTE Comments submitted by Exam candidates / NC and Customer Satisfaction (results for First Quarter 2023)
- Staff solicitation of public feedback – through a survey developed by DD and Board staff; concerning methods of communication with new graduate licensees 0-3 years; will use results to inform changes on website and with Board communication.

P. Ethics Commission [Attachment XV]

- Reminders were issued to the Board members for the following:
- Ethics Compliance Report – 2 newest Board members need to complete their initial Ethics Training; others were asked to note when their next training was due.
- FYI:
 - SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>
 - New form to update board/agency membership or Ethics liaison
 - New compliance report for your board or agency to make sure that all information on covered employees and members is up to date
 - Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training <http://ethics.nc.gov/education>

Q. PT Compact Commission [Attachment XVI]

- Compact Update – ptcompact.org
- Compact Compliance Reports – new report for Q2 2023- NCBPTE is in compliance.
- PT Compact Jurisprudence requirement update – ED recommendation to change PT Compact jurisprudence requirement to be within 30 days of receiving compact privilege and for those privilege holders with NC PT/PTA licenses only 1 JE required per year

V-036-'23 Change NC Jurisprudence requirement for NC PT compact privilege

Motion to approve ED recommendation (*Leslie Kesler*)

Members voting in the affirmative: Edwards, Kesler, Hale, Wentz, Bernard, Kasula, Diehl
Members voting in the negative: None

- PTCC proposed rules update – thanks to those who offered comments. June 27, 2023

rules will be voted on by the full PT Compact Commission delegates.

- API for PT Compact – this will enhance ease of administration of PT compact privileges and will be completed once the NCBPTE IT person one project is complete.

R. Board Appointments 2023

- New Member appointments
 - Public Member – Term January 1, 2023 to December 31, 2025 – Appointed 3-28-23 – Renuka Kasula
 - Medical Doctor Member – Term April 28, 2023 to December 31, 2025 – Lee Diehl, MD
 - PT board member—awaiting appointment to fill vacancy

S. Submission of Reports to State – second quarter 2023 reports submitted were as follows [Attachment XVII-XVIII]

- Annual Submission of 2022 Minutes to state archives
- NCBPTE Annual Fee Report
- NC Compact Compliance First Quarter report
- NEIS Audit Report
- American Specialty Health Verification of Education in NC
- Centene Corporation Credentialing verification of Education in NC
- NC Department of Health and Human Services Disciplinary Actions
- United Healthcare Primary Sourced Verification
- 2023 Annual Survey of Public Employment and Payroll
- NC Department of Commerce BOLD report
- NC Department of Insurance Crime Policy 2023
- NCBPTE Board member SEI Filing
- Catapult Annual Wage and Salary survey 2023
- Ethics Liaison Expense Filing Q1 2023

T. Election of officers and FSBPT Delegates/Appointment of Standing Committee members

2023 – Officers, Committees, Subcommittees, Advisory Panels and Task Forces for 2023 – New appointments were necessary due to resignation of A. Diaz, PT, Board member. The Chair appointed the following:

- Alt. FSBPT Delegate – Chair appointed Leslie Kesler, PT to be the Alternate Delegate and her back up is Megan Wentz, PTA
 - Alt. Delegate attends delegate training and agrees to fill the role of the Delegate if they are unable to service.
- Investigative Committee – Chair will wait on the appointment until the Governor’s office of Boards and Commissions appoints a new Physical Therapist member to the Board. Both Leslie Kesler and Teresa Hale volunteered their service on this Committee, as back up.

New volunteers:

- Rules Committee – Teresa Hale and Leslie Kesler volunteered should committee when the Committee begins meeting.

U. Federation (FSBPT)

- FSBPT Membership Survey
- FSBPT Publications – Links – <https://www.fsbpt.org/News>
- Meetings date 2023
 - Regulatory Workshop for Board Members and Administration-March 10-12 Virtual
 - Leadership Issues Forum (LIF) – July 15-16, 2023 Arlington VA – ED and David Edwards, Chair will attend, ED will attend Model Practice Act session
 - Delegate Assembly – required for Delegate and Alt Delegate October 16, 2023-virtual.
 - Annual FSBPT Education meeting October 19-21, 2023 Jacksonville, FL – Leslie Kesler, Megan Wentz, David Edwards, Chair, will attend
 - New required FSBPT Member Portal – required for webinar and in -person meeting attendance.
 - FSBPT Webinar Series – Go to FSBPT meeting portal – please sign up !! and attend!

V. APTA NC & APTA

- APTA – apta.org
- APTA Meeting – October 13-14, 2023, Elon NC - DD will attend
- Webinar Series – go to aptanc.org for listing may be required membership for access

W. Other regulatory Organizations –

- CLEAR- ED reminded the Board of training opportunities through this organization given the Board's membership

X. Credentialing Agencies

- ICD – ED informed the Board she met with representatives regarding their credential reviews and potential errors.
- FCCPT is holding educational discussion sessions in June

Y. Correspondence from ED, Articles, etc.

- K. Reese – request for guidance scope of practice – issuing eye patch –
- J. Weinberg – NC State Chiropractic Board Proposal – no restrictions on chiropractic practice in office with PT
- K. Stottlemeyer – Educational Requirements for Licensure -
- Article NCDHHS North Carolina Moves Forward: COVID-19 Public health emergency ends May 11

Z. Dates and Locations for Future Meetings:

Upcoming Quarterly Board Meeting will be held at AIHF Conference Room 8300 Health Park, Raleigh, NC 27613.

Dates –Wednesdays

September 13, 2023


December 6, 2023

Adjourn

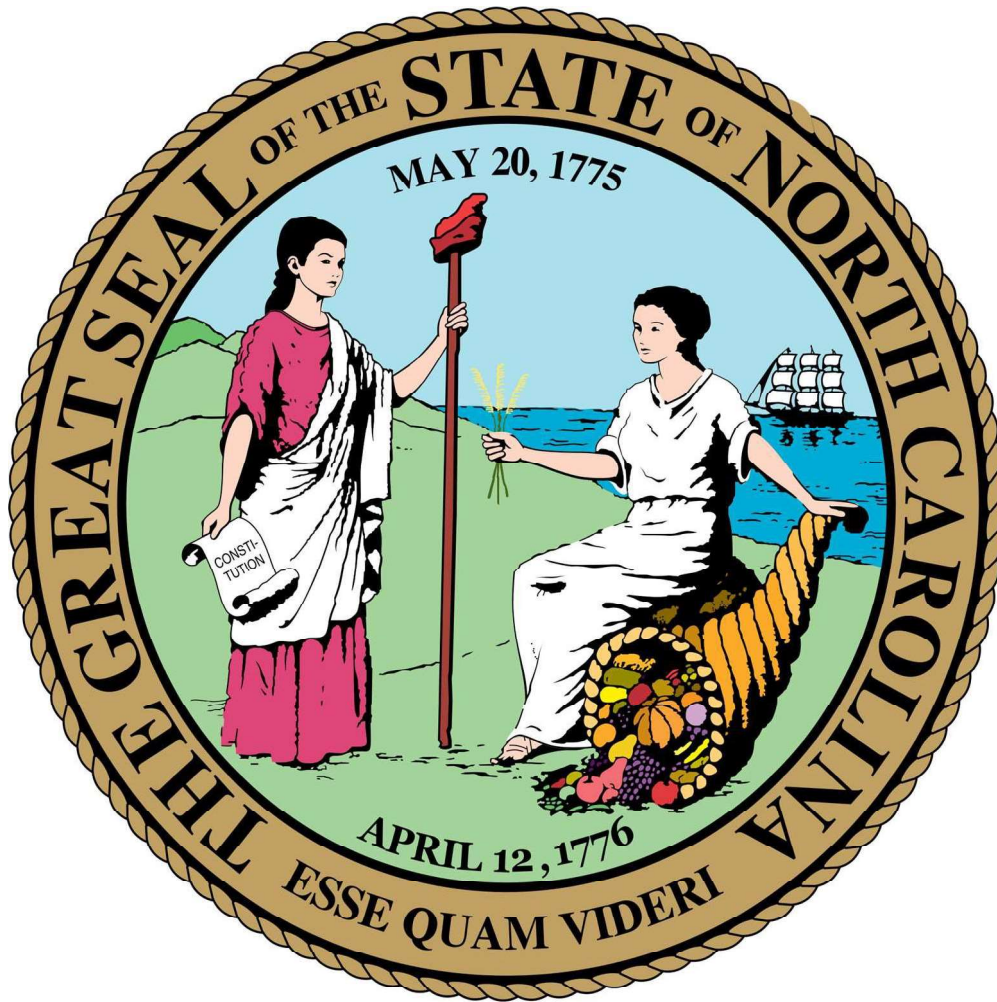
Meeting adjourned by C. David Edward, Chair at 2:52 pm



Emily Smith
Recording Secretary



Leslie Kesler, PT
Secretary-Treasurer

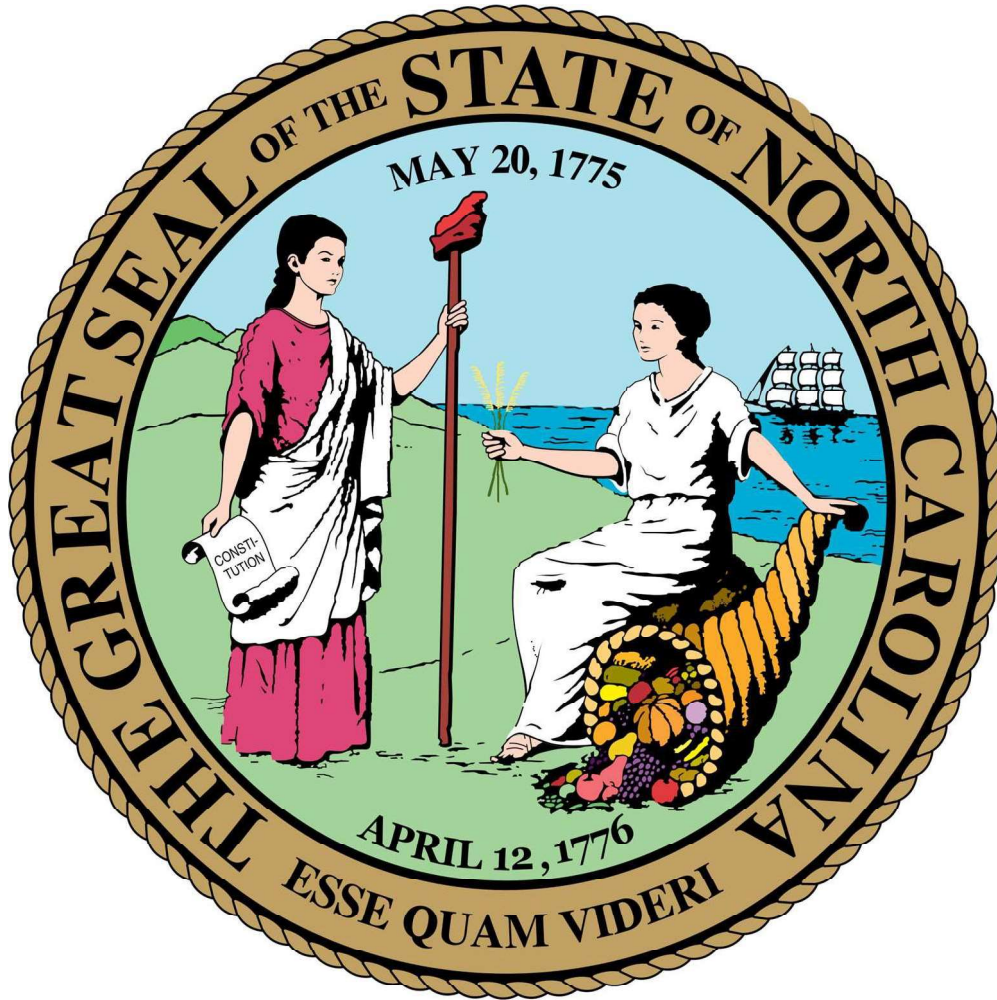


Attachment II

Position Statements

Before position statements are developed, the Board carefully considers scope of practice as defined by Board Rule **21 NCAC 48C .0101 PERMITTED PRACTICE (a) *Physical therapy is presumed to include any acts, tests, procedures, modalities, treatments, or interventions that are routinely taught in educational programs or in continuing education programs for physical therapists and are routinely performed in practice settings.***

While position statements do not hold the force of law and rules, the Board adopts and publishes them to provide direction and clarity concerning the application of the NC PT Practice Act and Board rules to physical therapy practice in NC. These position statements are designed for licensees to use as guidance in everyday clinical and administrative physical therapy practice issues relevant to public protection. Position statements are not meant to be exhaustive; however, they are reviewed regularly by the Board to ensure they reflect prevailing standards of physical therapy practice.



Attachment III

Position Statement- North Carolina Board of Physical Therapy Examiners

21. NCBPTE Position Statement on Dry Needling

The Board continues to regularly respond to questions concerning the physical therapy practice of dry needling in NC. At the time of the development of this position statement, four different dry needling scope of practice questions are addressed on the Board website. These include the questions of whether perineural and connective tissue dry needling are within the scope of practice, hours of training required to perform dry needling, and the use of musculoskeletal ultrasound to guide needle placement when performing dry needling. In response to public questions concerning dry needling, the Board also defined “advanced training”.

In previous responses to scope of practice questions surrounding dry needling, the Board referenced dry needling as defined in the 2016 NCBPTE Declaratory Ruling (p 20-21) and subsequently in the NC Supreme Court Case brought by the Acupuncture Board (p 8). In both references, dry needling is defined as “a treatment that uses physical or rehabilitative procedures, with assistive devices, for the purpose of correcting or alleviating myofascial pain, a physical disability.” Therefore, any utilization of dry needling techniques that satisfy the foregoing language is within the scope of physical therapy practice in NC. At its Board meeting on March 9, 2022, the Board determined that perineural dry needling extends beyond the current definition of dry needling thereby is not within the scope of physical therapy practice in NC.

Moreover, the Board previously determined that dry needling, while within the scope of practice of physical therapists in NC, is an advanced skill which requires “advanced training” as defined on the Board website. After careful review of the literature, discussion with subject matter experts which include but is not limited to regulators in other jurisdictions and physical therapists who practice dry needling, review of FSBPT and APTA dry needling resources, consultation with educational institutions, and research of dry needling certification requirements from course providers referenced in the *FSBPT Resource Paper Regarding Dry Needling 11th Edition*, December 2021, the NCBPTE strongly encourages the following principles be satisfied for the practice of dry needling by physical therapists in NC.

- Prior to introducing dry needling into a personal scope of practice, the physical therapist should attest to having attained the knowledge, skill, ability, and competence to perform dry needling.
- Prior to administering dry needling, the physical therapist should communicate the plan of care and obtain informed consent from the patient/client or their legally authorized representative.
- All physical therapists engaging in the practice of dry needling should acquire the appropriate “advanced training” as defined below.
- All physical therapists engaging in the practice of dry needling should retain documentation as proof of successful completion of “advanced training”.
- A physical therapist should not delegate any portion of the dry needling treatment/intervention to a physical therapist assistant or physical therapy aide.

- Student physical therapists do not meet the Board’s definition of “advanced training” therefore should not engage in the practice of dry needling, regardless of the level of supervision from the supervising physical therapist.

NCBPTE Recommended Advanced Training

- Completion of at least 1 year of licensed practice as a physical therapist.

-AND-

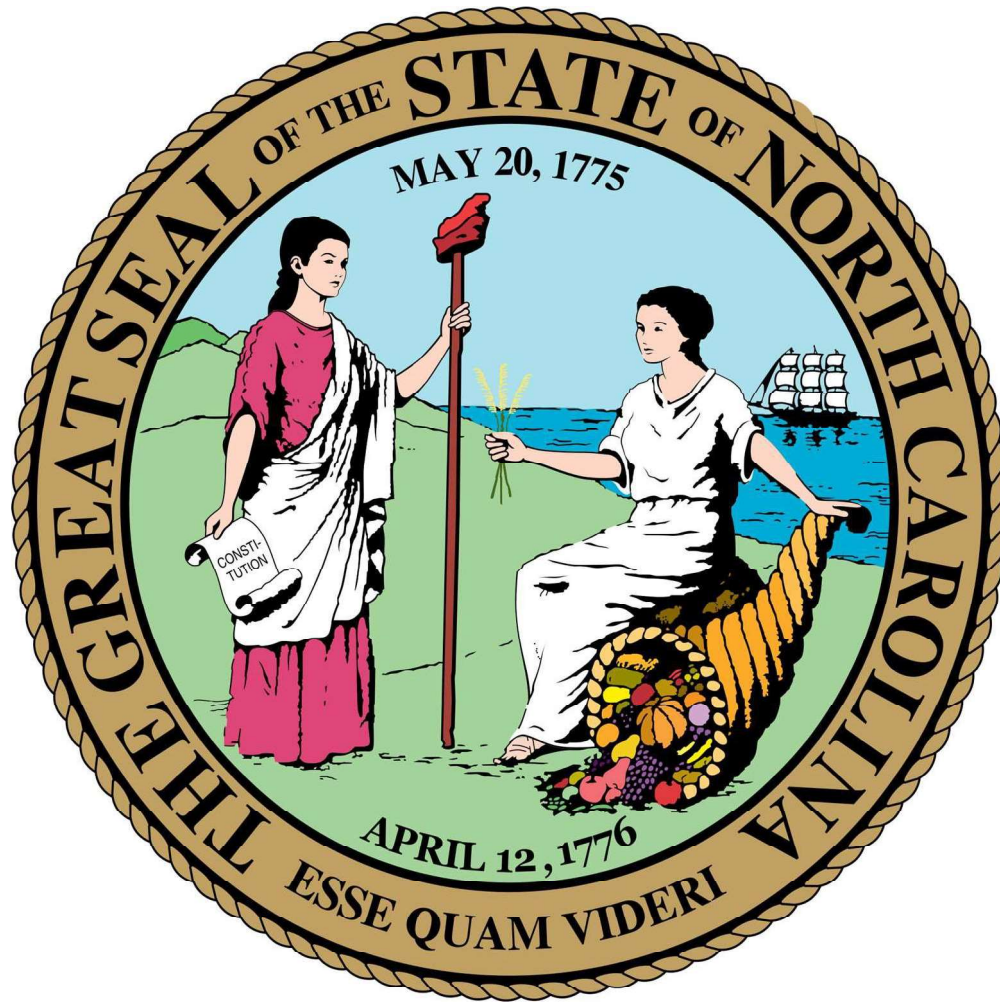
- Completion of a formalized course of study on the topic of dry needling from an approved provider in accordance with 21 NCAC 48G .0105-.0112. The course of study should include:
 - A minimum of 50 hours of in-person (not on-line) instruction which includes at least 50% of the course study spent on practical, clinical application.
 - Certification of completion of all program requirements.

-OR-

- Formal education, training, and mentorship that is equivalent to the above.

Resources:

- 2016 NCBPTE Declaratory Ruling for Dry Needling
<https://www2.ncptboard.org/documents/announcements/2016-06-28%20Declaratory%20Ruling.pdf>
- 2018 NC Acupuncture Licensing Board vs NC Board of Physical Therapy Examiners Supreme Court Case/ Decision
<https://law.justia.com/cases/north-carolina/supreme-court/2018/380a17.html>
- FSBPT HumRRO Dry Needling Competencies Review: Report Memo 2020
https://members.fsbpt.org/Portals/0/documents/Dry%20Needling%20Practice%20Analysis%202020%20Memo_FINAL.pdf
- FSBPT Resource Paper Regarding Dry Needling 11th Edition
https://s3.us-east-1.amazonaws.com/fonteva-customer-media/00D5f00007lwGREA0/DwalWUpI_11theditionDryNeedlingResourcePaperFinal_pdf



Attachment IV

Informed Consent

Informed consent is a valuable component of standards in prevailing physical therapy practice, ensuring patient autonomy and choice. To protect the public interest, the North Carolina Board of Physical Therapy Examiners offers guidance to licensees about regulatory expectations surrounding informed consent.

The COVID-19 global pandemic brought the topic of informed consent to the forefront, specifically as related to the delivery of telehealth physical therapy services. In its *2020 Summary: Telehealth in Physical Therapy*, the Federation of State Boards of Physical Therapy (FSBPT) states:

Informed consent is the process of communication between the PT and a competent client, or competent designee, during which the therapist and client discuss the examination and recommended plan of care. Upon gaining a clear understanding of the risks, benefits, alternatives to the proposed treatment plan and anticipated timeframes and costs, the client is enabled to make an informed and voluntary decision on whether or not to proceed with physical therapy care. Informed consent procedures should follow state law. Typically informed consent may be verbal, written, or recorded and the documentation of consent should be maintained in the medical record. The standard of care that is expected during face-to-face encounters is also expected for telehealth encounters.

For NC physical therapists and physical therapist assistants, professional and ethical practice includes obtaining informed consent from the patient/client or their legally authorized representative. As outlined in both the NC PT Practice Act and Board Rules, informed consent is a critical element of the physical therapy profession's standards of practice/standards of care.

The regulatory language that holds NC PT/PTA licensees accountable for obtaining informed consent includes:

- The NC PT Practice Act definition of physical therapist assistants and physical therapists includes the expectation that their role in the practice of physical therapy be “commensurate” with their education and training [§90-270.90 (3)(4)].
- The Board rules further define “educational program” to be accredited by CAPTE [21 NCAC 48A .0105 (3)].
- The Commission on Accreditation in Physical Therapy Education (CAPTE) “standards and required elements for accreditation of physical therapist AND physical therapist assistant education programs” states the following in 6A: “The comprehensive curriculum plan is based on: (1) information about the contemporary practice of physical therapy; (2) standards of practice; and (3) current literature, documents, publications, and other resources related to the profession, to the delivery of health care services, and to physical therapy education, and to educational theory.”
- Within this 6A requirement, CAPTE further defines “contemporary practice” as: “Delivery of physical therapy services as documented in current literature, including the *Guide to Physical Therapist Practice*, the *Standards of Practice*, and the *Code of Ethics*.”

- The American Physical Therapy Association (APTA) publishes the *Standards of Practice for Physical Therapy*, the *Code of Ethics for the Physical Therapist*, and the *Standards of Ethical Conduct for the Physical Therapist Assistant*. The *Standards of Practice* document references both the *Code of Ethics* and the *Standards of Ethical Conduct* documents. Principle 2C of the *Code of Ethics for the Physical Therapist* states: “Physical therapists shall provide the information necessary to allow patients or their surrogates to make informed decisions about physical therapist care or participation in clinical research.” Similarly, the *Standards of Ethical Conduct for the Physical Therapist Assistant* Standard 2C includes: “Physical therapist assistants shall provide patients and clients with information regarding the interventions they provide.”
- The NC PT Practice Act outlines grounds for disciplinary action that pertain to the issue of informed consent: **§ 90-270.103. Grounds for disciplinary action.** *Grounds for disciplinary action shall include but not be limited to the following:*

(7) The commission of an act or acts of malpractice, gross negligence or incompetence in the practice of physical therapy;

(9) Engaging in conduct that could result in harm or injury to the public.

- Article 1B. Medical Malpractice Actions of § 90 defines “physiotherapy” as being a health care provider to whom the article applies [§ 90-21.11(1)]. This article goes on to define informed consent and specifically acknowledges informed consent being an expectation within “standards of practice among members of the same health care profession” (§ 90-21.13).

§ 90-21.13. Informed consent to health care treatment or procedure.

(a) No recovery shall be allowed against any health care provider upon the grounds that the health care treatment was rendered without the informed consent of the patient or other person authorized to give consent for the patient where:

(1) The action of the health care provider in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities; and

(2) A reasonable person, from the information provided by the health care provider under the circumstances, would have a general understanding of the procedures or treatments and of the usual and most frequent risks and hazards inherent in the proposed procedures or treatments which are recognized and followed by other health care providers engaged in the same field of practice in the same or similar communities; or

(3) A reasonable person, under all the surrounding circumstances, would have undergone such treatment or procedure had he been advised by

the health care provider in accordance with the provisions of subdivisions (1) and (2) of this subsection.

(b) A consent which is evidenced in writing and which meets the foregoing standards, and which is signed by the patient or other authorized person, shall be presumed to be a valid consent. This presumption, however, may be subject to rebuttal only upon proof that such consent was obtained by fraud, deception or misrepresentation of a material fact. A consent that meets the foregoing standards, that is given by a patient, or other authorized person, who under all the surrounding circumstances has capacity to make and communicate health care decisions, is a valid consent.

(c) The following persons, in the order indicated, are authorized to consent to medical treatment on behalf of a patient who is comatose or otherwise lacks capacity to make or communicate health care decisions:

(1) A guardian of the patient's person, or a general guardian with powers over the patient's person, appointed by a court of competent jurisdiction pursuant to Article 5 of Chapter 35A of the General Statutes; provided that, if the patient has a health care agent appointed pursuant to a valid health care power of attorney, the health care agent shall have the right to exercise the authority to the extent granted in the health care power of attorney and to the extent provided in G.S. 32A-19(a) unless the Clerk has suspended the authority of that health care agent in accordance with G.S. 35A-1208(a).

(2) A health care agent appointed pursuant to a valid health care power of attorney, to the extent of the authority granted.

(3) An agent, with powers to make health care decisions for the patient, appointed by the patient, to the extent of the authority granted.

(4) The patient's spouse.

(5) A majority of the patient's reasonably available parents and children who are at least 18 years of age.

(6) A majority of the patient's reasonably available siblings who are at least 18 years of age.

(7) An individual who has an established relationship with the patient, who is acting in good faith on behalf of the patient, and who can reliably convey the patient's wishes.

G.S. 90-21.13 Page 2

(c1) If none of the persons listed under subsection (c) of this section is reasonably available, then the patient's attending physician, in the attending physician's discretion, may provide health care treatment without the consent of the patient or other person authorized to consent for the patient if there is confirmation by a physician other than the patient's attending physician of the patient's condition and the necessity for treatment; provided, however, that confirmation of the patient's condition and the necessity for treatment are not required if the delay in obtaining the confirmation would endanger the life or seriously worsen the condition of the patient.

(d) No action may be maintained against any health care provider upon any guarantee, warranty or assurance as to the result of any medical, surgical or diagnostic procedure or treatment unless the guarantee, warranty or assurance, or some note or memorandum thereof, shall be in writing and signed by the provider or by some other person authorized to act for or on behalf of such provider.

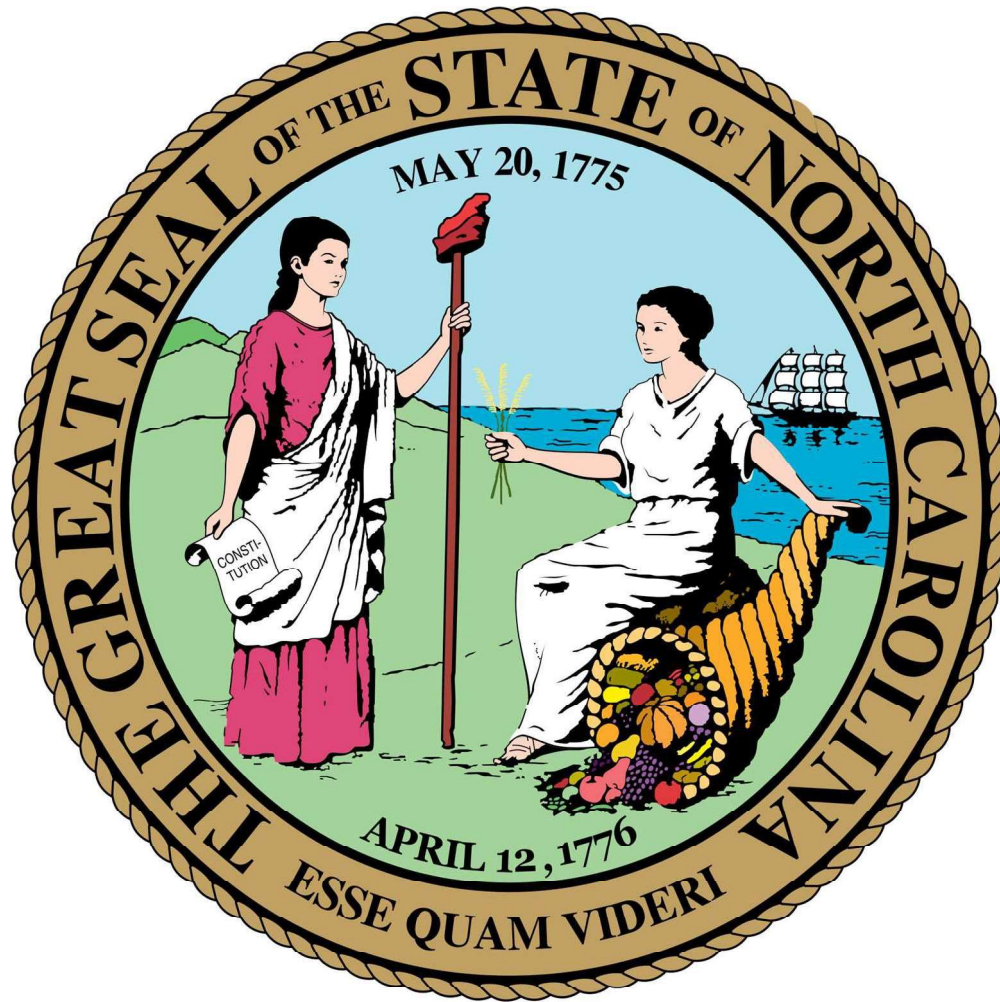
(e) In the event of any conflict between the provisions of this section and those of G.S. 35A-1245, 90-21.17, and 90-322, Articles 1A and 19 of Chapter 90, and Article 3 of Chapter 122C of the General Statutes, the provisions of those sections and Articles shall control and continue in full force and effect. (1975, 2nd Sess., c. 977, s. 4; 2003-13, s. 5; 2007-502, s. 13; 2008-187, s. 37(b); 2017-153, s. 2.5; 2018-142, s. 35(a).)

Informed consent is required of NC PT and PTA licensees by virtue of being critical to the standards in prevailing physical therapy practice. Both the process surrounding and details within informed consent may vary depending upon factors such as the level of risk/complexity with recommended physical therapy evaluation and/or treatment as well as patient treatment setting.

References:

- (1) [https://www.fsbpt.org/Portals/0/documents/news-events/Telehealth in PT Summary COVID19.pdf](https://www.fsbpt.org/Portals/0/documents/news-events/Telehealth_in_PT_Summary_COVID19.pdf)
FSBPT 2020 Telehealth Policy Resource
- (2) <https://www2.ncptboard.org/app/LawAndBoardRules/LawAndBoardRules.php>
NC PT Practice Act
- (3) <https://www2.ncptboard.org/app/LawAndBoardRules/LawAndBoardRules.php>
NC PT Board Rules
- (4) https://www.capteonline.org/faculty-and-program-resources/resource_documents/accreditation-handbook
PT Standards and Required Elements
- (5) https://www.capteonline.org/faculty-and-program-resources/resource_documents/accreditation-handbook
PTA Standards and Required Elements
- (6) <https://www.apta.org/apta-and-you/leadership-and-governance/policies/standards-of-practice-pt>
Standards of Practice for Physical Therapy
- (7) <https://www.apta.org/apta-and-you/leadership-and-governance/policies/code-of-ethics-for-the-physical-therapist>
Code of Ethics for the Physical Therapist

- (8) <https://www.apta.org/apta-and-you/leadership-and-governance/policies/standards-of-ethical-conduct-for-the-physical-therapist-assistant>
Standards of Ethical Conduct for the Physical Therapist Assistant
- (9) https://www.ncleg.gov/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_90/Article_1B.html
§90 Article 1B. Medical Malpractice Actions



Attachment V

Is "DPT" a protected term in North Carolina?

The North Carolina Board of Physical Therapy Examiners has had numerous inquiries regarding whether the use of the letters "DPT" by employees of a national health club chain may be used when the employees are holding themselves out as "Dynamic Personal Trainers" and are not doctors of physical therapy. The North Carolina Physical Therapy Practice Act does not define specific terms or titles which are protected. Rather, the statute is more general in nature and states as follows:

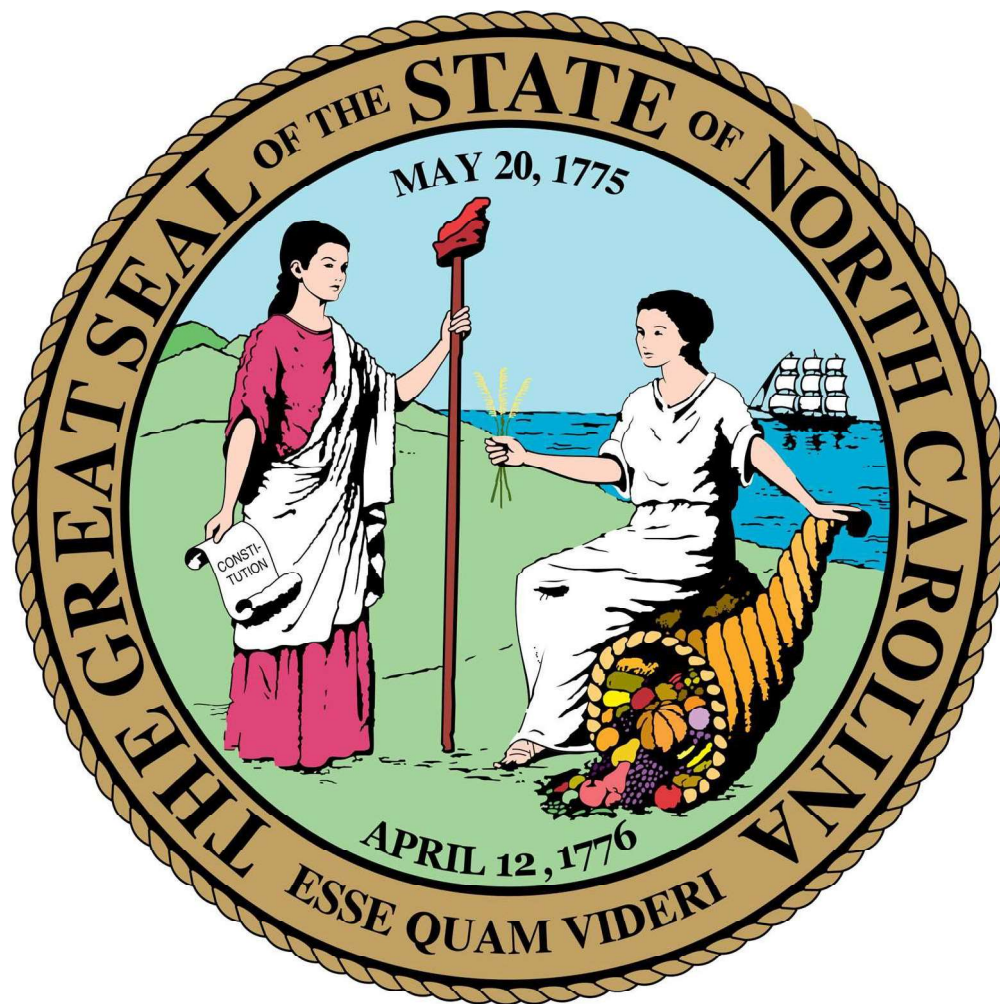
NCGS 90-270.102. Unlawful Practice.

Except as otherwise authorized in this Article, if any person, firm, or corporation shall:

- (2) Use in connection with any person's name any letters, words, numerical codes, or insignia indicating or implying that the person is a physical therapist or physical therapist assistant, or applicant with Graduate" status, unless the person is licensed or authorized in accordance with this Article;

said person, firm, or corporation shall be guilty of a Class 1 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.

The purpose of the statute is to protect the public and prevent consumers from being misled into believing they are receiving physical therapy from a licensed physical therapist, when they are not. Whether a violation of the statute occurs is typically very fact specific based on what the personal trainer does and what the consumer perceives he or she is receiving from the personal trainer. As an example, if a bank, through a marketing campaign, described its tellers as the most "Dependable and Personable Tellers" and put DPT on name tags, there would be little to no risk of misleading the consumer and no confusion about whether the teller is a doctor of physical therapy. A consumer has no expectation of receiving therapeutic exercise, rehabilitative procedures or any other treatments or interventions associated with physical therapy while transacting business at the bank. However, if a personal trainer uses the same or similar treatment modalities provided by a physical therapist while using the letters "DPT" in conjunction with his or her name, there is a high likelihood of misleading the public. Such activity may be a violation of the aforementioned statute absent clarification that the provider is not a licensed physical therapist. The statute makes the violation a misdemeanor under the State's criminal laws and prosecution would be left to the District Attorney's office in the judicial district in which the violation occurred.



Attachment VI

Exam, Licensure & Disciplinary Database (ELDD) Consumer Protection Rating (CPR)

We need you!

The ELDD is only as good as the disciplinary, licensure, and exam score information it contains. Each jurisdiction has an important role to play in creating the most accurate database available.

Want to know your jurisdiction's impact on the ELDD's ability to further the public protection mission of all FSBPT member boards? See below!

North Carolina	<i>Active Compact Member State - Yes</i>
-----------------------	--

Consumer Protection Rating (CPR)

FSBPT ID	Licensure Data	Disciplinary Data

Ratings Key:

	Actively Participating
	Working towards Participating
	Not Participating

Contact ELDD@fsbpt.org to learn how your jurisdiction can improve its participation in the ELDD or to let us know of specific roadblocks your jurisdiction has to participating.

FSBPT ID	
Status on FSBPT ID	Stores FSBPT ID in their database and sends FSBPT ID via API
Next Steps	None

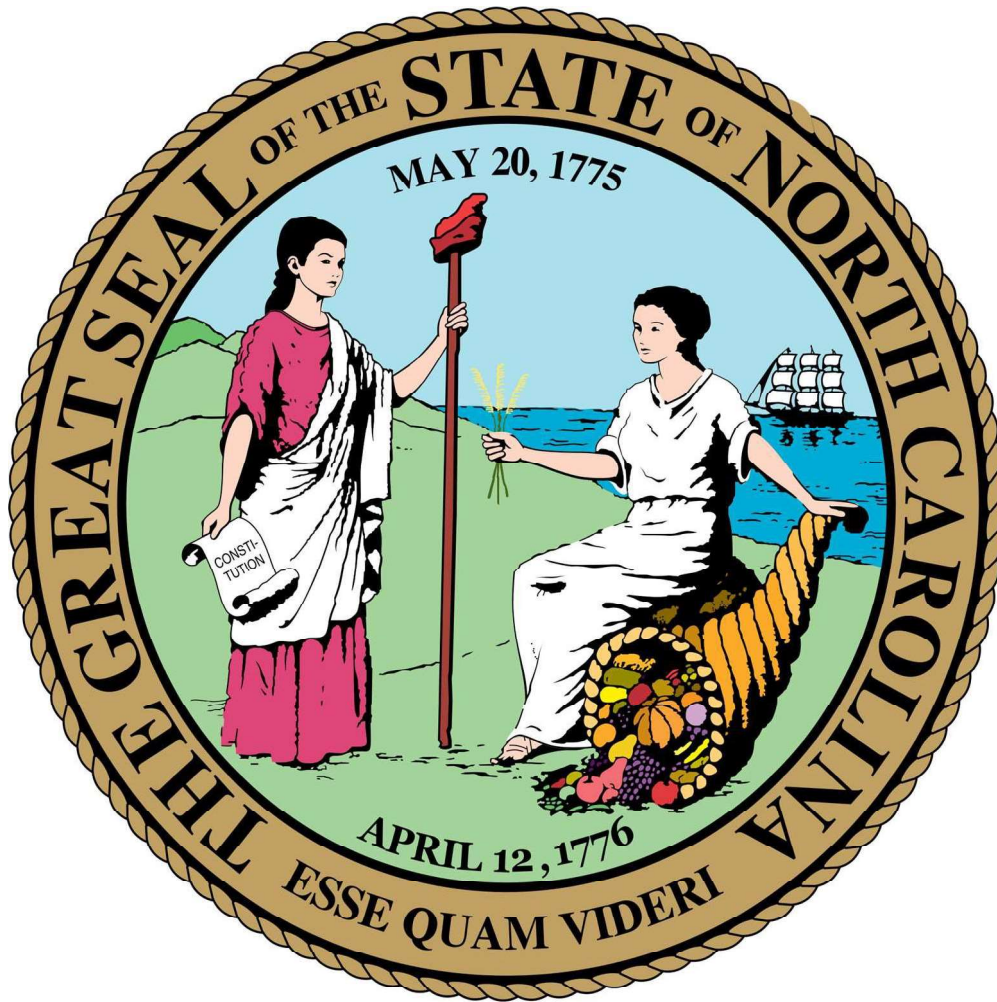
Licensure Data	
Frequency of Licensure Data	New and changed licenses sent daily via the API.
Next Steps	Continue sending licenses via the API.

Disciplinary Data	
Status on Disciplinary Data	Jurisdiction enters via the Online Processing System
Next Steps	Start entering discipline within 14 days of the date the action was taken.

Additional Information	
Licensure File Last received on:	6/30/2023
Enters new licenses online or uses API?	Yes, API
Provided unique identifier with last data:	Yes, FSBPT ID
Provided DOBs with last data:	Yes
Active Number of PTs in the ELDD:	10,409
Active Number of PTAs in the ELDD:	4,211
Total Number of PTs in the ELDD:	22,300
Total Number of PTAs in the ELDD:	8,113
% of Licenses Active/Expired (Licenses with a status of active but an expiration date in the past):	0%
Is FSBPT your NPDB reporting agent?	Yes
Last disciplinary action received on:	10/15/2022
Total # of Actions in the ELDD:	241
Average number of days from date action taken to date reported to FSBPT within the last 2 years:	22 Days

Note: (Data Current as of 6/30/2023)

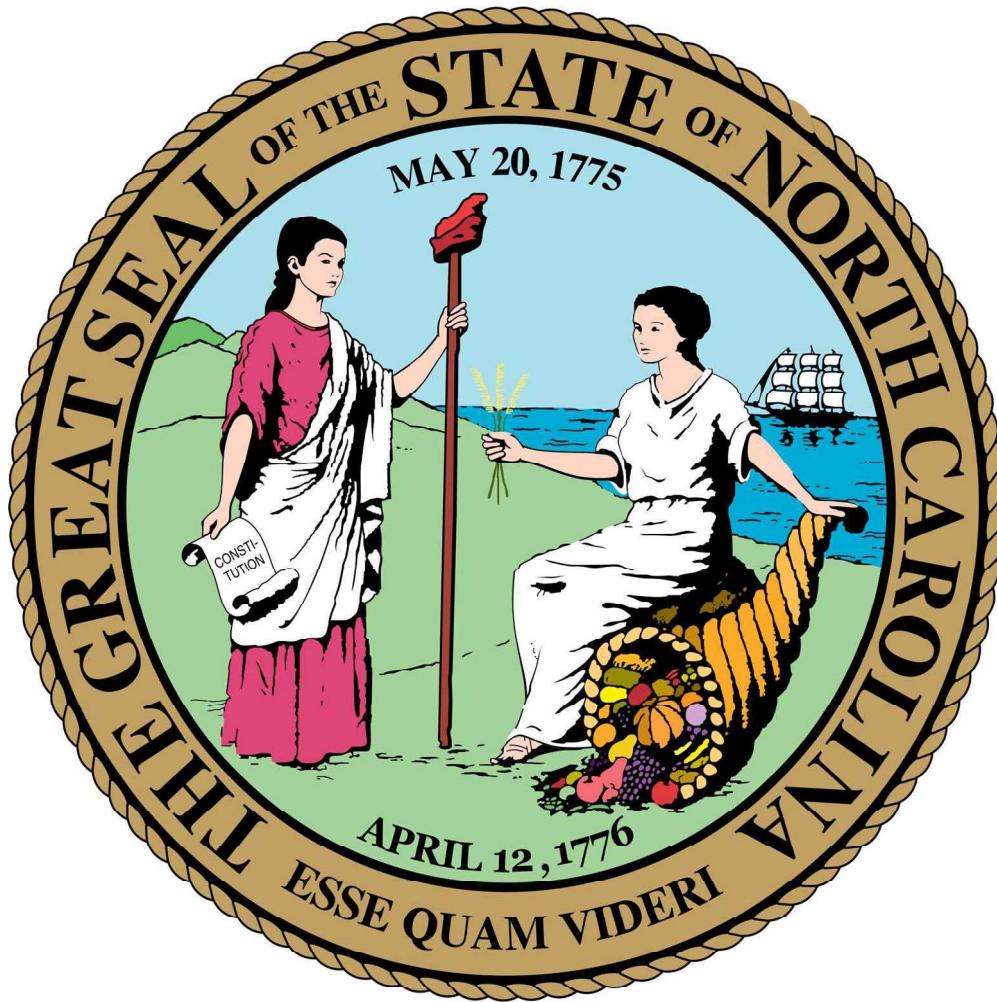
ELDD Contact Information:
 Email ELDD@fsbpt.org or call
 Angela Johnson @ 703-299-3100 Ext 249



Attachment VII

**NC Board of PT Examiners
Fiscal Year 2023
Variance to Prior Year**

	2023	2022	VPY
Income			
PT - Compact	15,350	9,350	6,000
PT - Exam	73,500	65,250	8,250
PT - Endorsement	75,900	63,270	12,630
PT - Renewal	1,174,320	1,138,839	35,481
PT Revival Fees	20,850	14,550	6,300
Total PT Income	1,359,920	1,291,259	68,661
PTA - Compact	2,550	1,850	700
PTA - Exam	18,000	23,700	(5,700)
PTA - Endorsement	17,100	14,100	3,000
PTA - Renewal	484,920	481,080	3,840
PTA Revival Fee	10,500	9,450	1,050
Total PTA Income	533,070	530,180	2,890
Background Check Fees	50,736	46,099	4,637
Credit Card Processing Fee	75,619	71,074	4,545
License Verification Fees	24,038	26,727	(2,689)
Interest Income	24,815	5,950	18,865
Other Income	10,163	4,016	6,147
Total Income	2,078,361	1,975,305	103,056
Expenses			
Staff Wages	862,600	856,112	6,488
Retirement Contribution	48,941	46,827	2,114
Insurance	139,404	153,124	(13,720)
Payroll Taxes	66,226	62,755	3,471
Other Employee Benefits / Expense	22,752	11,430	11,322
Total Employee Cost	1,139,923	1,130,248	9,675
Contractors	121,240	219,392	(98,152)
NC Professionals Health Program	-	7,500	(7,500)
Professional Fees	60,380	-	60,380
Accounting Fees	14,744	16,240	(1,496)
Legal Fees	75,603	84,741	(9,138)
Total Professional Expense	271,967	327,873	(55,906)
Total Board Expense	20,344	13,339	7,005
Investigations Expense	25,740	20,924	4,816
Telephone Expense	9,582	13,208	(3,626)
Computer License & Services	29,691	26,233	3,458
DP Equipment Depreciation	30,456	30,943	(487)
Total IT Expense	69,729	70,384	(655)
SBI - Background Fees	47,538	43,510	4,028
Office Rent	102,387	103,137	(750)
Office & Facilities Expense	32,881	31,253	1,628
Office Insurance	30,566	15,765	14,801
Bank & Credit Card Fees	91,686	81,672	10,014
Other Expense	(14)	990	(1,004)
Total Expenses	1,832,747	1,839,095	(6,348)
Operating Income / Loss	245,615	136,210	109,405
Gain / Loss Fixed Asset Disp	393	(22,492)	22,885
Net Income / Loss	246,008	113,718	132,290

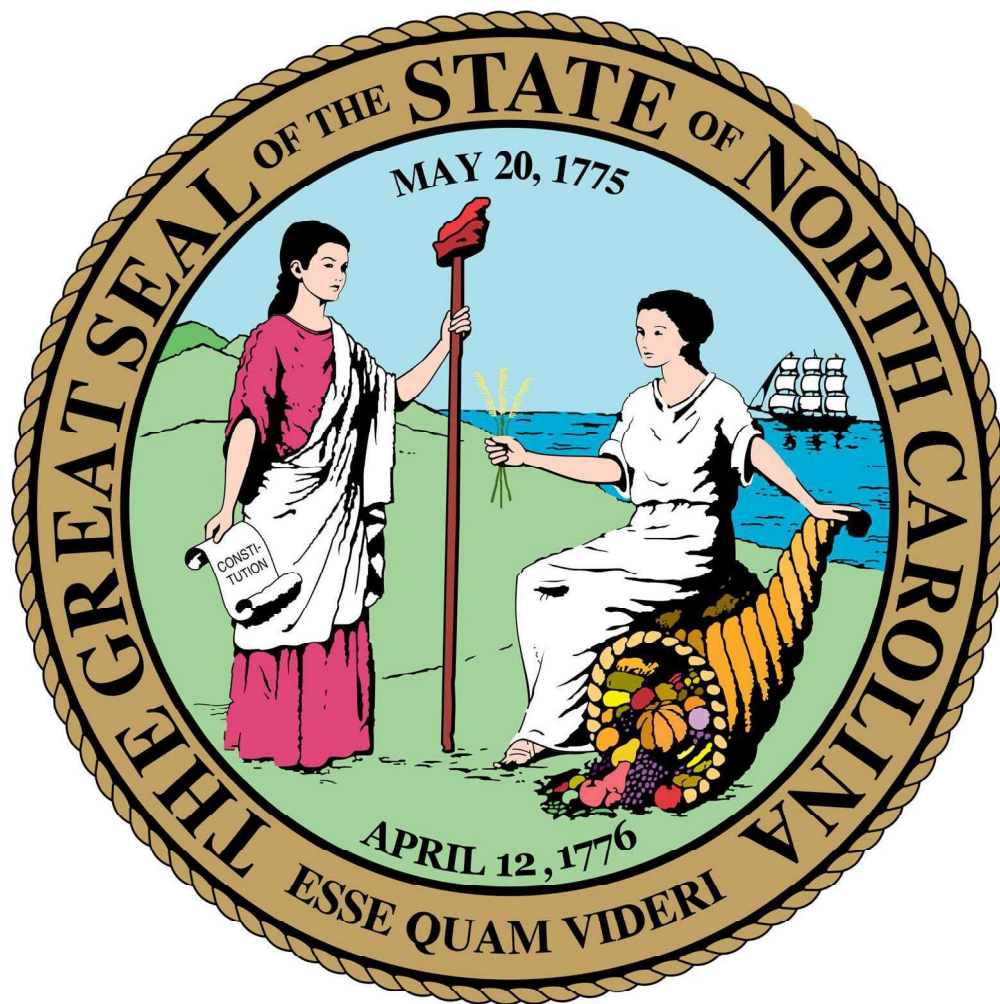


Attachment VIII

**NC Board of PT Examiners
Balance Sheet
As of June 30, 2023**

Preliminary

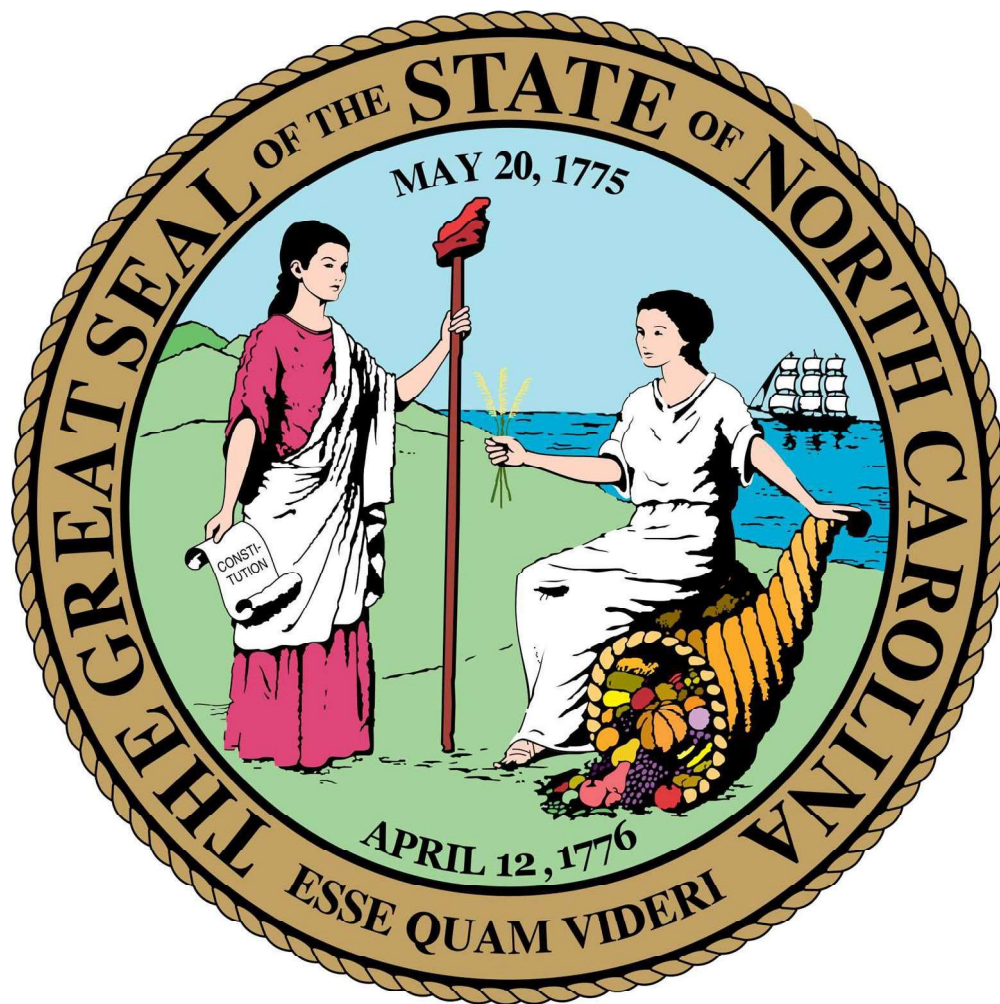
	<u>Total</u>
ASSETS	
Total Bank Accounts	3,571,675
Prepaid Expense	15,680
Fixed Assets	
1510 Furniture & Equipment	267,472
1520 Accumulated Depreciation	(215,369)
Total Fixed Assets	<u>52,104</u>
1730 Lease Payment Asset	376,510
TOTAL ASSETS	<u>4,015,968</u>
LIABILITIES AND EQUITY	
Liabilities	
Accounts Payable	89,386
Total Payroll Liabilities	(736)
Accrued Vacation Pay	86,107
Lease Liability	410,771
Total Liabilities	<u>585,527</u>
Equity	
3501 Replacement of Property & Equip	200,000
3503 Unanticipated Litigation costs	1,250,000
3504 Information Technology Reserve	425,000
3505 Continuing Education Reserve	50,000
3506 Payroll Reserve	600,000
3900 Retained Earnings	659,432
Net Income	246,009
Total Equity	<u>3,430,441</u>
TOTAL LIABILITIES AND EQUITY	<u>4,015,968</u>



Attachment IX

**NC Board of PT Examiners
Fiscal Year 2023
Variance to Budget**

	Actuals	Budget	VPY
Income			
PT - Compact	15,350	7,000	8,350
PT - Exam	73,500	68,000	5,500
PT - Endorsement	75,900	64,600	11,300
PT - Renewal	1,174,320	1,138,839	35,481
PT Revival Fees	20,850	15,300	5,550
Total PT Income	1,359,920	1,293,739	66,181
PTA - Compact	2,550	4,500	(1,950)
PTA - Exam	18,000	22,200	(4,200)
PTA - Endorsement	17,100	15,000	2,100
PTA - Renewal	484,920	481,080	3,840
PTA Revival Fee	10,500	9,600	900
Total PTA Income	533,070	532,380	690
Background Check Fees	50,736	43,000	7,736
Credit Card Processing Fee	75,619	78,305	(2,686)
License Verification Fees	24,038	12,650	11,388
Interest Income	24,815	6,000	18,815
Other Income	10,163	4,100	6,063
Total Income	2,078,361	1,970,174	108,187
Expenses			
Staff Wages	862,600	895,000	(32,400)
Retirement Contribution	48,941	51,200	(2,259)
Insurance	139,404	160,000	(20,596)
Payroll Taxes	66,226	66,500	(274)
Other Employee Benefits / Expense	22,752	39,450	(16,698)
Total Employee Cost	1,139,923	1,212,150	(72,227)
Contractors	121,240	284,000	(162,760)
NC Professionals Health Program	-	22,500	(22,500)
Professional Fees	60,380	100,000	(39,620)
Accounting Fees	14,744	18,100	(3,356)
Legal Fees	75,603	125,000	(49,397)
Total Professional Expense	271,967	549,600	(277,633)
Total Board Expense	20,344	39,580	(19,236)
Investigations Expense	25,740	31,900	(6,160)
Telephone Expense	9,582	13,000	(3,418)
Computer License & Services	29,691	23,700	5,991
DP Equipment Depreciation	30,456	34,000	(3,544)
Total IT Expense	69,729	70,700	(971)
SBI - Background Fees	47,538	43,000	4,538
Office Rent	102,387	88,075	14,312
Office & Facilities Expense	32,881	34,900	(2,019)
Office Insurance	30,566	30,500	66
Bank & Credit Card Fees	91,686	91,200	486
Other Expense	(14)	1,000	(1,014)
Total Expenses	1,832,747	2,192,605	(359,858)
Operating Income / Loss	245,615	(222,431)	468,046
Gain / Loss Fixed Asset Disp	393	-	393
Net Income / Loss	246,008	(222,431)	468,439

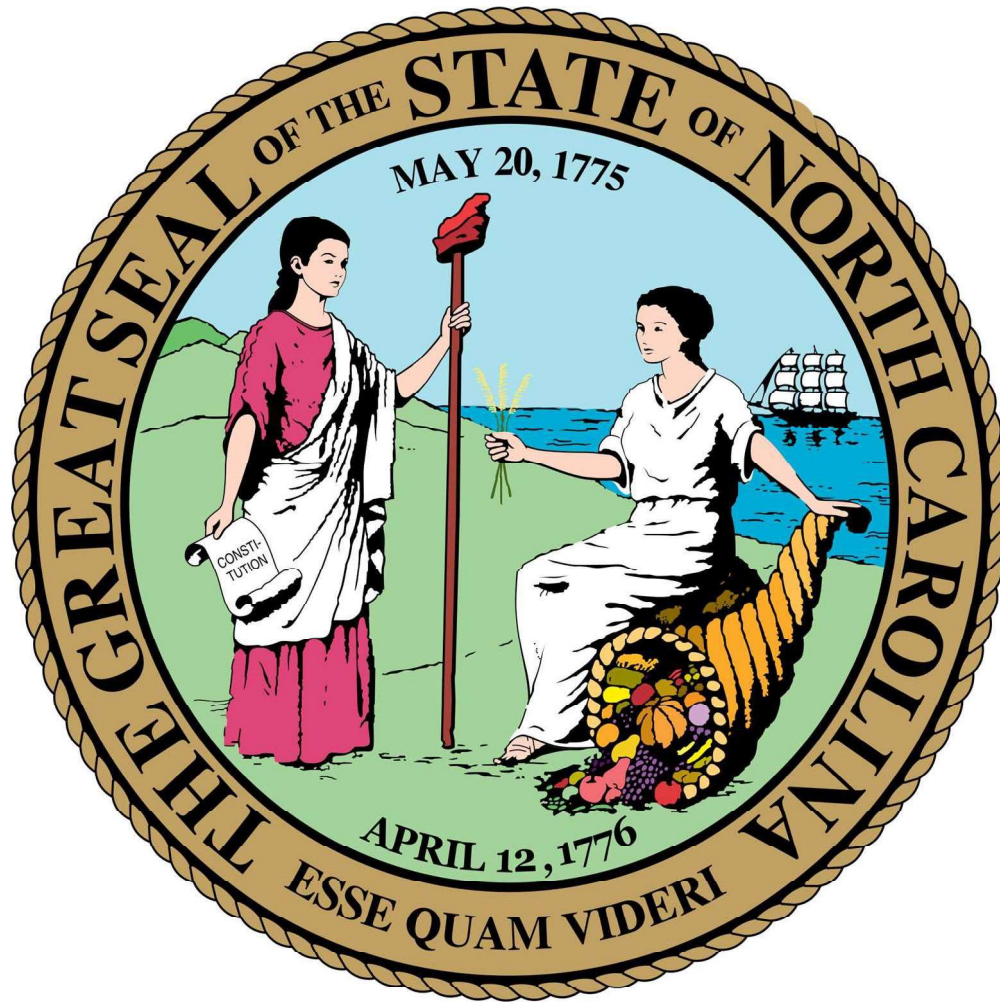


Attachment X

**NC Board of PT Examiners
Profit and Loss
2023 - 2024 Budget**

**Board Approved
09/13/2023**

	2022 - 2023 Estimate	2023 - 2024 Budget	Comments
Income			
PT - Compact	14,050	15,750	
PT - Exam	67,450	66,000	
PT - Endorsement	73,200	77,200	
PT - Renewal	1,174,325	1,175,000	
PT Revival Fees	19,950	22,800	
Total PT Income	1,348,975	1,356,750	
PTA - Compact	2,350	2,500	
PTA - Exam	21,150	21,400	
PTA - Endorsement	15,450	16,800	
PTA - Renewal	484,920	485,000	
PTA Revival Fee	10,350	10,800	
Total PTA Income	534,220	536,500	
Background Check Fees	48,996	49,000	
Credit Card Processing Fee	97,083	97,100	
Interest Income	14,020	14,000	
Other Income	8,087	8,100	
Total Income	2,051,380	2,061,450	Income consistent with prior year
Expenses			
Staff Wages	834,499	939,400	Additional Support
Retirement Contribution	47,539	51,750	
Insurance	137,945	164,650	Increase in premiums - BCBS & Unum
Payroll Taxes	64,708	70,455	
Other Employee Benefits / Expense	26,536	21,050	
Total Employee Cost	1,111,226	1,247,305	
Contractors	120,720	188,000	Increase in hourly rate, additional contractor
Professional Fees	81,513	50,000	No IDX
Accounting Fees	14,886	21,120	
Legal Fees	76,847	110,000	
Total Professional Expense	293,966	369,120	
Total Board Expense	33,451	43,880	
Investigations Expense	25,015	28,000	
Telephone Expense	9,745	11,500	
Computer License & Services	30,519	20,000	Reduced expense due to outsourcing
Computer Outsourcing		175,000	Move to the Cloud
DP Equipment Depreciation	28,855	28,000	
Total IT Expense	69,119	234,500	
SBI - Background Fees	48,996	49,000	
Office Rent	110,500	101,452	Lower amortization related to GASB accounting
Office & Facilities Expense	33,521	32,200	
Office Insurance	30,305	31,800	
Bank & Credit Card Fees	115,997	127,597	
Other Expense	-	1,500	
Total Expenses	1,872,098	2,266,354	
Operating Income / Loss	179,283	(204,904)	



Attachment XI

Board Meeting – September 13, 2023

K. Report from Deputy Director

Submitted by Ellen Roeber, PT, DPT, NCBPTE Deputy Director

I continue to learn and grow in my role here in the Board office. For a 6-week period since the last Board meeting, I served as interim Executive Director in Kathy's absence. This opportunity provided a glimpse into the day-to-day work activities of the Executive Director. While I enjoyed learning more about the regulation of PT practice here in NC, I was very happy to see Kathy return to the office 😊.

Continuing Competence:

- 13 course approvals for CY 2023; (2) recently received for review that will be completed by the September meeting. This compares to 17 total course approvals for CY 2022. The APTA-NC process for course approval changed this year. This change could lead to more NCBPTE course approval applications though it does not appear to be significant now.
- 30 active exemptions for over 65 and no new hardship requests since the last meeting. No change in this data.
- Continue to answer numerous questions regarding continuing competence via email and voicemail from licensees. DD will host/present Continuing Competence live, interactive webinar October 26 6-7pm. Recorded option will be available post meeting. Licensees now have access to the webinar library via their personal dashboard.
- Random audit for continuing competence reporting period Jan 1, 2021-Jan 31, 2023, is finally winding down. 175 total licensees audited (100 PTs and 75 PTAs). Of this number, all complete except 3. These 3 met the 10 point (for PTA) and 20 point (for PT) minimum point requirement therefore are still within their 90-day window to complete the requirement. DD does not anticipate anyone who completed the audit will be deficient. One PTA was referred to the Investigative Committee for refusal to participate in the audit due to personal circumstances. Excellent learning opportunity for many licensees and the DD. DD kept a running list of patterns of deficiencies and licensee feedback. Will incorporate this information into webinar content and future audits/communication.

Communication:

- Working with other Board staff (Kim Jackson and IT primarily) to produce monthly Board **newsletter** (see attached example of August newsletter) which will be emailed to all licensees and posted on Board website. Will continue modified, pared-down version of annual newsletter. Future of annual Board newsletter TBD.
- Ramping up **webinars** to push-out information to licensees. Goals related to webinar development:
 - 1) Create a library of on demand resources for licensees to educate licensees and improve efficiency of office staff (i.e., can direct licensees to these resources).
 - 2) Create webinar for "major topics" based on license applicants and/or licensee needs. Currently, the following are completed or planned: a) PT and PTA License Renewal (done

once 2023 renewal season in the beginning of renewals then again in early January 2023; will update and repeat this renewal season near end of November 2023); b) PT and PTA License Revival (this will be a recorded webinar only; can use as a resource for revival applicants; goal is to record this in the month of September 2023); and c) Continuing Competence (scheduled for late October 2023).

- **Website** updates are continuously occurring. DD working with other Board staff (Joyce Tynes representing licensing, Kim Jackson with editing/content creation, and IT) to update content to match in-office processes and be easy to locate/user friendly. Person one project (major IT project) created need to make 'initial application' updates on website immediate priority which has been done. A common goal of all forms of communication is to drive licensees and the public to the Board website.
- **Social media platforms** are being explored with the help of David Nall, Kim Jackson, and Emily Smith. Other healthcare licensing boards in NC have been generous with sharing their in-office processes and choice of platform.

Revivals:

- DD continues to shepherd all revivals in-office. Once the revival process becomes electronic, revivals will transition back into the hands of the licensing staff.
- Continue to make minor tweaks to the current process which underwent major updates early in 2023. The process is working well and more efficiently.
- Since the last Board meeting, 39 additional revivals have been processed. 13.9 days on average for these 39 revivals when (2) outliers were excluded. Brief notes kept helping identify areas to improve efficiency. The biggest possible area of improvement is to consider change in process to allow online license verification and consider primary source verification. Licensing is exploring this possibility as some states very clearly state online verification is primary source and others do not. There are some states (NY) that take a month or more to send verification and the only primary source verification for NY is by mail.

Outreach:

- Continue communication with all accredited NC PT and PTA program chairs regarding educational content when related to scope of practice questions.
- Continue to interact either live, in person or live, electronically with students in their final year of PT/PTA school to educate about the licensure process and first year of practice. Angela Carter, licensing staff, has assisted with most presentations. So has Joyce Tynes, licensing manager. Since April when DD began this quest, 7/10 DPT programs and 3/11 PTA programs have participated. 2 additional PT programs (which will bring us up to 9/10) and 2 additional PTA programs are scheduled for the presentation this fall. DD has notes to contact 3 others for scheduling. This would bring total participation up to 16/21 NC PT/PTA programs. DD goal is 100% participation so will keep after it. Positive feedback thus far from both program participants and licensing staff.

Public Protection Task Force:

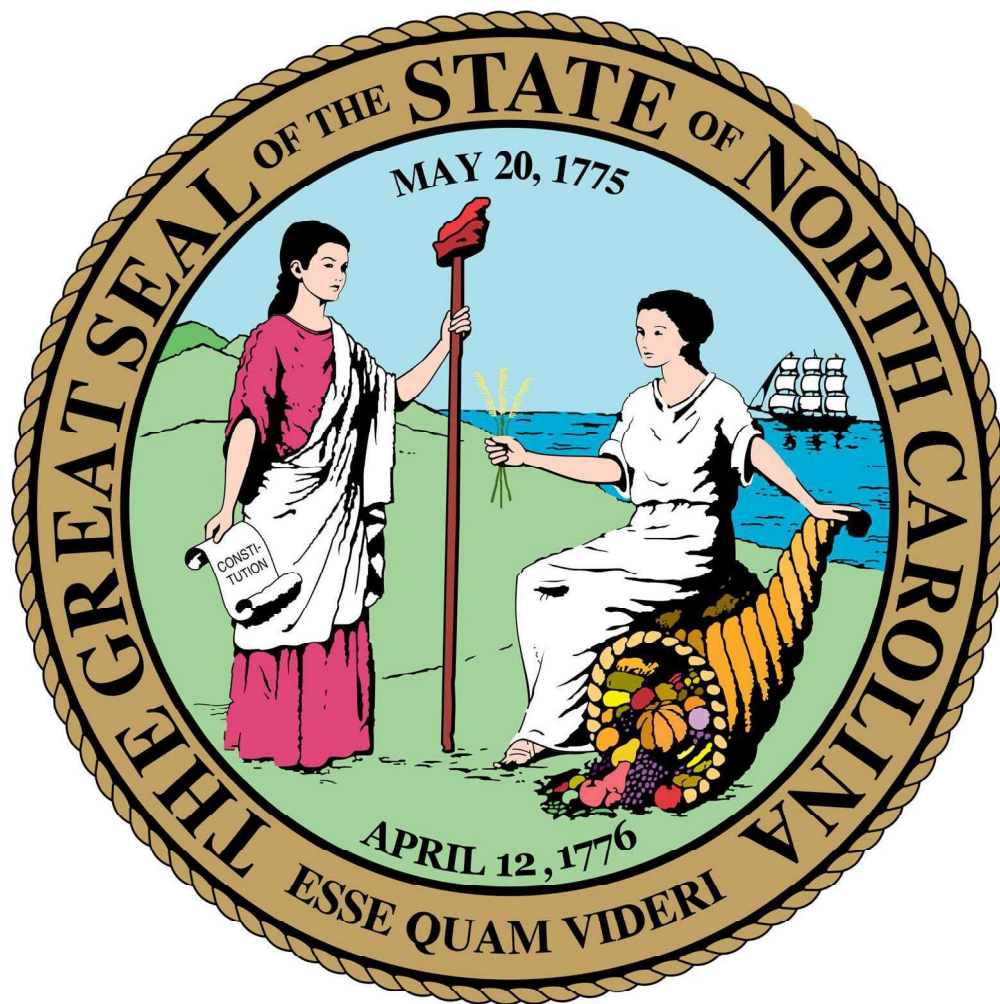
- Primary contact and organizer for the PPTF. Have conducted 4 meetings now as the primary contact. Next meeting is scheduled early November.
- PPTF has addressed some major practice issues. Most notably, informed consent and dry needling which have been agenda items for a long time. Researching practice issues has allowed the DD to establish relationships with the FSBPT, subject matter experts, and other healthcare professional boards in this state.
- One of my favorite parts of this job!

IT Coach/Manager:

- This is my newest Board staff assignment and is quickly becoming one of my favorites. While I don't have an IT specific background, I have been able to incorporate my management and leadership skills with a talented IT team here at the Board.
- Weekly IT team meetings. The largest and most impactful projects thus far for IT are the Person One project (Gregg will report on this) and the Board transition to the Cloud (Gregg and David will report on this).

Other Responsibilities:

- Pursuing opportunities to become an active member of FSBPT.
 - Member of the financial committee for COMPACT (though no real interaction yet).
 - Email interaction with several FSBPT staff especially when in interim ED role.
- Rule-Making Coordinator responsibilities
 - Attending Rules Review Commission (RRC) meetings virtually.
 - Training to be done with Debbie Ragan and ED who both previously held this role for NCBPTE.
 - Periodic Review scheduled August 2025.
 - Beginning to prioritize with ED and Board Attorney.
- Pursuing opportunities to become more knowledgeable regarding record retention to assume primary responsibility for the NCBPTE for record retention.
 - Training with Debbie Ragan and ED who both previously held this role for NCBPTE.
 - Will continue to seek out workshops etc for education.
 - Subscribing to newsletter/email for State Archives of NC.



Attachment XII

NCPT IT Update Sept 13, 2023

Completed Projects

Development

Person Project - Complete.

- All IDs a person has have been merged into one ID (Licenses, Permits, Compacts, Applications)
- All persons have a personalized Dashboard where they can interact with each ID (renew license, create a new application, see payment history).
- Critical ELDD functions are complete. (More to be completed soon)
- **Automation** – In progress.
- Automatic expiration of Applicants complete

Infrastructure

Board Member Email Address Transition – Completed transition of all Board members to their Board-issued email address. All usage agreements have been signed and filed.

Azure AD Re-Synchronization – The connection between our on premises Active Directory environment and the Azure (cloud) Active Directory environment has been re-synced. This adds additional security to Microsoft 365 and eliminates redundant sign-ins for end users.

Current Projects

Development

Cloud Migration - In Progress. The goal is to have the website, database, and all supporting scripts on the cloud before Renewals. Currently,

- Preliminary tests of web site and admin tool have been completed.
- We are now building and testing all production and QA web servers, databases, support servers and supporting infrastructure on the cloud.

Credit Card Provider change - Changing credit card providers and updating all payment reports.

More automation:

ELDD Enhancements to automate Exam and Compact data.

Infrastructure

Cloud Migration – In Progress. Most infrastructure and security changes that can be made without the use of the upgraded Microsoft licenses have been implemented. Once the licenses have been purchased and released, we will be able to implement broader security measures, specifically concerning end point protection, log monitoring and analyzation, and security policies.

- **Conditional Access** – Completed.
- **Anti-Phishing Policy** – Completed.
- **Intune Testing** – Preliminary phase completed. Policy ready for review.
- **Autopilot Configuration** – Preliminary phase completed. Currently testing with Surya.
- **Upgraded License Purchase** – Pending.
- **File Share Migration** – Pending.

Project/Issues Tracking Process – Testing. We have reworked our process for tracking issues and projects structurally and within ClickUp.

SharePoint Review – In Progress. Partnered with the Licensing Staff to review, document, and improve upon the current processes used within SharePoint. We've determined to unify completed Board Approvals and attempt to auto-expire apps older than 366 days.

RedHat Server Configuration – In Progress. We currently have the server up and running but need to complete the web server service configuration for testing.

Softphone Integration Planning – Pending. This is dependent upon the completion of cloud migration.

Physical Inventory Review – Partnering with Finance Manager to confirm current IT inventory and make any adjustments.

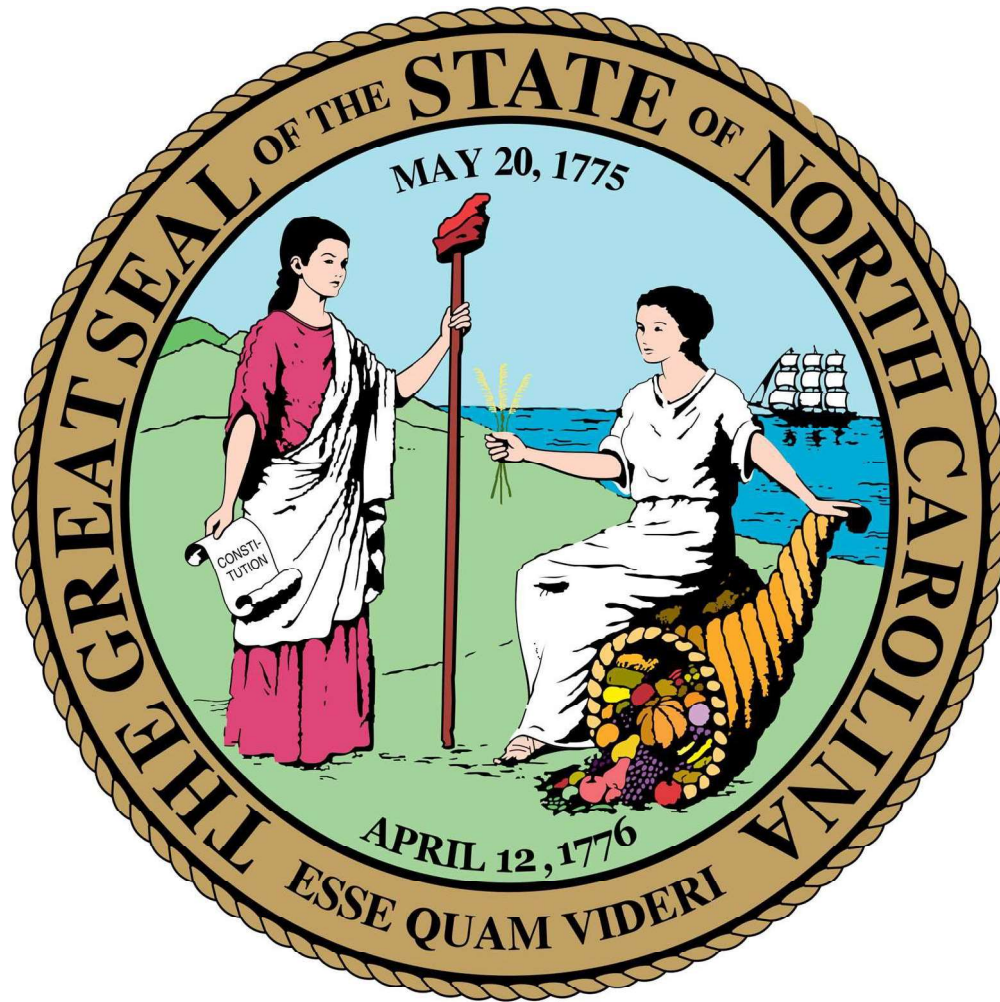
Reoccurring Projects

Continual functional updates to both the website and Admin Tool.

Continual technical support to our Board, staff, and applicants/licensees.

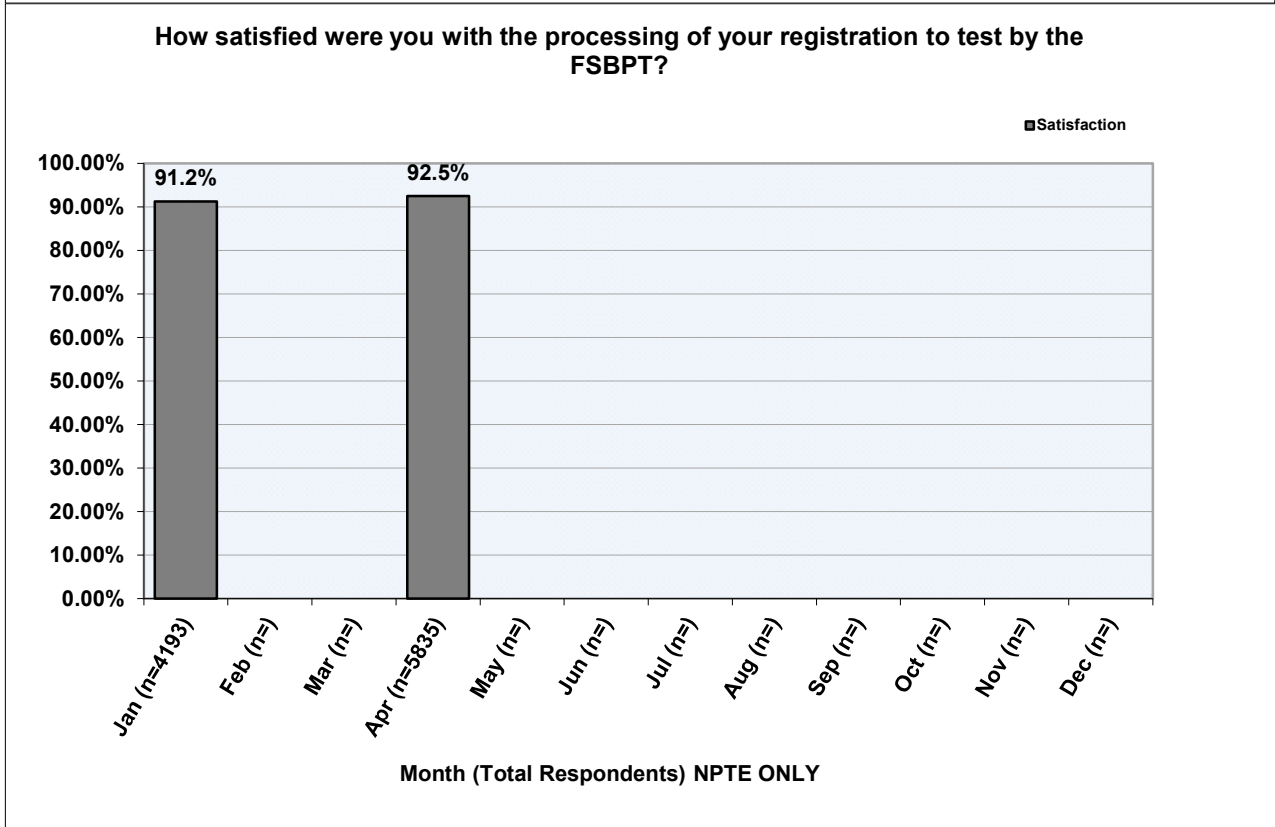
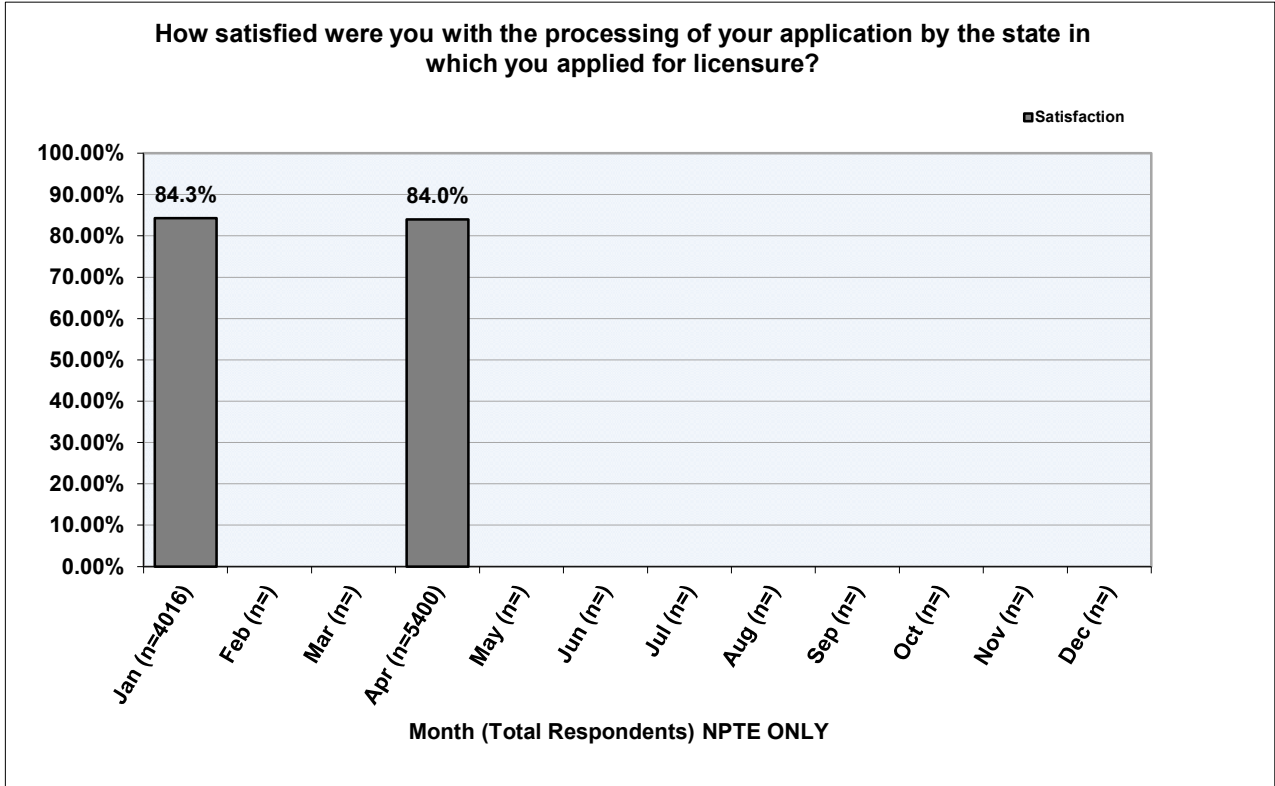
Review and Improve Business Continuity Plan.

Review and Update Written IT Policy.

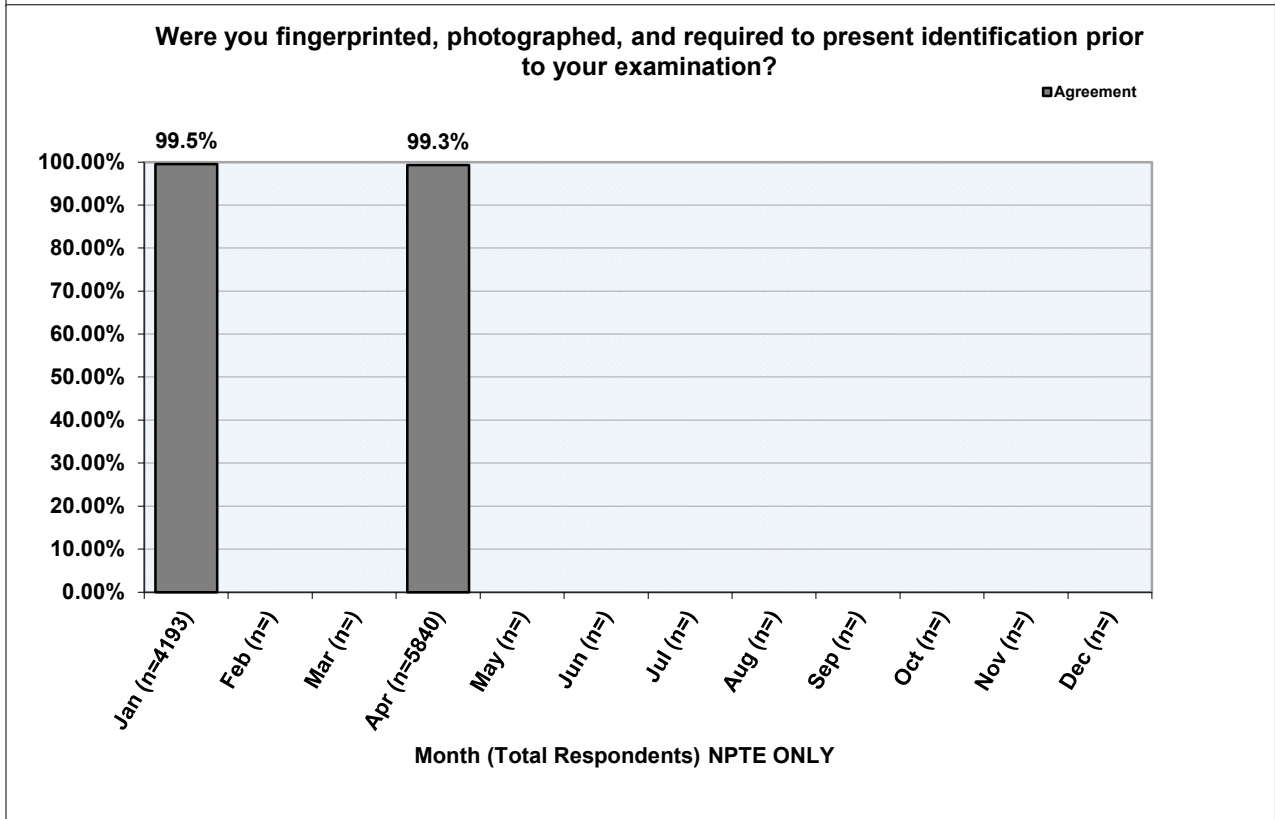
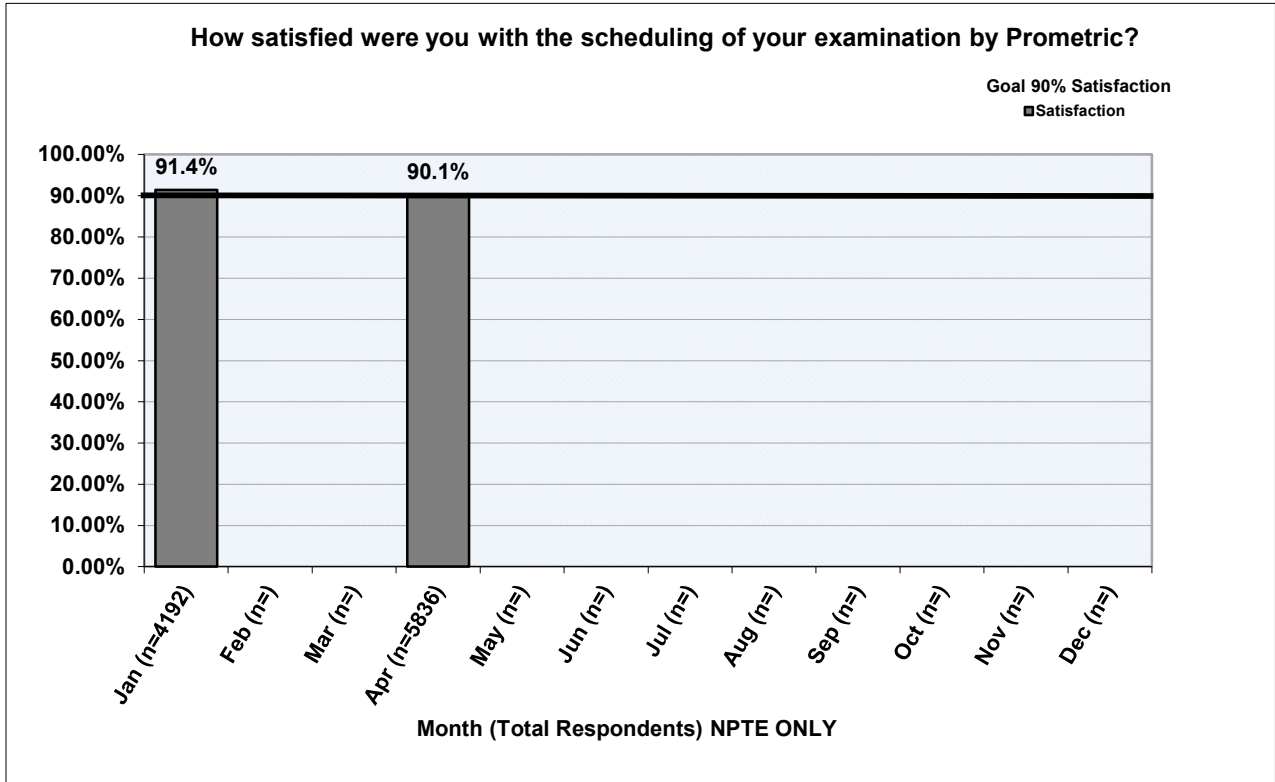


Attachment XIII

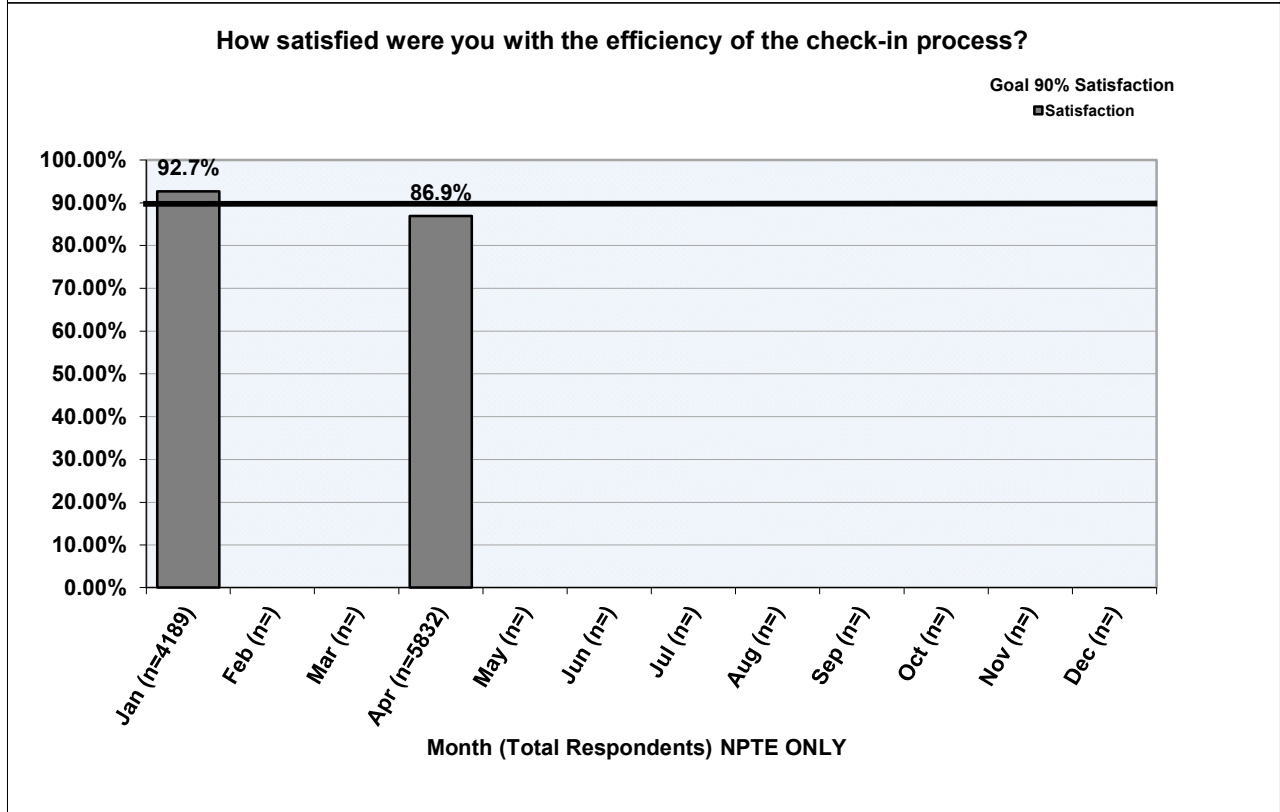
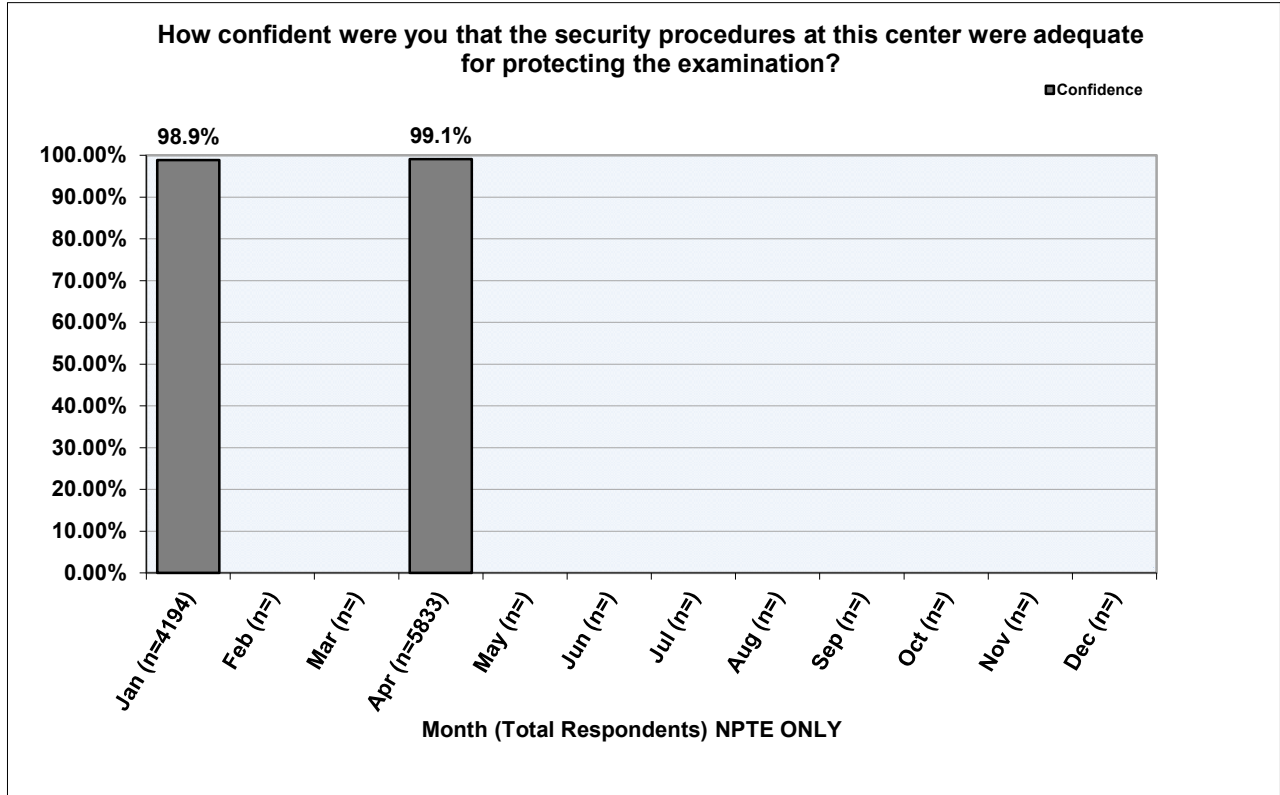
NPTE Survey Satisfaction By Month



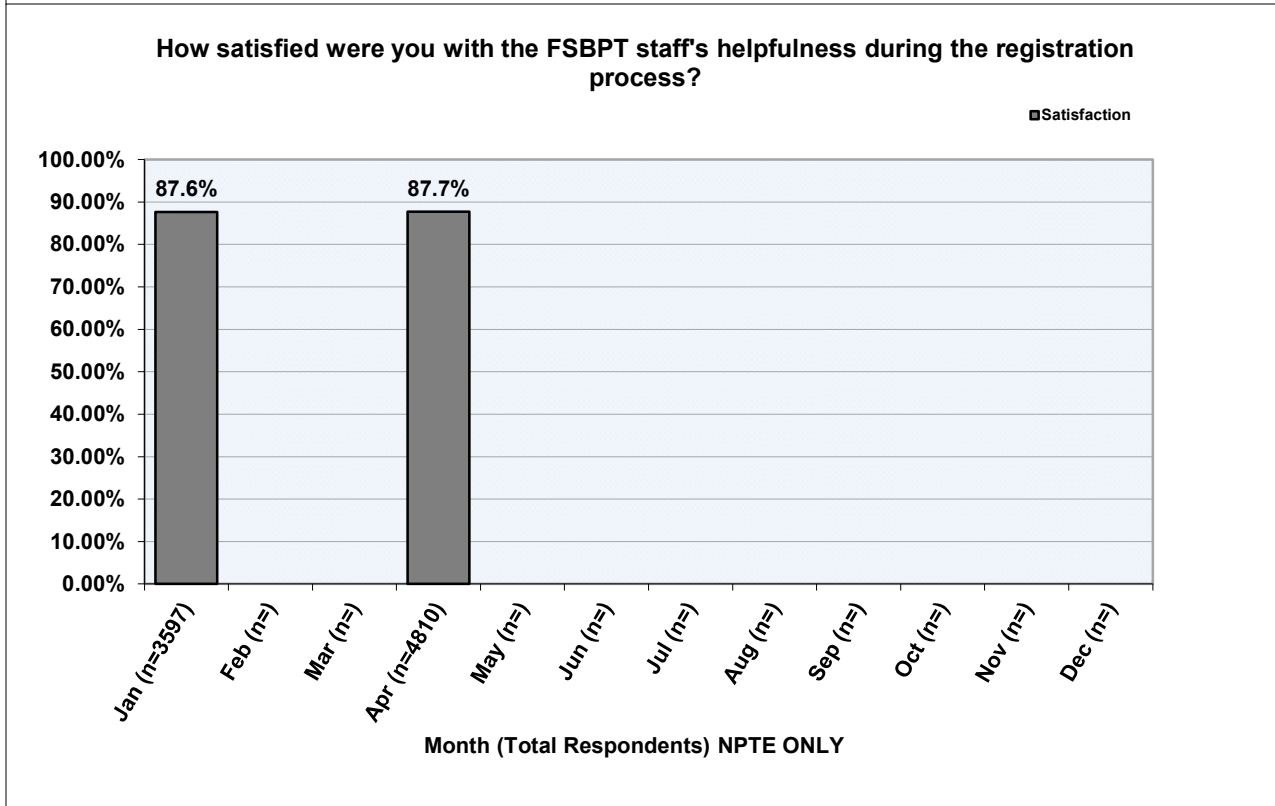
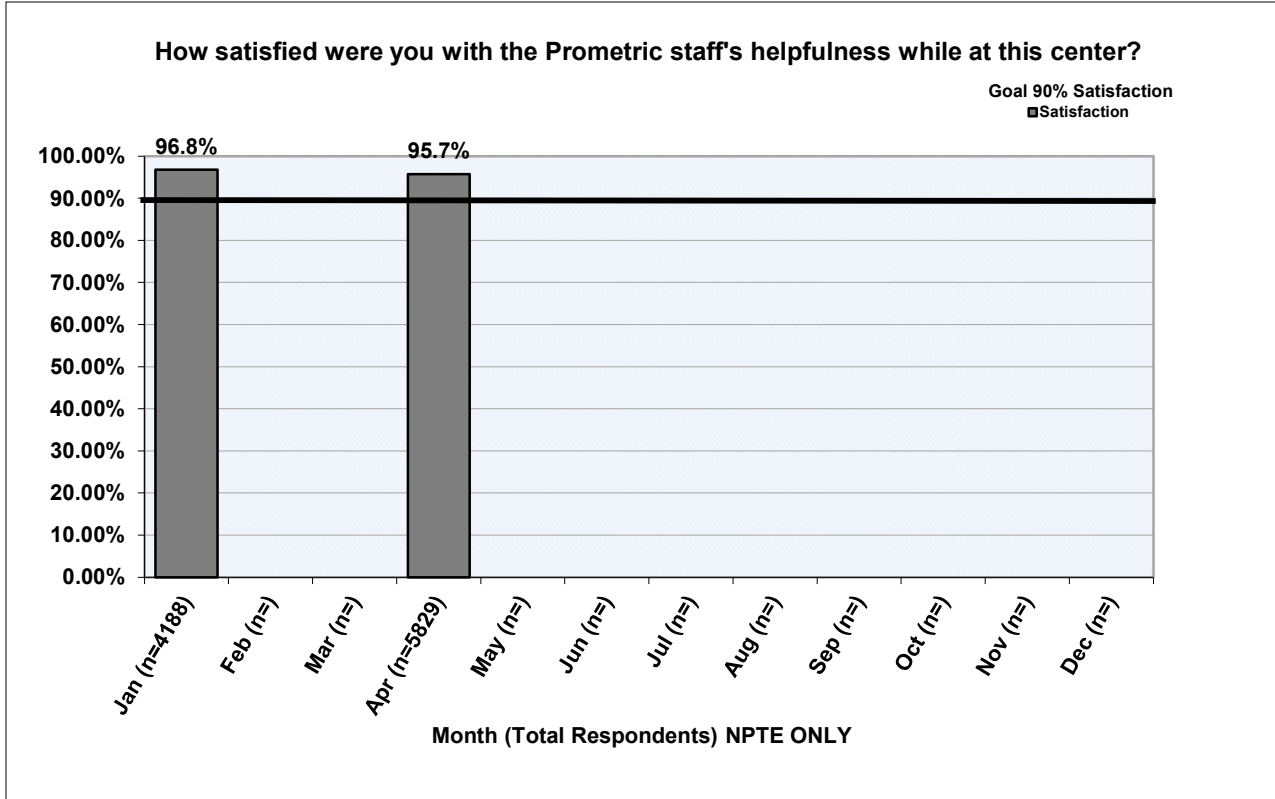
NPTE Survey Satisfaction By Month



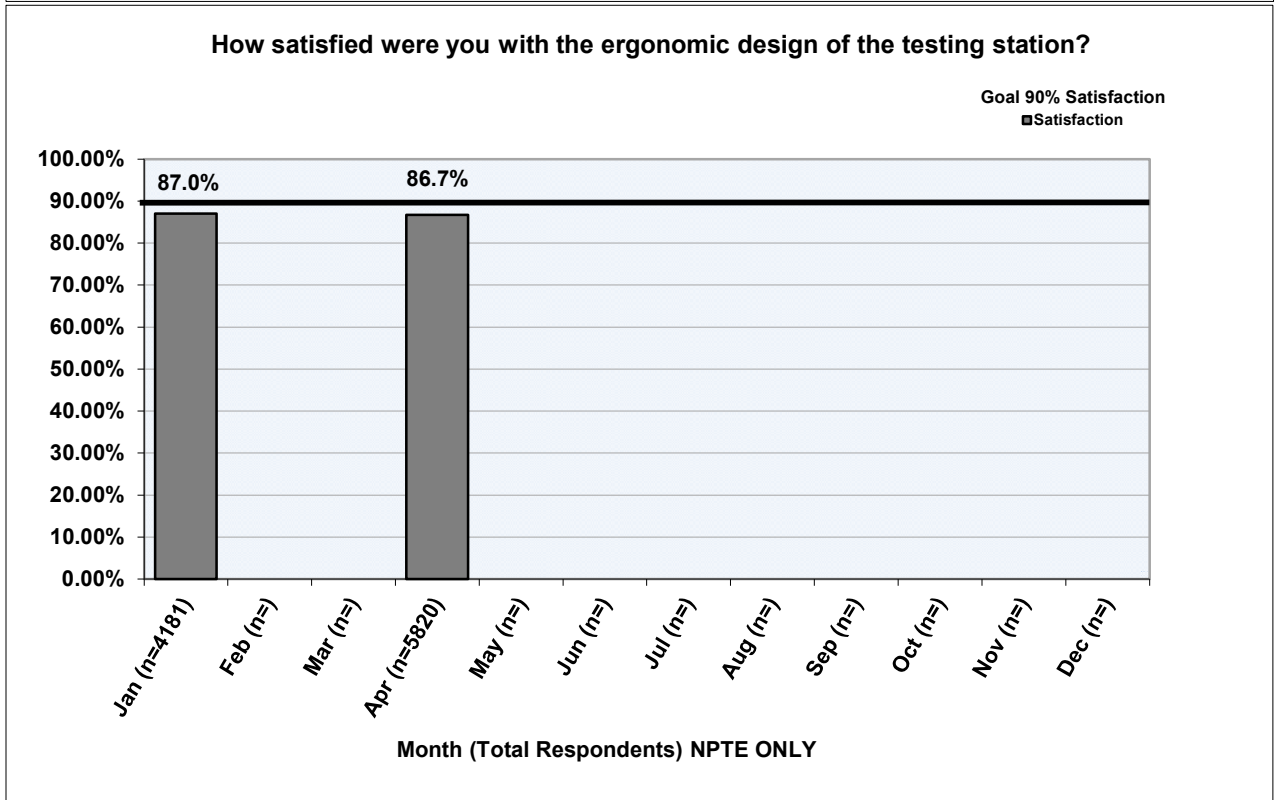
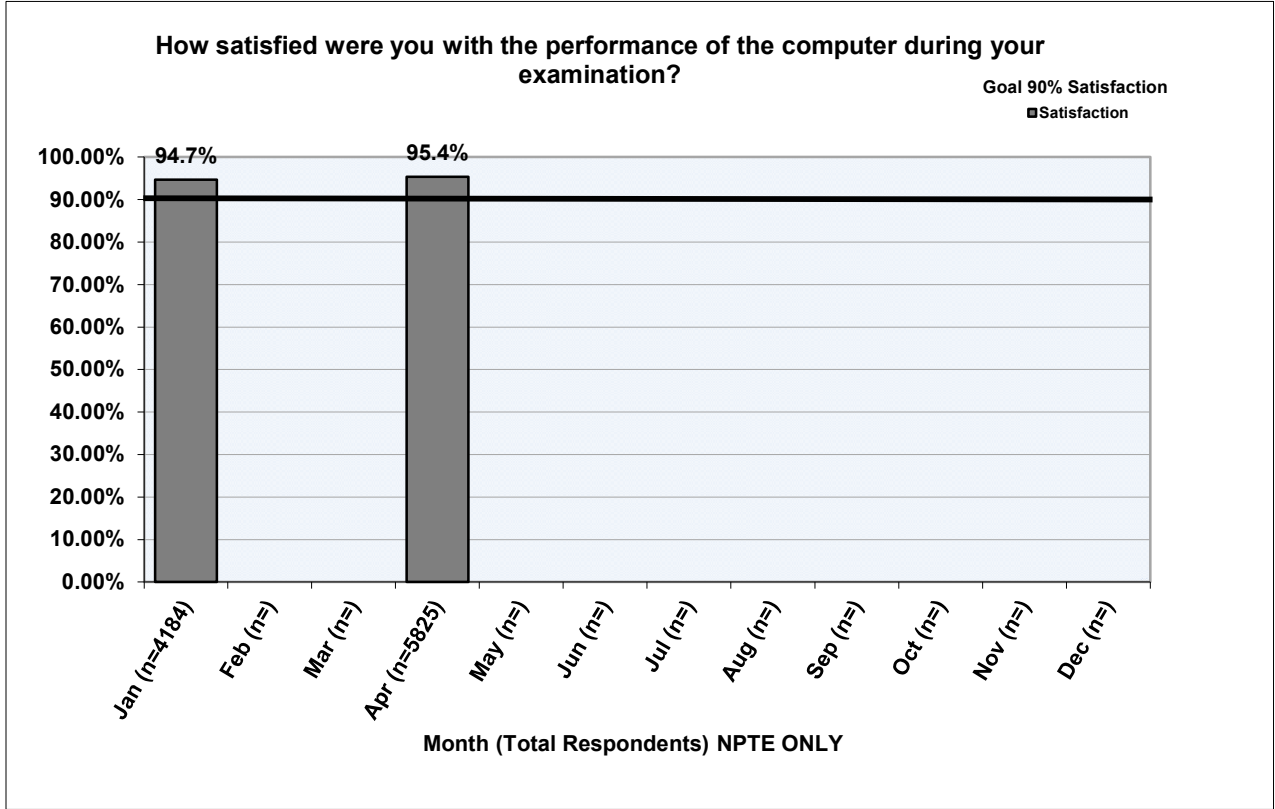
NPTE Survey Satisfaction By Month



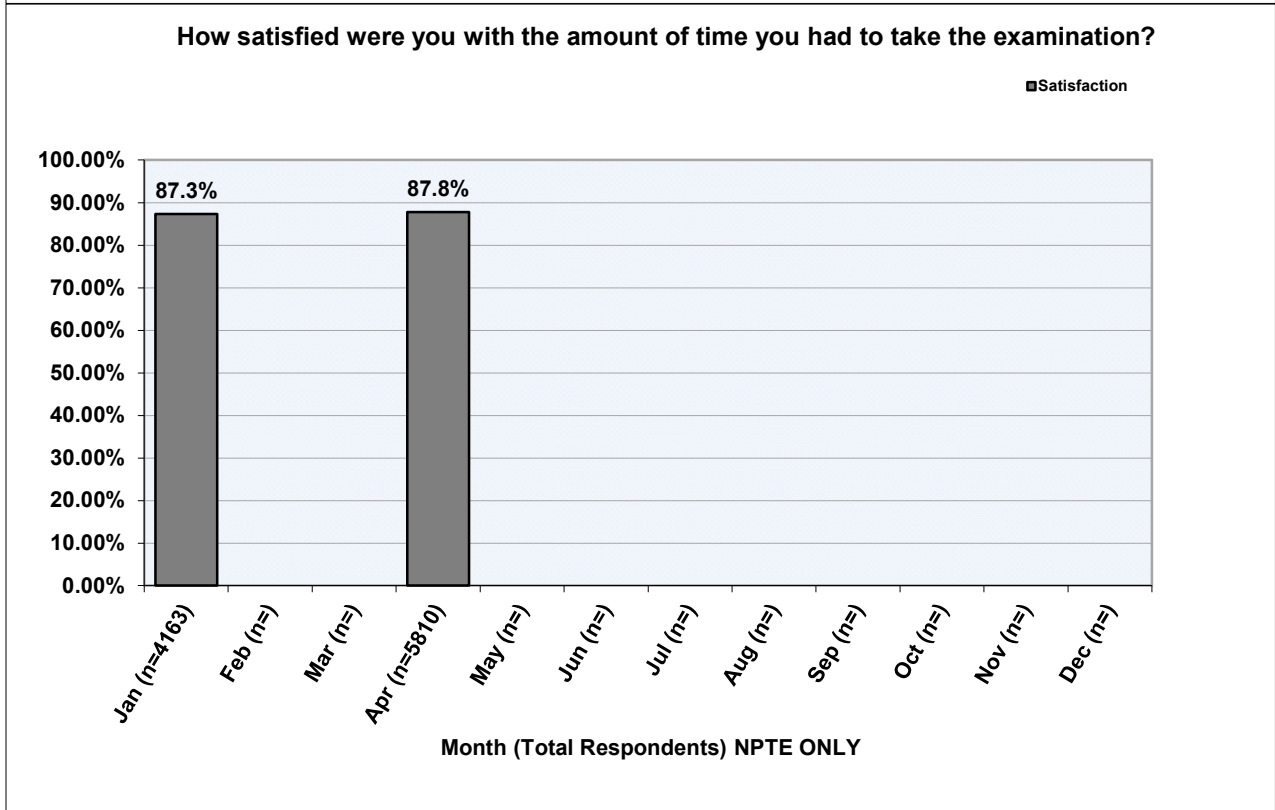
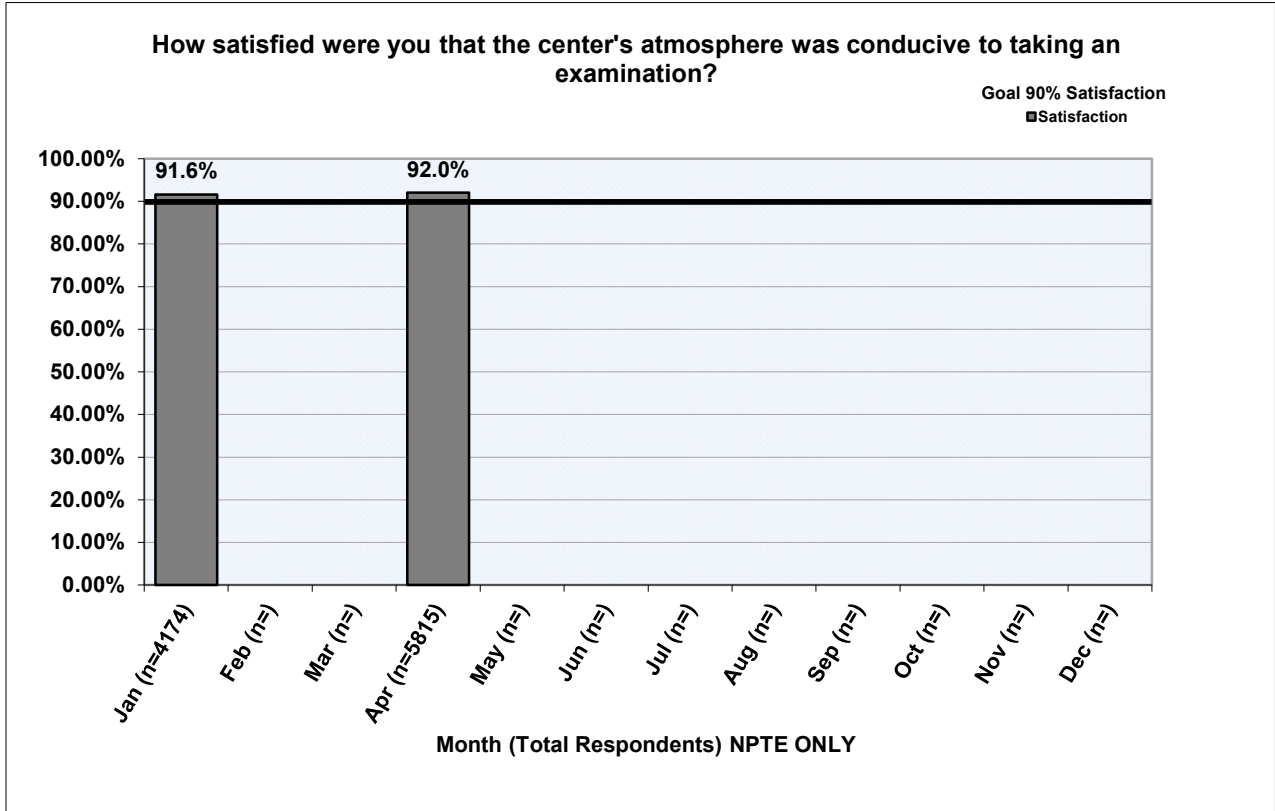
NPTE Survey Satisfaction By Month



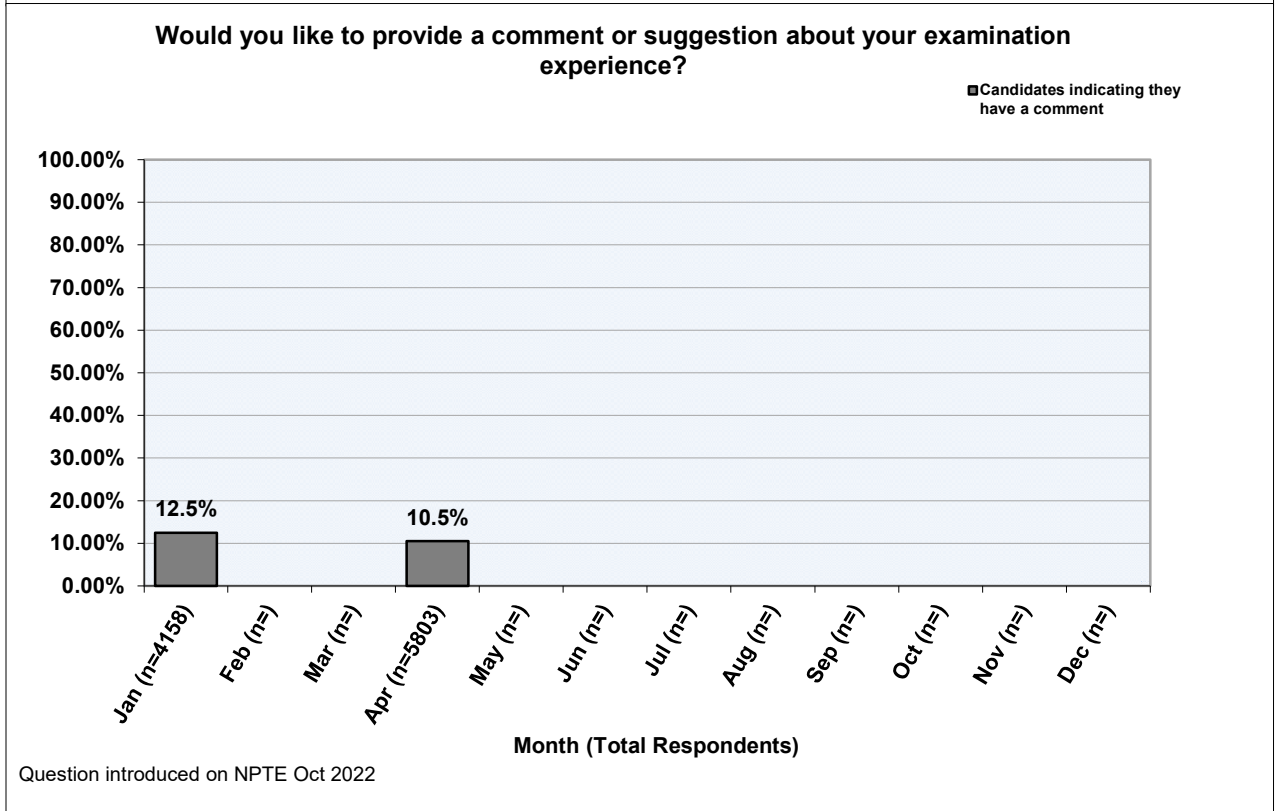
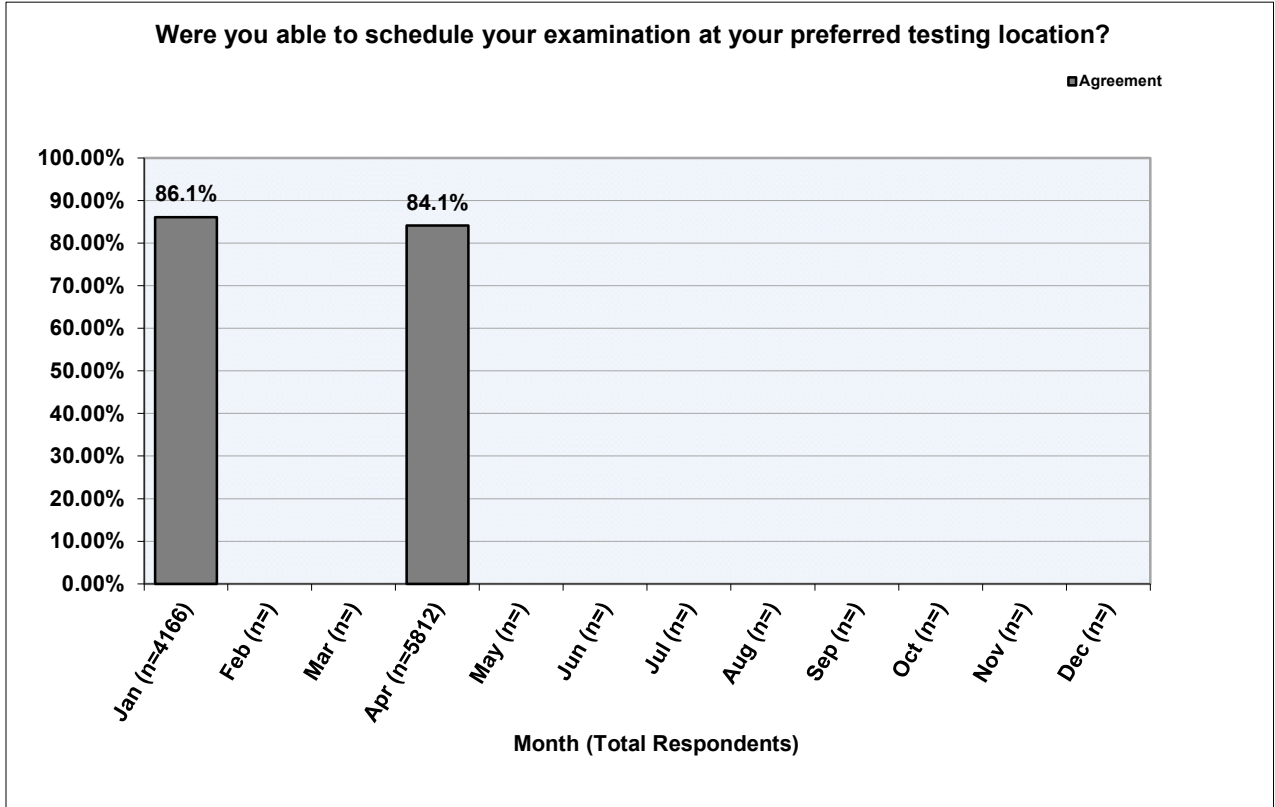
NPTE Survey Satisfaction By Month



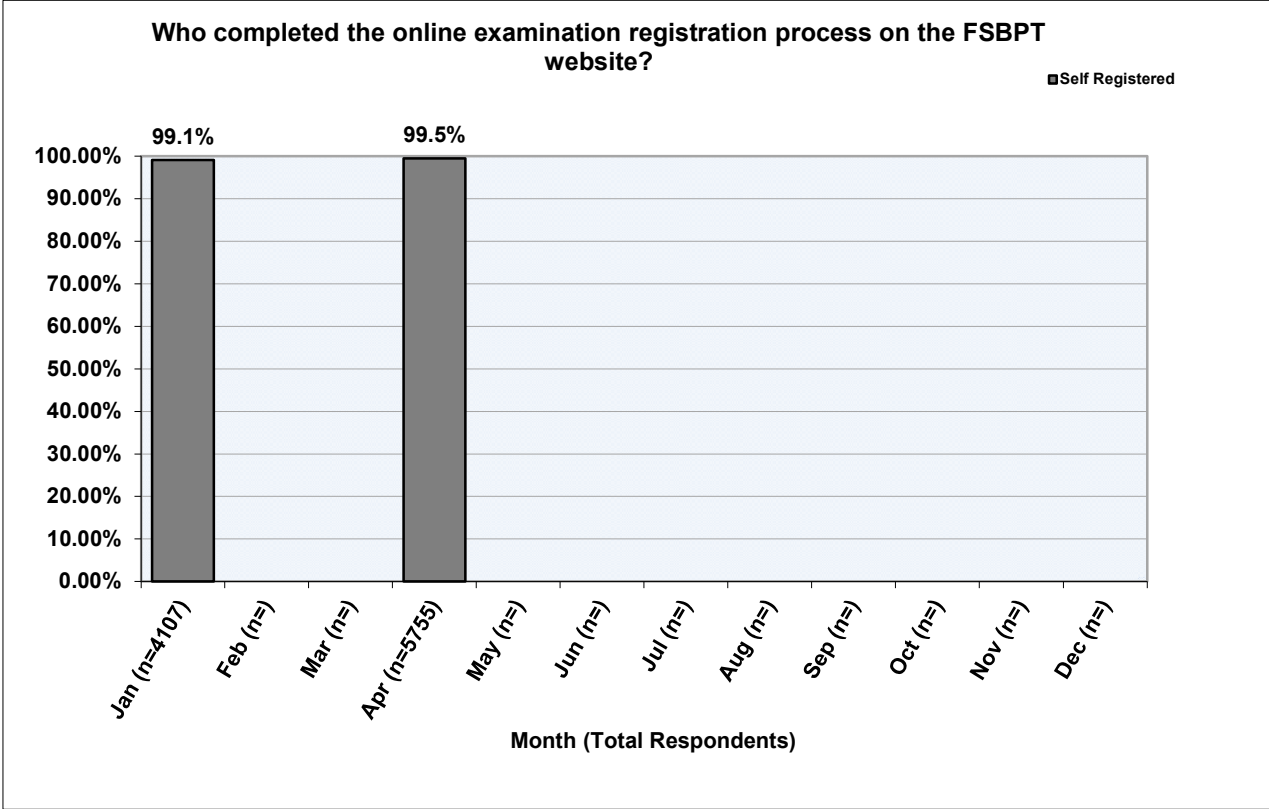
NPTE Survey Satisfaction By Month

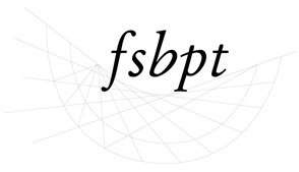


NPTE Survey Satisfaction By Month



NPTE Survey Satisfaction By Month

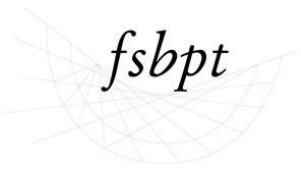




Federation of State Boards of Physical Therapy
 124 West Street South, 3rd Floor, Alexandria, Virginia, 22314
 Phone: 703.299.3100 Fax: 703.299.3110
 Website: www.fsbpt.org

Candidate Comments Report: NPTE April 2023

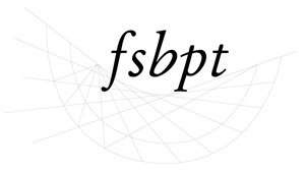
Candidates Seeking Licensure In:			North Carolina				
Licensure State	Test Center: City, State, Country	Exam Type	Exam Name	Candidate Name (Last, First)	Test Month	Test Year	Candidate Response
NC	5209: WILLISTON, VT, USA	PT	PT	AMTHOR, MEGHAN	April	2023	Affordability for students. The process of applying to prometric, state liscenses, and the NPTE is extreme for those who are not from a high socioeconomic status. I luckily could take out a loan for help through extended family but I know candiates who chose test over food in some instances.
NC	1618: GREENVILLE, NC, USA	PTA	PTA	NARANJO, CRISTIAN	April	2023	Please make a testing site closer to Benson NC.
NC	45: CHARLOTTE, NC, USA	PTA	PTA	JOHNSON, AUSTIN	April	2023	The sound cancelling headphones were not effective.
NC	45: CHARLOTTE, NC, USA	PT	PT	WOOD, BRIANNA	April	2023	Staff was great, helpful, and very kind.
NC	28: FALLS CHURCH, VA, USA	PT	PT	RODRIGUEZ, NANCY	April	2023	The font and color chosen on the computer is a bit hard to see for the test.
NC	1705: PITTSBURGH, PA, USA	PT	PT	WADE, JESSICA	April	2023	One of the workers was talking on the phone inside of my testing room for the entire last section of my test. It was really distracting.
NC	58: GREENSBORO, NC, USA	PT	PT	VILIRAN, IVY JEAN	April	2023	Staff are very approachable and kind.
NC	2114: GREENVILLE, SC, USA	PT	PT	WHELAN, ELIZABETH	April	2023	when I thought I was running late, there was no way to contact the testing center
NC	58: GREENSBORO, NC, USA	PT	PT	LINDIG, RABECCA	April	2023	I suggest that clear small cups be available at the water station so that we can bring in some water with us. My thirst kept distracting me and I did not have enought breaks where the time stopped to get my own water.
NC	1618: GREENVILLE, NC, USA	PT	PT	STORY, EMMA	April	2023	There was only one bathroom available and it stopped working during the exam. Multiple restrooms needed.



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Candidate Comments Report: NPTE April 2023

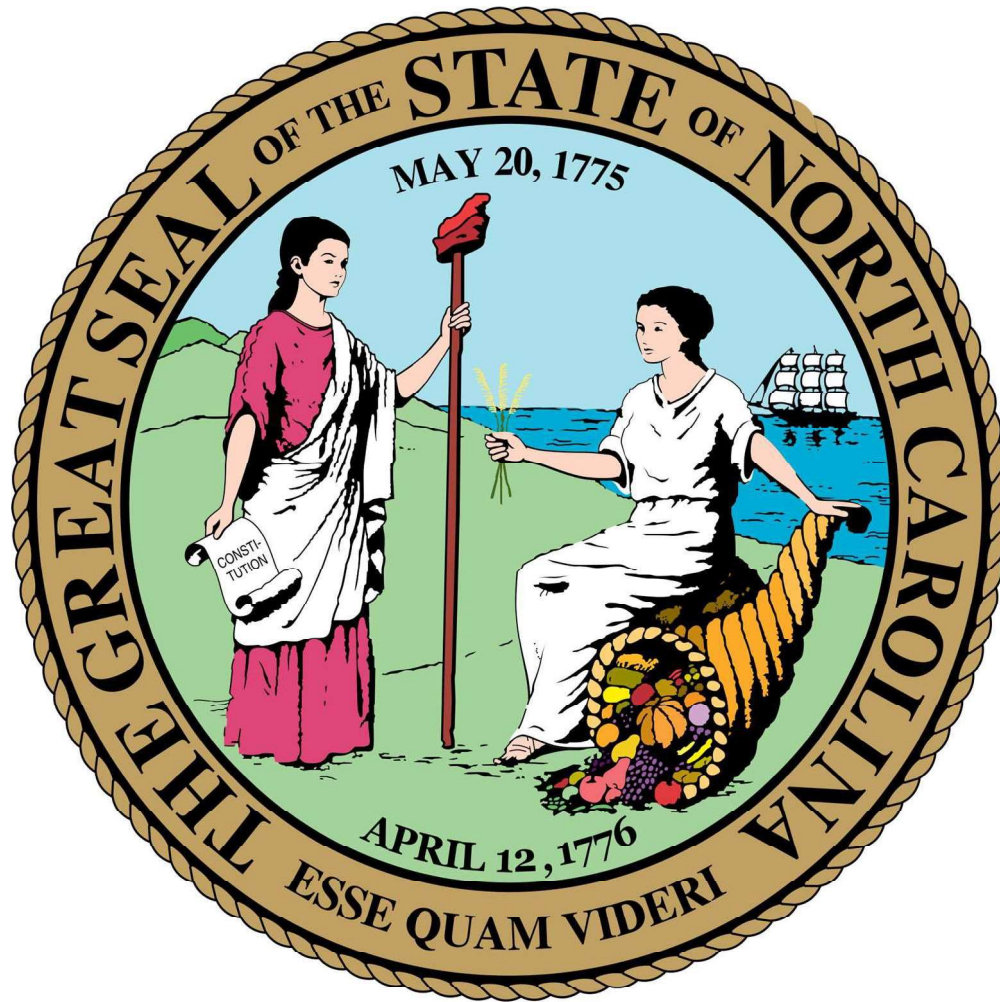
Candidates Seeking Licensure In:			North Carolina				
Licensure State	Test Center: City, State, Country	Exam Type	Exam Name	Candidate Name (Last, First)	Test Month	Test Year	Candidate Response
NC	5365: FALLS CHURCH, VA, USA	PT	PT	BURKY, SARA	April	2023	room too hot
NC	45: CHARLOTTE, NC, USA	PT	PT	NIDAY, IAN	April	2023	Please be more specific on jewelry permitted during testing.
NC	1608: ASHEVILLE, NC, USA	PTA	PTA	SOUKTHAVONE , THINAKONE	April	2023	The prometric staff were very accomadating and encouraging during the check in process.
NC	45: CHARLOTTE, NC, USA	PT	PT	CORDOVA, JESSICA	April	2023	Thank you for all you do!
NC	1618: GREENVILLE, NC, USA	PT	PT	MOORE, RAYMOND	April	2023	GOOD
NC	45: CHARLOTTE, NC, USA	PT	PT	SIFFORD, BRENNIA	April	2023	It would be nice if the testing site had taller and deeper cubicles, to allow for standing (without disrupting those nearby), as sitting for 2+ hours at a time is highly uncomfortable.
NC	3251: CHICAGO, IL, USA	PT	PT	DAO, LUKE	April	2023	please hire more staff at the chicago testing center. the check in process was slow and didn't start until 8:42am
NC	27: RALEIGH, NC, USA	PT	PT	DONAHUE, BENNETT	April	2023	The room was super hot, i asked the testing center if it was supposed to be that warm and they said it had to be a certain temperature. Im sure they are following the rules but very warm...
NC	1602: RALEIGH, NC, USA	PTA	PTA	CUENTAS, ERIN	April	2023	I did not recieve my authorization to test letter within the timeline that the website stated I would recieve it after applying to test.



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 Phone: 703.299.3100 Fax: 703.299.3110
 Website: www.fsbpt.org

Candidate Comments Report: NPTE April 2023

Candidates Seeking Licensure In:			North Carolina				
Licensure State	Test Center: City, State, Country	Exam Type	Exam Name	Candidate Name (Last, First)	Test Month	Test Year	Candidate Response
NC	1706: PITTSBURGH, PA, USA	PT	PT	PECE, SYDNEY	April	2023	My exam was supposed to start at 8am and due to computer issues, I did not start till 8:30am. While I understand that this happens, we could overhear the staff saying they may have to cancel the exam-causing increased stressed before starting a very important examination. The people also were not the most friendly. The person watching us take the exam was loud from time to time when talking.



Attachment XIV

Compliance Report

Board

Physical Therapy Examiners, Board of ▼

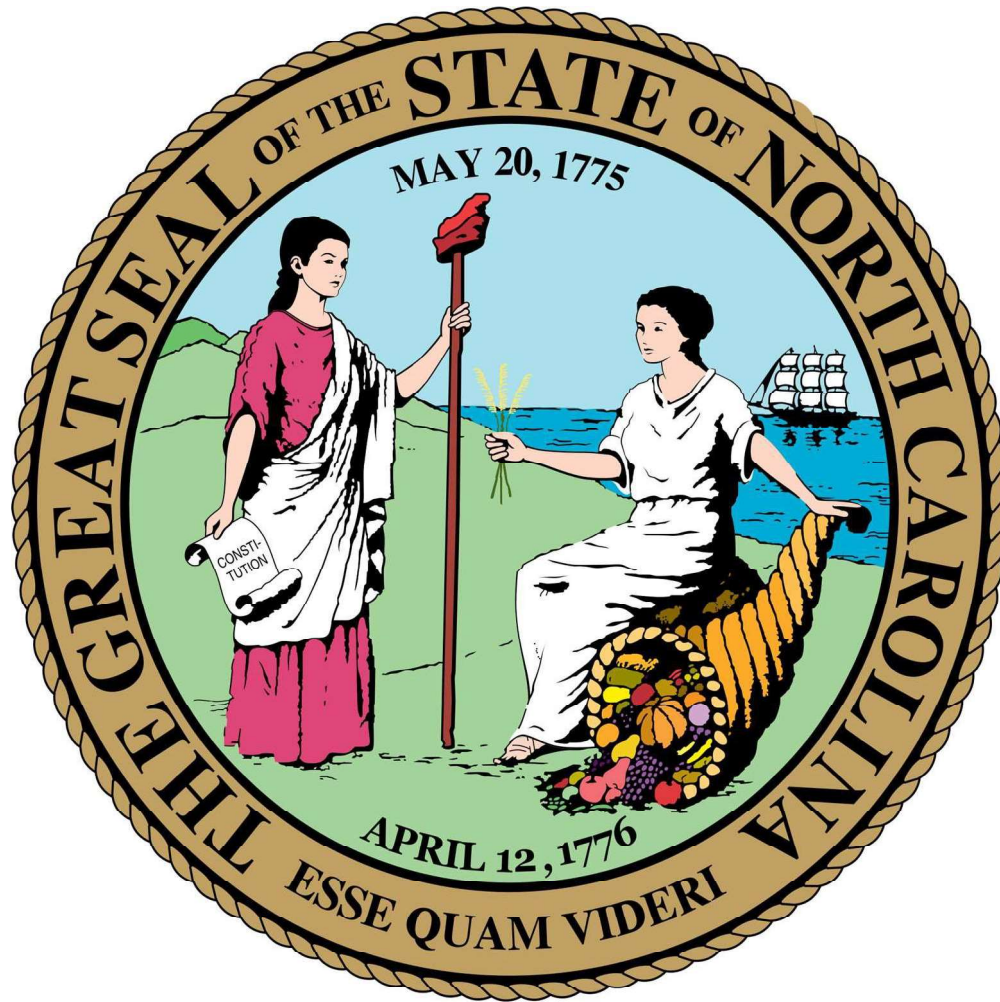
Submit

[Export list to .CSV](#)

<u>Full Name</u>	<u>Appointment Start Date</u>	<u>Appointment End Date</u>	<u>Last SEI Received Date</u>	<u>Last Education Received Date</u>	<u>Next Education Due Date</u>
Kathleen Arney(EL)				04/20/2022	04/20/2024
Teresa Hale	01/24/2018	12/31/2023	03/07/2023	03/08/2022	03/08/2024
Charlie Edwards	01/24/2018	12/31/2023	04/11/2023	03/17/2022	03/17/2024
Megan Wentz	12/10/2021	12/31/2023	04/14/2023	03/10/2022	03/10/2024
Stephanie Bernard	01/01/2022	12/31/2024	03/08/2023	06/13/2022	06/13/2024
Renuka Kasula	03/28/2023	12/31/2025	03/27/2023		09/28/2023
Jamie Miner	06/19/2023	12/31/2025	06/16/2023	03/06/2022	03/06/2024
Leslie Kesler	01/15/2019	12/31/2024	02/20/2023	01/01/2023	01/01/2025
Lee Diehl	04/28/2023	12/31/2025	04/26/2023		10/28/2023

1 - 9 Of 9 Records

Pg Of 1



Attachment XV

PT Compact State Compliance Quarterly Tracking Report

1. Weekly data sharing - tracked by Amber and reported via spreadsheet (Per Legislation SEC. 3.A.1 and SEC. 8 and Rules Chapter 6) - % data file was received within weekly requirement (Y to D)
2. # of DA reported (Per Legislation SEC 3.A.3 and SEC. 8.B.3 and Rule 6.3.B and 6.4) - DA reported with effective dates in given time period (initial and revisions)
3. DA reporting initial - tracked by Angela and if issues arise the state is contacted and T.J. is notified (Per Legislation SEC 3.A.3 and SEC. 8.B.3 and Rule 6.3.B and 6.4) - % DA was entered within 2 days of effective date (Y to D) (initial and revisions)
4. DA reporting finalized - tracked by T.J. and if issue arise the state is contacted (Per Legislation SEC 3.A.3 and SEC 8.B.3. and Rule 6.3.B and 6.4) - % DA was finalized within 14 days of effective dated (Y to D)
5. Encumbrance reporting - audited by T.J. on quarterly basis through email to state (Per Rule 6.3.C) - Number of encumbrances reported (Y to D)
6. # Flagged Under Investigation - tracked by T.J. on quarterly basis (Per Rule 6.7) - Individuals flagged as under investigation (Y to D)
7. Investigation reporting - tracked by T.J. on quarterly basis (Per Rule 6.7) - % of DAs where action was taken who were also flagged as under investigation (Y to D)
8. FSBPT ID usage - plans are being developed between the state, JS staff, and T.J. (Per legislation SEC. 6.1.B and Rule 6.1.C.2) - Sending licensee info with associated FSBPT ID instead of SSN (Y to D) (Not just in database)

Report Locations

1. X:\Functional Areas\Compact\Data\2022 Import Schedule and Log -
2. X:\Functional Areas\Compact\Compliance Issues\Compliance Tracking Data\Compact States-Days to report discipline since
3. X:\Functional Areas\Compact\Compliance Issues\Compliance Tracking Data\Compact States-Days to report discipline since
4. X:\Functional Areas\Compact\Compliance Issues\Compliance Tracking Data\Compact States-Days to report discipline since
5. <https://staff.new.fsbpt.net/Compact/Encumbrance/EncumbranceReport>
6. <https://staff.new.fsbpt.net/Compact/InvestigationsReport>
7. X:\Functional Areas\Compact\Compliance Issues\Compliance Tracking Data\Compact States -Days to report discipline since

Time period 4/1/2022 to 6/30/2022

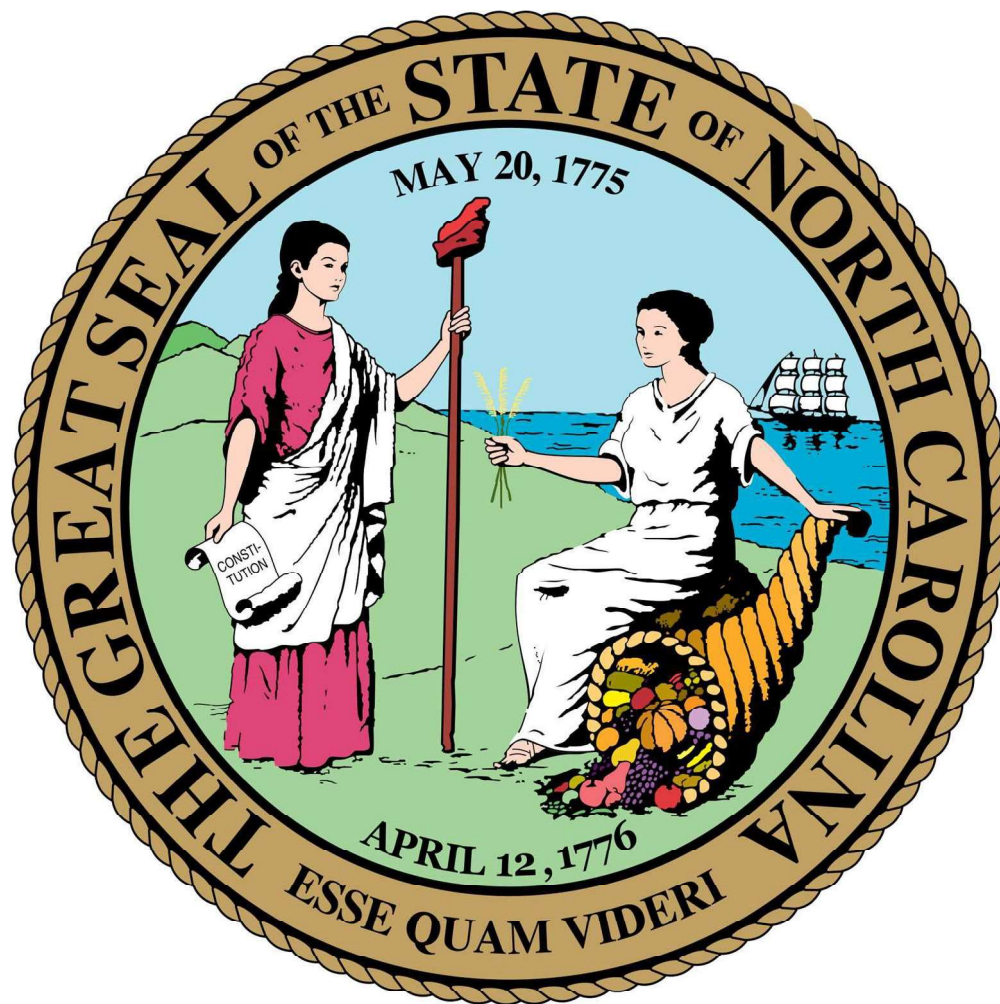
LAST UPDATED July 8, 2022

State (1)Weekly Data Sharing (2) # of DA Reported (4)DA Reporting Finalized (5)Encumbrance Reporting (6)# Flagged Under Investigation (7)% of DAs Flagged as Under Investigation (8)FSBPT ID Usage 2 Years Since Enactment Time Left to Meet FSBPT ID Date Bill Signed Date Law Effective CP Go Live Date Notes
NC 100% 0 0 0 0 N/A N/A 6/8/2019 6/8/2017 6/8/2017 7/1/2019

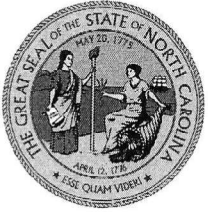
Using API interface

Report ID State Lastname firstname fsbptid ReportType EffectiveDate DateCreated LastUpdated Investigation Flag? Days to report: Effective date from LAST save date

No discipline taken in Q2



Attachment XVI



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Social Services

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

SUSAN G. OSBORNE • Deputy Secretary for Opportunity and Well-Being

July 25, 2023

Physical Therapy 059
Kathy Arney
8300 Health Park, Suite 233
Raleigh NC 27615

Dear Sir:

In compliance with N.C.G.S. 110-142, a program for collection of delinquent child support payments through license revocation is administered by NC Child Support Services. Since the 1996 implementation, this program has proven very successful in ensuring that parents meet their responsibilities to their children. By providing semi-annual listing of all current license or certification holders and taking actions to terminate licensing privileges when required, licensing boards play a critical role in this program.

To ensure the continued effectiveness and efficiency of the process, NC Child Support Services (CSS) requests that membership lists, including only currently licensed members, be provided by licensing boards in July and January of each year. The next license listing is due by January 31, 2022.

To match board membership lists to child support obligors who owe delinquent support, the following data is required:

- Agency Code (*as shown Above*)
- Licensee Social Security Number
- Licensee name
- Licensee Address
- License Number

This data should be presented in either Excel (*highly encouraged*) or Word as shown below:

Agency Code, SSN (*in entirety*), Last name, First name, Middle name, Address line 1, Address line 2, City, State, Zip, License number

Note: If using Word, provide the information in comma-delimited format. If your agency does not use one of the fields shown above, insert a comma (,) in place of that field. The example below represents omitting the Address line 2 field:

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF SOCIAL SERVICES • CHILD SUPPORT SERVICES

MAILING ADDRESS: P.O. Box 20800, Raleigh, NC 27619
www.ncdhhs.gov • TEL: 919-855-4755 • FAX: 919-733-2784
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Agency Code, SSN (*in entirety*), Last name, First name, Middle name, Address line 1, City, State, Zip, License number.

To ensure the security of personal information, all membership lists should be encrypted, and password protected.

Membership lists may be sent on CD, flash drive, or by encrypted email to:

US MAIL

NC Child Support Services
Post Office Box 20800
Raleigh, NC 27619
Attention: Tamika Baker

Encrypted Email

NCCSS.ProfessionalLicense@dhhs.nc.gov

Please provide the document password in a separate phone call or email to Tamika Baker, Professional License Coordinator, at 919-855-4409 or by email at NCCSS.ProfessionalLicense@dhhs.nc.gov .

Enclosed are information on the license revocation process and samples of each of the documents that you may receive or use in the process. We hope that these will be beneficial to you in understanding the complete procedures and directing questions to the appropriate entity.

For additional information on the revocation program, the submittal of lists or to update board information, please feel free to contact the Professional License Coordinator as indicated above. We thank you for your cooperation and help in securing support for our children.

Sincerely,



Carla West, Chief

(2) Enclosures

SAMPLE – Notice to Obligor (provided to licensing boards)

(Date)

NOTICE OF LICENSE REVOCATION

Dear _____:

Your name has been placed on a certified list as being in non-compliance with a child support order. In accordance with G.S. 110-142.1, your occupational, professional, or business license or application for a license may be suspended or revoked **twenty (20) days** from the date of this notice.

You should contact the local child support agency if you have any questions concerning this notice. You may challenge this submission or negotiate a payment schedule approved by the local child support agency by requesting a review from this designated representative within **fourteen (14) days** of the date of this notice.

A review may be requested by mailing the lower portion of this notice or by telephone to the designated child support agency named below. Please bring this letter with you to any appointment that is set. In order to avoid having your license suspended or revoked you must obtain a "Certificate of Compliance" from the designated representative or your local child support agency. If your license is revoked or an application is denied pursuant to this statute, the board is not required to refund fees paid by you.

Sincerely,

Board of Licensure

_____ Child Support

() _____

Please schedule an appointment for a review of my child support case(s) and subsequent license suspension/revocation.

Name _____
Social Security No. _____
Address _____

Signature / Date

SAMPLE – Notice of Revocation (provided to licensing boards)

(Date)

NOTICE OF REVOCATION OR SUSPENSION

Dear _____:

Pursuant to G.S. 110-142.1 your license with the

(Licensing Board)

is hereby revoked/suspended. You may apply for reinstatement when this non-compliance has been corrected.

If you have any questions, please contact your local child support agency.

From: [Gregg G. Seipp](#)
To: [Emily Smith](#)
Cc: [Ellen Roeber](#)
Subject: FW: NC Board of Physical Therapy Examiners data file
Date: Monday, August 7, 2023 3:50:51 PM
Importance: Low

The Child Support file has been sent.

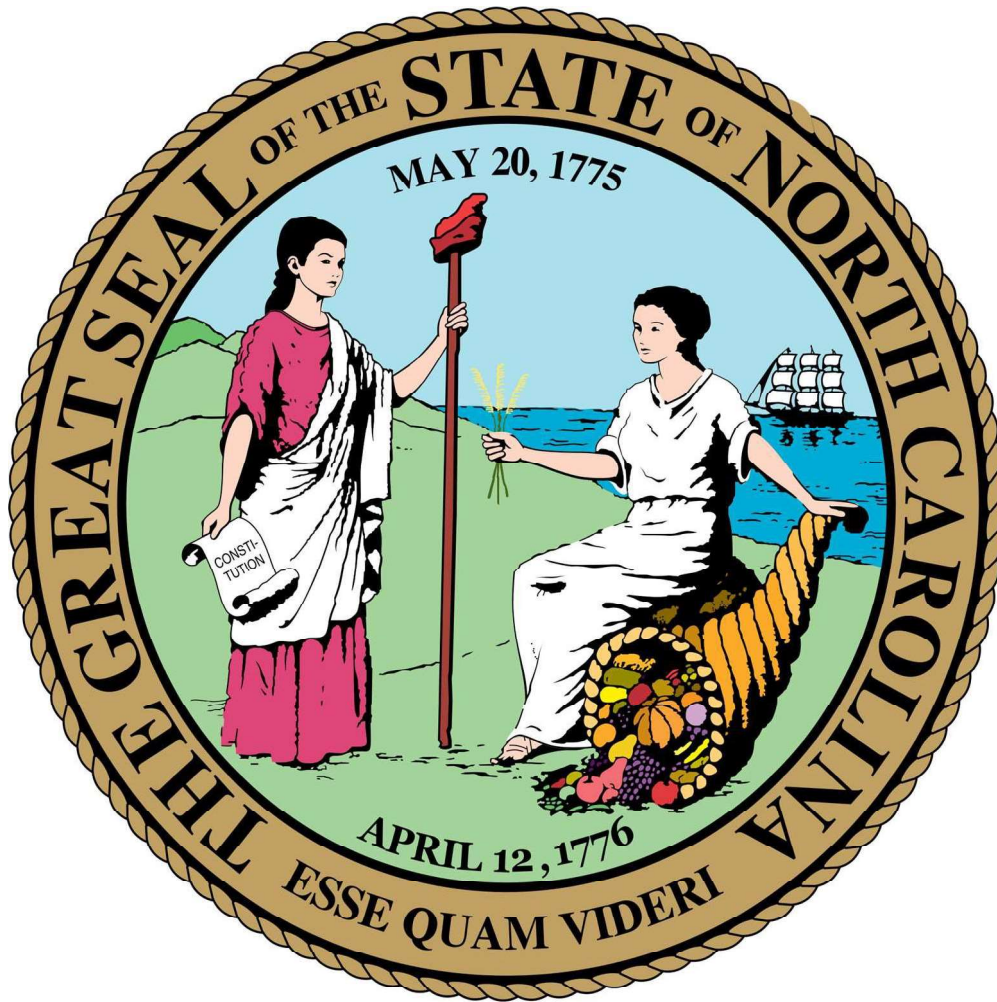
Gregg

From: Gregg G. Seipp
Sent: Monday, August 7, 2023 3:04 PM
To: NCCSS.ProfessionalLicense@dhhs.nc.gov
Subject: NC Board of Physical Therapy Examiners data file
Importance: Low

The Child Support data file for the NC Board of Physical Therapy Examiners is attached.

Gregg Seipp

NC Board of Physical Therapy Examiners
Development Manager
336-408-8446



Attachment XVII

Governor, General Assembly, and State Appointments

Please record information for appointments made/announced between July 1, 2022 and June 30, 2023.

Appointment Reporting Online Instructions for Governor, General Assembly, and State Boards

Board/Committee Name

Physical Therapy Examiners, Board of ▼

Were there any appointments this fiscal year? *

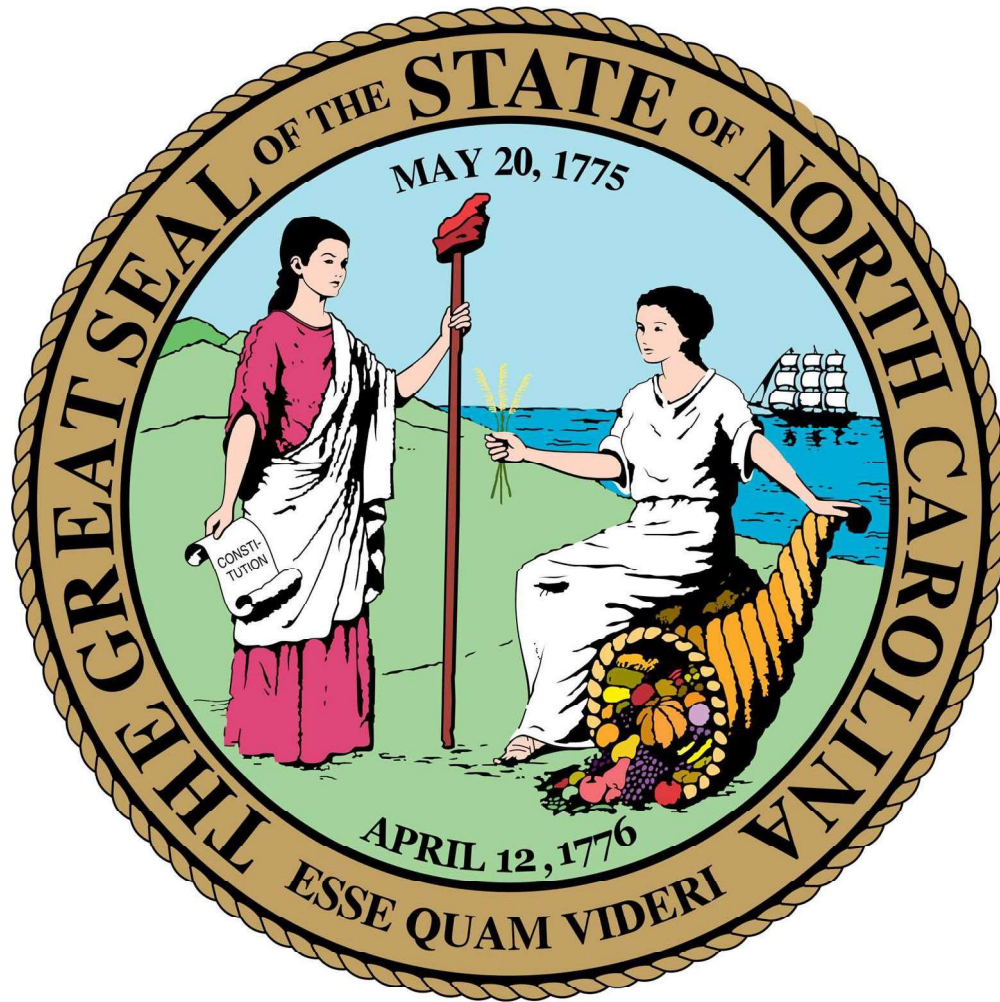
Yes ▼

Please note that you are able to add more than one appointment before submitting

Name	Total # of Board Members	Total # Allocated for Appointment	Women Appointed	Men Appointed	
Governor's Office	8	3	2	1	Edit Delete Row

Add Appointment →

Submit



Attachment XVIII



STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT



Employment First State for Individuals with Disabilities

ROY COOPER
GOVERNOR

KRISTIN WALKER
STATE BUDGET DIRECTOR

June 22, 2023

TO: Department Heads and Chief Financial Officers
Community College Presidents and Chief Financial Officers
All Occupational Licensing Boards

FROM: Kristin Walker *Kristin Walker*
State Budget Director

SUBJECT: Approval of Collection Costs for Civil Penalties, Fines, and Forfeitures

[G.S. 115C-457.2](#) requires the Office of the State Budget and Management (OSBM) to approve the percentage of the civil penalties, fines, and forfeitures collected by State agencies, universities, community colleges, boards, and commissions (“agencies”) which can be withheld as collection costs. The percentage is based on the agency’s actual collection costs for the prior year and cannot exceed 20 percent.

OSBM will use a [Smartsheet](#) to collect all required information. If agencies plan to retain collection costs in the month of July, the Smartsheet must be submitted to OSBM **no later than July 21, 2023. No agency may retain collection costs in FY 2023-24 until OSBM has approved the collection costs submission.**

All agencies must complete the Smartsheet regardless of whether the agency collects civil penalties, fines, and forfeitures:

- All agencies that collect civil penalties, fines, and forfeitures and retain collection costs must complete the Smartsheet and submit a [Collection Cost Worksheet](#) that reflects the actual costs of collecting civil penalties, fines, and forfeitures for FY 2022-23. Please review the tab labeled “Instructions” in the worksheet before completing and submitting it. Submit one worksheet per Budgetary Report Unit (BRU) with a tab for each budget code in which civil penalties, fines, and forfeitures are budgeted.
- Agencies that **do not collect** civil penalties, fines, and forfeitures or retain collection costs must still submit the Smartsheet form. However, the Worksheet is not required.
- Retaining collection costs is not required. If your agency collects a small amount of civil penalties, fines, and forfeitures, you may elect not to retain a percentage of collection costs due to administrative burden. In this case, you only need to verify this by completing the Smartsheet.

Appendix 1 provides a process chart for completing the Collection Costs Worksheet and Smartsheet.

Kathy Arney

From: Smartsheet Forms <forms@app.smartsheet.com>
Sent: Wednesday, July 5, 2023 1:47 PM
To: Kathy Arney
Subject: Confirmation - Collection Cost Verification for Civil Penalties, Fines, and Forfeitures



OFFICE OF STATE BUDGET
AND MANAGEMENT

Thank you for submitting your entry. A copy is included below for your records.

Collection Cost Verification for Civil Penalties, Fines, and Forfeitures

Department / Agency NC Board of Physical Therapy Examiners

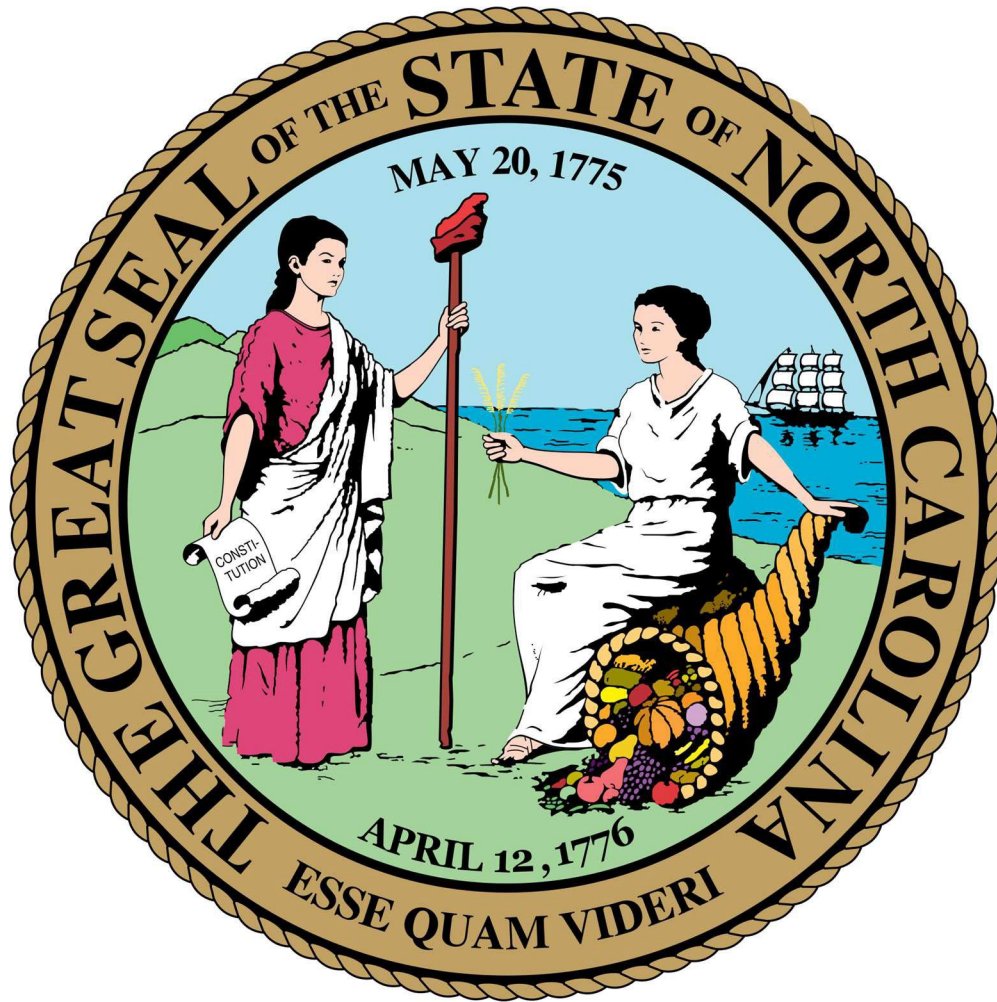
Division or Office

Agency Contact - Name Kathleen O. Arney

Agency Contact - Email karney@ncptboard.org

Agency Contact - Phone 919-490-6393

Does your agency collect Civil Penalties, Fines, and Forfeitures? No



Attachment II

Adopted- Special Meeting Minutes - December 6, 2023

**North Carolina Board of Physical Therapy Examiners
Special Meeting
September 25, 2023
NCBPTE OFFICE
8300 Health Park, Suite 233
Raleigh, NC 27615**

Board Members Present:

Leslie P. Kesler, PT (remote), Secretary Treasurer, serving as Chair
Renu Kasula, Public Member
Dr Lee Diehl
Stephanie Bernard, PTA
Jamie Miner, PT (remote)
Megan Wentz, PTA (remote)

Members Absent - Excused Absence:

David Edwards, PT, Chair
Teresa Hale, PT

Staff Present:

Ellen Roeber, PT, DPT, Deputy Director (DD)
David C. Gadd, Board Attorney

Kathy Arney, PT, Executive Director (ED) (Recused from the meeting due to potential conflicts of interest. Was not present and did not participate)

Meeting Called to Order by L Kesler, Secretary Treasurer (serving as Chair due to the absence of the Chair Edwards) at 12:00 p.m. The meeting was conducted in-person and remotely hosted via Microsoft Teams from the Board offices. The meeting was open to open to the public, noticed in the Board office, on its website, and on the NC Secretary of State website calendar. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call. A quorum was present.

Review of Agenda - L Kesler reviewed the agenda with the Board; there was no request for re-ordering. The agenda was followed as written.

Conflict of Interest Reminder by the Chair

L Kesler reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Task Force today as required by NCGS 138A. No Board Member indicated conflicts of interest with the business today.

Closed Session

Passed – Motion to go into Closed Session

V-37-'23 A motion was made to go into Closed Session at 12:05 pm, in accordance with GS 143-318.11 (a) (1), (5) and (6) to engage in privileged communications with the Board's counsel concerning personnel matters and contracts for services to the Board. *(Diehl)*

Members voting in the affirmative: Kesler, Wentz, Bernard, Kasula, Diehl, Miner

Members voting in the negative: None

V-38-'23 Passed -Motion to return to Open Session

A motion to return to Open Session was made at 12:45 p.m. *(Bernard)*

Members voting in the affirmative: Kesler, Wentz, Bernard, Kasula, Diehl, Miner

Members voting in the negative: None

V-39-'23 Passed – Motion to approve actions discussed in closed session including:

Passed: A motion to offer a Contract for IT services to Bill Arney as an independent contractor, effective 9/26/2023-2/28/2024; at rate determined to be equivalent to David Nall hourly rate plus prorated benefits; 30-day notice period was recommended for either party to terminate contract prior to established end date; the contractor will report to Deputy Director. *(Diehl)*

Members voting in the affirmative: Kesler, Wentz, Bernard, Kasula, Diehl, Miner

Members voting in the negative: None

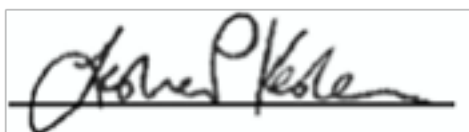
V-40-'23 Passed - A motion to assign Gregg Seipp as representative to North Carolina Department of Information Technology as NCID Administrator, replacing David Nall. *(Diehl)*

Members voting in the affirmative: Kesler, Wentz, Bernard, Kasula, Diehl, Miner

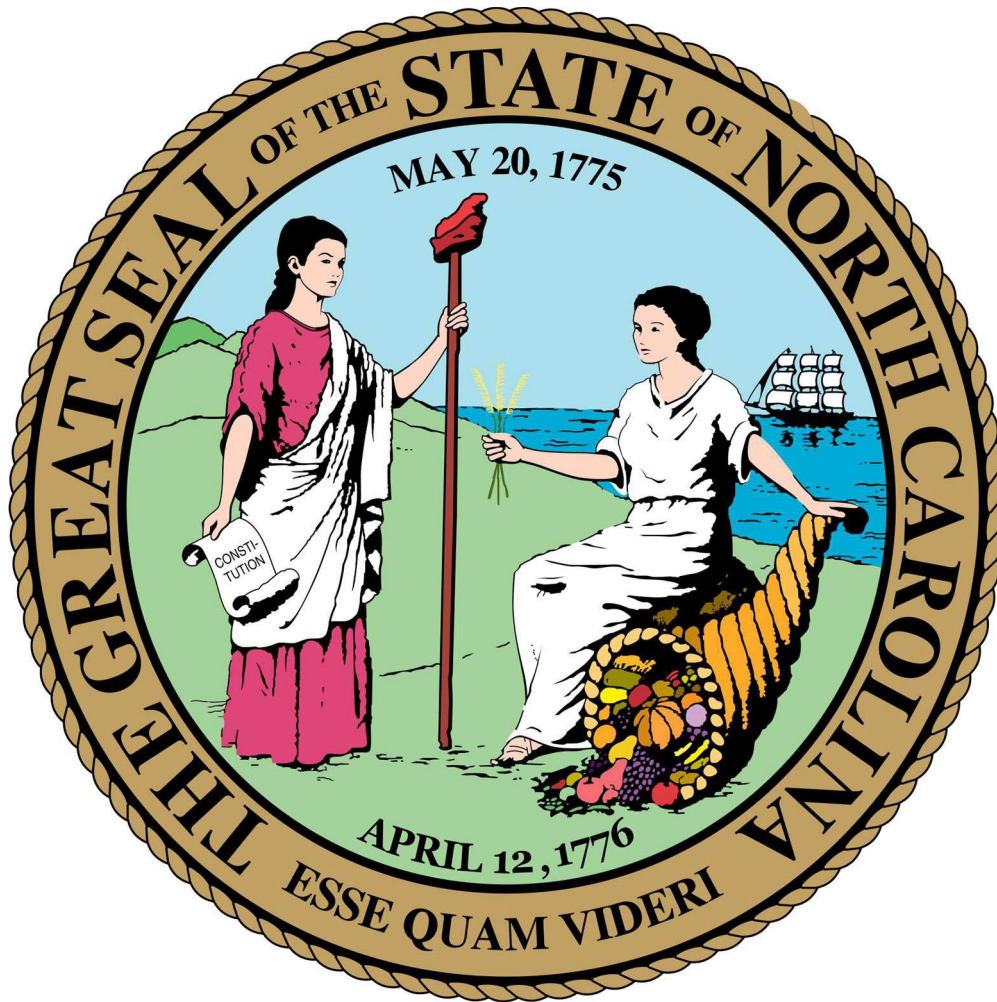
Members voting in the negative: None

Meeting adjourned at 12:49 p.m.

Respectfully Submitted,



Leslie P. Kesler, PT, Secretary/Treasurer
Recorder



Attachment III

From: [Kathy Arney](#)
To: Rosemary.Dejesus@bcbsnc.com
Cc: [Kathy Arney](#); [Kathy Arney](#)
Subject: FW: Scope of Practice_Evaluation and Management
Date: Wednesday, September 20, 2023 7:25:45 AM

Ms. Dejesus,

At its meeting September 13, 2023, the Board reviewed and considered the questions from BCBS:

- Whether physical therapists are qualified to bill evaluation and management code set 99202 – 99215 and
- If not, what does the Board identify as the correct code set for an evaluation completed by a licensed physical therapist.

After considering these questions the Board determined that making determinations regarding payer or coding policy is outside the scope of its mandate by the NC General Assembly. In addition, BCBS has a Commercial Reimbursement Policy, publicly available, regarding Evaluation and Management Services under the section labeled Physical, Occupational, and Speech Therapy Providers which states, “Evaluation and Management codes 99202-99215 and 99214-99245 are not eligible for reimbursement when the rendering provider is a physical therapist, occupational therapist, speech therapist or an assistant thereof. Evaluative services would be submitted using the appropriate therapy evaluations codes, such as 97161-97164, 97165-97168, or 92521-92524.”

The Board has rules under SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE - SECTION .0100 - PHYSICAL THERAPISTS, 21 NCAC 48C .0102 RESPONSIBILITIES, stating, “(g) A physical therapist's responsibility for patient care management includes first-hand knowledge of the health status of each patient and oversight of all documentation for services rendered to each patient, including awareness of fees and reimbursement structures.” This rule requires physical therapy licensees be aware of reimbursement structures, which implies coding and payer policy, and compliance with those. The Board determined that it is the responsibility of the payer to create their payment policy and licensees to be aware of and comply with those if they would like to be reimbursed for physical therapy services.

I hope this is helpful to you. Please let me know if you have any further questions or we can be of further assistance.

Kathy

Kathy O'Dwyer Arney, PT, MA
Executive Director
North Carolina Board of Physical Therapy Examiners
8300 Health Park, Suite 233
Raleigh, North Carolina 27615
Phone: (919)490-6393;(800)800-8982
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email: karney@ncptboard.org
Web address: www.ncptboard.org

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and may be disclosed to third parties

From: Rosemary DeJesus <Rosemary.DeJesus@bcbsnc.com>

Sent: Thursday, August 31, 2023 2:17 PM

To: PTBoard <ptboard@ncptboard.org>

Subject: Scope of Practice_Evaluation and Management

You don't often get email from rosemary.dejesus@bcbsnc.com. [Learn why this is important](#)

Good afternoon,

Can the board share on whether physical therapists are qualified to bill evaluation and management code set 99202-99215.

If not, what does the board identify as the correct code set for an evaluation completed by a licensed physical therapist?

Respectfully,

Rose

Rosemary DeJesus, CFE | CPCO | Senior Investigator

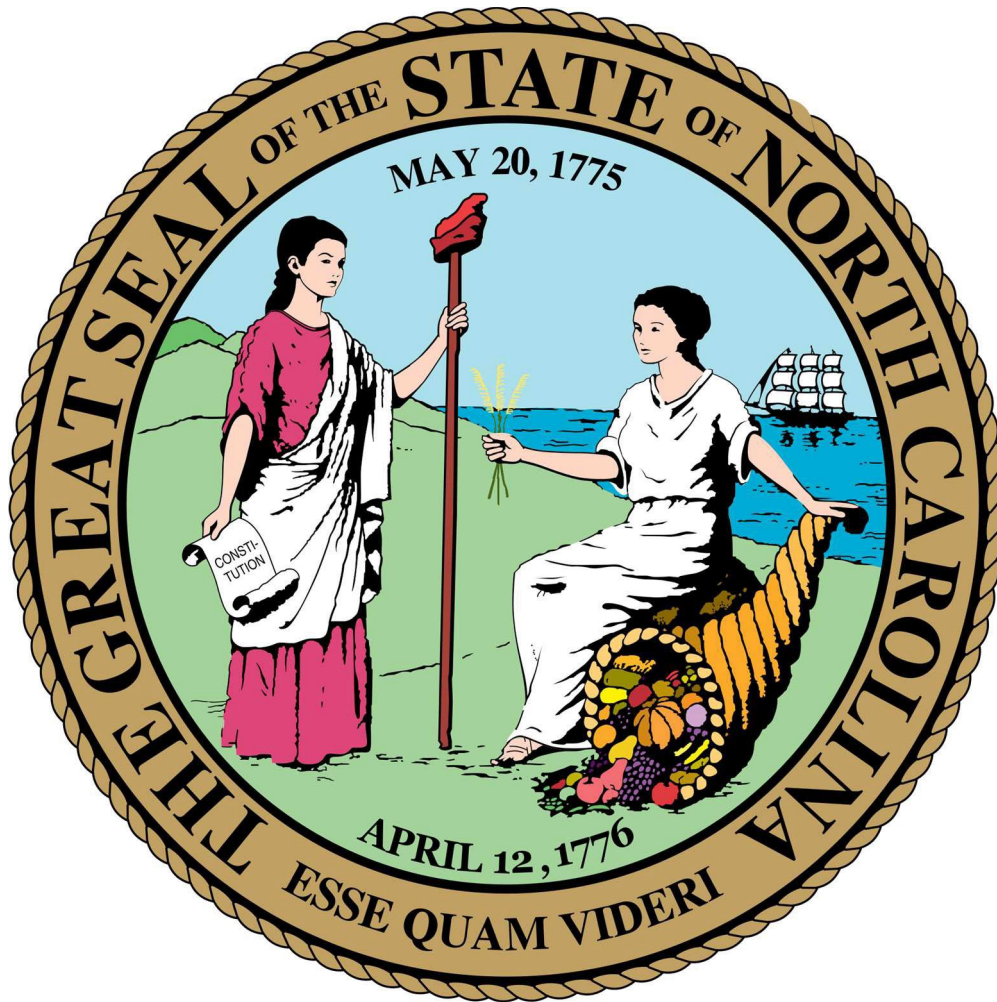
Special Investigations Unit

Direct Line: 984-960-3696 | Fax: 866-990-1387

Rosemary.DeJesus@bcbsnc.com



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Attachment IV

From: shelby.ducker
To: [Kathy Arney](mailto:kathy.arney)
Subject: RE: Dry needling
Date: Monday, July 10, 2023 1:24:52 PM

I do appreciate the follow up and greatly appreciate the further explanation. I do hope at some point it may be passed into the PTA scope of practice with appropriate training, certification, and supervision.
Thank you,
Shelby Ducker

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Kathy Arney <karney@ncptboard.org>
Date: 7/10/23 12:52 PM (GMT-05:00)
To: "shelby.ducker" <shelby.ducker@yahoo.com>
Cc: Kathy Arney <karney@ncptboard.org>, Kathy Arney <karney@ncptboard.org>
Subject: RE: Dry needling


Ms. Ducker,

In response to your follow up question to the Board, the Board makes determinations about scope of practice in part based on the NC PT Practice Act and Board rules which define what a PTA does, their education and training and determines the scope of practice of a PTA. A PTA scope of practice does not include performance of evaluations; the Board has decided that dry needling requires an on-going evaluation that is beyond the scope of practice of a PTA. Please see references below. This topic is discussed routinely as part of the Board's Public Protection Task Force and there is no evidence to support the approval of dry needling for PTAs at this time.

I hope this is helpful to you.

Kathy

NC PT Practice Act	
	
NC Board rules	

Determinations regarding scope of PT Practice


Kathy O'Dwyer Arney, PT, MA

Executive Director

North Carolina Board of Physical Therapy Examiners

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email: karney@ncptboard.org

Web address: www.ncptboard.org

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From: shelby.ducker <shelby.ducker@yahoo.com>

Sent: Monday, July 10, 2023 11:49 AM

To: Kathy Arney <karney@ncptboard.org>

Cc: Ellen Roeber <eroeber@ncptboard.org>

Subject: RE: Dry needling

I do apologize as I though I had responded. My further questioning is what aspect makes it outside of the scope of a PTA? It seems if further education and certification is required then would that not be met with the classes taken to become certified in dry needling? If it is up to the clinician to become educated, certified and competent for dry needling, then to me it would seem it would go for PT or PTA. Or, if comes down to a PTA would have to work under a PT that is certified in dry needling then that also makes sense.

I am very curious in this matter as I would like to pursue this and if it came down to taking further classes then I would do that.

Thank you for taking the time to discuss this with me,

Shelby Ducker

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Kathy Arney <karney@ncptboard.org>

Date: 6/11/23 8:47 AM (GMT-05:00)

To: "'shelby.ducker@yahoo.com'" <shelby.ducker@yahoo.com>

Cc: Ellen Roeber <eroeber@ncptboard.org>, Kathy Arney <karney@ncptboard.org>, Kathy Arney <karney@ncptboard.org>

Subject: RE: Dry needling

Ms. Ducker,

Ms. Roeber has directed you to resources on the Board website. To add to this information, dry needling is not considered within the scope of PTA practice. I hope that these responses have answered your questions. If not, please don't hesitate to reach out to us again.

Kathy

Kathy O'Dwyer Arney, PT, MA

Executive Director

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email: karney@ncptboard.org

Web address: www.ncptboard.org

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From: Ellen Roeber <eroeber@ncptboard.org>
Sent: Thursday, June 1, 2023 8:13 AM
To: 'shelby.ducker@yahoo.com' <shelby.ducker@yahoo.com>
Cc: Kathy Arney <karney@ncptboard.org>
Subject: RE: Dry needling

Good morning, Shelby,

In response to your emailed questions to the Board concerning dry needling by a PTA, the Executive Director is responsible for responding to all scope of practice questions for licensees. She will be out of the office until Tuesday, June 6th, therefore you will not receive an immediate response.

In the meantime, here is the direct link to scope of practice questions previously answered by the Board <https://www2.ncptboard.org/app/LandingPages/ScopeOfPracticeHome.php> . There is a question specifically related to both dry needling and advanced training.

Should I be able to assist you with other matters not related to scope of practice, don't hesitate to reach back out.

Have a great day!

-Ellen

Ellen Roeber, PT, DPT

Deputy Director

North Carolina Board of Physical Therapy Examiners

8300 Health Park, Suite 233

Raleigh, North Carolina 27615

Phone: (919)490-6393;(800)800-8982

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email: eroeber@ncptboard.org

Web address: www.ncptboard.org

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From: shelby.ducker <shelby.ducker@yahoo.com>

Sent: Wednesday, May 31, 2023 2:17 PM

To: PTBoard <ptboard@ncptboard.org>

Subject: Dry needling

Hello,

I am a physical therapist assistant and had a few questions regarding dry needling in North Carolina. I know the position statements all state that a physical therapist needs to be competent in advanced training in order to perform dry needling but I was wondering about if and when a physical therapist assistant would be considered. I didn't see where there was specific

classes in regards to a physical therapist program, only continuing education. In addition to this, is there anything preventing a physical therapist assistant from taking continuing education in dry needling?

Thank you,

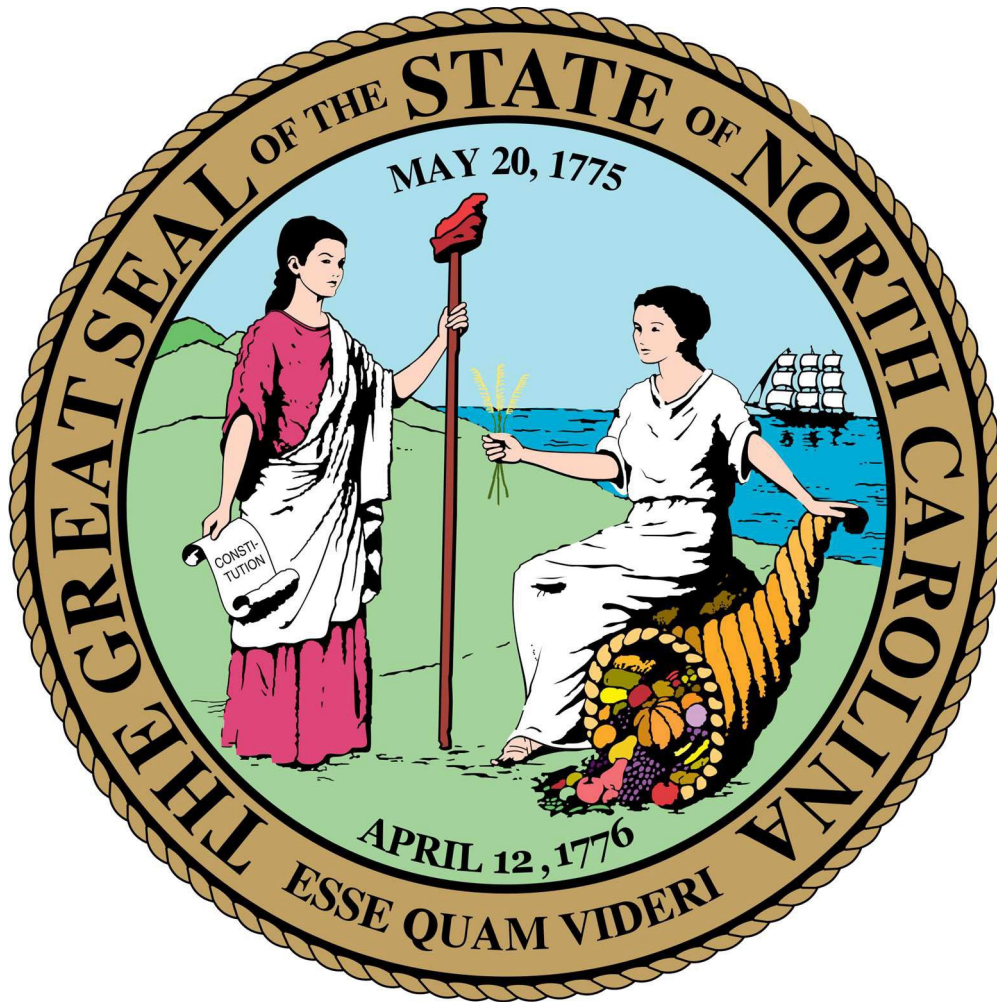
Shelby Ducker

828-329-1020

Shelby.ducker@yahoo.com

A4692

Sent from my Verizon, Samsung Galaxy smartphone



Attachment V

From: [Kathy Arney](#)
To: [Morelock, Anne](#)
Cc: [Kathy Arney](#); [Ellen Roeber](#); [Kathy Arney](#)
Subject: RE: [] FW: Suctioning
Date: Friday, September 15, 2023 12:43:46 PM

Ms. Morelock,

At its meeting September 13, 2023, the Board reviewed your question, additional information including responses from NC PTA educational programs, APTA PT Competency resource (previously sent to you), a response from the NC Respiratory Care Board, your additional comments and other licensee comments regarding clinical practice and PTAs performing suctioning. The Board determined there were factors that supported suctioning not being within the PTA scope of practice because it did not meet the permitted practice rule, but there were other factors that should be considered supporting PTAs being trained to perform suctioning for patient benefit. The Board determined it needed additional information and time to further consider this question. The topic was referred to the Public Protection Task Force (PPTF) for further review and a recommendation to bring to the Board at a future Board meeting. The next meeting of the PPTF will be November 9, 2023 and the next Board meeting will be held December 6, 2023.

The Board instructed me to respond to you, that you should continue with your current practice related to PTAs and suctioning and that it will respond to you with an update at its earliest convenience. If you have additional information or questions, please don't hesitate to contact me.

Kathy

Kathy O'Dwyer Arney, PT, MA
Executive Director
North Carolina Board of Physical Therapy Examiners
8300 Health Park, Suite 233
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From: Morelock, Anne <amoreloc01@continuecare.net>
Sent: Tuesday, September 12, 2023 2:02 PM
To: Kathy Arney <karney@ncptboard.org>
Subject: Re: [▶] FW: Suctioning

This message was sent securely using Zix[®]

Kathy,

I want you to know that I did speak with most of our current PTA's. They came from CPCC, ECPI and GTCC programs and none had any education or much mention of suctioning in their training.

Our typical LTAC patient that is admitted has primary diagnoses of Acute Hypoxic Respiratory Failure and usually secondary to Pneumonia/Covid, COPD, TBI, SCI as examples.

I have enclosed our tracheal suctioning competency form that is used with our PT/OT staff. This form is getting reviewed in prep for our next Skills Fair in October but is a good reference for now. Therapy staff demonstrates suctioning to the RT staff to be considered competent to perform with our patients. This is done during orientation and then annually during our staff skills fair.

Let me know if you need any further information from me. Thank you for your time and effort in this matter.

Take care,

Anne Morelock PT

I

----- Forwarded message -----

From: **Kathy Arney** <karney@ncptboard.org>

Date: Thu, Sep 7, 2023 at 10:19 AM

Subject: RE: [▶] FW: Suctioning

To: Anne Morelock <amoreloc01@continuecare.net>

Cc: Kathy Arney <karney@ncptboard.org>

Anne,

It was good to speak to you this morning. Please find attached and below the referenced information I had for your review. Please get back to me with any additional information you might have that I can communicate to the Board. Thank you,

Kathy

Response from the NC Respiratory Care Board:

To answer your question, § 90-664, Persons and practices not affected, states the requirements of this Article shall not apply to: (1) Any person registered, certified, credentialed, or licensed to engage in another profession or occupation or any person working under the supervision of a person registered, certified, credentialed, or licensed to engage in another profession or occupation in this State who is performing work incidental to or within the practice of that profession or occupation and does not represent himself or herself as a respiratory care practitioner.

While suctioning falls under our scope and involves the airway, PTs are also following their scope. Nursing also performs suctioning as well but defers to RTs when possible. For this reason, the licensed PT is exempt as long as performing work

incidental to or within the practice of that profession or occupation. However, it sounds like PTA's do not have this skill under their scope. Is suctioning commensurate with the physical therapist assistant's education and training, thus incidental to their practice?

As you know, there are significant hazards associated with suctioning, such as:

- Tissue Damage
- Infection
- Hypoxia
- Bronchospasm
- Cardiac Disturbances
- Increased Intracranial Pressure
- Suctioning-Induced Atelectasis
- Trauma to the Trachea or Bronchi

Some of my concerns would be:

1. Will they perform artificial airway suctioning and nasotracheal suctioning?
2. Will they perform suctioning on ventilated patients?
 - a. The patients present with significant challenges since they require more intervention.
3. Will they perform suctioning on children and infants?
 - a. Again, pediatric patients can desaturate quickly and thus require immediate action.
4. How will the supervision of PTAs in various environments work?
 - a. What would be the circumstances that they would be allowed to suction?

My real concern is not with the mechanics of suctioning but their ability to make split-second decisions when it involves a complicated patient scenario, given the potential hazards. Let me know if you would like to discuss this further. I am always happy to collaborate on these issues.

Kathy O'Dwyer Arney, PT, MA
Executive Director
North Carolina Board of Physical Therapy Examiners
8300 Health Park, Suite 233
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Fax: (919)490-5106

email: karney@ncptboard.org

Web address: www.ncptboard.org

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From: Anne Morelock <amoreloc01@continuecare.net>

Sent: Wednesday, September 6, 2023 1:02 PM

To: Kathy Arney <karney@ncptboard.org>

Subject: Re: [▶] FW: Suctioning

This message was sent securely using Zix[®]

Hi,

Thank you so much for your response. I am available this week. I will be at work tomorrow morning if that works for you? 10:00 or you can let me know what is best for your schedule. I am flexible. 980-406-7344 is my personal phone and might be easiest to reach me.

I look forward to talking with you.

Take care,

Anne Morelock PT

Sent from my iPhone

On Sep 6, 2023, at 08:28, Kathy Arney <karney@ncptboard.org> wrote:

Ms. Morelock,

Thank you for your question to the NC Board of PT Examiners, I apologize for any delay in response. This question is not one that has been answered by the Board in the past, thus I need to take it to the Board for review and consideration. As part of the review of the topic, I will need to determine and provide the Board information about the Permitted Practice Rule:

SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE SECTION .0100 - PHYSICAL THERAPISTS 21 NCAC 48C .0101 PERMITTED PRACTICE (a) Physical therapy is presumed to include any acts, tests, procedures, modalities, treatments, or interventions that are routinely taught in educational programs or in continuing education programs for physical therapists and are routinely performed in practice settings.
--

In your efforts to determine if this is appropriate for PTAs, have you discovered whether it is routinely taught in PTA programs, continuing ed or in practice settings? There are other considerations such as the Respiratory Care Board's law which I have reached out to obtain. They, of course, have tremendous insight into the practice of

suctioning. I have received a preliminary response from them and would appreciate an opportunity to speak with you about this prior to the Board meeting. The Board meeting is September 13, 2023.

Please let me know if you would be available to speak to me later this week or early next week.

Thank you,
Kathy

Kathy O'Dwyer Arney, PT, MA
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North Carolina Board of Physical Therapy Examiners
8300 Health Park, Suite 233
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email: karney@ncptboard.org
Web address: www.ncptboard.org

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From: Morelock, Anne <amoreloc01@continuecare.net>

Sent: Thursday, August 31, 2023 1:46 PM

To: PTBoard <ptboard@ncptboard.org>

Subject: Suctioning

You don't often get email from amoreloc01@continuecare.net. [Learn why this is important](#)

This message was sent securely using Zix[®]

Hello,

I work in Long Term Acute Care. We have many trach/vent patients that require suctioning during the course of treatment.

It has been our policy based on the Practice Act that this is a practice that can only be done by a PT.

If we can develop an annual competency for our PTA's specific to this hospital.... can our PTA's do suctioning? Our PT's currently have competency testing annually as well as during orientation with both PT and RT staff to demonstrate safe, effective technique.

My rationale is that if PT/RT can/do teach suctioning to family members to prepare for patients to be discharged to home so can our PTA's be educated to perform as needed with patient care? (Generally family training on suctioning is done by RT but would training for our PTA's need to be done by PT and RT)

Let me know your thoughts on this matter. I certainly don't want to do anything to put our PTA's out of their scope of practice.

Thank you for your time and consideration.
Anne Morelock PT

--

Anne Morelock

10648 Park Road, Charlotte, NC, 28210

amoreloc01@continuecare.net

P: 704-667-8050

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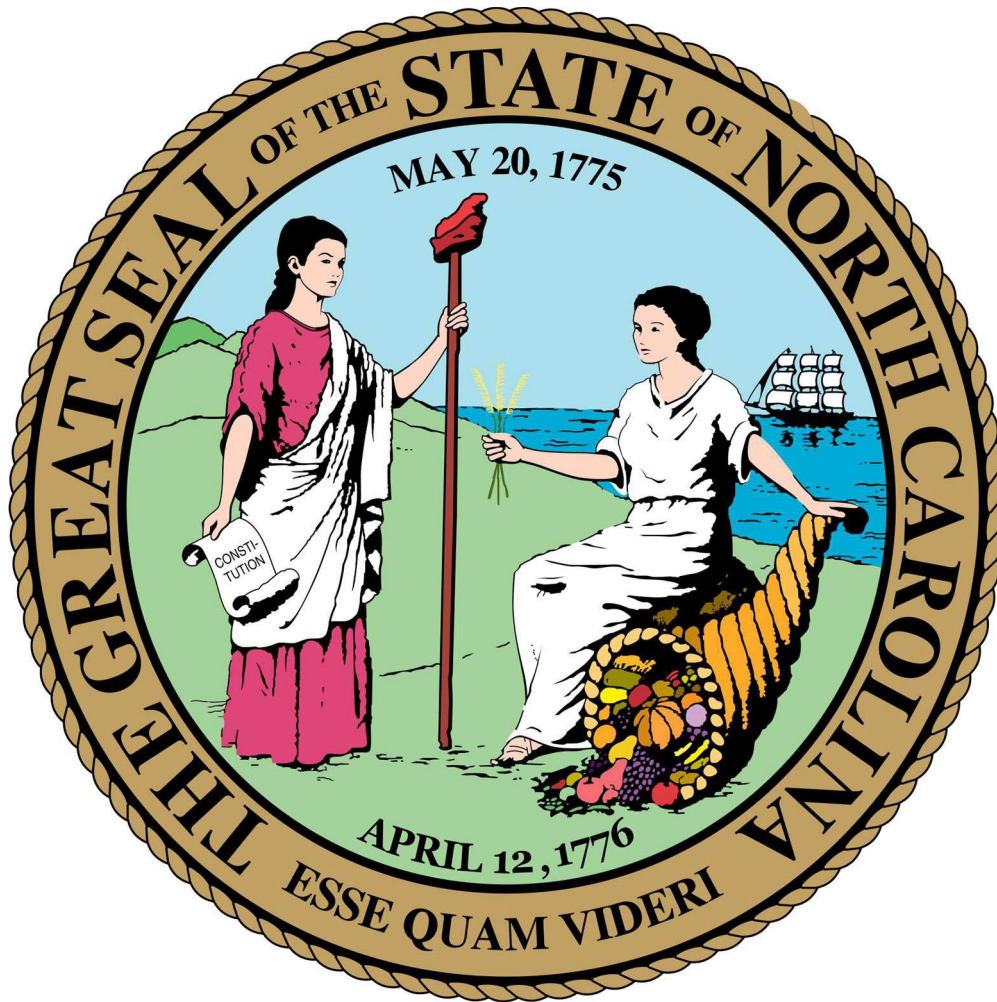
Anne Morelock

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amoreloc01@continuecare.net

P: 704-667-8050

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Attachment VI

Ellen Roeber

From: Ellen Roeber
Sent: Monday, September 18, 2023 4:52 PM
To: 'mkevern@gmail.com'
Cc: Kathy Arney
Subject: Cupping---NEW update post September 13, 2023 NCBPTE Board Meeting

Good afternoon, Mark,

In May 2023, Board records indicate you sent a scope of practice inquiry concerning cupping to the Executive Director. The Board reconsidered cupping at its most recent meeting September 13, 2023. Below is the updated response that will be posted on the Board website.

The Board received recent scope of practice inquiries concerning the use of cupping in physical therapy practice by NC PT/PTA licensees. Given the most recent Board response was September 2016, the Board reviewed scope of practice evidence surrounding cupping at its meeting in September 2023.

When evaluating scope of practice questions, the Board first considers the NC PT Practice Act and Board rules, with special emphasis on Board rule **21 NCAC 48C .0101 PERMITTED PRACTICE.**

(a) Physical therapy is presumed to include any acts, tests, procedures, modalities, treatments, or interventions that are routinely taught in educational programs or in continuing education programs for physical therapists and are routinely performed in practice settings.

In consideration of cupping, the Board also consulted with NC DPT and PTA educational programs across the state, FSBPT staff and resources, and scholarly sources. After review and discussion, the Board determined that cupping satisfies criteria to be included within the scope of physical therapy practice in NC because it is being taught or introduced in entry level physical therapy education, taught routinely in continuing education programs, and performed routinely in physical therapy practice.

As with any physical therapy treatment technique, it is each NC PT/PTA licensee's responsibility to ascertain they have the appropriate education and training to be competent to perform cupping. Additionally, PTAs always work under the supervision of a PT. Should the supervising PT delegate cupping to a PTA, the supervising PT is responsible for determining the PTA's competence to perform cupping, must deem cupping is safe and effective for the patient, and must include cupping within the PT patient care plan.

Finally, licensed NC PTs and PTAs are reminded that cupping is also within the scope of practice of many other healthcare professionals. As such, the public receiving cupping as part of a physical therapy plan of care should understand they are receiving physical therapy treatment provided or supervised by a licensed physical therapist.

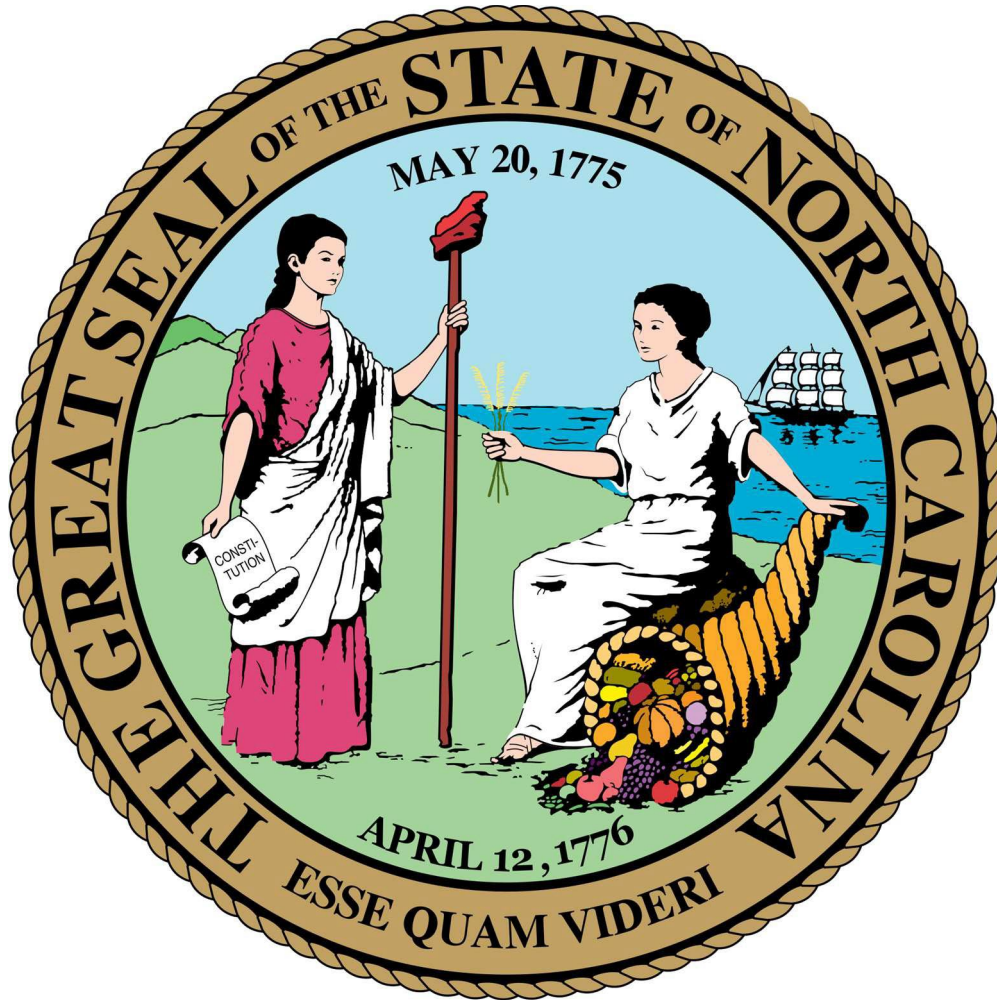
Feel free to reach back out should you have any additional questions.

Kind Regards,
Ellen

Ellen Roeber, PT, DPT
Deputy Director
North Carolina Board of Physical Therapy Examiners

8300 Health Park, Suite 233
Raleigh, North Carolina 27615
Phone: (919)490-6393;(800)800-8982
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email: eroeber@ncptboard.org
Web address: www.ncptboard.org

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Attachment VII

MINUTES
North Carolina Board of Physical Therapy Examiners
Public Protection Task Force (PPTF) Minutes
August 24, 2023—approved November 28, 2023
NCBPTE OFFICE
8300 Health Park
Raleigh, NC 27615

Task Force Members Present:

C. David Edwards, PT, Task Force Chair (remote)
Leslie P. Kesler, PT (remote)
Stephanie Bernard, PTA (remote)

Staff Present:

Ellen Roeber, PT, DPT, Deputy Director (DD)
David C. Gadd, Board Attorney

Meeting Called to Order by D. Edwards, PPTF Chair at 8:03 a.m. The meeting was conducted in-person and remotely hosted via Microsoft Teams from the Board office.

Review of Agenda

D. Edwards reviewed the agenda, and there was no request for re-ordering. The agenda was followed as written.

Conflict of Interest Reminder by the Chair

D. Edwards reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, he asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the Task Force today as required by NCGS 138A. No Task Force member indicated conflicts of interest with the business today.

Minutes – June 29, 2023

D. Edwards asked if there were edits to the Minutes from the PPTF meeting June 29, 2023. The Task Force approved the Minutes as written. (Kesler made motion to approve the minutes as presented, unanimous approval of minutes)

Purpose of the Public Protection Task Force

D. Edwards reminded the members that the purpose of the PPTF, which was established by the North Carolina Board of PT Examiners, is to evaluate risks and potential harms in current and evolving physical therapy practice in North Carolina. This task force is charged with making recommendations to the Board for actions that may be useful in eliminating or mitigating those risks and harms.

Statutory Authority for scope of practice determination comes from:

Chapter 93B. Occupational Licensing Boards.

§ 93B-1. Definitions. As used in this Chapter, the following definitions apply:

(2) Occupational licensing board. – “Any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses.”

AND

G.S. 90-270.90 - 90-270.106 PHYSICAL THERAPY PRACTICE ACT: NORTH CAROLINA Article 18E. Physical Therapy.

§ 90-270.90. Definitions....”Evaluation and treatment of patients may involve physical measures, methods, or procedures as are found commensurate with physical therapy education and training and generally or specifically authorized by regulations of the Board.”

Methods used to evaluate risks and harms in PT practice will include:

- Board approved P.E.E.R. Review Framework – approved March 10 and June 9, 2021
- Resources and research on topics being addressed that includes routinely taught in entry- level and continuing education, routinely performed in PT practice, evidence-based information on performance in PT practice and relevant resources regarding risks and harms in PT practice.
- Subject matter experts
- Public input
- Other relevant information and resources
- Additionally, the PPTF will also consider for each of the topics addressed:
 - Is it in the scope of practice for the PT?
 - Is it in the scope of practice for the PTA?
 - Is it in the scope of practice for PT/PTA students?
 - Is it in the scope of practice for aides?
 - What supervision is required for the PTA, PT/PTA student or aide?
 - What training is required for the PT, PTA, PT/PTA student or aide?

Reference Documents for PPTF Members

The following (searchable) PDF documents are available for reference: 1) NC PT Practice Act and 2) Board Rules.

Review of Previous Topics by the PPTF today:

I. Imaging

- No formal updates. DD in communication with APTA-NC VP and ED regarding LC and collaborative efforts to educate licensees. NCBPTE ED attended FSBPT Leadership Issues Forum and Model Practice Act Workshop in mid-July in Arlington, VA. Current APTA-NC President also attended.

II. MSK US

- PPTF determined at the June PPTF meeting there is no new evidence to support MSK US satisfying permitted practice Board rule 21 NCAC 48C .0101. As a result, response sent to licensee who requested the review (copy of response in agenda and will be made available to all Board members in September 2023 Board Meeting Agenda). Consensus of PPTF that should MSK US continue to evolve, it will again be reviewed in the future.

Current Topics by the PPTF today:

III. Summary Statement—Position Statements

- A summary statement was drafted for PPTF review and feedback at the PPTF June 2023 meeting. This summary statement is educational and clarifying in nature. It informs the public and NC PT/PTA licensees of the role of position statements in the regulation of PT practice. PPTF members discussed the statement and reached consensus that no additional edits were recommended, and the statement is ready to be presented to the entire Board at the September Board meeting. Group unanimously suggested, should the Board agree, the position statement summary statement be placed on the ‘Position Statement’ page of the Board website as the first statement that is always populated and available for review prior to accessing other Board position statements.

IV. Dry Needling (DN) Training

- DD reviewed background summary surrounding Board and PPTF concerns about the physical therapy practice of DN. A draft DN position statement was presented to the PPTF for review, discussion, and feedback at the PPTF April 2023 meeting. Modifications, as suggested by PPTF members at the PPTF April 2023 meeting, were completed. A summary of the modifications is as follows: FSBPT granted permission to direct link the pdf *FSBPT Resource Paper Regarding Dry Needling 11th Edition* published December 2021; added clarification statement to last sentence of 2nd paragraph concerning perineural dry needling based on previous Board determination; student role clarified in last bullet point of “strongly encouraged principles” to align with Board current definition of ‘advanced training’; kept ‘or’ statement beneath ‘NCBPTE Recommended Advanced Training.’
- Group discussion surrounding newly edited DN position statement. Discussion points included options for education of licensees and the public, options for publication of the resource should the Board vote favorably in adoption, and the potential positive impact of the DN position statement when the Investigative Committee addresses complaints. After discussion, group consensus was that the draft DN position statement is ready to be presented to the entire Board for consideration at the September Board meeting.

V. Informed Consent

- DD reviewed background summary of past PPTF work that resulted in exploring alternative options to address informed consent. An initial outline of the NCBPTE's statutory authority concerning informed consent was presented to the entire Board at the June 2023 meeting. This resulted in the Board referring the work back to the PPTF. First draft reviewed at the June PPTF meeting. Edits were suggested by Gadd primarily to include more of the NC GS definition of 'informed consent' as found in the Medical Malpractice Law.
- Second draft presented for PPTF review and feedback. Group discussion regarding the edits. Though the inclusion of the 'informed consent' definition from the Medical Malpractice Law does lengthen document, consensus of PPTF members to keep the edits as they offer clarity and reference to another statute. Consensus is that the regulatory spotlight informed consent document is ready to be presented to the entire Board for consideration at the September Board meeting.

VI. Cupping

- Based on PPTF suggestions from PPTF June 2023 meeting, a draft scope of practice response was presented for review. Both the prior Board response from 2016 and the recent draft were reviewed and discussed by the PPTF. Discussion points surrounded alternative methods of cupping and whether, for the purpose of the Board response, cupping should be more specifically defined. After discussion, group consensus was to leave the response in its original draft form and present it to the entire Board for consideration at the September Board meeting.

New Topics by the PPTF today:

VII. Vision Therapy

- Email from licensee regarding vision therapy and physical therapy scope of practice in NC. Group discussion highlights included the relationship of vision therapy to vestibular rehab and post-concussive rehab. OT currently engaging in vision therapy per licensee and task force members from multi-specialty practices. Patients often paying out of pocket for vision therapy services is also one of licensee's concerns. Group consensus was that this topic deserves more research and consideration before the scope of practice response can be determined. DD directed to assist with this research.

VIII. PTAs and Joint Mobilization

- DD reported to PPTF members the steady number of licensee questions surrounding PTAs. Recently, there have been questions concerning both peripheral and spine mobilization that have been posed and addressed by

the ED. The Board currently has a position statement, 15. Performance of Mobilization by a Physical Therapist Assistant, and a scope of practice response to the question, “Can PTAs perform manual lumbar spine traction using a mobilization belt as part of their scope of practice?” posted on the Board website. After group discussion, consensus was that the topic warrants further exploration to ascertain prevailing physical therapy practice is reflected in Board responses. DD directed to assist with this research.

IX. Pre-Payment of PT Services

- This practice issue was referred to the PPTF from the Investigative Committee. Gadd, as member of the Investigative Committee, briefed the PPTF regarding a few cases brought before the Committee concerning pre-payment of PT services. Discussion amongst members of the PPTF generated enough concern that a recommendation was made by the group to continue discussion and exploration.

Action Items:

X. PPTF tasked Board staff with the following:

- 1) Preparing the Position Statement ‘Summary Statement’, the Draft DN Position Statement, the Regulatory Spotlight ‘Informed Consent’ document, and the cupping scope of practice response for the September Board meeting.**
- 2) Researching and exploring vision therapy as related to physical therapy scope of practice.**
- 3) Researching and exploring PTAs and joint mobilization in physical therapy practice.**
- 4) Continue discussion concerning pre-payment of PT services.**

Next Meeting:

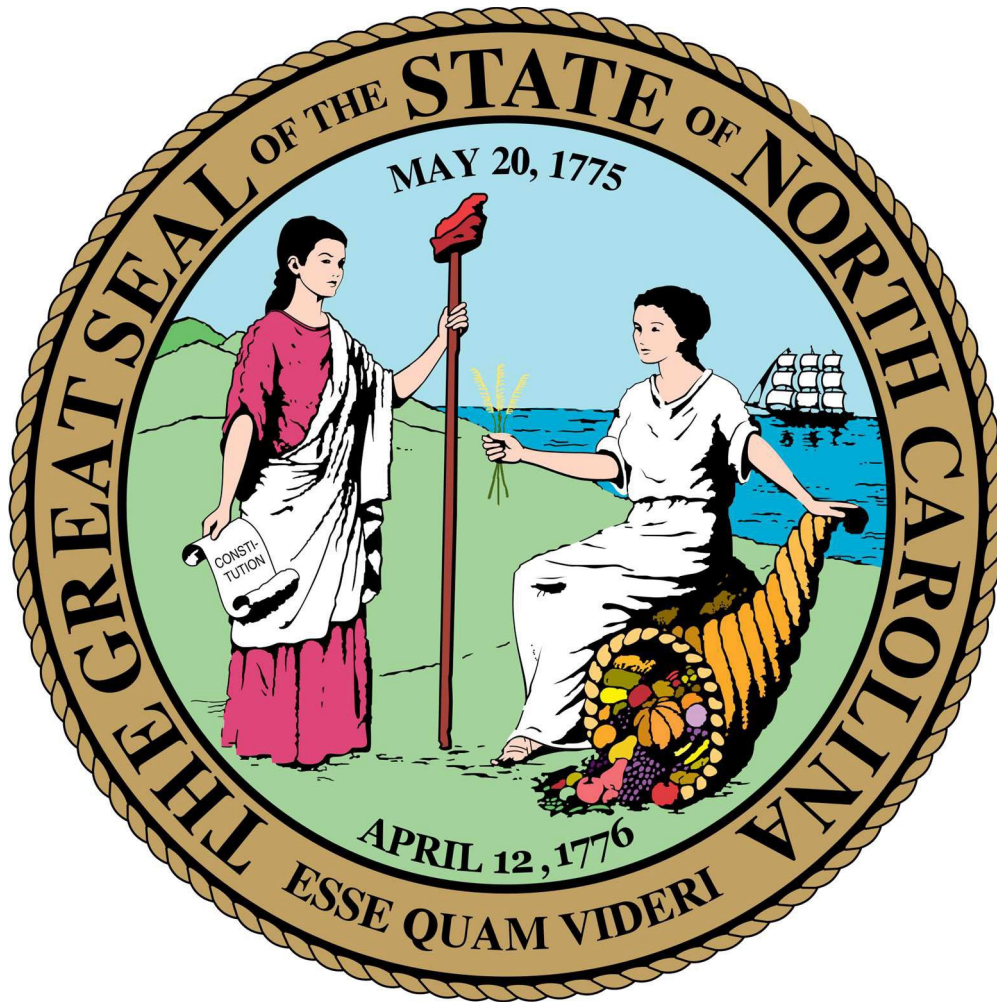
November 28, 2023, 8-10 a.m.

The meeting was adjourned at 9:02 am by D. Edwards, PPTF Chair.

Submitted,

Kathy O. Arney, PT /recorder
Executive Director

Ellen Roeber, PT, DPT/recorder
Deputy Director

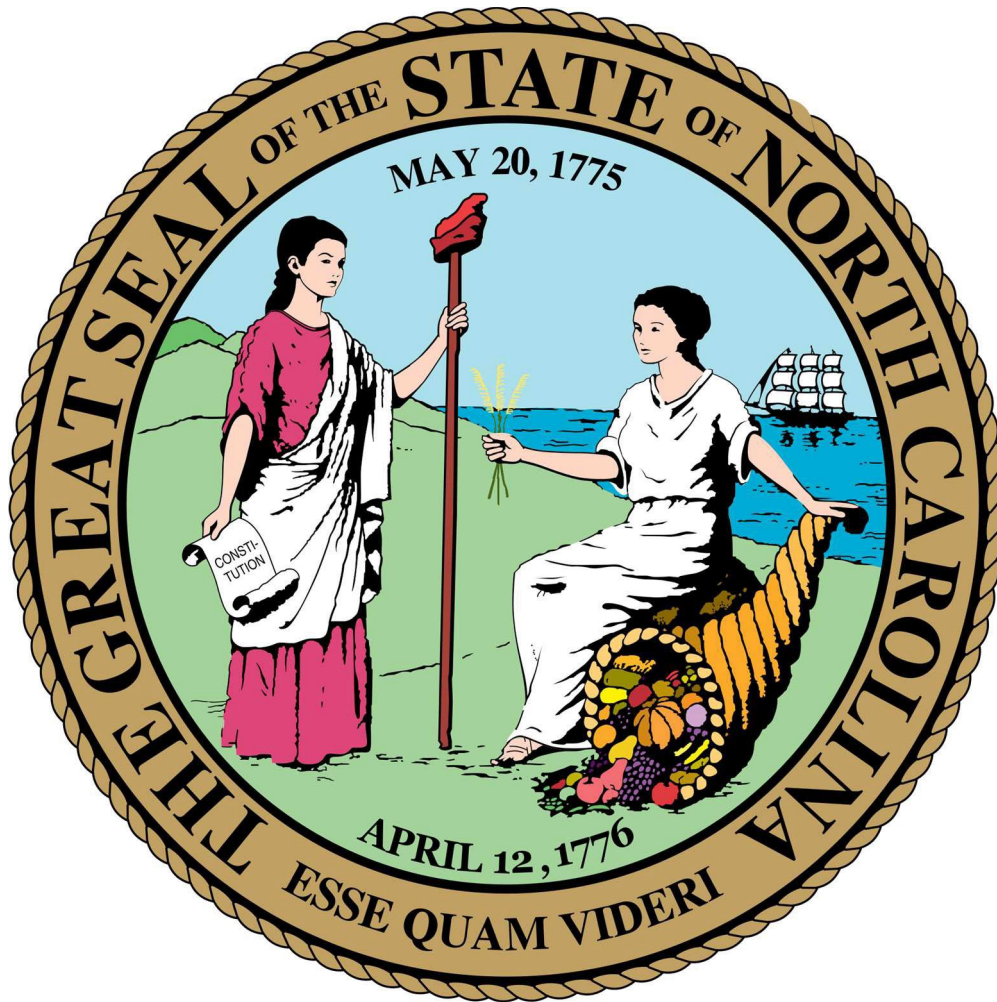


Attachment VIII



NCBPTE Licensee Counts

Category	11/21/2022	11/21/2023
All Licensees		
Active Licensees	14767	15249
Dropped licensees	14963	15729
Active licensees living in NC	12981	13421
Active licensees not living in NC	1786	1848
Compact Privileges	357 (Dropped 175)	564
Military Temporary Permits	32	8
Physical Therapists		
Active licensees	10429	10870
Dropped licensees	11319	11848
Active PTs living in NC	9074	9458
Active PTs NOT living in NC	1384	1452
Active PTs working in NC	8912	8927
Active PTs NOT working in NC	1180	1182
Active PTs living in NC with no business address	3095	1513
Active PTs NOT living in NC with no business address	812	656
Physical Therapist Assistants		
Active licensees	4338	4379
Dropped licensees	3644	3881
Active PTAs living in NC	3936	3990
Active PTAs NOT living in NC	402	396
Active PTAs working in NC	3956	3880
Active PTAs NOT working in NC	383	387
Active PTAs living in NC with no business address	1270	640
Active PTAs NOT living in NC with no business address	224	141
Total-increase of 3.26%	14767	15249

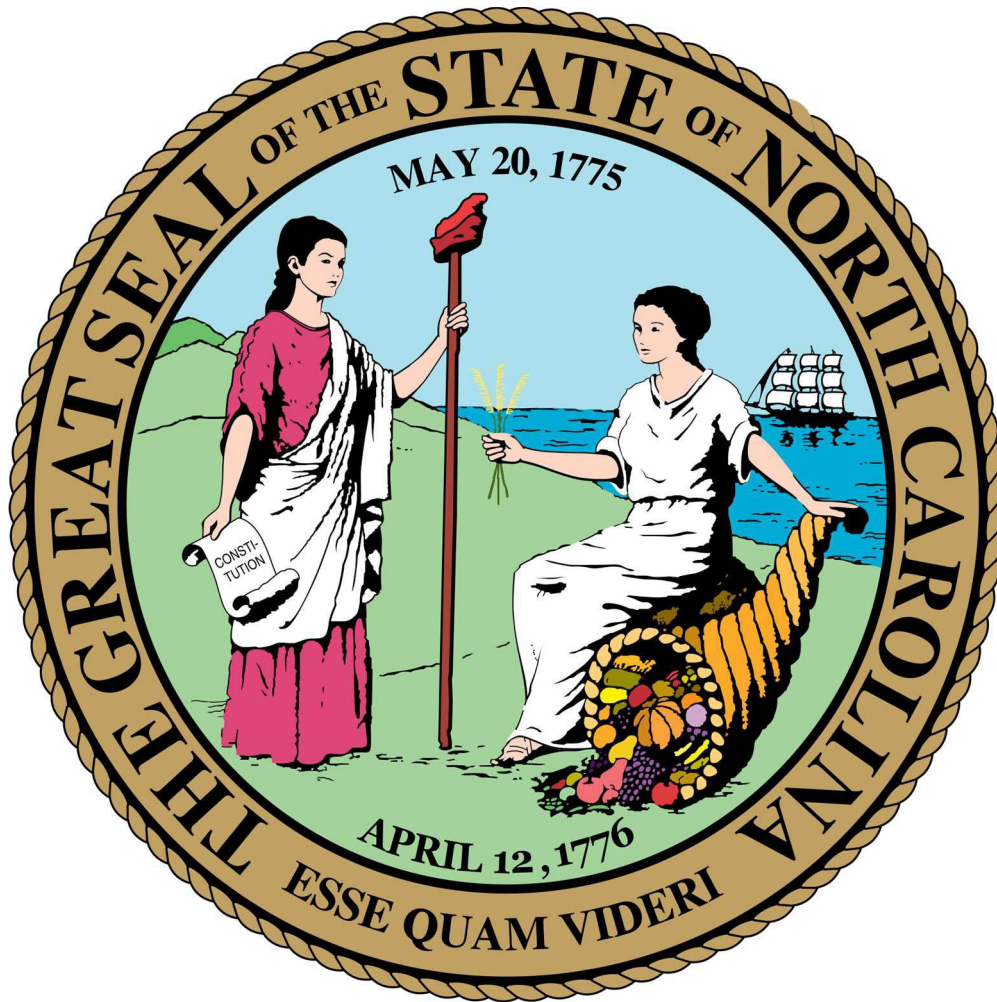


Attachment IX

North Carolina Board of Physical Therapy Examiners Strategic Plan - FY 2024

Key:
Red = Planning
Orange = Ongoing
Yellow = In Process
Green = Complete

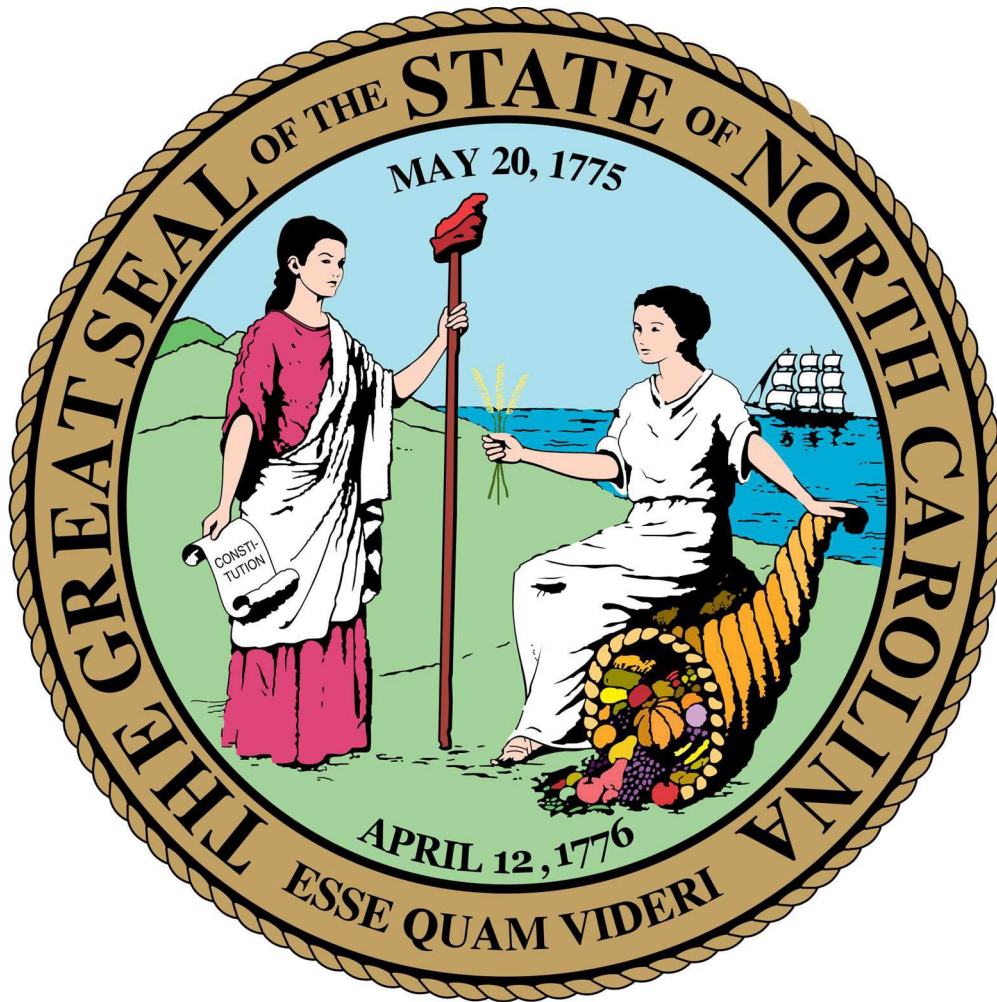
Board Performance – Operations	Progress	Monthly Status (Red, Yellow, Green)
IT move to Cloud based infrastructure to optimize security systems and associated IT Department reorganization	Since completed a new project has began as a result: Optimizing performance in Cloud environment whie working to control costs	
Complete programming for all application paperless processes, uploads		
Develop automated office annual calendar(s)		
Add soft phones		
Documentation of office processes for adequate training, orientation and accountability		
Outreach and Education – External Communications		
Improve website engagement through increased public information, informational videos, communication with educational programs, other Boards, FSBPT, APTANC	*Monthly newsletters since August with positive feedback *1st video complete	
Establish webinar library on website		
Improve communication with new licensees	*Webinar scheduled next week	
Maintain current information on a real-time primary source website	*Collaboration with APTA-NC and Nursing Board, Medical Board, and Respiratory Board in the past few months	
Evaluate public communications through social media sources		
Evaluate and update newsletter frequency		
Physical Therapy Practice and Licensure		
Continue to analyze and provide information regarding risks and harms in PT practice creating /updating standards through the PPTF and Board		
Streamline administration of PT Compact processes		
Consider Practice Act and Board Rules review for necessary changes.		
Consistent and transparent licensing for public safety per Board laws and regulations.		
Board Performance – Fiduciary Responsibilities		
Operate by fiduciary policies established by the Board		
Continue prudent use of reserves, maintaining at least one year of reserves		
Complete budget process in a timely manner		
Consider necessity of legislative fees- change ; consider updating compact fees		
Office Space- review lease and necessity of any changes	*done for 2024	



Attachment X

**NC Board of PT Examiners
Balance Sheet as of June 30**

	2022	2023
Current Assets		
Bank Accounts	3,312,157	3,571,675
Prepaid Expense	25,481	19,130
Total Current Assets	3,337,638	3,590,805
Furniture & Equipment	246,729	267,472
Accumulated Depreciation	(183,374)	(215,369)
Total Fixed Assets	63,355	52,104
Lease Payment Asset	451,812	382,048
Total Assets	3,852,805	4,024,957
LIABILITIES AND EQUITY		
Liabilities		
Accounts Payable	76,574	89,386
Payroll Liability	(22)	(736)
Accrued Vacation Payable	119,942	86,107
Total Current Liabilities	196,493	174,756
Lease Liability	471,880	416,872
	471,880	416,872
Total Liabilities	668,373	591,628
Reserve - Replacement Property and Equipment	200,000	200,000
Reserve - Unanticipated Litigation Cost	1,250,000	1,250,000
Reserve - Information Technology	425,000	425,000
Reserve - Continuing Education	50,000	50,000
Reserve - Payroll	600,000	600,000
Unallocated Retained Earnings	659,432	908,329
Total Equity	3,184,432	3,433,329
Total Liabilities & Equity	3,852,805	4,024,957



Attachment XI

**NORTH CAROLINA BOARD OF
PHYSICAL THERAPY EXAMINERS**

FINANCIAL STATEMENTS

JUNE 30, 2023

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

CONTENTS

JUNE 30, 2023

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Independent Auditors' Report

Members of the Board
North Carolina Board of Physical Therapy Examiners
Raleigh, North Carolina

Opinion

We have audited the accompanying financial statements of the North Carolina Board of Physical Therapy Examiners, as of and for the year ended June 30, 2023 and the related notes to the financial statements, which collectively comprise the Board's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the North Carolina Board of Physical Therapy Examiners as of June 30, 2023, and the respective changes in financial position and cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Emphasis of Matters

As discussed in Note A, the financial statements present only the North Carolina Board of Physical Therapy Examiners and do not purport to, and do not present fairly the financial position of the State of North Carolina, as of June 30, 2023, the changes in its financial position, or, where applicable, its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

In addition, as discussed in Note C to the financial statements an error occurred in the initial determination of the present value of lease assets. The error was discovered during the current year and beginning net position has been corrected. Our opinion on the prior year's financial statements is not modified with respect to this matter.

Basis for Opinion

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Board and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibility of management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Board's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and Government Auditing Standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and Government Auditing Standards, we:

- Exercise professional judgement and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Board's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that management's discussion and analysis information on pages 3-6 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 20, 2023 on our consideration of the Board's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of those reports is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the effectiveness of the Board's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Board's internal control over financial reporting and compliance.

Garrett, Dodd & Associates, Ltd.

Durham, North Carolina
September 20, 2023

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
Management's Discussion and Analysis

Introduction

The following discussion and analysis provides an overview to assist the reader in interpreting and understanding the accompanying basic financial statement. This overview includes a comparative financial analysis with discussion of significant changes from the prior year, as well as a discussion of currently known facts, decisions, and conditions. This information is provided by the North Carolina Board of Physical Therapy Examiners (NCBPTE).

Overview of the Basic Financial Statements

The Statement of Net Position provides information relative to the Board's assets, liabilities, and the resulting net position as of the last day of the fiscal year (June 30, 2023). Assets and liabilities on this statement are categorized as either current or noncurrent. Current assets are those that are available to pay for expenses in the next fiscal year. Current liabilities are those payable in the next fiscal year. Net position on this statement is categorized as either invested in capital assets or unrestricted. Overall, the Statement of Net Position provides information relative to the financial strength of the Board and its ability to meet current and long-term obligations.

The Statement of Revenues, Expenses, and Changes in Net Position provides information relative to the results of the Board's operations, non-operating activities, and other activities affecting net position that occurred during the fiscal year. Operating activities include the issuance of licenses, permits and privileges and licensure renewal for the practice of physical therapy in the State. The Board does require disciplined licensees to reimburse the Board the "costs of investigation". Non-operating activity includes interest income. Overall, the Statement of Revenues, Expenses, and Changes in Net Position provides information relative to the Board's management of its operations and its ability to maintain its financial strength.

The Statement of Cash Flows provides information relative to the Board's sources and uses of cash funds for operating activities. The statement provides a reconciliation of beginning cash balances to ending cash balances and is representative of activity reported in the Statement of Revenues, Expenses, and Changes in Net Position.

The Statements described above are the basic financial statements required by the Governmental Accounting Standards Board (GASB) accounting principles. In accordance with GASB, the financial statements are presented on the Board as a whole and use reporting concepts in a manner similar to that required of a business enterprise. The financial statement balances reported are presented in a classified format to aid the reader in understanding the nature of the financial statement balances.

In using the basic financial statements, the Notes to the Financial Statements should be read in conjunction with the basic financial statements. The Notes to the Financial Statements provide information relative to the significant accounting principles applied in the basic financial statements, authority for and associated risk of deposits, detailed information on capital assets, capitalized lease and noncurrent liabilities, revenues and expenses, required information on pension plans, insurance

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
Management's Discussion and Analysis

against losses, commitments and contingencies, accounting changes, and if necessary, a discussion of adjustments to prior periods and events subsequent to the Board's financial statement period. Overall, the Notes to the Financial Statements provide information to better understand details, risks, and uncertainties associated with amounts reported in the basic financial statements.

Brief Agency Highlights

At the end of the fiscal year ending June 30, 2023, the Board had an operating income of \$223,839, an increase from 2022 of \$130,107.

Operating Expenses were lower by \$9,538 from June 30, 2022 to June 30, 2023. There was a reduction in professional fees due to one less IT Contractor \$(38,0000). This reduction was partially offset by higher Insurance cost due a change in the recognition of the expense year over year \$15,000 and credit / bank card fees \$10,000. The increase in credit / bank fees is due to the higher usage because of higher volume in licensing and renewals.

The Board suffered a breach of its computer servers in May 2022. The Board engaged the NC Department of Information Technology as required by law and retained counsel to mitigate impacts. After insurance, the Board spent approximately \$66,000 on counsel fees and credit monitoring for licensees.

The Board has increased its investment in Certificates of Deposit, all within the limits of coverage by the FDIC.

The Board adopted GASB 87, Accounting for Long Term Leases in the prior audit year. The Board has 2 long-term leases, one for office space and the other for an office copier. It was determined through the use of a workbook provided by the State Controller's office that only the Office Lease falls under the new capitalization rules. The Board entered into a 10-year lease on September 1, 2018 through August 31, 2028. The lease has a 2.25% increase built into each year to cover all operating expenses: the New owners of the space started charging a variable operating expenses in excess of the operating expense included in the lease payment, which is also authorized by the Lease. These charges started in May, 2023 and are treated as a current period expense. There were no new leases entered into during the 2023 fiscal year.

The calculation of the Right of Use Assets was calculated through June 30, 2028 when the audited financials were prepared in the prior year instead of through the entire lease that ends August 31, 2028. The calculation was corrected during the 2023 fiscal year. The error in the calculation caused the Present Value of the Lease Asset to be understated \$5,248 in 2022. The effect on the prior year's net position was an overstatement of \$151.

Total assets of \$4,024,957 at June 30,2023 increased due to current year Net Income, an increase year over year of \$135,482. The number of license renewals continued to increase and there was an

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
Management's Discussion and Analysis

increase in the number of new applicants resulting in an increase in fee income. This increase allows the Board to continue making updates to its technology infrastructure and provide staffing to serve an increasing licensee population and public protection efforts.

Current liabilities decreased in 2023 from 2022 by \$13,624 as a result of lower accrued vacation due to a newer employee base (a long-term employee retired during the fiscal year). Total liabilities decreased 82,288 to \$591,629 at 6/30/2023. The decrease is driven by the decrease in accrued vacation liability and the Lease Liability due to an additional year of recognition.

Net position consists of amounts invested in non-current assets of \$520,560 and \$434,152 for June 30, 2022 and June 30, 2023 respectively, and unrestricted amounts of \$2,663,721 and \$2,999,176 respectively. The increase in net position from June 30, 2022 to June 30, 2023 is primarily due to the Net Income recognized for the year.

Comparative Financial
Highlights

Year End	June 30, 2022	June 30, 2023
Current Assets	\$3,337,638	\$3,590,805
Capital Assets-Net	63,356	52,104
Lease Payment Asset*	457,205	382,048
Total Assets*	3,858,198	4,024,957
Current Liabilities	222,497	208,873
Long-term Liabilities*	451,420	382,756
Total Liabilities*	673,917	591,629
Net Position - Unrestricted	2,663,721	2,999,476
Operating Revenue	1,969,354	2,053,546
Operating Expenses	1,839,247	1,829,707
Operating Income (Loss)	130,107	223,839
Change in Net Position	113,565	249,047

*Restated for change in Calculation of Present value of lease assets.

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
Management's Discussion and Analysis

If you have any questions about this report or need additional information, contact:

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Web address: www.ncptboard.org

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
STATEMENT OF NET POSITION
ENTERPRISE FUND
JUNE 30, 2023

ASSETS

Current Assets:

Cash and cash equivalents (Note B)	\$ 872,738
Certificates of deposit (at cost) (Note B)	2,698,937
Prepaid expenses	<u>19,130</u>
Total Current Assets	3,590,805

Noncurrent Assets:

Capital assets, net of accumulated depreciation (Note D)	52,104
Right to use lease asset, net of accumulated amortization (Note D)	<u>382,048</u>
Total Noncurrent Assets	434,152
Total Assets	<u>4,024,957</u>

LIABILITIES

Current Liabilities:

Accounts payable	88,650
Accrued vacation (Note E)	53,374
Lease liability (Note C)	<u>66,849</u>
Total Current Liabilities	208,873

Long-Term Liabilities:

Accrued vacation (Note E)	32,733
Lease liability (Note D)	<u>350,023</u>
Total Liabilities Long-term	382,756
Total Liabilities	<u>591,629</u>

NET POSITION

Invested in noncurrent assets	434,152
Unrestricted (Note H)	<u>2,999,176</u>
Total Net Position	<u>\$3,433,328</u>

See Independent Auditors' Report and Notes to Financial Statements

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
ENTERPRISE FUND
FOR THE YEAR ENDED JUNE 30, 2023

OPERATING REVENUES

Charges for services:	
Revenue from licenses	\$ 1,892,990
License verification	24,038
Credit card processing fees	75,619
Background check fees collected	50,736
Disciplinary reimbursements	4,874
Other revenues	<u>5,289</u>
Total operating revenues	2,053,546

OPERATING EXPENSES

Staff salaries	862,600
Payroll tax expense	66,226
Retirement contributions	48,941
Group insurance	139,404
Consulting and contract labor	181,620
Other personnel costs	<u>22,751</u>
Total personnel expenses	1,321,542

Board per diem	4,300
Travel	4,501
Subsistence	6,633
Other	<u>4,896</u>
Total board expenses	20,330

Accounting	14,744
Legal	<u>75,603</u>
Total professional fees	90,347

Investigations expense	25,740
------------------------	--------

Information technology expenses	66,279
---------------------------------	--------

Licensing	47,538
-----------	--------

Other expenses	
Credit card fees	90,752
Lease Interest	27,019
Property and liability insurance	30,566
Copying and printing	2,787
Depreciation and amortization	82,091
Equipment maintenance	3,354
Office supplies, postage, other	<u>21,362</u>
Total other expenses	257,931
Total operating expenses	<u>1,829,707</u>

Operating income	<u>\$ 223,839</u>
------------------	-------------------

See Independent Auditors' Report and Notes to Financial Statements

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION
ENTERPRISE FUND
FOR THE YEAR ENDED JUNE 30, 2023

NONOPERATING REVENUES (EXPENSES):	
Interest income	\$ 24,815
Loss on disposal of capital assets	<u>393</u>
	<u>25,208</u>
Change in net position	249,047
Net position as previously reported	3,184,432
Correction of an error in prior year net position (Note D)	<u>(151)</u>
Net position as corrected	<u>3,184,281</u>
Net position June 30, 2023	<u>\$ 3,433,328</u>

See Independent Auditors' Report and Notes to Financial Statements

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
STATEMENT OF CASH FLOWS
ENTERPRISE FUND
FOR THE YEAR ENDED JUNE 30, 2023

Cash flows from operating activities:	
Cash received from licensees and applicants	\$ 1,892,990
Cash received from others	160,556
Cash paid to employees and professionals	(986,782)
Cash paid to suppliers	<u>(806,315)</u>
Net cash flows provided by operating activities	<u>260,449</u>
Cash flows from capital and related financing activities	
Acquisition of capital assets	(26,996)
Proceeds from sale of assets	<u>1,250</u>
Net cash flows used by financing activities	<u>(25,746)</u>
Cash flows from investing activities	
Receipt of interest income	24,815
Increase in certificates of deposit	<u>(74,835)</u>
Net cash flows used by investing activities	<u>(50,020)</u>
Net change in cash and cash equivalents	184,683
Cash and cash equivalents - June 30, 2022	<u>688,055</u>
Cash and cash equivalents - June 30, 2023	<u>\$ 872,738</u>
Reconciliation of operating income to net cash flows provided by operating activities	
Operating income	\$ 223,839
Adjustments to reconcile operating income to net cash provided by operating activities:	
Depreciation	37,390
Amortization - right to use asset	75,157
Lease Interest	27,019
Rent outflows	(87,571)
Changes in assets and liabilities:	
Decrease in prepaid expenses	6,351
Increase in accounts payable - trade	12,099
(Decrease) in accrued vacation	<u>(33,835)</u>
Net cash provided by operating activities	<u>\$ 260,449</u>

See Independent Auditors' Report and Notes to Financial Statements

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE A SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The Board was established by the North Carolina General Assembly as an occupational licensing board to maintain standards for the practice of physical therapy in North Carolina.

Financial Reporting Entity

The concept underlying the definition of the financial reporting entity is that elected officials are accountable to their constituents for their actions. As required by accounting principles generally accepted in the United States of America (GAAP), the financial reporting entity includes both the primary government and all of its component units. An organization other than a primary government serves as a nucleus for a reporting entity when it issues separate financial statements. The accompanying financial statements present all funds and activities for which the Board is responsible

For financial reporting purposes, the Board is a nonmajor enterprise fund of the primary government of the State of North Carolina and is reported as such in the State's Annual Comprehensive Financial Report (ACFR). These financial statements for the Board are separate and apart from those of the State of North Carolina and do not present the financial position of the State nor changes in the State's financial position and cash flows.

Basis of Presentation

The statement of net position reflects all assets including long-term assets, and all obligations including long-term obligations.

The statement of revenues, expenses and changes in net position presents a comparison between direct expenses and program revenues of the Board. Primary revenues include fees and other charges paid by the recipients of services.

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE A (CONTINUED)

Measurement Focus and Basis of Accounting

In accordance with North Carolina General Statutes, the Board's accounts are maintained during the year using the modified accrual basis of accounting. However, at year-end, financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when cash flows take place.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Cash Equivalents

The Board considers all short-term investments with an original maturity of three months or less to be cash equivalents.

Capital Assets

Capital assets are defined by the Board as assets with an initial individual cost of \$500 or more and an estimated useful life of more than two years. Purchased assets are reported at cost. The cost of normal maintenance and repairs that do not add to the value of an asset or materially extend asset lives are expensed.

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE A (CONTINUED)

<u>Asset Class</u>	<u>Estimated Useful Lives</u>
Furniture and equipment	5-10 years
Computer equipment	3 years

Right to Use Lease Assets

The Board has recorded right to use lease assets as a result of implementing GASB 87. The right to use assets are initially measured at an amount equal to the initial measurement of the related lease liability plus any lease payments made prior to the lease term, less lease incentives, and plus ancillary charges necessary to place the lease into service. The right to use assets are amortized on a straight-line basis over the life of the related leases.

Lease Liability

Because the lease of its office space qualifies as other than a short-term lease under GASB 87, it has been recorded as a lease liability at the present value of future minimum lease payments as of the date of implementation of GASB 87, July 1, 2021

Accrued Vacation

The vacation leave policy of the Board provides for accumulation of earned vacation leave with such leave being fully vested when earned. Because vacation leave is payable to employees at termination, a liability for the outstanding balances has been recorded. That portion of accrued vacation that is estimated to be used in the next fiscal year has been designated as a current liability in the financial statements (first-in, first-out method of using accumulated time).

Net Position

Net positions in the financial statements are classified as invested in capital and right to use assets and unrestricted.

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE B DEPOSITS AND INVESTMENTS

The Board maintains cash balances, money market accounts and certificates of deposit at various financial institutions. Certificates of deposit have a book and market value of \$2,698,937 at June 30, 2023. Certificates of deposit have varying interest rates and staggered maturities over the next 12 months.

Custodial credit risk for deposits is the risk that, in the event of a bank failure, the Board's deposits may not be returned to it. As of June 30, 2023, the Board's deposits of \$3,571,675 were exposed to custodial credit risk as follows:

Uninsured and uncollateralized - \$598,713.

NOTE C CORRECTION OF AN ERROR IN PRIOR YEAR FINANCIAL STATEMENTS

During 2023 the Board changed its lease accounting software and discovered that the present value of lease assets had been understated by \$5,248 in 2022. The effect on prior year net position was an overstatement of \$151. Previous financial statement line items affected are as follows:

<u>Account</u>	<u>As Previously Reported</u>	<u>As Corrected</u>	<u>Difference</u>
Lease Asset	\$527,114	\$532,362	\$5,248
Lease Asset Amortization	75,302	75,157	(145)
Accumulated Amortization	75,302	75,157	(145)
Remaining Lease Liability	471,880	477,424	5,544
Lease Principal Reduction	55,234	54,838	(296)
Lease Interest	27,436	27,732	296

NOTE D NONCURRENT ASSETS

Changes in capital assets for the year ended June 30, 2023 were as follows:

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE D (CONTINUED)

	ASSET			June 30, 2023
	June 30, 2022	Additions	Retirements	
Furniture	\$ 56,015	\$ -	\$ -	\$ 56,015
Equipment	6,208	-	-	6,208
Computer Equipment	<u>184,506</u>	<u>26,996</u>	<u>(6,253)</u>	<u>205,249</u>
	<u>\$246,729</u>	<u>\$ 26,996</u>	<u>\$ (6,253)</u>	<u>\$267,472</u>
ACCUMULATED DEPRECIATION				
	June 30, 2022	Current Expense	Retirements	June 30, 2023
Furniture	\$ 40,439	\$ 6,934	\$ -	\$ 47,373
Equipment	6,208	-	-	6,208
Computer Equipment	<u>136,727</u>	<u>30,456</u>	<u>(5,396)</u>	
	<u>\$183,374</u>	<u>\$37,390</u>	<u>\$ (5,396)</u>	<u>\$215,368</u>
Capital Asset Net of Depreciation	<u>\$ 63,355</u>			<u>\$ 52,104</u>

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE D (CONTINUED)

Change in right to use lease assets:

	ASSET			
	June 30, <u>2022</u>	<u>Additions</u>	<u>Retirements</u>	June 30, <u>2023</u>
Office space	<u>\$532,362</u>	-	-	<u>\$532,362</u>
	ACCUMULATED AMORTIZATION			
	June 30, <u>2022</u>	<u>Additions</u>	<u>Retirements</u>	June 30, <u>2023</u>
Office space	<u>\$ 75,157</u>	<u>\$ 75,157</u>	-	<u>\$ 150,314</u>
Right to Use Asset Net of Amortization	<u>\$ 457,205</u>			<u>\$ 382,048</u>

NOTE E ACCRUED VACATION

The changes in accrued vacation are as follows:

	June 30, <u>2022</u>	<u>Additions</u>	<u>Used</u>	June 30, <u>2023</u>
Amount	\$119,942	\$19,538	\$53,373	\$86,107

The amount representing the current portion of vacation leave is \$53,373.

NOTE F RETIREMENT PLAN

The North Carolina Licensing Boards Retirement Plan is a multiple-employer, cost-sharing defined contribution plan. Participating employees must

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE F (CONTINUED)

contribute 6% of their gross pay and the board matches those contributions 100%. Employee's contributions are 100% vested; the Board's matching contributions are 100% vested after 5 years of credited service. The Board contributed a 6% matching share (\$48,241) on behalf of its employees.

NOTE G LEASE LIABILITY

The office lease commenced September 1, 2018 and expires August 31, 2028. Rents increase annually over the 10 year term. The lease liability is measured at a discount rate of 6% which is deemed to be the Board's incremental borrowing rate. As a result of this lease the Board has recorded a right to use asset of \$532,362.

The future minimum lease payment schedule is as follows:

Year Ending <u>June 30,</u>	<u>Rent Payment</u>	<u>Interest Expense</u>	<u>Reduction of Liability</u>	<u>Lease Liability</u>
2023	\$ 87,571	\$ 27,019	\$ 60,552	\$416,872
2024	90,051	23,202	66,849	350,022
2025	91,908	19,030	72,878	277,144
2026	94,149	14,470	79,679	197,465
2027	96,268	9,496	86,772	110,693
2028	98,434	4,084	94,350	16,343
2029	<u>16,466</u>	<u>123</u>	<u>16,343</u>	-
	<u>\$574,847</u>	<u>\$ 97,424</u>	<u>\$476,423</u>	

From the inception of the office lease on September 1, 2018, the original landlord, chose not to activate a clause in the lease that entitled the landlord to collect additional rent based on landlord's operating costs in excess of \$6.50 per rental square foot. However, the new landlord implemented the aforementioned clause on May 1, 2023 for \$107 per month. The actual costs will be measured at the end of one year and adjusted based on actual operating costs for the year.

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2023

NOTE (CONTINUED)

These costs are treated as an outflow of resources by the Board.

NOTE H NET POSITION

The Board has assigned portions of its unrestricted net position for the following purposes:

Designated	
Reserve for prepaid expenses	\$ 19,130
Information technology reserve	425,000
Replacement of property & equipment	200,000
Continuing education	50,000
Unanticipated litigation costs	1,250,000
Payroll reserve	<u>600,000</u>
	<u>2,544,130</u>
 Undesignated	
	<u>889,198</u>
	<u>\$3,433,328</u>

NOTE I SUBSEQUENT EVENTS

The Board has evaluated subsequent events through September 20, 2023, the date which the financial statements were available to be issued.

NOTE J NORTH CAROLINA LEGISLATIVE STATUTORY REQUIREMENT
CONCERNING AUDIT FEES

This audit required 70 hours at a cost of \$10,000.



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INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To The Board of Directors
North Carolina Board of Physical Therapy Examiners
Raleigh, North Carolina

We have audited in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the North Carolina Board of Physical Therapy Examiners (Board) as of and for the year ended June 30, 2022 and the related notes to the financial statements and have issued our report thereon dated September 20, 2023.

The financial statements present only the North Carolina Board of Physical Therapy Examiners and do not purport to and do not present fairly the financial position of the State of North Carolina, as of June 30, 2023, and the changes in its financial position and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Board's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Board's internal control. Accordingly, we do not express an opinion on the effectiveness of the Board's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A *material* weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Board's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

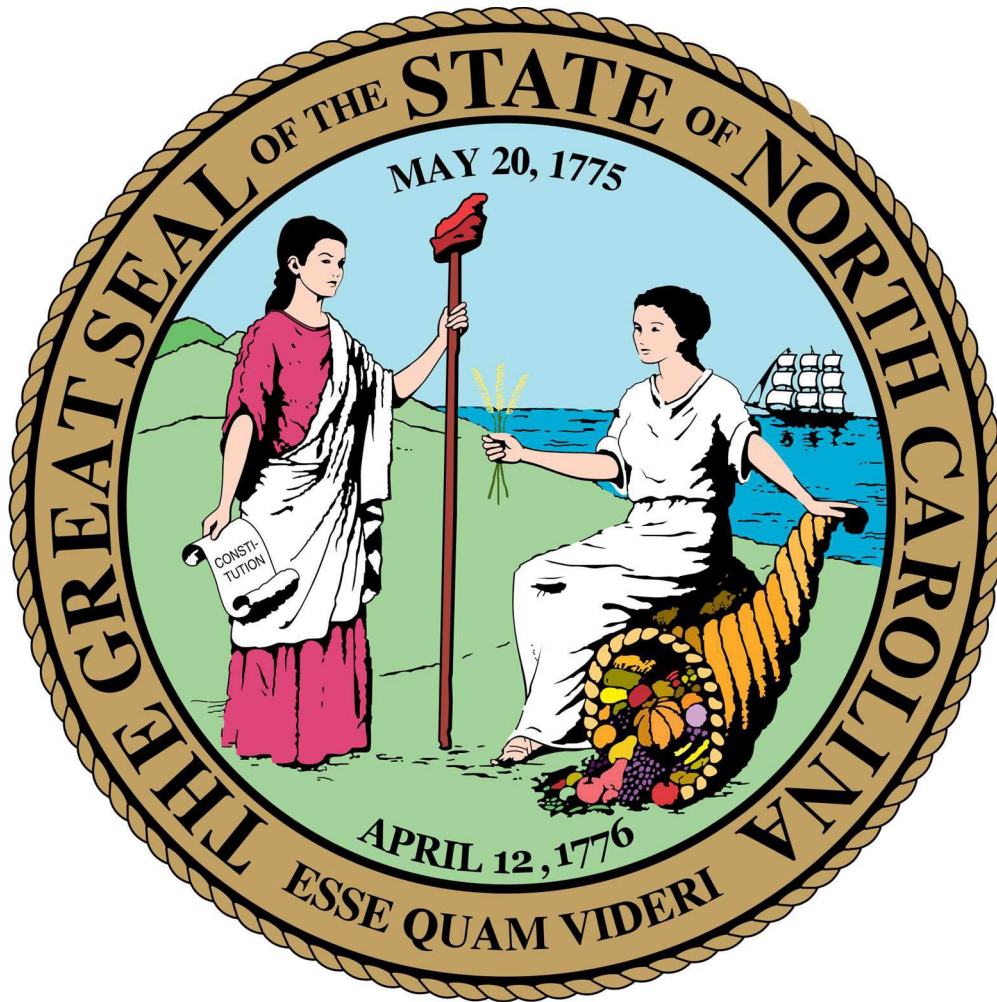
Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

GARRETT, DODD & ASSOCIATES, LTD.

A handwritten signature in cursive script that reads "Garrett, Dodd & Associates, Ltd." with a horizontal line underneath.

Durham, North Carolina
September 20, 2023



Attachment XII

Board Meeting – December 6, 2023

K. Report from Deputy Director

Submitted by Ellen Roeber, PT, DPT, NCBPTE Deputy Director

Each quarter seems to fly by quicker than the last. I continue to learn and grow in this role. A lot of Board work has been accomplished this past quarter and there is a lot left to accomplish this year.

Continuing Competence:

- 23 course approvals for CY 2023; (3) are awaiting review. This compares to 17 total course approvals for CY 2022. The APTA-NC process for course approval changed this year. Board staff has met on 2 occasions with APTA-NC staff regarding these changes. DD is working on communication with course approval applicants about options for approval through APTA-NC.
- 31 active exemptions for over 65 and no new hardship requests since the last meeting. 1 new over 65 exemption processed since last meeting. 4 active exemptions with CC reporting period Jan 1, 2022-Jan 31, 2024. All have been sent communication emails and letters regarding the need to apply for another exemption to be able to renew their license.
- Continue to answer questions regarding continuing competence via email and voicemail from licensees. DD presented Continuing Competence live, interactive webinar October 26 6-7pm. Recorded option posted in webinar library. Good turnout and positive feedback received. Able to send electronic course certificates to all participants within 1 week of webinar with office manager and IT assistance.
- Random audit for continuing competence reporting period Jan 1, 2021-Jan 31, 2023, completed. 175 total licensees audited (100 PTs and 75 PTAs). Of this number, 2 referred to Investigative Committee (1 PT and 1 PTA) for refusal to participate in the audit or complete the audit due to personal circumstances. Excellent learning opportunity for many licensees and DD. DD incorporated patterns of deficiencies into the October CC webinar.

Communication:

- Working with other Board staff (Kim Jackson and IT primarily) to produce monthly Board **newsletter** (see copies of September, October, and November newsletters in Board agenda) which are emailed to all licensees and posted on Board website. Since there has been a lot of positive feedback regarding the monthly newsletters, Board staff decided to not continue the annual Board newsletter in lieu of the more concise monthly newsletter. The future of the more comprehensive annual newsletter is TBD.
- Ramping up **webinars** to push-out information to licensees. Goals related to webinar development:
 - 1) Create a library of on demand resources for licensees to educate licensees and improve efficiency of office staff (i.e., can direct licensees to these resources).
 - 2) Create webinar for “major topics” based on license applicants and/or licensee needs. Currently, webinars are offered live and then recordings are placed in the webinar library for on-demand viewing.

- The Continuing Competence webinar had over 200 live participants. NC PT/PTA License Renewal webinar is scheduled for November 30. IT is working closely with DD to determine the best method for sending course certificates for live webinar attendance.
- Office manager, Emily, assisted DD in creating a **short, informational video** for licensees about accessing their continuing competence reports. Adobe Creative Cloud worked great for this though the initial video creation still took Emily time and patience. We are hoping to do more of these videos based on feedback from our surveys issued to the final year students who are now mostly new licensees (they prefer short video learning/instruction). The initial video was created to address one of the most common questions from licensees to Board staff about finding their continuing competence report and recording activities since the personal dashboard changed the online process.
- **Website** updates are continuously occurring. DD working with other Board staff (Joyce Tynes representing licensing, Kim Jackson with editing/content creation, and IT) to update content to match in-office processes and be easy to locate/user friendly. A common goal of all forms of communication is to drive licensees and the public to the Board website. Most recently, the home page received a major overhaul for the renewal process to be more intuitive and important information highlighted. Early indications are it is working!
- **Social media platforms** are being explored with the help of Bill Arney, Kim Jackson, and Emily Smith. Other healthcare licensing boards in NC have been generous with sharing their in-office processes and choice of platform. This has become a lower priority with all the other IT projects but will not be forgotten.

Revivals:

- DD continues to shepherd all revivals in-office. Once the revival process becomes electronic, revivals will transition back into the hands of the licensing staff.
- Continue to make minor tweaks to the current process which underwent major updates early in 2023. The process is working well and more efficiently.
- Since the last Board meeting, 24 additional revivals have been processed. For this period, the number of days to revive license was all over the board (from 5-61 days; note counter starts with first revival document/item received to support revival application). Brief notes kept helping identify areas to improve efficiency. Most of the longer periods relate to either the applicant paying and then waiting to submit application or waiting for license verification. NY continues to be the state with the longest waiting period for license verification.
- In the current license year (2/1/23 – time of this Board report), 188 revivals have been completed.

Outreach:

- Continue communication with all accredited NC PT and PTA program chairs regarding educational content when related to scope of practice questions.
- Continue to interact either live, in person or live, electronically with students in their final year of PT/PTA school to educate about the licensure process and first year of practice. Licensing staff have assisted with most all presentations. Since April when DD began this quest, 9/10 DPT programs (Duke is 10th program and scheduled for December) and 4/11 PTA programs have participated. 2 additional PTA programs are scheduled for the presentation in January. DD has

notes to contact 2 others for scheduling. This would bring total participation up to 18/21 NC PT/PTA programs. DD goal is 100% participation so will keep after it. Positive feedback thus far from both program participants and licensing staff. Will repeat this endeavor in 2024 with updated presentation.

- Guest lectured at ECU in October on broader topic of regulation. Great experience as always!

Public Protection Task Force:

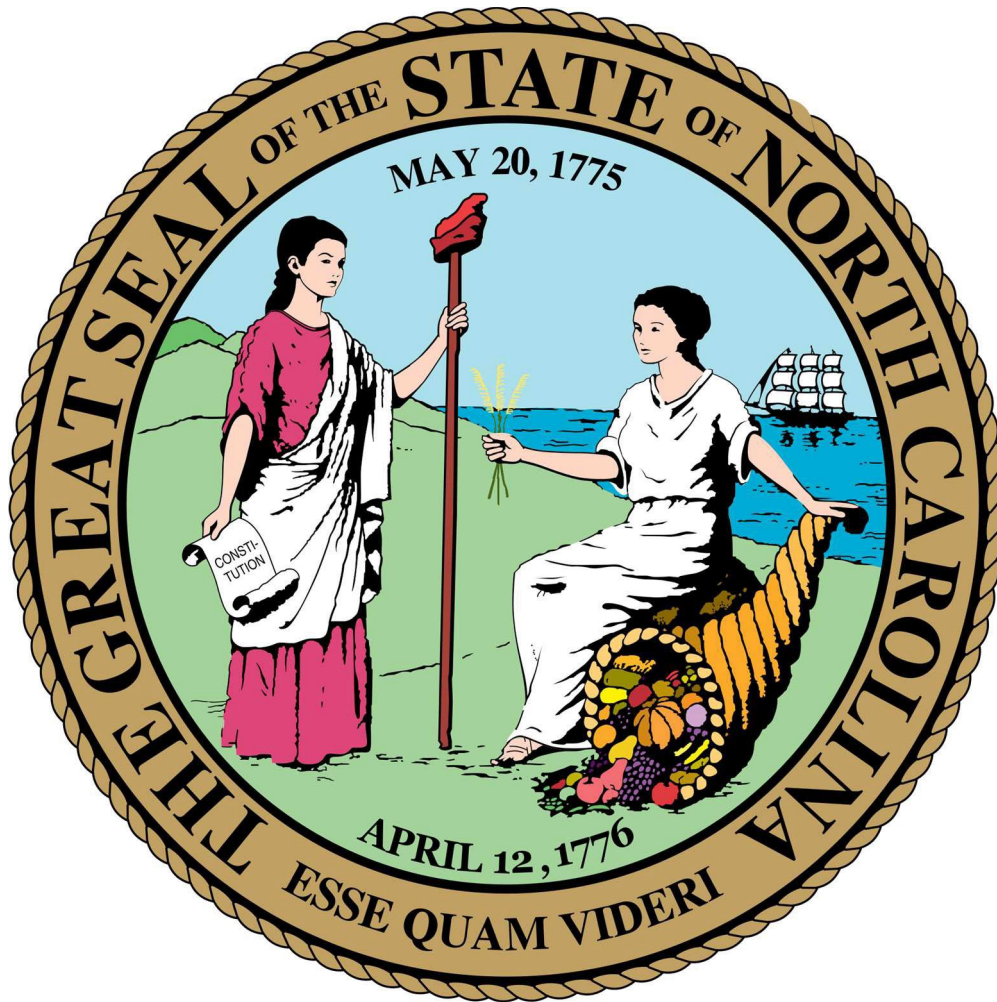
- Primary contact and organizer for the PPTF. Have conducted 4 meetings now as the primary contact. Next meeting is scheduled in November.
- PPTF has addressed some major practice issues. Has been an excellent opportunity to collaborate with ED, Board attorney, Board members, other state occupational licensing boards, the FSBPT, APTA and APTA-NC, and experts in the field of PT.
- Remains one of my favorite parts of this job!

IT Coach/Manager:

- My role in IT has continued to grow and develop. IT is interwoven and integral to every facet of Board operations.
- See IT update for details.

Other Responsibilities:

- FSBPT membership and participation
 - Attended several educational events throughout the year and was a first-time attendee at annual conference in October.
 - Member of the financial committee for COMPACT and participated in my first meeting in October.
- Rule-Making Coordinator responsibilities
 - Attended Rule-Making workshop in October.
 - Continue to be mentored by ED and Debbie Ragan, previous DD/Rule-making coordinator.
 - Periodic Review scheduled August 2025.
 - Regularly meeting with other Board staff to prioritize and prepare logistically for periodic review.
- Capitalizing on opportunities as they arise to become more educated with record retention
 - Continue to be mentored by Debbie Ragan and ED who both previously held this role for NCBPTE.
 - Will continue to seek out workshops etc for education.
 - Subscribing to newsletter/email for State Archives of NC.



Attachment XIII

NC Physical Therapy Practice Act Proposed Revisions

	NC PT Practice Act	References
90-270.90	<p>§ 90-270.90. Definitions</p> <p>(4) "Physical therapy" means the evaluation or treatment of any person by the use of physical, chemical, or other properties of heat, light, water, electricity, sound, massage, or therapeutic exercise, or other rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental disability. Physical therapy includes the performance of specialized tests of neuromuscular function, administration of specialized therapeutic procedures, interpretation and implementation of referrals from licensed medical doctors or dentists, and establishment and modification of physical therapy programs for patients. Evaluation and treatment of patients may involve physical measures, methods, or procedures as are found commensurate with physical therapy education and training, the standards of acceptable and prevailing physical therapy practice, and generally or specifically authorized by regulations of the Board.</p>	<p>(Medical Board Practice Act) § 90-14. Disciplinary Authority.</p> <p>(a) The Board shall have the power to place on probation with or without conditions, impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public letters of concern, mandate free medical services, require satisfactory completion of treatment programs or remedial or educational training, fine, deny, annul, suspend, or revoke a license, or other authority to practice medicine in this State, issued by the Board to any person who has been found by the Board to have committed any of the following acts or conduct, or for any of the following reasons:</p> <p>(6) Unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession,</p> <p>Comments:</p> <ul style="list-style-type: none"> • if included in 'definitions of physical therapy' section then, practically, this includes evolving practice that would then address whether 'in the scope' (if considered prevailing PT practice and meets generally accepted standards of practice then within the scope if no other part of NC PT Practice Act/Board Rules contradicts) • if included in 'definitions of physical therapy' then the positive inclusion balances the negative connotation associated with disciplinary authority section • statutory language already exists in Medical Practice Act as well as in other guidance documents of other occupational licensing boards

NC Physical Therapy Practice Act Proposed Revisions

<p>90-270.92</p>	<p>§ 90-270.92. Powers of the Board. The Board shall have the following general powers and duties:</p> <p>(2) Issue, renew, deny, suspend, or revoke licenses to practice physical therapy in this State, or reprimand or otherwise discipline licensed physical therapists and physical therapist assistants who demonstrate unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards commensurate with acceptable and prevailing physical therapy practice, or the ethics of the physical therapy profession as defined by APTA Code of Ethics for the Physical Therapist and Standards of Ethical Conduct for the Physical Therapist Assistant</p>	<p>here in NC (also in nursing Practice Act verbatim; in the Rules for Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services 10A NC Administrative Code 27G –this clarification may be useful which is pasted below; in chiro guidance document; in Medical Malpractice statute which applies to many healthcare professionals as follows “<i>The action of the health care provider in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities</i>”</p> <p>(H) adoption of standards that assure operational and programmatic performance meeting applicable standards of practice. For this purpose, "applicable standards of practice" means a level of competence established with reference to the prevailing and accepted methods, and the degree of knowledge, skill and care exercised by other practitioners in the field;</p> <p>(Medical Board Practice Act) § 90-5.1 Powers and duties of the Board.</p> <p>(a) The Board shall have the powers and duties:</p> <p>(8) Develop and implement methods to identify dyscompetent licensees and licensees who fail to meet the acceptable standards of care.</p>
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NC Physical Therapy Practice Act Proposed Revisions

		<p>Comment:</p> <ul style="list-style-type: none"> If possible to include the actual documents, then preferred by Board Attorney
<p>90-270.98</p>	<p>§ 90-270.98. Certificates of licensure. (a) The Board shall furnish a certificate of licensure to each applicant successfully passing the examination for licensure as a physical therapist or physical therapist assistant, respectively, and who meets the requirements of licensure under this article and as established by rules. Upon receipt of satisfactory evidence that an applicant has graduated, within six months prior to application, from a physical therapy or physical therapy assistant program accredited as required under G.S. 90-270.95, the Board may authorize the applicant to perform as a physical therapist or physical therapist assistant in this State, but only under the immediate supervision of a physical therapist licensed in this State, until a formal decision by the Board on the application for license. If a new graduate applicant that has been authorized to perform under supervision by a licensed physical therapist fails (without due cause as determined in the Board's discretion) to take the next succeeding examination, or if the applicant fails to pass the examination, and consequently does not become licensed, the authorization for the applicant to perform under supervision shall expire. Applicants approved by the Board for performance as physical therapists or physical therapist assistants while their applications are pending under circumstances described in this subsection shall be referred to as Physical Therapist Graduate or Physical Therapist Assistant Graduate.</p>	<p>FSBPT MPA 3.03 Licensure [and Certification] by Endorsement A. The board shall issue a license to a physical therapist who has a current unrestricted license from another jurisdiction of the United States if that person meets all qualifications prescribed in [Qualifications for Licensure and Certification, Article 3.02] 90-270.98 at the time of the applicant's initial licensure. B. The board shall issue a license [certificate] to a physical therapist assistant who has a current unrestricted license [certificate] from another jurisdiction of the United States if that person meets all qualifications prescribed in [Qualifications for Licensure and Certification, Article 3.02] 90-270.98 at the time of the applicant's initial licensure</p> <p>Comment:</p> <ul style="list-style-type: none"> FSBPT Model Practice Act language was initially considered and in comparison; after extensive review, the PA language in L column) seemed most appropriate as it is broad. offering the most impact with the least amount of language.
<p>90-270.100</p>	<p>§ 90-270.100. Fees. The Board may collect fees established by its rules, but those fees shall not exceed the following schedule for the specified items: NC General Statutes - Chapter 90 Article 18E 7 (1) Each application for licensure.....\$150.00 (2) License renewal\$120.00</p>	<p>Comment:</p> <ul style="list-style-type: none"> Remove only what is not necessary (keep if even a possibility in the future) Removal of any fees should be viewed as positive change for licensees

NC Physical Therapy Practice Act Proposed Revisions

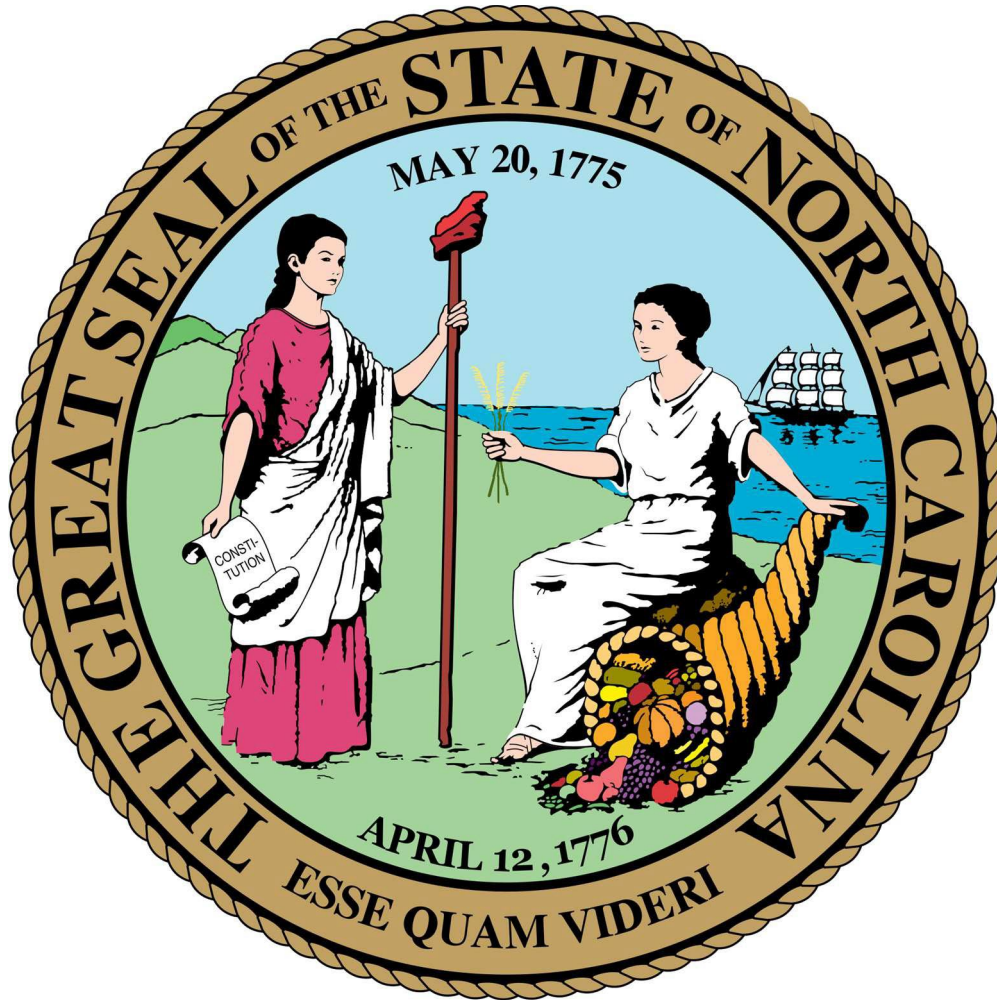
	<p>(3) Transfer/verification/replace certificate.....\$30.00 (4) Examination retake\$60.00 (5) Late renewal.....\$20.00 (6) Licensure revival (in addition to renewal).....\$30.00 (7) Directory\$10.00 (8) Licensee lists or labels.....60.00</p>	
<p>90-270.103</p>	<p>§90-270.103 Grounds for disciplinary action. Grounds for disciplinary action shall include but not be limited to the following: (1) The employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, or the renewal thereof; (2) The use of drugs or intoxicating liquors to an extent which affects professional competency; (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be established; (4) Conviction of a felony or other public offense involving moral turpitude, until proof of rehabilitation can be established; (5) An adjudication of insanity or incompetency, until proof of recovery from the condition can be established; (6) Engaging in any act or practice violative of any of the provisions of this Article or of any of the rules and regulations adopted by the Board, or aiding, abetting or assisting any other person in the violation of the same; (7) The commission of an act or acts of malpractice, gross negligence or incompetence in the practice of physical therapy; (8) Practice as a licensed physical therapist or physical therapist assistant without a valid certificate of renewal; (9) Engaging in conduct that could result in harm or injury to the public. (1951, c. 1131, s. 8; 1959, c. 630; 1969, c. 556; 1973, c. 1331, s. 3; 1979, c. 487; 1985, c. 701, s. 1; 2017-28, s. 1.)</p>	<p>FSBPT Model Practice Act: 4.04 Grounds for Denial of a License; Disciplinary Action A. The following are grounds for denial of a license or disciplinary action: 5. Acting in a manner inconsistent with generally accepted standards of physical therapy practice; regardless of whether actual injury to the patient/client is established. 6. Failing to adhere to the recognized standards of ethics of the physical therapy profession as established by rule.</p> <p>Medical Board Practice Act) § 90-14. Disciplinary Authority. (a) The Board shall have the power to place on probation with or without conditions, impose limitations and conditions on, publicly reprimand, assess monetary redress, issue public letters of concern, mandate free medical services, require satisfactory completion of treatment programs or remedial or educational training, fine, deny, annul, suspend, or revoke a license, or other authority to practice medicine in this State, issued by the Board to any person who has been found by the Board to</p>

NC Physical Therapy Practice Act Proposed Revisions

<p>(10) Acting in a manner inconsistent with the standards of acceptable and prevailing physical therapy practice regardless of whether actual injury to the patient/client is established.</p> <p>(11) Failing to adhere to the recognized standards of ethics of the physical therapy profession as defined by APTA <i>Code of Ethics for the Physical Therapist</i> and <i>Standards of Ethical Conduct for the Physical Therapist Assistant</i></p> <p>----OR-----Replace (11) with the following:</p> <p>(11) Failing to adhere to APTA <i>Code of Ethics for the Physical Therapists</i> and <i>Standards of Ethical Conduct for the Physical Therapist Assistant</i>.</p>	<p>have committed any of the following acts or conduct, or for any of the following reasons:</p> <p>(6) Unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed in the course of the licensee's practice or otherwise, and whether committed within or without North Carolina.</p> <p>Comment:</p> <ul style="list-style-type: none"> • Inclusion in the Grounds for Disciplinary Action section of the NC PT Practice Act is based on the FSBPT Model Practice Act and the like section of the NC Medicine Practice Act

General thoughts/considerations during review:

- 1) Prevailing physical therapy practice addresses more scope of practice concerns (especially as PT practice evolves)
- 2) Standards of practice; generally accepted standards of practice include current practice and what is expected of all PT professionals based on uniform requirements in professional education and professional competence testing---i.e. APTA has Code of Ethics and Standards of Practice documents that are both referenced in current CAPTE requirements for PTs; similar for PTAs---practically, topics such as informed consent fall beneath the 'ethics' umbrella
- 3) The highlighted sections in the left column are currently NOT in the NC PT Practice Act but are suggested additions.
- 4) The highlighted sections in the right column are in either the FSBPT Model Practice Act or the NC Medicine Practice Act and were considered when making recommendations for additions/changes to NC PT Practice Act.
- 5) How many/which of the suggested changes are the most important? Consider if ALL necessary and which is most important should concessions need to be made.



Attachment XIV

From: [Kathy Arney](#)
To: [May, Connie](#)
Cc: [Kathy Arney](#); [Kathy Arney](#)
Subject: RE: Disciplinary Actions
Date: Thursday, September 28, 2023 8:49:21 AM
Attachments: [image001.png](#)

Ms. May,

In response to your emailed inquiry to the NC Board of Physical Therapy Examiners, please see the 2 new disciplinary actions since 10-30-23 below:

Suspension	2023	Julian Scott	PT	Suspension – Board Meeting – June 7, 2023 (anticipated effective – July 7, 2023)
Probation	2023	Erik Bidinger	PT	Probation – Board meeting - June 7, 2023 (anticipated effective – July 7, 2023)

Please let me know if you have any questions or if I can be of further assistance.

Kathy

Kathy O'Dwyer Arney, PT, MA
Executive Director
North Carolina Board of Physical Therapy Examiners
8300 Health Park, Suite 233
Raleigh, North Carolina 27615
Phone: (919)490-6393;(800)800-8982
Fax: (919)490-5106
email: karney@ncptboard.org
Web address: www.ncptboard.org

E-Mail correspondence to and from this address may be subject to the North Carolina Public Records Law "NCGS. Ch.132" and may be disclosed to third parties

From: May, Connie <connie.may@dhhs.nc.gov>
Sent: Thursday, September 28, 2023 8:31 AM
To: PTBoard <ptboard@ncptboard.org>; Kathy Arney <karney@ncptboard.org>
Subject: Disciplinary Actions

You don't often get email from connie.may@dhhs.nc.gov. [Learn why this is important](#)

Good Morning Ms. Kathy Arney,

My name is Connie May with NC Medicaid. I am emailing you regarding new postings for North Carolina Board of Physical Examiners. Would you confirm there have not been new additions to the North Carolina Board of Physical Therapy Examiners since 10/30/2022.

Best Regards,

Connie May

Administrative Specialist
DHB – Provider Operations
[NC Department of Health and Human Services](#)

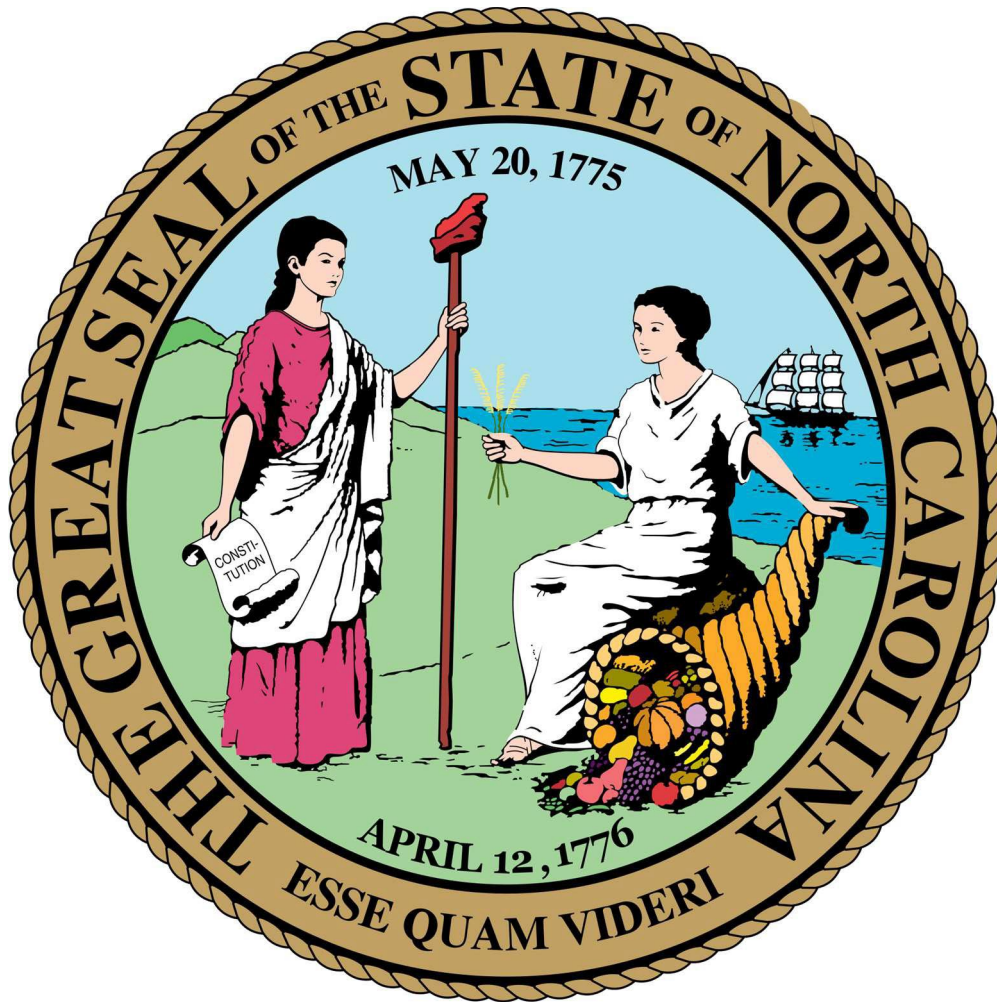
Office: 919-527-7213
Cell: 919-621-7542
connie.may@dhhs.nc.gov

820 S. Boylan Ave.
2501 Mail Service Center
Raleigh, NC 27699-2501

NCDHHS provides essential services to improve the health, safety and well-being of all North Carolinians. Learn more about [NCDHHS initiative and priorities](#).

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Attachment XV



NC Board of PT Examiners (NCBPTE) Report - APTA NC Business Meeting October 13, 2023

By Kathy O. Arney, PT, MA, Executive Director

Draft 4

Purpose of the Board: The purpose of the NC Board of Physical Therapy Examiners (NCBPTE) is to regulate the practice of physical therapy in order to protect the health, safety, and welfare of the citizens of North Carolina. The next meeting of the Board is scheduled for Wednesday, December 6, 2023. North Carolina Board of PT Examiners meetings are in person at 8300 Health Park, Lower Level Conference room. The public is welcome to attend in person.

1. Appointments to the Board:

In 2023, a total of five (5) members were appointed to the Board. One physical therapist resigned when she was no longer eligible to meet the clinical practice requirement and one medical doctor resigned when a personal emergency prevented her serving the appointed term.

Former Board member physical therapist, Jamie Miner, PT was appointed to fill the vacancy of the physical therapist member, and Dr. Lee Diehl, MD was appointed to fill the vacancy of the medical doctor member. In addition, Renu Kasula was appointed as public member filling the position for the prior member who declined to be considered for reappointment.

The nominations and ballots for 2024 appointments to the Board of two (2) physical therapists, and one (1) physical therapist assistant were completed by the APTA NC per NCGS Article 18E 90-270.91. APTA NC will notify Governor Roy Cooper of the results of the balloting for consideration and appointment of terms to the Board beginning January 1, 2024.

The Board thanks Mr. C. David Edwards, PT for his service to the Board from 2018 – 2020 and 2021 - 2023. Mr. Edwards provided exceptional service to the Board by serving as Board Chair, Secretary-Treasurer, Finance and Audit Committee member, Public Protection Task Force member and Chair, Rules Committee member, both Attorney Transition and Executive Director Performance Review Task Forces and delegate to the FSBPT House of Delegates. He is not eligible for reappointment having served two consecutive terms.

The Board thanks Mrs. Teresa F. Hale, PT, for her service to the Board from 2018 – 2020 and 2021 – 2023. Mrs. Hale has provided exceptional service to the Board by serving as Board Chair, Investigative Committee Member, Public Protection Task Force member, Rules Committee member, both Attorney Transition and Executive Director Performance Review Task Forces and delegate to the FSBPT House of

**NCBPTE Report - APTA NC Business Meeting
October 13, 2023**

Delegates. She is not eligible for reappointment having served two consecutive terms.

Current Board members will continue to serve until appointments are made by the Governor.

Board Member	Position	Term Expires
C. David Edwards, PT	Chair	2023
Leslie P. Kesler, PT	Secretary-Treasurer	2024
Teresa F. Hale, PT	Member	2023
Jamie Miner, PT	Member	2025
Megan L. Wentz, PTA	Member	2023*
Stephanie Bernard, PTA	Member	2024
Lee Diehl, MD	Medical Doctor	2025
Renu Kasula	Public Member	2025

*Indicates eligibility to serve another term

- Online Renewal:** Licensees are required to renew licenses annually **online**. Postcards will be mailed to the address on file at the Board office prior to November 1, 2023 specifying that the renewal period will be open online from November 1, 2023 until *January 31, 2024 5:00 pm EST*. Payment will require a credit card and must be received by January 31 for the license to be renewed. **There will be no paper renewal applications or payments.** *(The Board **strongly** recommends that licensees renew online by January 15, 2023 to ensure timely processing. The renewal fee is \$120.00 plus processing costs.)*

- Board Information Technology Update –**
As the public and licensees access the Board website, there are notable changes including a new licensee dashboard. When licensee’s login to utilize Board services there is a new look that will encompass both licenses, compact privileges, and privileges for military members. All Board services previously accessed by first logging in, can now be found on each licensee's personalized dashboard. Users will need to “expand” their license or privilege to find related options and services. In addition, some information on the Home Page may have moved and can be found using the search feature.

The Board is moving to the Cloud and any issues or questions can be directed to the Board via email at PTBoard@ncptboard.org.

- Continuing Competence Requirements**

**NCBPTE Report - APTA NC Business Meeting
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If your license continuing competence reporting period is closing January 31, 2024, you will be required to complete and record your continuing competence activities prior to renewal. Access your continuing competence report available from your personal dashboard for details. This must be complete for the renewal to be accepted.

Continuing Competence Audits:

Annual random audits are conducted at the end of license renewals for the reporting period just closed. Typically, PT/PTA licensees selected are to send documentation by mail of their reported 30/20 points of activities to the Board office for audit.

Licensees may review Board rules at the link below: (Scroll down to 21 NCAC 48G .0105 - .0112)

<https://www2.ncptboard.org/app/LawAndBoardRules/LawAndBoardRules.php>

In person activities are not required. Continued Competence points may be obtained electronically as described below: 21 NCAC 48G .0109 CONTINUING COMPETENCE ACTIVITIES

(a) Continuing Education activities are eligible for points as follows:

- (1) The maximum number of points allowed during any reporting period for an interactive course offered through electronic media shall be 15.
- (4) For registered participation in a non-interactive course offered by an approved provider by videotape, satellite transmission, webcast, DVD, or other electronic media, one hour of participation earns one point. The maximum number of points allowed during any reporting period shall be 10.
- (8) For completion of a home study physical therapy program furnished by an approved provider, one hour of home study earns one point. The maximum number of points during any one reporting period allowed shall be 10. (These may be online/electronic/live electronic).

5. **Board Rules and Permanent Rulemaking:** No new rules have become effective since August 2021. The Board Rules Committee will continue to review and update rules in response to public feedback, modernization of Board processes, and other relevant topics. Feedback to the Board regarding rules is welcome at any time. Board rule feedback may be submitted to: PTBoard@ncptboard.org. A link to the Board Rules is as follows:

<https://www2.ncptboard.org/app/LawAndBoardRules/LawAndBoardRules.php>

6. **Board Newsletters:** *NEW!* The Board has begun issuing monthly Newsletters via email to all licensees to enhance the speed of access to information from the Board.

NCBPTE Report - APTA NC Business Meeting October 13, 2023

These newsletters have an updated look, are shorter for ease of review and are posted on the Board website as they are published. These newsletters will take the place of the annual newsletter sent just prior to the beginning of license renewals.

7. Board Meeting Minutes and Recent Scope of Practice Questions:

Approved Minutes of Quarterly and Special Board meetings are posted on the Board website under About Us, Recent Board Meeting Minutes. Additional information on Board responses to Recent Scope of Practice questions may be found at the following link:

<https://www2.ncptboard.org/app/LandingPages/ScopeOfPracticeHome.php>

Public Protection Task Force

The Public Protection Task Force was established by the North Carolina Board of PT Examiners in June 2021 to evaluate risks and potential harms in physical therapy practice in North Carolina and make recommendations to the Board for actions that may be useful in eliminating or mitigating those risks and harms. Results of the work of this Task Force may be found on the Board website in Position Statements and in answers to scope of practice questions and newsletters. Most recent topics include:

- Informed Consent
- Dry Needling
- Musculoskeletal Ultrasound
- Ethical Decision Making
- And more.

Recent postings can be found at the links below:

- [Newsletters: https://www2.ncptboard.org/app/Newsletters/Newsletters.php](https://www2.ncptboard.org/app/Newsletters/Newsletters.php)
- [Position Statements: https://www2.ncptboard.org/app/PositionStatements/PositionStatements.php](https://www2.ncptboard.org/app/PositionStatements/PositionStatements.php)
- [Scope of Practice Questions: https://www2.ncptboard.org/app/LandingPages/ScopeOfPracticeHome.php](https://www2.ncptboard.org/app/LandingPages/ScopeOfPracticeHome.php)
- [Latest Updates: https://www2.ncptboard.org/index.php](https://www2.ncptboard.org/index.php)

8. Licensing Updates

a. Military Members – New Federal Law

Federal Law H.R. 7939 Veterans Auto and Education Improvement Act of 2022 became effective January 5, 2023 upon signature of the President of the

United States. Section 19, Portability of Professional Licenses of Members of the Uniformed Services and their Spouses, authorizes and enables states to issue a privilege to practice in the state upon submission of required documentation to military members and their spouses that have a current license in another state. Further, if the military member or spouse is licensed to practice PT in another state and is a member of the PT Compact, the eligible military member or spouse must obtain a PT Compact privilege to practice.

These provisions facilitate interstate practice through expedited methods for obtaining appropriate credentials to practice in NC. There are no prohibitions for the military member or spouse to obtain a full physical therapy license to practice in NC if they wish, with a complete application and all required documentation.

State law NCGS 93B-15.1 enables military members who have not completed a CAPTE accredited education and without a license in another state to apply for licensure and become eligible to take the National Physical Therapy Exam.

b. Physical Therapy Licensure Compact

A member state of the PT Compact since 2017, North Carolina began issuing “privileges to practice” in North Carolina on July 1, 2019. The PT Compact is an agreement between member states to improve access to physical therapy services for the public by increasing the mobility of eligible physical therapy providers to work in multiple states. **The PT Compact privileges continue to serve as a legal and equivalent alternative to a PT license in compact participating states.** Privileges facilitate telehealth services both in state and other participating Compact states, ease of obtaining practice credentials for military members, their spouses, traveling and other physical therapy licensees to provide physical therapy services to the citizens of North Carolina. The PT Compact Commission has thirty-seven (37) member states, of which thirty (30) are issuing privileges to practice. To see participating states go to: <https://ptcompact.org/ptc-states>.

As of September 27, 2023, the current total of active compact privilege holders in NC is 524. Verification of Compact privilege holders can be made on the Board website under Licensee Look-up or at ptcompact.org. For more information about eligibility for or obtaining a privilege in member states or the PT Compact Commission in general, go to: ptcompact.org

In compliance with the NC PT Compact law, NCBPTE must require FBI Criminal Background checks for all initial licensure applicants, maintain FSBPT IDs for all licensees, and share current licensure data with the

commission weekly. In 2023, North Carolina continues to be represented on the PT Compact Commission by Kathy O. Arney, PT, MA, as delegate and Commission Chair.

c. FBI Criminal Background Checks and Applications for Licensure

In 2019, by virtue of the Physical Therapy Licensure Compact law, the Board began requiring fingerprinted FBI Criminal Background Checks (CBC) for all first-time license applications in North Carolina. The CBC results are submitted to the Board via email. This process can take a minimum 5 weeks or longer. These confidential reports must comply with the FBI requirements, and the time to complete licensure may be slowed if those results are not received timely.

- 9. Licensee Changes of Address and contact information:** As required by rule, within **30 days** licensees should keep the Board apprised of any change in current home and work addresses, phone numbers, and email addresses. A current email address on file with the Board office decreases the chance of missing timely communications from the Board. License renewal reminder postcards will be mailed in late October to the preferred address on file.
- 10. Board Office Location and Address:** NCBPTE, 8300 Health Park, Suite 233, Raleigh, NC, 27615. Website: <https://www.ncptboard.org>; Phone: (919) 490-6393 or (800) 800-8982; Fax (919) 490-5106; Email contact for questions: PTBoard@ncptboard.org.
- 11. Update regarding Investigations and Disciplinary Actions:**

SUMMARY OF COMPLAINTS FILED IN 2023 – YTD (September 27, 2023)

YEAR-TO-DATE STATISTICS

Total Cases Reported and Investigated:	46
Total advertising complaints:	02
Total “other” complaints:	39
Total failure to renew (by the deadline)	04
Total cont. comp complaints	01
Total Compact Privilege holder failure to complete JE in a timely manner	00

**NCBPTE Report - APTA NC Business Meeting
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SUMMARY OF COMPLAINTS RESOLVED in 2023 THROUGH August 31, 2023

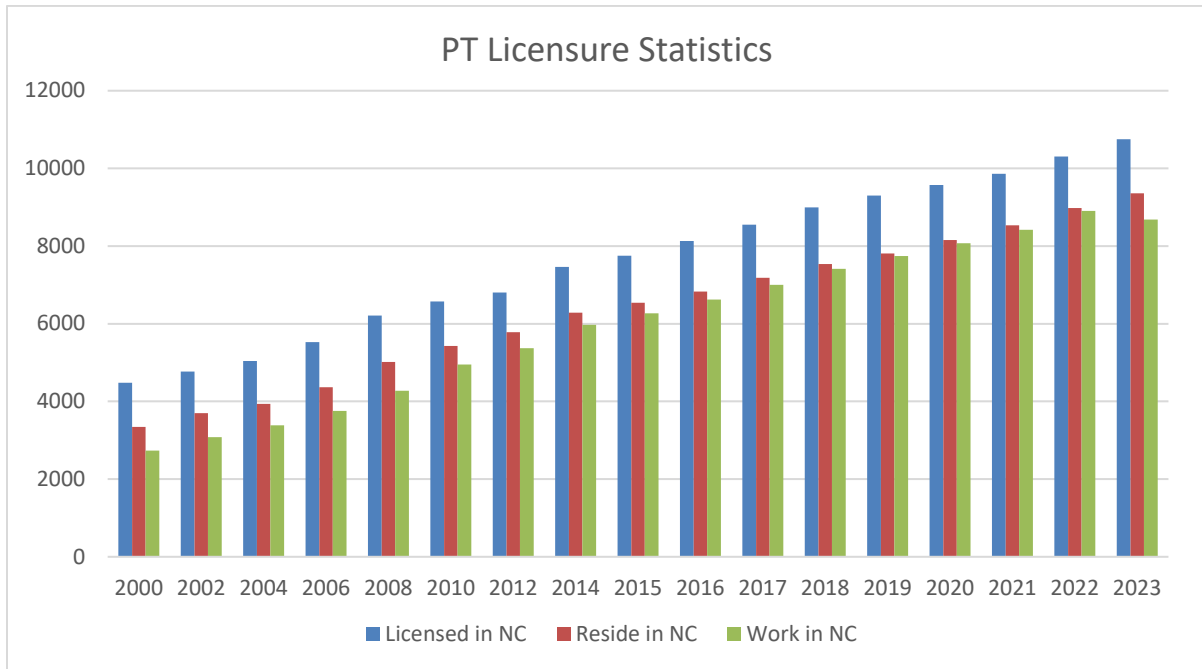
Total Cases Dismissed: 13
 Total Suspensions Issued: 01
 Total Probations Issued: 00
 Total Warnings Issued: 02
 Total Surrender of Licenses: 00
 Total Revoked 00
 Total Renewals Denied 00
 Total Advisory Letters written: 07 (including 3 letters for failure to
 renew by deadline)
 Total Letters sent regarding advertising: 00
 Other: including invalid complaints-no name 05
 Cases still pending: 23

12. Physical Therapy Licensure Statistics

**Physical Therapist Statistics - Fall 2023
September 27, 2023**

DATE	LICENSED IN NC	RESIDE IN NC	WORK IN NC
1992	2654	1890	1682
1994	3207	2269	2046
1996	3933	2693	2365
1998	4688	3193	2702
2000	4477	3343	2738
2002	4767	3699	3083
2004	5044	3935	3384
2006	5524	4365	3757
2008	6215	5014	4278
2010	6574	5426	4953
2012	6807	5782	5371
2014	7461	6285	5974
2015	7755	6542	6266
2016	8134	6826	6623
2017	8551	7187	7003
2018	8998	7541	7412
2019	9299	7813	7745
2020	9574	8158	8075
2021	9859	8538	8418
2022	10302	8979	8909
2023	10751	9359	8682

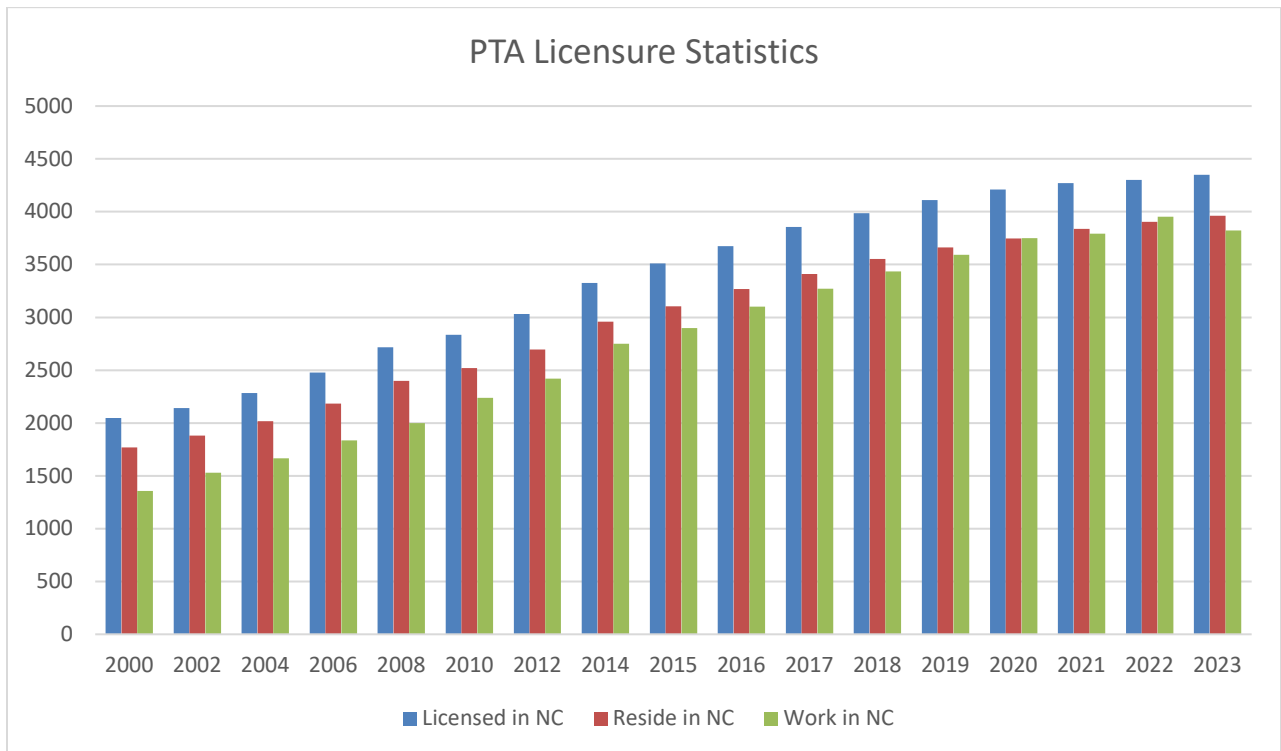
**NCBPTE Report - APTA NC Business Meeting
October 13, 2023**



**NCBPTE Report - APTA NC Business Meeting
October 13, 2023**

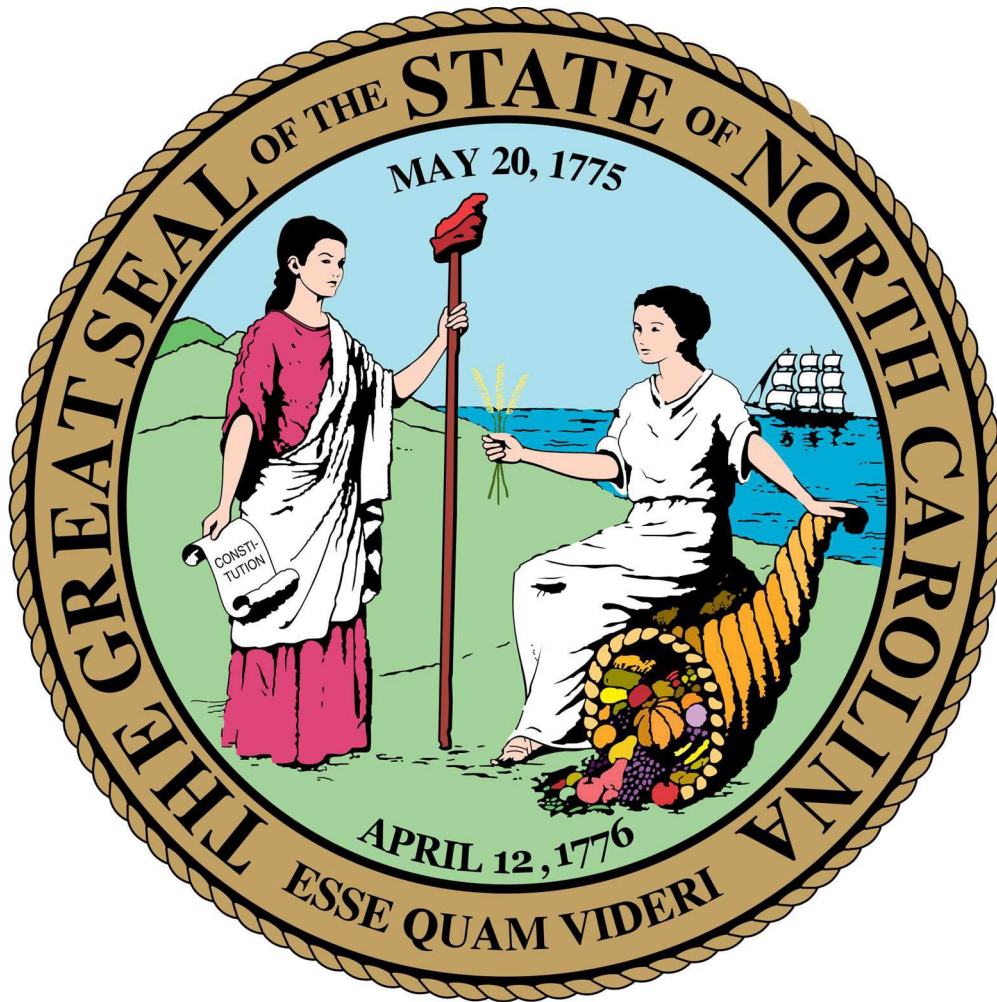
**Physical Therapist Assistant Statistics - Fall 2023
September 27, 2023**

DATE	LICENSED IN NC	RESIDE IN NC	WORK IN NC
1992	942	786	713
1994	1251	1055	975
1996	1633	1342	1163
1998	1968	1627	1500
2000	2047	1770	1358
2002	2141	1880	1529
2004	2285	2016	1665
2006	2479	2184	1836
2008	2718	2399	2000
2010	2836	2521	2237
2012	3033	2695	2419
2014	3327	2959	2750
2015	3511	3106	2898
2016	3674	3269	3103
2017	3856	3412	3271
2018	3985	3553	3436
2019	4110	3661	3591
2020	4210	3746	3749
2021	4270	3838	3793
2022	4300	3903	3953
2023	4350	3963	3822



**NCBPTE Report - APTA NC Business Meeting
October 13, 2023**

13. Questions? Email PTBoard@ncptboard.org



Attachment XVI

From: [Emily Smith](#)
To: arinfo@sosnc.gov; pubs@sosnc.gov; mlovell@ncdoj.gov; anthony.aycock@ncleg.gov; sarah.stevens@ndeg.gov
Cc: [Kathy Arney](#); [Emily Smith](#)
Subject: Annual Report Submission for NC Board of PT Examiners FY2023
Date: Friday, October 27, 2023 9:14:37 AM
Attachments: [NCBPTe - Annual report to the state 93B-2 - 2023 - Final - 10-27-23.pdf](#)

Good Morning All,

Attached is the North Carolina Board of Physical Therapy Examiners Annual report for FY2023.

If you have any questions or concerns, please reach out I am happy to help!

Thanks,

Emily Smith
Office Administrator
NC Board of Physical Therapy Examiners
O: (919) 490-6393
C: (804) 441-4765

From: [Emily Smith](#)
To: doug.taggart@milvets.nc.gov
Cc: [Kathy Arney](#); [Emily Smith](#)
Subject: Annual Report Submission for NC Board of PT Examiners FY2023
Date: Friday, October 27, 2023 9:22:12 AM
Attachments: [Annual Report to the state 93B - Submission to Secretary of the Department of Military and Veterans of Affairs - 10-27-23 Final.pdf](#)

Good Morning Mr. Taggart,

Attached is the North Carolina Board of Physical Therapy Examiners report for submission to the Secretary of the Department of Military and Veterans Affairs. This reporting is required by NCGS 93B-2(a)(9c) and 9(d).

If you have any questions or concerns, please reach out I am happy to help!

Thanks,

Emily Smith
Office Administrator
NC Board of Physical Therapy Examiners
O: (919) 490-6393
C: (804) 441-4765