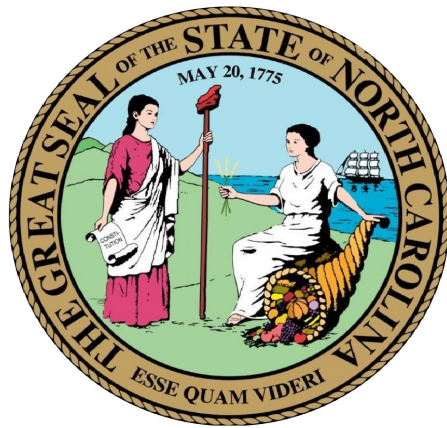


Attachment 1



Adopted – Board Meeting – December 1, 2021

**MINUTES
North Carolina Board of Physical Therapy Examiners
September 22, 2021
NCBPTE OFFICE – TELECONFERENCE
8300 HEALTH PARK
Raleigh, North Carolina 27615
Remotely Hosted**

Members Present:

Teresa F. Hale, PT, Chair
C. David Edwards, PT, Secretary/Treasurer (arrived 9:10AM)
Crystal D. Ostlind, PTA,
Paul Garcia, MD
Leslie P. Kesler, PT
Pearl L. Rhone, PTA
Jamie L. Miner, PT
Rosa Maria Gonzalez, BSN, RN, Public Member

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Paula Brooks, Office Administrator
Cindy D. Kiely, Director of Administration / Recorder
David C. Gadd, Board Attorney
David Nall, IT Systems Administrator

Guests:

Gerald Dodd, CPA, Garrett Dodd & Associates Ltd CPA – Board Auditor

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

Meeting Called to Order by T. Hale, NCBPTE Board Chair 8:30 a.m.

The meeting is open to the public and was conducted remotely on Zoom and streamed live on YouTube pursuant to Session Law 2020-3. The meeting was noticed in the Board office, on its website and on the NC Secretary of State website. There were no requests for the meeting agenda prior to the meeting.

Announcements:

- NOTE: The Board general email address is changing from angela.licensing@ncptboard.org to PTboard@ncptboard.org
- Gerald Dodd will join the Board to review the completed Financial Audit for FY at 1:30 p.m.

- The Board Role was called with all members present. L. Kesler will need to step away briefly, but will return to the meeting. All votes will be completed by roll call.

Conflict of Interest - Reminder by the Chair

T. Hale, Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, T. Hale 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 Executive Order 127. No Board member indicated conflicts of interest with the business before the Board today.

V-028-'21 Passed Minutes June 09, 2021 [Attachment I]

Board adopted a motion to approve draft of the Minutes of the Board Meeting held on June 09, 2021. *(Rhone)*

Members voting in the affirmative: Hale, Rhone, Kelser, Ostlind, Garcia, Miner, Gonzalez

Members voting in the negative: None

APPLICATIONS

V-029- '21 Passed – Duncan, Rebecca (DP9339) – Revival by 500 hours

Education/Supervised Clinical Practice – Board accepted 500-hour revival plan as presented. *(Rhone)*

Members voting in the affirmative: Hale, Edwards, Ostlind, Garcia, Kesler, Rhone, Miner, Gonzalez

Members voting in the negative: None

V-030-'21 Passed “Closed Session”

Motion to go into Closed Session at 8:45 am in accordance with GS § 143-318.11 (a) (6) to discuss personnel issues. *(Ostlind)*

Members voting in the affirmative: Hale, Edwards, Rhone, Kelser, Ostlind, Garcia, Miner, Gonzalez

Members voting in the negative: None

V-031-'21 Passed Motions in Closed Session

PTO accrual and Holiday pay for Part-time Employees

Motion to give part-time Board employees PTO and holiday pay at a pro-rated rate to the percentage of hours they regularly work. This policy will be added to the Employee Personnel and Policy Manual, per recommendation of the ED, was adopted. *(Ostlind)*

Members voting in the affirmative: Hale, Edwards, Rhone, Kelser, Ostlind, Garcia, Miner, Gonzalez

Members voting in the negative: None

V-32-'21 Passed - Closed Session Minutes from June 9, 2021

After a discussion of approval of the Closed Session minutes as written, the Board adopted a motion to approve the draft Closed Session Minutes from June 9, 2021. *(Miner)*

Members voting in the affirmative: Hale, Edwards, Rhone, Kelsner,
Ostlind, Garcia, Miner, Gonzalez
Members voting in the negative: None

V-033-'21 Passed Return to "Open Session"

Motion to return to Open Session was adopted at 8:58 a.m. (*Garcia*)

Members voting in the affirmative: Hale, Edwards, Rhone, Kelsner,
Ostlind, Garcia, Miner, Gonzalez
Members voting in the negative: None

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

Updated – June 9, 2021 -Position Statement – Physical Therapist and Physical Therapist Assistant Roles in Managing and Recording Medications

- Position statement #7 - Physical Therapist and Physical Therapist Assistant Roles in Managing and Recording Medications was updated to include Physical Therapist Assistants – posted on the Board website

Summary of Board Actions – Scope of Practice questions for Board consideration – June 9, 2021

- I. Peer Review Framework and Step 2.- Steps for Review of SOP Questions**
 - Board approved this framework for use in review of scope of practice questions and in its committees/task forces where scope of practice questions are considered
- II. Public Protection – Potential Risks and Harms in Physical Therapy Practice – Board Task Force Consideration**
 - Board approved Public Protection Task Force (PPTF) and appointments were made through Board member volunteers with Chair approval
- III. Shockwave Therapy – is it in the PT Scope of Practice?**
 - Licensee question submitted failed to provide additional information for consideration. The Board did not address the question at this time.
- IV. APTA NC request to change Board rules to allow PTs to order imaging**
 - The Board hosted guest speaker APTA NC President Mary Kay Hannah, PT, DPT; the Board considered the request and referred the question to the PPTF for further review and recommendation to the Board at a future meeting.
- V. CAPTE Call for response**
 - Arney responded on behalf of the Board to CAPTE for inclusion of Informed Consent in required DPT curriculum
- VI. Department of Public Instruction (DPI) – recent policy update**
 - Arney provided an update to the licensee question about DPI policy and if it violates the NC PT Practice Act/Board rules. Another similar question was submitted by another licensee. Arney will follow-up with the second licensee and will provide the Board with an update as it becomes available.
- VII. Position Statement #7 Physical Therapist's role in Managing and Recording Medications**
 - Updated; posted on the Board website and response sent to question asker
- VIII. Students dry needling on clinical affiliations**

- This is one of 3 questions provided to the PPTF to consider at upcoming meetings. The PPTF will make a recommendation to the Board at a future meeting

IX. PTAs providing information about medications

- Updated Position Statement #7 sent to question asker

X. Over the counter medications – use in physical therapy

- This email exchange from a licensee with Arney was shared with the Board and may be considered further at a future meeting or referred to the PPTF.

ED question for the Board - re: Posting Scope of Practice Questions – The new NCBPTE website will include a section specifically for scope of practice questions answered by the Board. This section will be searchable and include links as needed for additional content.

Scope of Practice Questions for Board Consideration

Issues Raised for Discussion at FSBPT – Consider as topics or references for future Board Meetings

- DEI&B (Diversity, Equity, Inclusion and Belonging)- The Board should take into consideration fair treatment for all, while striving to eliminate barriers for all. The Board was challenged to think about his/her own biases and whether he/she can fairly and equally consider diversity when answering scope of practice questions. Inclusion- The Board was asked to consciously help everyone feel valued, included, respected and involved.
- The Board was encouraged to continue using the FSBPT Model Practice Act as a resource in decision-making and answering questions, and use it as a data point, even if the Model Practice Act is silent on a subject under consideration.

Public Protection Task Force (PPTF) Update – The purpose of the PPTF 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. Edwards, Chair of the Committee provided an update from the July 27, 2021 meeting on the topics discussed.

- **Imaging:**
 - **Guest Speaker: Mary Kay Hannah, PT, DPT, President of APTA NC**
Ms. Hannah gave a presentation for 15 minutes on the request from APTA NC to update Board rule 21 NCAC 48C .0103 Prohibited Practice by removing the phrase: “...however, a physical therapist shall not order radiological examinations.”
- **Informed Consent:**
 - The Committee reviewed prepared resources from the American Physical Therapy Association and a review of states that include language about informed consent with respect to dry needling. Discussion included whether a generic, blanket consent form suffices in physical therapy practice, or do invasive physical therapy procedures need a specific informed consent.
- **Dry Needling Training Requirements**

- The Committee reviewed Board Rules from jurisdictions that allow dry needling to compare and evaluate required training requirements, as well as results from a summer 2021 survey to all NC DPT programs to assess their current curriculum as it pertains to dry needling clinical and didactic areas of study. Several professional dry needling education curriculums were presented, including dry needling training requirements.
- **Temporary Licensure:**
 - Request by 16 PT/PTA Educational Programs in NC to reinstate Board rules for New Graduate permits repealed in 1998.

Committee members reviewed a sampling of jurisdiction Practice Acts and Board Rules that allow temporary licensure for recent graduates who have not taken/passed the NPTE. They were provided with statutory language from various NC Occupational Licensing Boards that allow temporary licenses/permits for their respective new graduates. FSBPT research on temporary licensure and statistics on current jurisdiction stance on temporary licensure for recent graduates was also provided.

Student Performance of Pelvic Floor internal exams:

- The Board considers Pelvic floor internal exams an advance skill. The staff was tasked to find out if it is in the CAPTE DPT curriculum, and to create a draft position statement for the Board to review and consider at the December 1, 2021 Board meeting.

Questions and Response by Staff: Negative Pressure Wound Therapy (NPWT) (VAC and with VAC instillation) with “spiked” saline bag – is it in the scope of PT practice?

- The Board determined that NPWT with instillation is in the PT scope of practice as the therapist is just connecting the saline bag to the Wound Vac unit.

Question – PT performance of IV removal

- It was determined not to be in the PT scope of practice as it does not meet the requirements of Board rule 21 NCAC 48C .0101 (a).

Naturopathic Physicians Proposal for NCBPTE – Susan Dulaney – No updates at this time.

Acoustic Wave Therapy/Laser Class III –

- After discussion, additional information from the licensee is required before the Board can render a decision.

CBD sale and use in clinical practice and potential up-dates to Position Statement #20

- Use of CBD oil in clinical practice is not part of the PT scope of practice. If CBD oil is going to be sold by a PT, it should be made abundantly clear that it is not physical therapy and is unrelated to any PT plan of care. The patient perception must be clear on this issue. Position statement #20 posted on the Board website provides this information.

Board Feedback – what is “first-hand knowledge”?

- The Board reviewed the following Board Rule: 21 NCAC 48C .0102 RESPONSIBILITIES (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. Determination of first-hand knowledge is at the discretion of the PT; however, sufficient information is necessary for patient care to be provided safely and effectively. A response will be drafted for Board review and future publishing.

D. Jones – Can a PTA perform gait training as part of a delegated PT plan of care when it has not been assessed by the PT?

- The ED will submit a response to the question clarifying that more details are needed regarding patient situations because the answer can be ‘it depends on the individual circumstances.

Dry Needling – An article will be published in the upcoming Newsletter.

Attorney’s Report

General Attorney update – Gadd

- Governor Executive Orders- The Board and Board attorney continue to monitor the Governors Executive Orders related to COVID-19 to determine changes to mandates involving safety precautions due to the current COVID pandemic.
- NC Legislative Update- There has been no movement on Universal Licensure
- Federal Legislative Update- Federal legislation was introduced in October 2020 to limit liability for Board members. Currently there has been no movement and the legislation is still in committee.

Board Member Regulatory Training – The Board Attorney gave a presentation on activities that are beyond the scope of PT practice that the Board is being asked to address including CBD in patient care, IV removal issues coming before the Board recently to further define risks and public perception.

Executive Director’s (ED) Update – [Attachments II-IV]

The Executive Director provided verbal updates including the following:

Updated Board Addresses - please notify staff of any correction

Licensee Count

- NCBPTE Count for this quarter as compared to last year shows a 3.97 % increase in the total licensee count.
- NPTE Failure rate 5 years- No new concerns were identified that require communication with any NC PT/PTA educational programs.

NCBPTE Goals and Priorities have been updated and continue to focus on modernization of processes and technology at the Board office.

Update on Temporary Exemptions to Licensure-

- The Temporary Exemptions to Licensure requests have been leveling off in recent times. The Board office has a mechanism established to notify the temporary exemption to licensure holder on the day the Governor lifts the current state of emergency in NC.

ELDD Participation report – 06/30/21- The Board continues to maintain the highest rating for participation in the FSBPT Exam Licensure and Disciplinary Database, which is a measure of public protection.

ED Goals and Priorities – Performance Review

- The ED will be sending Board members a survey to expound on the performance review question regarding “Outreach”

FSBPT Statement on PT Licensees providing Misinformation on COVID-19 will be included in the upcoming Board newsletter. There was no objection expressed by the Board for referring those inquiring to the FSBPT statement on Misinformation

Financial Update- [Attachments V-VI]

- The Executive Director reviewed the following with the Board:
- Review of Financial Audit FY2021 – Gerald Dodd – Garrett Dodd and Associates- This was completed by CPA Gerald Dodd with independent CPA audit oversight; newly required in 2020.

The following were reviewed with the Board:

- Financials – Profit and Loss – September 10, 2021 comparison to same period 2020
- Financials – Balance Sheet – Sept 10, 2020 comparison to same period 2021
- Adopted Budget FY 2022 for Reference
- Introduction – Joyce Tynes, Bookkeeper – working part-time remote, starting the week of September 20, 2021
- Banking Accounts Updates

V-034-'21 Passed Custodial Risk Policy of the Board

Motion that the NC Board of PT Examiners work to minimize credit deposits risk in all banking accounts by having deposited funds insured. **(Edwards)**

Members voting in the affirmative: Hale, Ostlind, Garcia, Edwards, Kesler, Rhone, Miner, Gonzalez
Members voting in the negative: None

V-035-'21 Passed Information Technology Reserve

Motion that the NC Board of PT Examiners move \$150,000.00 of unrestricted funds to the Information Technology Reserve Designated fund. **(Kesler)**

Members voting in the affirmative: Hale, Ostlind, Garcia, Edwards, Kesler, Rhone, Miner, Gonzalez
Members voting in the negative: None

Report from Deputy Director [Attachment VII]

Deputy Director Report

- Deputy Director Report – includes Licensing Team Update
 - **School Outreach-** The Board has now been an AAP participant for over a year. We recently sent communications to all NC PT/PTA schools thanking them for their participation and patience and again reviewing the Certification of Education and when it/or transcripts are due (when degree is conferred)
- Request for input on Board Newsletter 2021 Edition-
Newsletter- Sent out letter to all Board members, Board attorney, and Board staff to submit articles and ideas for Newsletter. We will be on a tight timeline this year to have it ready for publishing the first of November.
- NCBPTE Customer Satisfaction Survey – follow up to Prometric Test Takers
 - **Satisfaction Survey-** Board staff is working with FSBPT to evaluate our customer satisfaction percentages which have declined somewhat in the past year. Of note, the Prometric Survey is completed after the applicant takes the NPTE. The Board sent a survey to 160 applicants who did not give the NCBPTE a very satisfied or satisfied score on the NC application process. To date, the comments received have not been related to the application process. Board staff is now considering identifying graduating PT/PTA cohorts to survey during their application process for NC PT/PTA licensure.

Committee on Board Rules - [Attachments VIII, IX, X, XI]

- Update – Rules Committee met on July 27, 2021 and its next meeting is scheduled for September 29, 2021
 - The Board’s permanent rules below were approved by the RRC and became effective August 1, 2021.
 - 21 NCAC 48D .0107
 - 21 NCAC 48D .0109
 - 21 NCAC 48D .0111
 - 21 NCAC 48E .0101
 - Technical changes were approved by the Codifier of Rules effective September 1, 2021
 - 21 NCAC 48B .0103
 - 21 NCAC 48D .0106
 - The technical change for the following rule was denied by the Codifier of Rules and will return to the next Rules Committee meeting.
21 NCAC 48G .0203
- Proposed Timeline for Permanent Rulemaking 2021-2022 was provided for review.

Board technology and Committee Update – Seipp

- IT Team update- The IT team is currently concentrating on security issues, upgrading hardware and software, and the new website.
- Board website transition – Currently the IT team continues to work on the new website programming. The licensing team is working on testing of various systems, including renewals, applications, continuing competence reporting and jurisprudence exercises. Board staff is working on content editing. A tentative go live date is scheduled for October 15, 2021.

Correspondence with Schools and Annual School Reports - [Attachments XII - XVI]

The following were reviewed by the Board with no action taken at this time:

- Pass rate (2021) for NC PT and PTA schools (as of Aug. 30, 2021)
- Pass rate (2020) for NC P and PTA schools (as of Aug. 30, 2021)
- Pass rate (2019) for NC PT and PTA schools (as of Aug. 30, 2021)
- Pass rate (2018) for NC PT and PTA schools (as of Aug. 30, 2021)

Updated School Addresses – please see the list for updates and new program directors

2021-2022 – Exam Schedule and Board Member Score date notification for score days

- 2022 FSBPT Testing Windows

Future School presentations:

- Arney – White Coat Keynote – Wingate – Feb. 2022

Schools Communications

- July Exam date cancellation for 5 students – Amy Gross McMillan – ECU
 - The Prometric Center in Greenville, NC was closed on the day 5 ECU students were scheduled to take the NPTE. They were successfully rescheduled after multiple conversations between ECU DPT program, FSBPT, and NCBPTE.
- Question regarding Permitted Practice – Lance Mabry – High Point
 -

NCPTE School newsletter – 1 Year AAP Retrospective – was sent to PT/PTA program directors

Updates on requirements for “advanced” techniques being taught at entry level – Arney provided anecdotal information on dry needling being taught in entry level education.

NPTE Comments submitted by Exam candidates/NC Customer Satisfaction Report Q2 - 2021

Ethics Commission

www.sosnc.gov – important reminder requirements for mandatory Board Member Ethics Education (required every 2 years – reminder to submit voucher)

Click for instructions – <https://ethics.nc.gov/education>

SEI Annual – Reminder due April 15 – ALL Board Members – click for filing instructions

<https://ethics.nc.gov/seis>

Ethics Compliance Report

PT Licensure Compact [Attachments XVII - XVIII]

Request for Public Comment for proposed By-law, Rule and Policy/Procedure changes – no comments were submitted by the Board at this time. No objections were voiced to upcoming proposed changes.

Compact Updates

- PT Compact Growth Strategy and Survey – What amount would a member state be willing to pay as a jurisdiction annual fee? Arney reviewed the survey sent to licensees and information the Compact Commission is seeking.

Annual Meeting – October 24, 2021 - all are welcome to attend the virtual meeting

- Openings for Candidates for Executive Board – Arney – Board agreed that Arney should run for a two-year term as Chair of the PT Licensure Compact and continue to serve as NC delegate to the Commission

Compact Compliance Report- The NCBPTE is compliant with Compact regulations.

Board Appointments 2022 (1 PT and 1 PTA)

- Online Balloting by APTA NC – email from licensee – asking to provide input; were referred to APTA NC.
- No new appointments to date.

Submission of Reports to State, etc.- The reports noted below were completed, submitted and reviewed with the Board:

- B. Trais – Request 2nd Quarter Disciplinary Actions Report
- NC SBI/FBI CBC CHRI Policies Audit was successfully completed on July 15, 2021.
- License Education and Training Verification – CVO-NCQA
- OSBM – Cost Collections Worksheet
- Office of State Comptroller – Audit, Risk and Compliance Services NCBPTE Internal Controls
- NPDB Certifying Official Registration 2021 Renewal
- 2nd Quarter Ethics Liaison Expense Reports – Arney and Ragan
- NC Licensure Boards Retirement Plan – submission of 2020 Audit for Renewal of Annual
- Travelers Fiduciary Liability Policy
- Quarterly Wage and Tax report from HAAP – in payroll files
- NEIS Audit – for State Farm Ins. Policy
- US Census Survey of Public Employment and Payroll 2021

Federation (FSBPT) [Attachment XIX] – The ED reported the following:

- Upcoming Meetings – CBA and Delegate Assembly Oct. 21-23. Arney, Ragan and Brooks to attend CBA; Hale – Delegate, Kesler – Alternate Delegate and Arney will attend Delegate Assembly.
- FSBPT Publication – Links – <https://members.fsbpt.org/Members/Newsbriefs.aspx>
- (login required)
- ELDD Quarterly report – NC Compliance and Participation-NCBPTE continues to maintain the highest standards for compliance.

- **FSBPT Committee Service**
 - C. Ostlind, PTA, Board Member – Chair Resolutions Committee
 - Committee meetings are available upon request during the Delegate Assembly
 - D. Ragan, PT, DPT, Deputy Director, Staff - Member – ELDD Task Force
 - The ELDD Task Force continues to develop strategies to make exam, licensure, and disciplinary information more readily available in a timely manner from more jurisdictions.

- FSBPT API Pilot Project- FSBPT is working with 4 states that have diverse Board organizational structures to pilot a project to improve secure information transfer between the state Board and FSBPT in order to maximize public protection. NCBPTE represents an independent occupational licensing board.

- FSBPT Webinar Series – Educational opportunities continue biweekly

APTA-NC & APTA Updates

APTA-NC

- APTA NC Newsletters – Link – https://aptanc.org/page/aptanc_newsletters
- Fall Conference 2021 – October 8-9, 2021 – Benton Convention Center Winston-Salem-reminder 2 imaging courses being taught
- 75th Anniversary

Other regulatory organizations

- CLEAR – Board members were encouraged to take advantage of the educational opportunities provided by CLEAR.

Credentialing Agencies

- FCCPT – no new update

Correspondence from ED, Articles, etc. – were provided to the Board for their review

- N. Jarvis – Question re: spread of COVID 19
- L. Rancer – NPWT “spiking” the bag of saline
- P. Geigle – Telehealth
- E. Ball – Standing Orders

- C. Goodnight – PT Scope – nasal swabs
- M. Moretti – PTA Supervision – first hand patient knowledge
- S. Shoe – PT/INR
- W. Addison – Is the Hoyer Lift Skilled PT service

Chair Hale reminded the Board of dates for upcoming Board Meetings:

Location: 8300 Health Park, Raleigh, NC 27615 – remote unless otherwise stated:

- December 01, 2021 (Wednesday)
- March 09, 2022 (Wednesday)
- June 08, 2022 (Wednesday)
- September 14, 2022 – (Wednesday)
- December 7, 2022 – (Wednesday)

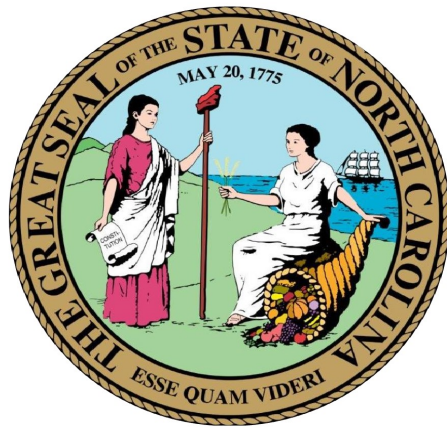
Adjourned Meeting by T. Hale, Chair, at 2:18 pm

Submitted,

Cindy D. Kiely
Director of Administration
Recording Secretary

C. David Edwards, PT
Secretary/Treasurer

Attachment 2



From: [Kathy Arney](#)
To: [Kathy Arney](#)
Subject: FW: PT Scope of Practice Responses from September 2021
Date: Friday, October 15, 2021 1:57:12 PM

Your response requested

Dear Board,

Below you will find the responses created by staff and edited by David Gadd. Please review these and if you have objections, please send me notification by Thursday, October 14, 2021 close of business. These will be sent to the question asker and posted on the Board website and possibly used in the newsletter, thus the need for quick turn-around. Thanks so much for you input!

Q: Can PTs perform IV removal?

A: In response to your question to the NC Board of PT Examiners, at its meeting September 22, 2021, the Board addressed the question, "...is it within the scope of practice for PTs to perform IV removal?" After the Board discussion, and review of information available, the Board provided this response, the standard for making this determination is contained in Board Rule 21 NCAC 48C .0101 (a) Permitted Practice, which states, "Physical therapy is presumed to include any acts, test, 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." The Board determined that removal of IVs is not routinely taught in entry level education or continuing education and is not routinely performed in PT practice which does not meet the Board standard for a procedure to be considered within the scope of practice.

Q: Students performing internal pelvic floor examinations on clinical experiences

A: In response to your question to the NC Board of PT Examiners, at its meeting September 22, 2021, the Board addressed the question "... is it within the scope of practice for students on clinical training to perform internal pelvic floor examinations?" After the Board discussion, and review of information available, the Board provided this response, the standard for making this determination is contained in Board Rule 21 NCAC 48C .0101 (a) Permitted Practice, which states, "Physical therapy

is presumed to include any acts, test, 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.” The Board determined that performance of internal pelvic floor examinations is not currently routinely taught in PT academic education and therefore which does not meet the Board standard for a procedure to be considered within the scope of practice. In addition, students are not yet licensed and would not be performing this type of activity in entry level educational training. Students may observe this type of patient care and it would be appropriate to obtain patient permission while taking part in clinical training.

Position statement attached. Recommend the Board update this at the December 1, 2021 Meeting to add the following:

There is consensus of the Board that students are not presumed to possess beyond entry level training. Because these skills are beyond entry-level, thus requiring additional training, students in entry-level academic clinical training should not perform evaluations or other internal pelvic floor intervention techniques. Supervised students may observe this type of patient care with appropriate patient permission.

Previously vetted question regarding dry needling for your information:

Q: How many hours of training does one need to perform dry needling in clinical practice?

A: In response to your emailed question to the NC Board of PT Examiners, I have provided information below that has been sent to many individuals asking similar questions to yours:

In response to your emailed question below to the NC Board of PT Examiners, I will provide a detailed response regarding NC PT and dry needling although it may be more than you asked, it may be helpful to you going forward. There are no specific requirements for the education and training required for performing dry needling by a physical therapist licensee; however *please read further below*. Here is the current Board response to this question regarding Dry Needling:

“... at its meeting December 11, 2019, the Board determined that as noted in the North Carolina Supreme Court decision issued on December 7, 2018, in the case brought by the Acupuncture Board, “dry needling is a treatment that uses physical or rehabilitative procedures, with assistive devices, for the purpose of correcting or

alleviating myofascial pain..." Therefore, any utilization of dry needling techniques that satisfy the foregoing language is within the scope of physical therapy practice in North Carolina. As the Board has previously noted, dry needling is an advanced skill for which training beyond entry level education is required. It is incumbent upon the licensee to obtain the appropriate training, education and be competent to perform dry needling. For your reference, the Board has posted document links related to the litigation brought by the Acupuncture Board on the announcements page of the Board's website.

<https://www.ncptboard.org/Announcements/Announcements.php> - scroll down the page.

You would need to assess your competence after obtaining advanced training prior to performing dry needling on patients. More specifically certification is not currently required by the Board; however, if a certification is obtained, it is very useful to keep on file as part of documentation of competence related to the personal practice of dry needling. If a licensee has not obtained advanced training for a technique they would not be considered to meet the requirements noted above.

Dry needling courses are currently approved per the Continuing Competence rules in 12 NCAC 48G .0105 - .0112. I am not able to address questions of payment for physical therapy services as payers, payer policy or employer policy are not under the jurisdiction of the Board. Contacting payers directly or seeking information from APTA or APTA NC may be helpful to you.

This one below needs approval by the Board (response came, in part, from Board meeting in March 23, 2016 – with additions from Sept 22, 2021)

Q: Is it legal for a PTA to perform gait training if the PT did not assess it, but it is listed in the plan of care, there are gait training goals and it was delegated to the PTA to perform?

A: In response to your email to the North Carolina Board of Physical Therapy Examiners, a patient's ambulatory status is usually included as part of a physical therapy evaluation if the patient is physically and mentally able to participate.

The **Practice Act** states the following:

(3) "Physical therapist assistant" means any person who assists in the practice of physical therapy in accordance with the provisions of this Article, and who works under the supervision of a physical therapist by performing such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant's education

and training, but an assistant's work shall not include the interpretation and implementation of referrals from licensed medical doctors or dentists, the performance of evaluations, or the determination or major modification of treatment programs.

Board Rule 21 NCAC 48C .0201(a) allows the PTA to assist in the practice of physical therapy only to the extent allowed by the PT.

If the physical therapist has performed an evaluation and created the plan of care and goals, delegation of a portion of that plan to the PTA is allowed. In some cases, a PTA progressing a patient to ambulation may be considered a major modification. However, there may be other cases that it would not. For example: There may be times that a physical therapist could evaluate a patient who is not quite ready to ambulate (*such as a patient with ankle surgery who is still a little groggy from anesthesia*), so the PT cannot perform a “gait evaluation”; however, due to the patient’s prior functional status, diagnosis, physical condition, setting, experience of PTA, and the working relationship between the PT and the PTA, the PT feels comfortable having the PTA progress the patient to gait training without performing an “official gait evaluation” (*based on the patient’s age, strength, sitting balance, etc.*). Ultimately, the decision and responsibility to make this determination would be up to the judgment of the physical therapist who performed the evaluation, which should always include patient safety at the forefront of the treatment goals and plan-of-care. If the PT feels that a gait evaluation needs to be performed before the PTA initiates gait training, then the PTA should follow the direction of the PT. For a PTA, failure to follow the direction of the PT may be considered practicing beyond the scope of practice and could be a violation of the Practice Act and Board Rules. If the PTA has received direction to begin ambulation with a patient yet believes that upon seeing the patient it would not be safe or effective for that patient, the PTA should not begin the intervention. The PTA is responsible for communicating the status of the patient to the PT if they believe there may be an adverse event and may make minor modifications to the treatment plan consistent with the plan of care. Whether the PT sees the patient for reassessment is up to the PT. Although the PTA is trained to assist the PT and generally does what the PT delegates, the PTA must still rely on his/her own judgment and training regarding safety and standards of care. If the patient were injured, the PTA’s license would be in jeopardy just like the PT’s. PTAs should document communications with the PT regarding recommended actions and notate “per the PT.”

Q: CBD use in clinical practice or sales

A: current position statement #20 – didn’t believe there were changes needed at this time.

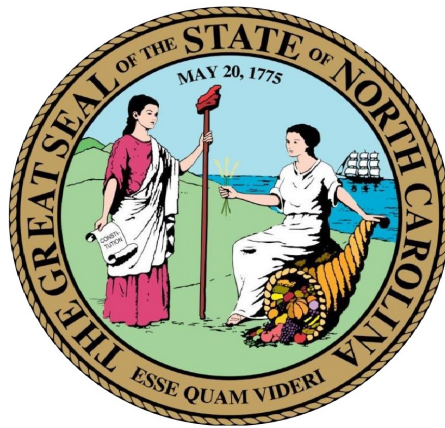
Q: Board rule 21 NCAC 48C .0102 RESPONSIBILITIES (g) A physical therapist's responsibility for patient care management includes **first-hand knowledge** of the health status of each patient and oversight of all documentation for services rendered to each patient, including awareness of fees and reimbursement structures. Does first-hand knowledge of the patient means if the patient is being seen by a PTA, to supervise does the PT needs to see them in-person?

A: In response to your emailed question to the NC Board of PT Examiners, at its meeting September 22, 2021, the Board addressed the question, "...this question, "does first-hand knowledge of the patient means if the patient is being seen by a PTA, to supervise does the PT needs to see them in-person?" While this rule may have been written prior to the advent of electronic medical records when remote access to a patient's entire record was not available, the intent of the rule is that a patient being treated by a PTA who requires PT supervision and is not onsite or in the same physical area with the PTA has sufficient information to be able to supervise the PTA and assure that the patient receives safe and effective physical therapy care. The medical records alone may not be sufficient to become familiar with that patient. An in-person visit or virtual visit may be required. While there are circumstances where an in-person visit may not be required by the PT to assure they have first-hand knowledge of the patient for safe and effective care to be taking place it is the responsibility of the PT to do whatever is required to assure appropriate patient care management and oversight of any delegated portions of the plan of care. If a PT supervising a PTA needs to be out for the day or is leaving a practice, it is incumbent upon the PT to assure the care is transitioned to another supervising PT and that transition is documented. If a licensee does not have first-hand knowledge it should be sought before treating or supervising a PTA, Aide or student.

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

Attachment 3



From: [Kathy Arney](#)
To: dnjg42@gmail.com
Cc: [Kathy Arney](#)
Subject: re: Gait Training question
Date: Friday, October 15, 2021 1:49:04 PM

Ms. Jones,

In response to your question via phone, the Board addressed your question at its meeting September 22, 2021. I have included the question and Boards response below:

Q: Is it legal for a PTA to perform gait training if the PT did not assess it, but it is listed in the plan of care, there are gait training goals and it was delegated to the PTA to perform?

A: In response to your email to the North Carolina Board of Physical Therapy Examiners, a patient's ambulatory status is usually included as part of a physical therapy evaluation if the patient is physically and mentally able to participate.

The **Practice Act** states the following:

(3) "Physical therapist assistant" means any person who assists in the practice of physical therapy in accordance with the provisions of this Article, and who works under the supervision of a physical therapist by performing such patient-related activities assigned by a physical therapist which are commensurate with the physical therapist assistant's education and training, **but an assistant's work shall not include** the interpretation and implementation of referrals from licensed medical doctors or dentists, the performance of evaluations, or the determination or **major modification of treatment programs**.

Board Rule 21 NCAC 48C .0201(a) allows the PTA to assist in the practice of physical therapy only to the extent allowed by the PT.

If the physical therapist has performed an evaluation and created the plan of care and goals, delegation of a portion of that plan to the PTA is allowed. In some cases, a PTA progressing a patient to ambulation may be considered a major modification. However, there may be other cases that it would not. For example: There may be times that a physical therapist could evaluate a patient who is not quite ready to ambulate (*such as a patient with ankle surgery who is still a little groggy from anesthesia*), so the PT cannot perform a "gait evaluation"; however, due to the patient's prior functional status, diagnosis, physical condition, setting, experience of PTA, and the working relationship between the PT and the PTA, the PT feels comfortable having the PTA progress the patient to gait training without performing an "official gait evaluation" (*based on the patient's age, strength, sitting balance, etc.*). Ultimately, the decision and responsibility to make this determination would be up to the judgment of the physical therapist who performed the evaluation, which should always include patient safety at the forefront of the treatment goals and plan-of-care. If the PT feels that a gait evaluation needs to be performed before the PTA initiates gait training, then the PTA should follow the direction of the PT. For a PTA, failure to follow the direction of the PT may be considered practicing beyond the scope of practice and could be a violation of the Practice Act and Board Rules. If the PTA has received direction to begin

ambulation with a patient yet believes that upon seeing the patient it would not be safe or effective for that patient, the PTA should not begin the intervention. The PTA is responsible for communicating the status of the patient to the PT if they believe there may be an adverse event and may make minor modifications to the treatment plan consistent with the plan of care.

Whether the PT sees the patient for reassessment is up to the PT. Although the PTA is trained to assist the PT and generally does what the PT delegates, the PTA must still rely on his/her own judgment and training regarding safety and standards of care. If the patient were injured, the PTA's license would be in jeopardy just like the PT's. PTAs should document communications with the PT regarding recommended actions and notate "per the PT."

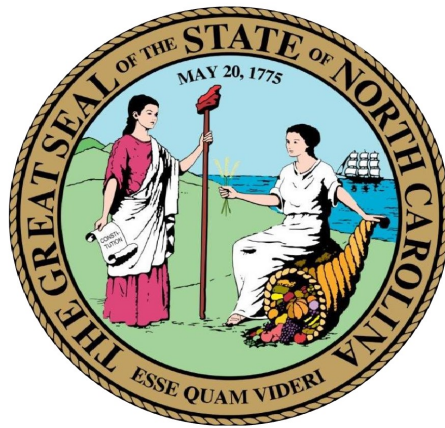
I hope this information is helpful to you. Please let me know if I can assist you further.

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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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

Attachment 4



INTEROFFICE MEMORANDUM

TO: NC BOARD OF PT EXAMINERS

FROM: KATHY O. ARNEY, PT, MA EXECUTIVE DIRECTOR

SUBJECT: TEMPORARY PERMITS FOR NEW GRADUATES

DATE: 12-01-21

CC: DAVID C. GADD, ATTORNEY

In May, 2021 the North Carolina Board of Physical Therapy Examiners (Board) received a letter signed by 16 of 21 North Carolina PT/PTA program directors requesting the Board consider reinstatement of rules repealed in August, 1998 for “Recent Graduates” allowing temporary privileges to practice via permit.

Issues precipitating this request include:

- Need to work with the privileges of a licensee (without having a license) immediately post-graduation due to financial hardships
- mental health issues described as anxiety related to high stakes testing and passage of the National PT Exam (NPTE), acceptance into post-graduate programs
- fixed date testing of the NPTE timing making obtaining work and post-graduate residencies difficult or delaying them, due to delayed NPTE or conferred graduation proof to obtain a license.
- licensure timing – delays due to required documentation and test scores receipt at the Board office needed for licensure
- Other states allowing some form of temporary permit or licensure which North Carolina does not

The Board’s Public Protection Task Force (PPTF) reviewed the topic at its July 27 and September 29, 2021 meetings. The PPTF considered:

- Letter of request dated May 24, 2021 sent by W. Todd Cade and Kyle Covington
- Board staff research on topics of concern
- Interviews with Kyle Covington, PT, faculty at Duke, PT Academic educational program and Dean McCall, PT, Director Martin Community College
- Board Rules repealed effective August 1, 1998 regarding Temporary Permits for New Graduates
- Presentation by current staff who formerly managed the Temporary New Graduate Permit process prior to the rule repeal
- Contacted residencies and fellowships for timing information

Subsequently, the Board office received additional emails on 10-30 and 10-31-21 supporting temporary permits for new graduates, who have not yet taken and passed the NPTE. A total of 5 emails were received and can be found in the table below.

NC PT/PTA Academic Education Program	Emailed communication
<p>Dave Hudson, PhD, PT Distinguished Professor and Department Head Department of Physical Therapy Director: Human Movement Science Lab Western Carolina University Cullowhee, NC 28723</p> <p>O: 828-227-7070</p>	<p>Thanks everyone,</p> <p>WCU is also in full support of temporary licensure. Timing for residencies is certainly one consideration, but the significant financial impact of delaying work is primary. The clock starts ticking for debt repayment at graduation. Dave</p>
<p>Gina Musolino – Methodist University PT program</p> <p>gmusolino@methodist.edu</p>	<p>Greetings all, In a conversation with Exec. I have shared how the temp was implemented in FL and the # of jurisdictions at that time that offer the temp. It is certainly in NC best interest to pursue and MU DPT remains in support. Gina Musolino</p>
<p>Todd Cade, Ph.D – Duke University PT program</p> <p>todd.cade@duke.edu</p>	<p>Thanks All-</p> <p>We here at Duke agree with Amy and Debby regarding licensing. Most of our students take the NPTE exam early in April which takes time studying and their focus away from successfully completing their terminal affiliation (which we discourage BTW). If there was a temporary license or a date closer to the end of May, it would be very beneficial for us.</p> <p>Thanks!</p> <p>Todd</p>
<p>Deborah L. Givens, PT, DPT, PhD, FAPTA Dr. Margaret Lee Moore Distinguished Professor in Physical Therapy Director, Division of Physical Therapy UNC at Chapel Hill 3032 Bondurant Hall, CB 7135 Chapel Hill, NC 27599-7135 email: deborah_givens@med.unc.edu office: 919-843-8660 https://www.med.unc.edu/ahs/physical/</p>	<p>Amy, Kathy, and all,</p> <p>Thank you for bringing up the temporary licensure issue. We are anxiously awaiting the word on this since our graduates at UNC fall so close to the July NPTE test date....</p> <p>It is a significant problem for our UNC Chapel Hill graduates who finish at the end of July and their official diploma is not issued until early August. Many residencies start with the academic calendar in August.</p> <p>We had an issue with a PT graduate from an Ohio school this year whose program also ended at the same time and we could not process for credentialing due to the holdup of the diploma and licensure for our residency.</p> <p>Debby</p>

<p>Amy Gross McMillan, PhD, PT Associate Professor and Chair DPT Program Director Department of Physical Therapy 2410B Health Sciences Building Greenville NC 27834 252-744-6232 GROSSMCMILLANA@ecu.edu</p>	<p>Kathy, Thank you for updating us all on NCBPTE items. I've included all DPT program directors on this email. Several of us met during the Educational Leadership Conference last week, and discussed current issues and concerns in DPT education in NC and nationally.</p> <p>Significant areas of concern continue to be student debt, student mental health, and timing of NPTE fixed dates (especially for those graduating in May). We (along with PTA program directors) recently submitted a request to NCBPTE to consider temporary licensure in NC, which would significantly ease graduates' financial stress by allowing them to work while waiting to take the NPTE. This would also allow May grads to start residencies which begin July 1 and expect grads to be licensed.</p> <p>Can you give us an update on the process of making such a change, and where this request is in that process? Thank you AGM</p>
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The Public Protection Task Force and Rules Committee determined they would not support or recommend to the Board reinstatement of Board rules for Temporary Permits for new graduates for the following reasons:

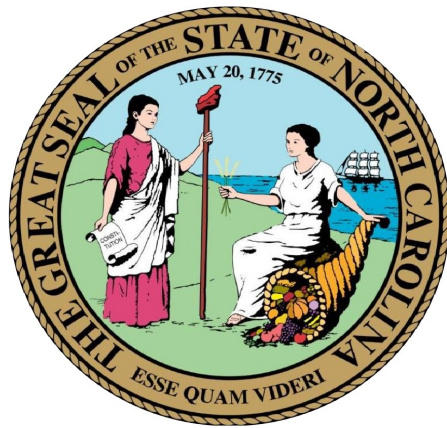
- The issues noted forming the basis for the request to reinstate temporary permits for new graduates fall outside the Board's legislatively mandated mission of public protection to the citizens of North Carolina. More specifically the Board's powers and duties include: examining and determining the qualifications and fitness of applicants for a license to practice physical therapy in North Carolina and to "issue...licenses" to practice physical therapy in the state. The established standards and qualifications for initial licensure requires taking and passing a computer-based examination and the approval of other required applicant credentials. Without taking and passing the National Physical Therapy Examination (NPTE), the Board is not assured minimum criteria are met for competence to practice and thus for licensure. Allowing applicants to work in the capacity of a licensee without first meeting the most important requirement to demonstrate the knowledge base qualifications mitigates the Board's ability to assure the public they are being provided services of qualified, competent licensees. In NC no other large healthcare occupational license Board issues temporary permits to practice for those who have not met the qualification requirements.
- Both the Task Force and Rules Committee understand limited test dates affect students' ability to take and pass the exam. Due to the COVID-19 pandemic, the Board

implemented temporary rules, which became permanent September 1, 2021, enabling applicants to take the NPTE up to 150 days prior to graduation, if their academic educational program qualifies them “on track to graduate,” thereby increasing the testing window from 90 to 150 days in North Carolina. This Alternate Approval Pathway provides educational programs opportunity to determine criteria a student must meet to be eligible to participate in “early testing” or not. Early testing has been offered to students who qualify since 2013, when a cheating scandal reduced dates to take the NPTE to five times per year. The option to take the test up to 5 months prior to graduation covers the student who takes and passes the exam and who has met all other criteria for licensure to be licensed on or within several days of graduating with a completed application for licensure to the Board.

The Board has spent considerable time considering ways to facilitate licensure for qualified new graduates. Last year, one of the results of this was to become a participant in the Alternative Approval Pathway (AAP), increasing the time in which a qualified student could test prior to graduation. Because this change to AAP is a new development for PT/PTA academic educational programs in North Carolina, there may not have been enough time to for programs to consider benefits to the program and their students.

Several programs in North Carolina do have criteria students are required to achieve in order for a program director to make them eligible to test early. The criteria within the specific program are published and known to that student body. If an individual student has personal goals such as immediate employment or residency acceptance, they could have a path to early testing to achieve those goals. Lastly, the Federation of State Board of Physical Therapy (FSBPT) own and administer the NPTE. During the calendar year of 2022, FSBPT has created testing “windows” surrounding the 5 fixed test dates per year, a small but potentially meaningful increase in opportunities to take the exam. Licensure Boards in the US have expressed their support for opening additional testing dates and educational programs are encouraged to do the same.

Attachment 5



Board Meeting – December 1, 2021

Imaging - Discussion

1. Does the Board have sufficient information to agree with the PPTF to strike the words; however, a physical therapist shall not order radiological examinations

I NCAC 48C .0103 PROHIBITED PRACTICE

(a) A physical therapist must not employ acts, tests, procedures, modalities, treatments, or interventions in the treatment of patients that are beyond the scope of the practice of physical therapy. Any patient whose condition requires medical diagnosis of disease or treatment beyond the scope of physical therapy must be referred as specified in G.S. 90-270.102.

(b) A physical therapist must not permit any person working under his or her supervision to engage in acts or practices beyond the scope allowed by the Physical Therapy Practice Act or the rules in this Chapter.

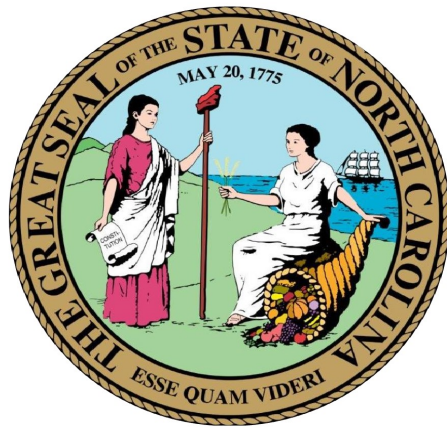
(c) Physical therapy does not include the application of roentgen rays or radioactive materials, but consistent with the requirements of G.S. 90-270.J 02(4) a physical therapist may review x-rays and may also request radiologic consultations; however, a physical therapist shall not order radiological examinations.

2. Does the Board support the concept of a training requirement for imaging? (Board staff draft based on PPTF discussion)
 - Should training rules be required?
 - Review WI qualification rules – attached
 - Components of WI rules NC would not support? Additional requirements to support?
 - Other discussion re: training

3. What additional information would the Board like to see from other stake holders? Licensees, others who currently order images, legislators, others?

Suggestion - Public Hearing after rules are proposed to RRC but prior to the public comment period.

Attachment 6





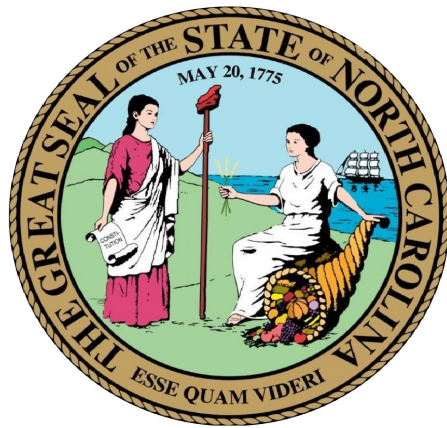
NCBPTE Licensee Counts

Category	11/09/2021	11/06/2020
All Licensees		
Active Licensees	14279	13916
Dropped licensees	14259	13451
Active licensees living in NC	12452	11981
Active licensees not living in NC	1827	1935
Compact Privilege	208	128
Temporary Permits	28	7
Physical Therapists		
Active licensees	9950	9665
Dropped licensees	10873	10311
Active PTs living in NC	8593	8216
Active PTs NOT living in NC	1371	1455
Active PTs working in NC	8520	8122
Active PTs NOT working in NC	1192	1202
Active PTs living in NC with no business address	1656	1422
Active PTs NOT living in NC with no business address	677	731
Physical Therapist Assistants		
Active licensees	4329	4251
Dropped licensees	3386	3140
Active PTAs living in NC	3873	3771
Active PTAs NOT living in NC	456	480
Active PTAs working in NC	3818	3764
Active PTAs NOT working in NC	376	387
Active PTAs living in NC with no business address	928	721
Active PTAs NOT living in NC with no business address	237	242
Miscellaneous		
Total Exam PTs	133	
Total Exam PTAs	42	
Total Endorsements PTs	221	
Total Endorsements PTAs	76	
Total Exam Failures	30	
Total Licensees=2.61% increase	14279	13916



NCBPTTE Licensee Counts

Attachment 7



INTEROFFICE MEMORANDUM

TO: NORTH CAROLINA BOARD OF PT EXAMINERS

FROM: KATHY O. ARNEY, EXECUTIVE DIRECTOR

SUBJECT: GOALS AND PRIORITIES – 3RD QUARTER 2021

DATE: 12-01-21

CC: DAVID C. GADD, ATTORNEY

Historically, the Board sets annual goals and priorities based on anticipated needs in areas of mission for the Board. Similarly, the Executive Director’s (ED) goals and priorities are focused on position description performance areas. Questions have arisen as to what these goals and priorities are and how they should be assessed and rated, specifically for the Executive Director. The Board mission areas of focus and ED performance areas are listed below:

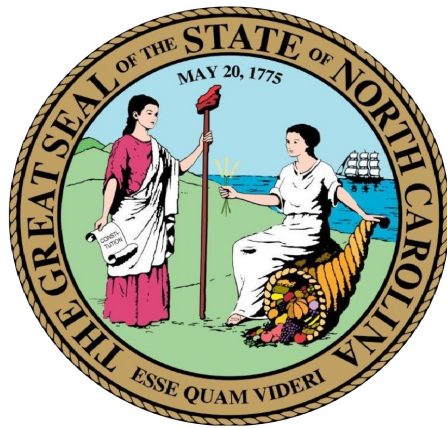
BOARD	EXECUTIVE DIRECTOR
<p>Board Performance</p> <ul style="list-style-type: none"> • Planning (Short and long-term Board planning, succession planning) • Training (Board members and staff) • Periodically Reviewing Relevant Documents (Statute, Rules, Compact Statute, Compact Rules, Position Statements, other relevant documents) • Managing Financial Resources to fulfill the mission and purpose of the Board • Complying with NC State requirements and Federation NPTE requirements 	<p>Management</p> <ul style="list-style-type: none"> • Maintains and manages supervisory staff and other staff of the Board office in a compliant and legal manner • Maintains physical Board office to standards required in lease and as a professional state entity • Manages other functions effectively listed below • Obtains needed internal and external resources within budget to perform these duties • Effective IS and IT functions
<p>Outreach and Education</p> <ul style="list-style-type: none"> • Soliciting Feedback, 	<p>External Relations; Outreach/Consumer Information - see below</p>

<ul style="list-style-type: none"> • Providing and publishing information about Board mission • Responding to public inquiries 	
<p>Licensure</p> <ul style="list-style-type: none"> • Establishing Standards and maintaining standards • Ensuring Portability for Access to physical therapy services • Collecting Work Force Data • Verifying licenses for applicants and to other entities 	<p>Licensing/ Establishing Practice Standards</p> <p>Assure accuracy in licensing, maintains consistent standards for decision-making and modernized processes for efficient decisions and timely licensing.</p> <p>Makes recommendations to the Board for practice standards and further clarification for scope of PT practice in NC</p>
<p>Complaint Resolution</p> <ul style="list-style-type: none"> • Investigating Complaints, • Determining Resolution, • Collecting Data on Complaints/Resolutions • Analyzing and using collected data for public education on relevant topics 	<p>Investigations</p> <p>Processes complaints in a timely manner</p> <p>Communicates with complainants as needed</p> <p>Assists in conducting efficient investigations and recommendations for action with the Investigative Committee, Attorney and Board Investigator.</p>
	<p>Board Interaction</p> <p>Provides Board information that is accurate and timely</p> <p>Makes recommendations for action to the board that support its mission</p> <p>Conducts efficient and effective meetings</p>
	<p>Financial</p> <p>Maintains adequate operations and reserve finances for Board stability</p>
	<p>Outreach/Consumer Information</p> <p>Responds accurately and timely to inquiries</p> <p>Maintains useful information on the Board website dedicated to the responsibilities of</p>

	<p>the Board in licensing, complaints and public protection information</p> <p>Creates and maintains relationships with other occupational licensing Boards in NC and nationally with other PT Board Administrators and the PT Compact</p> <p>Shares information with the general public on topics of interest</p>
	<p>Professional Development</p> <ul style="list-style-type: none"> • Development of needed skills and abilities to manage the Board office, finances, investigations, licensing, minimum standards of practice and external relations and outreach

There is some overlap as might be expected. In order to further assist the Board in assisting to create goals and priorities for the Executive Director this chart was created for discussion and understanding when determining performance criteria for the Executive Director

Attachment 8



Report to the North Carolina Board of Physical Therapy Examiners - Temporary Exemptions from Licensure
November 12, 2021

Kim Jackson, Executive Assistant

The Governor declared a State of Emergency for North Carolina (Executive Order 116) on March 20, 2020, and on April 8, 2020 issued Executive Order 130 to provide the state's healthcare occupational licensing boards with authority to consider and implement flexibility in licensure requirements during the COVID-19 pandemic. These Executive Orders and the NC Physical Therapy Practice Act granted the Board the authority to exempt qualified applicants from licensure requirements during the state of emergency. Physical therapists or physical therapist assistants licensed in another jurisdiction of the United States who enter North Carolina to provide physical therapy during a declared local, State, or national disaster or emergency may be granted an exemption.

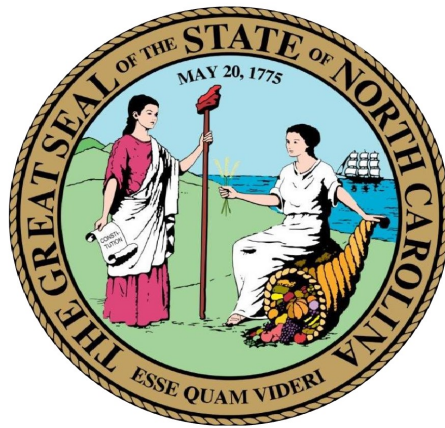
Beginning April 15, 2020, the Board established policies and procedures to begin issuing exemptions from licensure equal to temporary privileges to practice physical therapy in North Carolina. An online application was made available on the Board website and the information recorded in an Excel spreadsheet. Once the application is received, the credentials (active license status) of the applicant are verified through a state's physical therapy licensing board website.

After verifying the license, a letter is generated granting the request and an email sent to the applicant. This information is recorded on another Excel spreadsheet that is uploaded to the Board website for online public access to verify practice privilege information. All requests for exemptions from licensure are assigned a number associated with the temporary privileges to practice in North Carolina. Those granted the exemption are monitored for changes that would require rescinding the exemption such as becoming licensed in North Carolina, or expiration of the other state license. In both cases, a notification email is sent to the license holder.

The chart below details activity through November 12, 2021:

Month	# of Requests via Website	Licenses Verified and Granted PT/PTA	Requests denied (reasons)	Exemptions Rescinded (received NC License) PT/PTA
April	50	43/5	2 (1 disciplinary action; 1 duplicate request)	0/0
May	31	24/6	1 (duplicate request)	2/0
June	31	26/4	1 (received NC license same day of request)	8/3
July	29	19/8	2 (1 duplicate request; 1 requested in error)	6/1
Aug	29	17/11	1 (requested in error)	7/4
Sept	20	15/5		12/5
Oct	18	13/5		10/3
Nov	21	17/4		4/2
Dec	30	24/6		11/2
Jan '21	27	21/3	3 (requested in error)	5/1
Feb	19	12/6	2 (requested in error)	8/3
March	5	3/2		8/0
April	16	9/5	2 (requested in error)	6/3
May	13	5/7	1 (requested in error)	2/1
June	9	8/1		4/0
July	12	6/4	2 (duplicate requests)	3/2
Aug	16	12/4		1/1
Sept	16	9/4	3 (1 unable to confirm license; 2 received NC license same day of request)	5/3
Oct	16	10/4	2 (requested in error)	3/2
Nov	8	6/1	1 (unable to confirm license)	1/0
Total	416	298/95	23	106/36

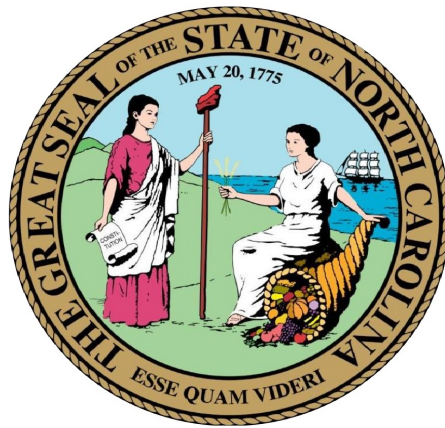
Attachment 9



NC PT Board
Financial Position YoY Comparison

	October YTD			Comments
	2021	2020	VPY	
Ordinary Income/Expense				
Income				
Credit Card Cost - Military	39	28	10	
Credit Card Processing Cost	2,030	2,512	(482)	
FBI/CBC Background check fees	11,952	14,402	(2,450)	
CC Licensee	75	125	(50)	
CC Business	150	-	150	
NC License Verif (CCard)	8,664	8,010	654	
NC License Verif (by check)	97	210	(113)	
PT Revnew	38,173	46,030	(7,857)	
PTA Revenue	13,550	15,970	(2,420)	
Certificates (wall & Lic Card)	60	30	30	
Discipline Reimbursement	100	3,000	(2,900)	
Interest Income	782	1,854	(1,072)	
Other Rewards Income	370	657	(287)	
Total Income	76,042	92,828	(16,785)	
Expense				
Total Wages	293,249	248,963	44,286	Additional Staff and Merit Increases
Continuing Education	455	505	(50)	
Employee Insurance	55,281	50,740	4,541	% of Salary
Meals/Entertain/Events (Staff)	-	646	(646)	
Retirement Contribution	16,494	14,259	2,235	% of Salary
Retirement Fees	1,527	1,101	425	
Payroll Taxes	19,364	20,005	(641)	
Other Payroll Expense	2,127	228	1,899	
IT Consulting Expense	77,820	41,279	36,542	Additional Contractor
Total C&B	466,316	377,726	88,591	
Board Expense	3,176	1,102	2,074	
Travel - Staff	265	389	(125)	
Other Subsistance (Meals & Enter)	-	162	(162)	
Computer Expense	9,496	2,857	6,639	
Telephone	4,220	4,242	(22)	
Credit Card Fees	2,936	3,675	(739)	
NC SBI - Reimb	14,516	12,730	1,786	
Investigations Expense	2,608	2,675	(67)	
Office Expense	28,190	26,367	1,822	
Legal	17,460	19,388	(1,928)	
Year-End Audit	10,400	-	10,400	Timing of Audit
Association Expenses	1,499	1,725	(226)	
Copying & Printing	5,853	185	5,669	
Equipment Lease & Maint	1,660	2,151	(490)	
Office Supplies	2,559	1,194	1,365	
Postage	1,532	7,267	(5,736)	Efficiencies made in processes
Other Expenses	457	270	187	
Overpayment Refund	458	-	458	
Total Expense	573,601	464,104	109,497	
Net Income	(497,559)	(371,276)	(126,283)	

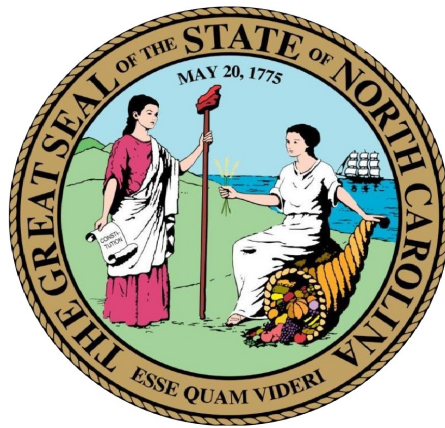
Attachment 10



NC PT Board
Statement of Financial Position

	<u>Oct 31, 21</u>	<u>Oct 31, 20</u>	<u>\$ Change</u>
ASSETS			
Current Assets			
1028 · Pinnacle Acc# 1480	2,085,340	1,552,741	532,599
1020 · BB&T	-	50,986	(50,986)
1046 · First Citizen Bank - MM Account	-	51,226	(51,226)
0001 · First National Bank (Yadkin B)	-	55,944	(55,944)
1024 · Mechanics & Farmers Bank -011	64,928	64,603	326
1023 · Mechanics and Farmers - 386	-	25,000	(25,000)
0003 · North State Bank -#11656	109,994	108,364	1,630
0004 · North State Bank #11720	109,724	108,098	1,626
0002 · North State Bank #4167	56,862	55,873	989
1026 · PNC - RBC-MM Acct	33,022	0	33,022
1027 · PNC/RBC - Business 300 Checking	105,310	56,144	49,166
1040 · State Employees Credit Union	-	210,723	(210,723)
1030 · State Employees Share Acct	-	86	(86)
Total Checking/Savings	<u>2,565,181</u>	<u>2,339,788</u>	<u>225,392</u>
1900 · Prepaid Rent	6,560	5,941	619
1901 · Prepaid Warranty	571	2,420	(1,849)
Total Other Current Assets	<u>7,131</u>	<u>8,361</u>	<u>(1,230)</u>
Total Current Assets	<u>2,572,312</u>	<u>2,348,149</u>	<u>224,163</u>
Fixed Assets			
1510 · Furniture & Equipment	298,534	281,235	17,298
1520 · Accumulated Depreciation	(187,265)	(157,443)	(29,822)
Total Fixed Assets	<u>111,268</u>	<u>123,792</u>	<u>(12,524)</u>
TOTAL ASSETS	<u><u>2,683,580</u></u>	<u><u>2,471,942</u></u>	<u><u>211,639</u></u>
LIABILITIES & EQUITY			
Liabilities			
Current Liabilities			
2002 · Accounts Payable	3,080	3,080	-
2600 · Accrued Vacation Pay	108,452	88,493	19,959
Total 2100 · Payroll Liabilities	647	(1,081)	1,727
Total Other Current Liabilities	<u>112,178</u>	<u>90,493</u>	<u>21,686</u>
Total Liabilities	<u>112,178</u>	<u>90,493</u>	<u>21,686</u>
Equity			
3506 · Payroll Reserve	290,000	-	290,000
3505 · Continuing Education Reserve	50,000	50,000	-
3504 · Information Technology Reserve	450,000	200,000	250,000
3010 · Investment in Assets	107,500	104,072	3,429
3503 · Unanticipated Litigation costs	800,000	800,000	-
3901 · Net Assets	(33,094)	(33,094)	-
3501 · Replacement of Property & Equip	100,000	100,000	-
3502 · Reserve for Building Acquisitio	735,000	735,000	-
3920 · Reserve for Prepaid Expenses	7,131	5,941	1,190
3900 · Retained Earnings	564,178	791,106	(226,928)
Net Income	(499,313)	(371,576)	(127,737)
Total Equity	<u>2,571,402</u>	<u>2,381,449</u>	<u>189,953</u>
TOTAL LIABILITIES & EQUITY	<u><u>2,683,580</u></u>	<u><u>2,471,942</u></u>	<u><u>211,639</u></u>

Attachment 11

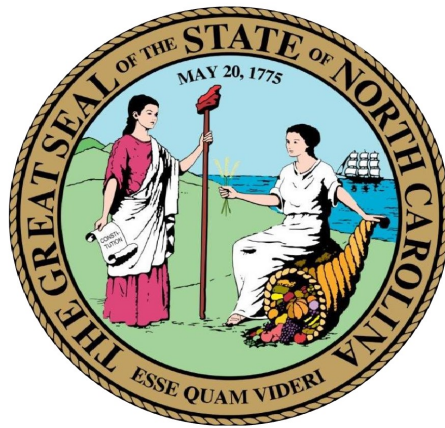


I.	<p>Continuing Competence Action Items</p> <p>a. Exemptions- 0 new hardship requests since last meeting. Currently we continue to have a total of 24 exemptions for over 65.</p>
II.	<p>Summary of Deputy Director Activities (since the June Board meeting, 2021) As with everyone, most activities and duties during the past 3 months still are heavily influenced by COVID-19 and EO #130.</p> <p>a. Rules</p> <p>i. The Board’s proposed permanent rules below will be voted on today to publish and submit to OAH for publication in the NC Register</p> <ul style="list-style-type: none">• 21 NCAC 48B .0102• 21 NCAC 48E .0104• 21 NCAC 48F .0101 and .0103• 21 NCAC 48G .0103, .0105, .0203, and .0504 <p>ii. Timeline for permanent rule making for 21-22 12/1/21- Board votes to publish proposed permanent rules 12/22/21-Proposed rules submitted to OAH for publication in the NC Register 1/18/22- Rules posted on Board website and emailed in interested parties 1/18/22-3/21/22- Public comment period 3/9/22- Public Hearing 6/8/22- Board adopts rules 6/20/22-Rules submitted to RRC for review 7/21/22- RRC reviews rules at RRC meeting 8/1/22- Proposed effective date for permanent rules</p> <p>b. Course Approvals We continue to review and approve courses for continuing competence credit and have approved 8 to date since the beginning of 2021.</p> <p>i. Communication continues with online continuing education companies. If their activities are approved by any state PT licensing board, any state PT association, APTA, FSBPT, or IACET, then they are automatically approved in NC and no additional approval is needed.</p> <p>ii. Continuing to work with AHECs regarding their activity approvals.</p> <p>c. Policy and Procedure for Continuing Competence- The Board is proposing permanent rules to clarify .5 contact hour and 1.0 contact hour. .5 contact hour is 30 minutes and 1.0 contact hour is 60 minutes.</p> <p>d. School Outreach- The Board has now been an AAP participant for over a year. We published an article in the Fall 21 newsletter outlining the changes with AAP over the past year. We are still communicating with schools about sending</p>

	<p>transcripts when degree is conferred.</p> <p>A satisfaction survey was developed and sent to NC schools who have a graduating cohort that is taking the January 2022 NPTE. The Board staff wants to compare those results with Prometric and also improve satisfaction with regard to the applications process for initial PT/PTA licensure.</p> <p>e. Staff Meetings and Follow-up</p> <ol style="list-style-type: none">i. Continue to have daily Discord sessions with the licensing team as they work remotely to ensure work flow efficiencies and troubleshoot any barriers. This includes work on policies and procedures, communications to applicants and licensees, and working to ensure public protection throughout the application processes. <p>f. Legislative Activities</p> <ol style="list-style-type: none">i. Continuing to monitor current legislative calendars and meetings that could impact OLBs.
	<p>Special Projects- Working in Conjunction with the Executive Director</p> <ol style="list-style-type: none">a. Record Retention- current projects:<ul style="list-style-type: none">• Merging revivals with permanent files• Still not destroying applications over a year old that expired after 4/2020 due to current regulatory flexibility for COVID.• Record retention for those applicants licensed in 2016, to prepare for merging with permanent files.b. Newsletter- Published October 29, 2021.c. Board Support-Researching scope of practice questions is ongoingd. Criminal background checks- Maintaining excellent relationship with the SBI. Still providing all options for applicants to get fingerprints done. Average turnaround time for fingerprint processing once fingerprint cards mailed to SBI via Fed Ex is now about 5 weeks (was initially about 3 weeks).e. Military Expedited Process- Reviewed and revised the Military Expedited Process for the Temporary Permit in November in preparation for the effective Dec. 1, 2020 date for the revision of PART I. MILITARY SPOUSE OCCUPATIONAL LICENSURE SECTION 1. G.S. 93B-15.1 reads as rewritten: "§ 93B-15.1. Licensure for individuals with military training and experience; proficiency examination; licensure by endorsement for military spouse's temporary license. Turnaround time for military permits has gone from an average of 38 days prior to December 1, 2020 to:<ul style="list-style-type: none">• 4.66 days in December 2020, to• 2.6 since January 1, 2021- May 12, 2021. We did have one permit not

	<p>included in this number that took significantly longer because he was ready to be permitted in 3 days, but even with multiple phone calls, voicemails, and emails, he did not provide the photo and military papers for a month.</p> <ul style="list-style-type: none">• From 5/13/2021-8/27/2021- 12 temporary permits issued. 7.6 days. Two of the permittees did not submit their military papers for 37 days and 18 days respectively and subsequently received their permit on the day of submission. If those two are not calculated, the turnaround time is 3.7 days.• From 8/27/2021-11/9/2021- average 2.8 days for 7 permittees. <p>f. Licensing Team Update- Continuing to work with the IT team to create more upload features for the application process. Currently working on electronic character references. Will be working with Microsoft One Note and Click Up technology as our new policy platforms. Worked with the IT team to ensure electronic transcripts are legitimate from multiple third party platforms.</p> <p>g. Public Records Requests – We have developed an in-house method to expedite licensee list requests from external requestors.</p> <p>h. Compact Updates- Board staff continues to work to ensure the JE is done again both with renewal and purchase, and as always, the public can find out on our website and the Compact website if someone has a privilege in NC and the status of that privilege.</p>
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Attachment 12



5 responses



Accepting responses



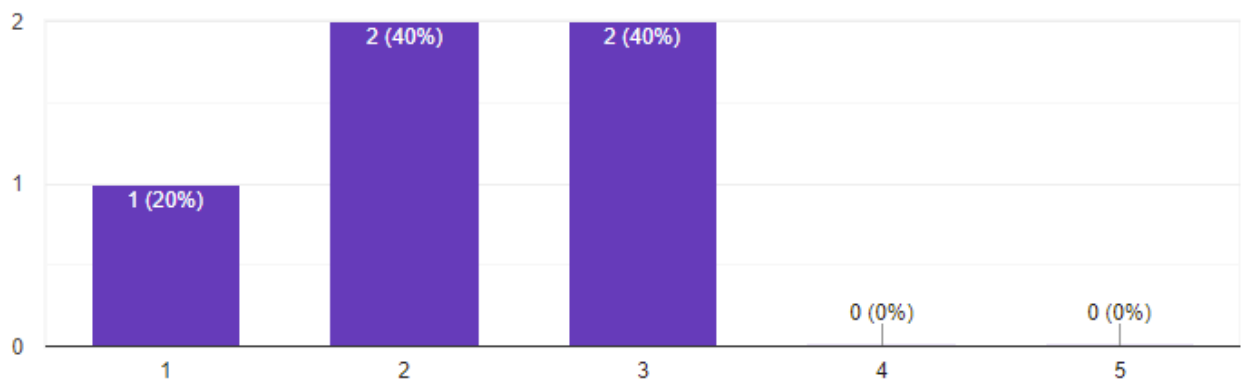
Summary

Question

Individual

How satisfied were you with the communications you received from the NC Board of PT Examiners regarding the processing of your application?

5 responses



Was there something we could do to improve communication? If so, what?

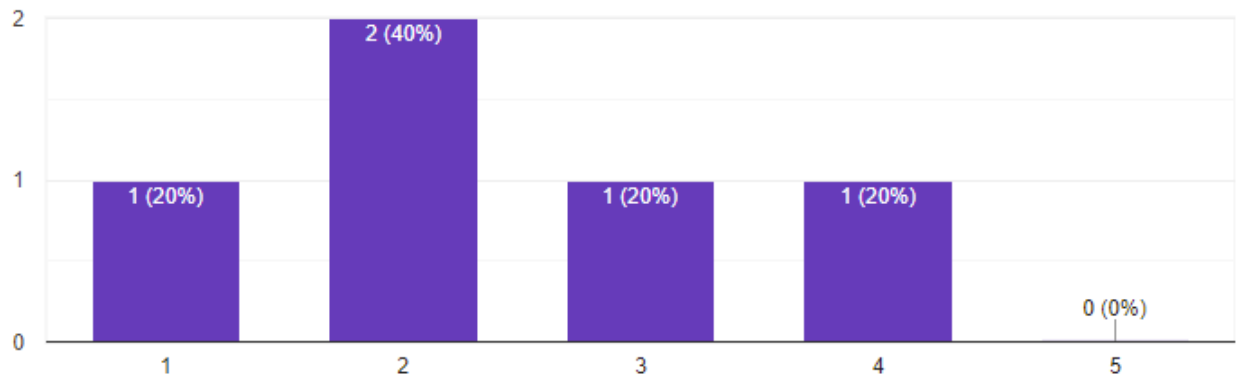
2 responses

I seem to get generic answers back in reply to my emails that doesn't seem like an actual person on the other end however, I do appreciate the Board reaching out to let me know they haven't received my background check yet so I could reach out to the SBI.

As an out of state student currently, i put my address as my permanent address and not the one where I'm currently living. However you do not make it very clear if you could be getting mail from the board (which was why I put a permanent and not current address). Also, in a similar vein for finger printing I mailed finger prints to the office as indicated but there's not notice if the fingerprints have been received and are acceptable, just if the background check has been completed. I think you should have a toggle button on your site like with the other application documents to let students know if you've got them or not.

How satisfied were you with the application process?

5 responses



Was there something we could do to improve the application process? If so, what?

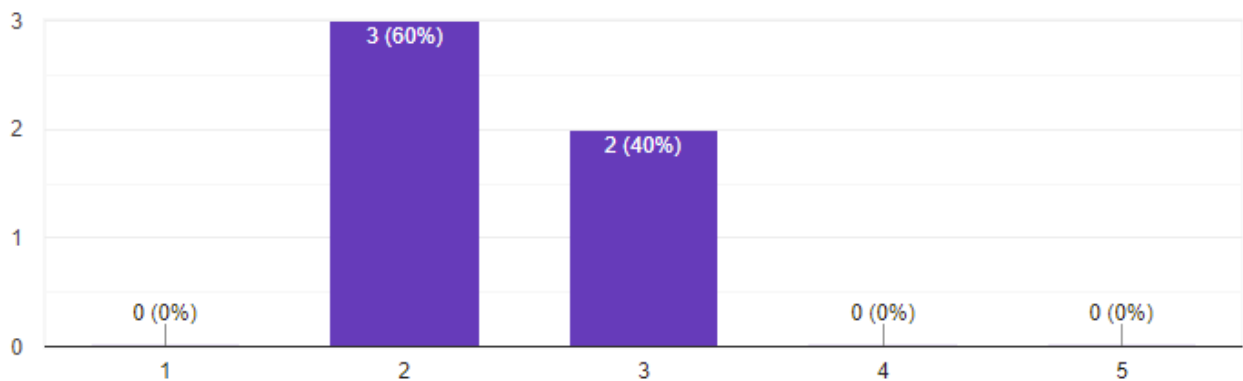
2 responses

I think my previous comment kind of covered it

I felt I had to search to find how to create new application. I would suggest an easier way to get to this link.

How responsive have we been to your questions/concerns about the application process?

5 responses



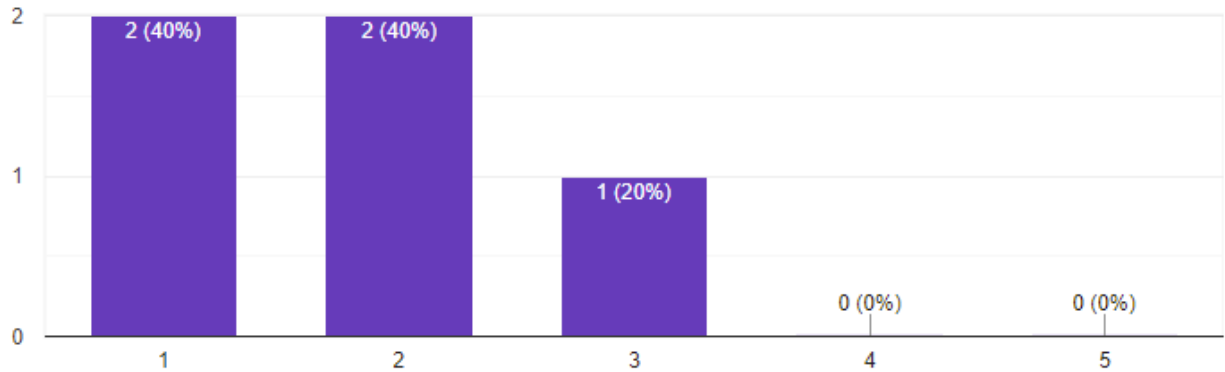
What other ways could we improve the overall application process?

0 responses

No responses yet for this question.

How well does our website meet your needs?

5 responses

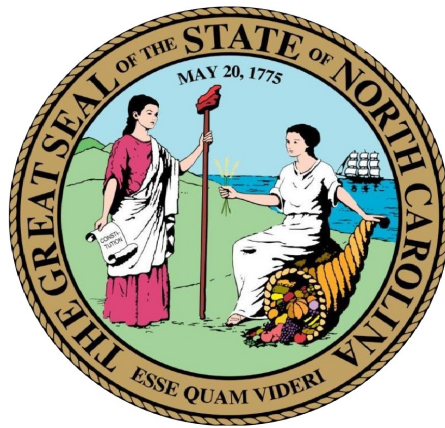


What suggestions do you have about how we can improve our website?

1 response

I applied a few months ago on the old version of the website and have to say the remodel of the site looks so much better! Much easier to navigate to things!

Attachment 13





NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
 Notice without a scheduled hearing
 Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncptboard.org/>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: 21 NCAC 48B .0102; 48F .0101; 48G .0105, .0203, .0504

REPEAL: 21 NCAC 48E .0104; 48F .0103

READOPTION with substantive changes:

READOPTION without substantive changes:

REPEAL through READOPTION:

4. Proposed effective date: August 1, 2022

5. Is a public hearing planned? Yes No

If yes: Public Hearing date: March 9, 2022

Public Hearing time: 2:00 PM

Public Hearing location: Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): The NC Board of Physical Therapy Examiners proposes to amend rules in 21 NCAC 48B, 48F and 48G, and repeal rules in 48E and 48F. The changes to the aforementioned rules are being requested to make the rules consistent with current practice and policy by the NCBPTE.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Deborah J. Ragan, PT, DPT

Address: 8300 Health Park Suite 233

Raleigh, NC 27615

Phone (optional): 919-490-6393

Fax (optional):

E-Mail (optional): dragan@ncptboard.org

10. Comment Period Ends: March 21, 2022

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

12. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: 919-490-6393

E-Mail: dragan@ncptboard.org

Additional agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on
Date: December 2, 2021

14. Signature of Agency Head* or Rule-making Coordinator:



Typed Name: Deborah J. Ragan, PT, DPT
Title: Rulemaking Coordinator

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*

21 NCAC 48E .0104 Examination Scores

1 21 NCAC 48E .0104 is proposed for repeal as follows:

2
3 **21 NCAC 48E .0104 EXAMINATION SCORES**

4 ~~Persons seeking licensure by endorsement shall have their examination scores sent to the executive director on a~~
5 ~~form authenticated by the reporting Board.~~

6
7 *History Note: Authority G.S. 90-270.92; 90-270.98(b);*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. September 30, 1977;*

10 *Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996; October 1, 1989; April 1, 1989;*

11 *May 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
13 *~~2018~~, 2018;*

14 *Repealed Eff. August 1, 2022.*

15
16
17 **21 NCAC 48B .0102 is proposed for amendment as follows:**

18
19 **21 NCAC 48B .0102 LICENSES BY ENDORSEMENT**

20 (a) Endorsement. Each application for endorsement shall be considered on an individual basis.

21 (b) Examination Required. Only those persons initially licensed in another state by virtue of examination shall be
22 considered for endorsement. Only the following examinations shall be considered:

23 (1) For Physical Therapists:

24 (A) Therapists licensed on the basis of a PT exam shall present total scores that meet the
25 North Carolina passing level as set forth in 21 NCAC 48D ~~.0105~~, .0105, in a format
26 approved by the Board. If scores and information are not available from the other state,
27 the applicant shall have the scores issued through the testing agency. If scores are no
28 longer available or destroyed, the Board shall accept a notarized copy of exam scores
29 from another state. If the total score on the examination is unsatisfactory, the exam shall
30 be repeated. The cost of the examination shall be paid by the applicant.

31 (B) If licensed in another state by an examination compiled by that Board, the applicant shall
32 supply information for the Board to attempt to obtain the examination in order to
33 determine if it meets the requirements set forth in 21 NCAC 48D .0105. If it cannot be
34 determined that the examination was equal to the North Carolina examination or if the
35 scores received on an acceptable examination did not meet the North Carolina passing
36 requirement, the applicant shall take the PT exam. The cost of the examination shall be
37 paid by the applicant.

21 NCAC 48E .0104 Examination Scores

1 (C) A physical therapist currently licensed in another state whose license in that state was
2 granted on the basis of the American Registry of Physical Therapists Examination shall
3 be considered for endorsement.

4 (2) For Physical Therapist Assistants: Only those physical therapist assistants licensed in another state
5 by a PTA exam shall be considered for endorsement. The examination score shall meet the North
6 Carolina passing level as set forth in 21 NCAC 48D .0105. If not, the applicant shall be required to
7 take the PTA exam and pay the cost of the examination.

8 (c) Active License. An applicant for licensure by endorsement shall submit verification of licensure in effect on the
9 date the application for North Carolina licensure was filed with the Board in accordance with 21 NCAC 48E .0105.

10 (d) Jurisprudence Exercise. All applicants for licensure by endorsement shall furnish proof of completion of the
11 Jurisprudence Exercise 1 as set forth in 21 NCAC 48G .0105(7).

12
13 *History Note: Authority G.S. 90-270.92; 90-270.98(b); 90-270.100;*

14 *Eff. February 1, 1976;*

15 *Readopted Eff. September 30, 1977;*

16 *Amended Eff. August 1, 1998; February 1, 1996; November 1, 1991; December 1, 1990;*

17 *October 1, 1989; April 1, 1989;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
19 *2018;*

20 *Amended Eff. August 1, 2022; May 1, 2020.*

21 NCAC 48F .0101 Licensure Certificate

1 21 NCAC 48F .0101 is proposed for amendment as follows:

2
3 SUBCHAPTER 48F - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

4
5 SECTION .0100 - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES

6
7 21 NCAC 48F .0101 LICENSURE CERTIFICATE

8 (a) Names:

9 (1) A licensee's name will appear on the certificate as the name of the individual at the time of
10 licensure, except in the case of a person taking the examination who is married during the time
11 between the examination and the actual date of licensure. This person may elect to use her maiden
12 name or her married name, if the marriage takes place prior to the date of licensure.

13 (2) If a name is changed after the date of licensure, the licensee may request a new certificate to
14 reflect the name change and pay the cost for a duplicate certificate.

15 (3) The licensee shall use the name that is on the license certificate in the workplace.

16 (b) Date. The date of licensure shall be the day on which the person is given final approval of licensure by the
17 Board.

18 (c) Replacements. Persons needing a replacement or a duplicate copy of a certificate will be charged a fee for it.

19
20 *History Note: Authority G.S. 90-270.92; 90-270.98; 90-270.100;*

21 *Eff. February 1, 1976;*

22 *Readopted Eff. September 30, 1977;*

23 *Amended Eff. May 1, 1988; December 30, 1985; October 28, 1979;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
25 *~~2018-2018;~~*

26 *Amended Eff. August 1, 2022.*

1 **21 NCAC 48F .0103 is proposed for repeal as follows:**

2
3 **21 NCAC 48F .0103 INVESTIGATIONS**

4 ~~Any complaint alleging violations of the North Carolina Physical Therapy Practice Act must be made in writing,~~
5 ~~signed by the person submitting the complaint, and include the complainant's address and telephone number.~~
6 ~~Complaints must be sent to the Executive Director.~~

7
8 *History Note: Authority G.S. 90-270.92; 90-270.102; 90-270.103;*

9 *Eff. February 1, 1976;*

10 *Readopted Eff. September 30, 1977;*

11 *Amended Eff. December 1, 2006; February 1, 1996; May 1, 1988; October 28, 1979;*

12 *Readopted Eff. May 1, 2019, 2019;*

13 *Repealed Eff. August 1, 2022.*

14
15
16 **21 NCAC 48G .0504 is proposed for amendment as follows:**

17
18 **21 NCAC 48G .0504 COMPLAINTS AND INVESTIGATIONS**

19 (a) In order to file a complaint with the ~~Board,~~ Board alleging violations of the North Carolina Physical Therapy
20 Practice Act, the following information shall be submitted to the Board in writing, or by filing a complaint online at
21 the Board's website www.ncptboard.org.

22 (1) the name and address of person alleged to have violated the Physical Therapy Practice Act;

23 (2) a statement of conduct that is the basis of the complaint; and

24 (3) the name, address, signature and telephone number of complainant.

25 (b) Upon receipt of a written complaint alleging misconduct that may subject a licensee to disciplinary action, or
26 upon the receipt of the information that a violation of the Physical Therapy Practice Act may have occurred, the
27 Board shall investigate the matter to determine whether probable cause exists to institute disciplinary proceedings.

28 (c) The Executive Director of the Board and a member appointed by the Chair shall serve as an investigative
29 committee. This investigative committee may be assisted by:

30 (1) the Board's attorney;

31 (2) an investigator; or

32 (3) a consultant, who is not a NC PT/PTA licensee, retained by the investigative committee who
33 possesses expertise that will assist the investigative committee in its investigation.

34 (d) The investigative committee shall investigate the complaint or information set forth in Paragraphs (a) and (b) of
35 this Rule. In conducting its investigation, the Board Chair (or Executive Director, if designated by the Chair) may
36 issue subpoenas in the investigative committee's name for the production of documents pursuant to the provisions of
37 Rule .0512 of this Section. The investigative committee shall determine whether there is probable cause to believe
38 that the licensee has violated any statute or Board rule that justifies a disciplinary hearing. If the investigative

1 committee determines probable cause does not exist, the complaint shall be dismissed, and the complainant shall be
2 notified of the investigative committee's action and its reasons. If the investigative committee determines that
3 probable cause exists, the investigative committee shall offer to confer with the licensee in an attempt to settle the
4 matter through informal means. If the investigative committee and the licensee reach an agreement on the
5 disposition of the matter under investigation, the investigative committee shall cause to be drafted a proposed
6 settlement agreement that shall include findings of fact, conclusions of law, and a consent order for presentation to
7 and consideration by the Board. The settlement agreement shall be presented to and approved by the licensee before
8 it is presented to the Board for consideration and approval.

9 (e) Prior to a decision rendered by the Board, any materials generated or obtained by the Board in conducting an
10 investigation shall be considered confidential investigation records not subject to the Public Records Act, G.S. 132.
11 However, copies of the materials may be provided to a licensee subject to disciplinary action, or to the licensee's
12 attorney, so long as identifying information concerning the treatment or delivery of professional services to a patient
13 who has not consented to its public disclosure shall be redacted.

14 (f) If the investigative committee and the licensee are not able to settle the matter under investigation by informal
15 means, the licensee may request a contested case hearing pursuant to Rule .0502 of this Section or the Board shall
16 give notice of a disciplinary or contested case hearing.

17 (g) If probable cause is found, but it is determined that license suspension or revocation is not warranted, the
18 investigative committee shall recommend that the Board place the licensee on probation, or issue a warning to the
19 licensee. In making this determination, the investigative committee shall consider such factors as harm to the public;
20 nature of the conduct; and prior record of discipline. The investigative committee shall mail or email a copy of its
21 recommendation to the licensee or the licensee's attorney.

22 (h) Within 20 days after receipt of the recommendation, the licensee may refuse the probation or warning and
23 request a contested case hearing pursuant to this Rule. The refusal and request shall be filed with the Board. The
24 legal counsel for the Board shall thereafter prepare, file, and serve a Notice of Hearing.

25 (i) In the alternative, within 20 days after receipt of the recommendation, the licensee may request an informal
26 meeting with the Board to discuss the basis of the investigative committee's recommendation and present reasons
27 why the Board should not follow the investigative committee's recommendation. There shall be no sworn testimony
28 presented, nor shall there be a formal record of the proceedings.

29 (j) If the licensee does not request a contested case hearing or an informal meeting with the Board, the Board shall
30 still determine whether to accept the investigative committee's recommendation.

31 (k) Participation by a current Board member in the investigation of a complaint shall disqualify that Board member
32 from participating in the decision making process of a contested case hearing.

33 (l) Subsequent to the issuance of a notice of hearing, the attorney prosecuting the contested case for the Board may
34 not communicate, directly or indirectly, in connection with any issue of fact or question of law, with any party,
35 including the members of the Board assigned to make a decision or to make findings of fact and conclusions of law
36 in the contested case, except on notice and opportunity for all parties to participate. However, the attorney
37 prosecuting the matter for the Board may continue to communicate concerning the contested case with the members

1 of the investigative committee who investigated the matter, with persons not parties to the contested case who may
2 be called as witnesses including the person who filed the complaint, and with the Board members about other
3 matters.

4

5 *History Note: Authority G.S. 90-270.92; 150B-38; 150B-39; 150B-40;*

6 *Eff. October 1, 1995;*

7 *Amended Eff. February 1, 2015; July 1, 2013; August 1, 2002; August 1, 1998; February 1, 1996;*

8 *Readopted Eff. May 1, 2018;*

9 *Amended Eff. August 1, 2022; May 1, 2020.*

10

21 NCAC 48G .0105(3) Definitions

1 21 NCAC 48G .0105 is proposed for amendment as follows:

2
3 21 NCAC 48G .0105 DEFINITIONS

4 As used in this Subchapter, the following definitions apply:

- 5 (1) "Approved provider" means an entity that has been approved by the Board to provide continuing
6 competence activities for licensees as provided in the rules in this Section.
- 7 (2) "Clinical Practice" means physical therapy consultation or patient care or client management or
8 the supervision thereof.
- 9 (3) "Contact Hour" means at least ~~50~~ 60 consecutive minutes of engagement in a continuing
10 competence activity. 0.5 contact hour means at least 30 consecutive minutes of engagement in a
11 continuing competence activity. Two segments of at least 25 consecutive minutes each is
12 equivalent to one contact hour. Breaks and meals are not included in contact hours.
- 13 (4) "Continuing Competence" means the licensee's ongoing activities to augment knowledge, skills,
14 behaviors, and abilities related to the practice of physical therapy.
- 15 (5) "Continuing Education" means courses of study designed to provide learning experiences for
16 physical therapy licensees.
- 17 (6) "Documentation" means evidence of completion of continuing competence activities.
- 18 (7) "Jurisprudence Exercise" is an online set of questions concerning the Physical Therapy Practice
19 Act, Board rules and Position Statements posted on the Board's website at
20 <http://www.ncptboard.org>.
- 21 (8) "Licensee" means a physical therapist or physical therapist assistant licensed in North Carolina.
- 22 (9) "Peer-reviewed" means judged by an independent panel of experts having special knowledge or
23 skills in a particular field of study.
- 24 (10) "Point" means a unit of continuing competence.
- 25 (11) "Registered" means enrollment in a continuing competence activity.
- 26 (12) "Reporting period" means a 25 month period commencing on January 1 during which the licensee
27 must complete all continuing competence requirements. Points earned by a licensee may be
28 counted toward completion during one reporting period only.

29
30 *History Note: Authority G.S. 90-270.92;*
31 *Eff. January 1, 2009;*
32 *Amended Eff. January 1, 2014;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
34 *~~2018.~~ 2018;*
35 *Amended Eff. August 1, 2022.*

1 21 NCAC 48G .0203 is amended without notice pursuant to G.S. 150B-21.5(1) as follows:

2
3 **21 NCAC 48G .0203 REVIVAL OF LAPSED LICENSE**

4 (a) A license that has been lapsed less than one year may be revived by payment of the revival of lapsed license fee
5 and the current year's renewal fee and by completion of the revival form.

6 (b) A license that has lapsed more than one year but less than five years may be revived by completion of the revival
7 form, and:

8 (1) completing 30 units (if reviving a physical therapist license) or 20 units (if reviving a physical
9 therapist assistant license) of continuing competence as provided in the rules in this Subchapter;

10 (2) payment of the revival of lapsed license fee; and

11 (3) payment of the current year's renewal fee.

12 (c) A license that has lapsed more than five years may be revived by completion of the application forms; and

13 (1) passing the "PT exam" (if trained as a physical therapist) or the "PTA exam" (if trained as a physical
14 therapist assistant);

15 (2) compiling at least 500 hours within the period of one year in the following manner: between 50 and
16 200 class hours of course work (ie, refresher course, continuing education, pertinent college courses)
17 approved by the Board as designed to demonstrate proficiency in current physical therapy theory
18 and practice, and the remaining hours working as an aide under the supervision of a licensed physical
19 therapist; or

20 ~~(d) endorsement~~ Endorsement of a current license in another state as provided by 21 NCAC 48B .0102.

21
22 *History Note: Authority G.S. 90-270.92; 90-270.99; 90-270.100;*

23 *Eff. February 1, 1976;*

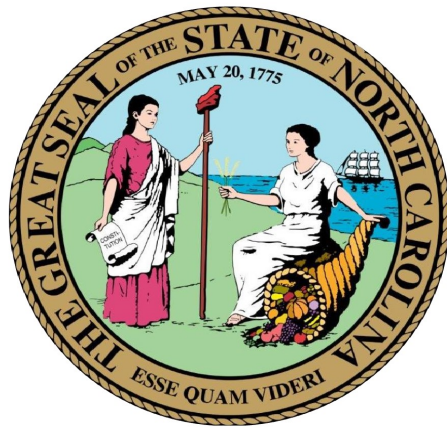
24 *Readopted Eff. September 30, 1977;*

25 *Amended Eff. January 1, 2009; August 1, 1998; August 1, 1991; October 1, 1989; April 1, 1989;*
26 *May 1, 1988;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.*
28 *2018;*

29 *Amended Eff. September 1, 2021.*

Attachment 14



INTEROFFICE MEMORANDUM

TO: KATHY ARNEY

FROM: GREGG SEIPP

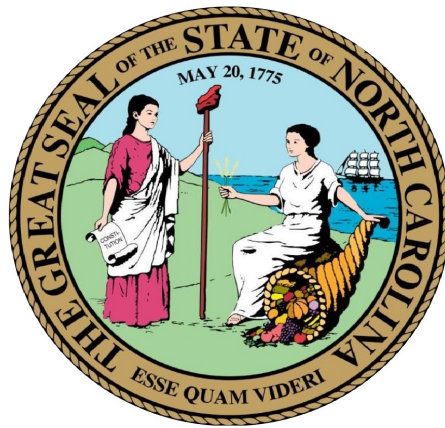
SUBJECT: IT HIGH LEVEL PROJECTS

DATE: NOV 12, 2021

CC:

-
- Online Character Reference (in progress) – This will enable us to eliminate paper character references, making them easier to complete and process. – estimate completion Jan 1.
 - New website file management (for security and support) (In progress) – We are automating the cleanup of the website logs and uploaded files to reduce the manual labor involved and eliminate a security risk. -- estimate completion on Dec 15
 - Shopping Cart – Implement a way for licensees to complete all payments online instead of mailing them in. Will reduce manual work and streamline processing. – estimate completion based on known requirements April 1
 - Online Revival – Make it so that people can revive their licenses online, without having to send in a paper application. We'll leverage existing wizards. – estimate completion based on previous projects and ongoing work – Sept 1
 - Port Admin tool to use the same tech as the website – We decommissioned older technology when we upgraded to the new website. Upgrading the Admin tool in the same way will help us speed development, simplify some complex things and tighten security. This project moves us closer to a “Zero Trust Environment” which reduces the chance of a serious ransomware attack – estimate 5 months of effort.
 - FSBPT API for Licensure data – We are doing this project with FSBPT. It will enable us to automate the sharing of information (FSBPT IDs, Exam Scores, etc.) – working with FSBPT to gather more requirements so I can provide an estimate of work.
 - Decommission old servers – some servers have aged out beyond their seven year warranty and can no longer be used as core infrastructure. We still have one more to remove – estimate completion Feb 1.
 - Virtual phones – We are planning to test a new virtual phone system for local and remote usage. – We hope to have a vendor chosen soon. I'll provide an estimate once chosen.
 - Office 365 – We are wrapping up planning to move our email out to cloud-based servers. This will enhance our security, reduce our maintenance, and give us new capabilities. – estimate completion March 1. Perhaps, sooner.

Attachment 15



Compliance Report

Board

Physical Therapy Examiners, Board of ▼

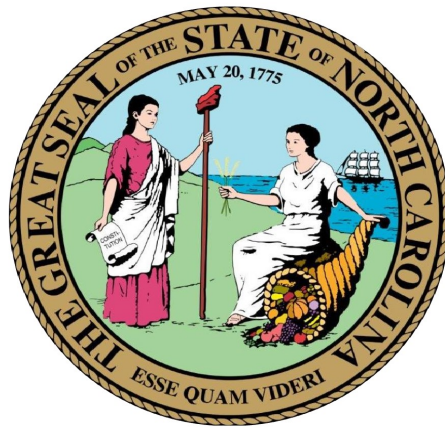
Submit

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)				05/22/2020	05/22/2022
Paul Garcia	10/27/2016	12/31/2022	03/19/2021	01/09/2021	01/09/2023
Crystal Ostlind	10/18/2016	12/31/2021	04/14/2021	10/08/2021	10/08/2023
Pearl Rhone	01/24/2018	12/31/2020	04/15/2021	02/08/2020	02/08/2022
Teresa Hale	01/24/2018	12/31/2023	03/16/2021	03/09/2020	03/09/2022
Charlie Edwards	01/24/2018	12/31/2023	03/16/2021	04/11/2020	04/11/2022
Rosa Gonzalez	05/04/2020	12/31/2022	04/15/2021	10/14/2020	10/14/2022
Leslie Kesler	01/15/2019	12/31/2021	01/01/2021	01/01/2021	01/01/2023
Jamie Miner	01/02/2020	12/31/2022	03/21/2021	03/04/2020	03/04/2022

1 - 9 Of 9 Records

Attachment 16



Paula Brooks

From: Kathy Arney
Sent: Wednesday, October 27, 2021 7:48 AM
To: Paula Brooks
Subject: FW: PT Compact Q3 Compliance Report
Attachments: NC PT Compact State Compliance Q3 Tracking Report July 1 thru September 30 2021.xlsx

From: T.J Cantwell <tcantwell@aon.fsbpt.org>
Sent: Tuesday, October 26, 2021 5:03 PM
To: Kathy Arney <karney@ncptboard.org>
Subject: PT Compact Q3 Compliance Report

Hello Kathy,

Attached is your Q3 Compact compliance report. We did not identify any compliance concerns. Thank you for your continued work and let me know if you have any questions about compliance.

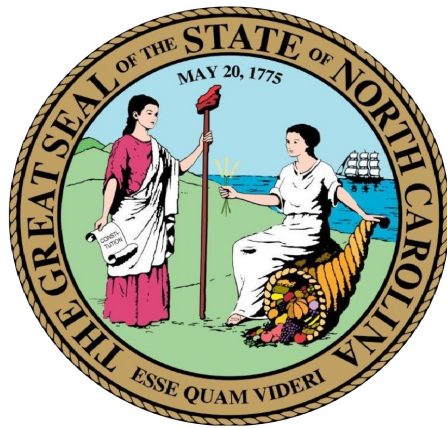
Regards,
T.J.

T.J. Cantwell, Compact Administrator
Physical Therapy Compact Commission
124 West Street South, 3rd Floor
Alexandria, VA 22314
Phone: 703-299-3100 ext.261
Email: administrator@ptcompact.org
<http://ptcompact.org/>
Twitter: @PTCompact

This message and any attachments may contain confidential and privileged material that is for the sole use of the intended recipient(s). If you are not an intended recipient you are hereby notified that disclosing, copying, distributing or taking any action in reliance on the contents of this email or its attachments is strictly prohibited. If you have received this email in error, please destroy it and notify the Federation immediately by sending an email to security@fsbpt.org.

State	(1) Weekly Data Sharing	(2) # of DA Reported	(3) DA Reporting Initial	(4) DA Reporting Finalized	(5) Encumbrance Reporting	(6) # Flagged Under Investigation	(7) % of DAs Flagged as Under Investigation	(8) FS8PT ID Usage	2 Years Since Enactment	Time Left to Meet FS8PT ID	Date Bill Signed	Date Law Effective	CP Go Live Date	Notes
NC	1	0	N/A	N/A	0	2	N/A	YES	6/8/2019	44097	42894	42894	43647	

Attachment 17



NAME OF STATE BOARD

NC BOARD OF PHYSICAL THERAPY EXAMINERS

8300 Health Park, Suite 233

Raleigh, NC 27615-4731

OSBM Annual Reports for Year End 06/30/2021

Telephone: 919-490-6393

Fax: 919-490-5106

Website: www.ncptboard.org

Kathy O'Dwyer Arney, PT, MA Executive Director

Email address: karney@ncptboard.org

Report submitted by: Cynthia D. Kiely, Director of Administration

cindy@ncptboard.org

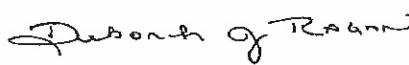
North Carolina Board of Physical Therapy Examiners
Fiscal Year 2021
July 1, 2020 - June 30, 2021

93B 2 (a)	Information requested	NCBPTE Response
(1)	The address of the board, and the names of its members and officers.	See attached
(1a)	The total number of licensees supervised by the board	13780 This number reflects the total number of both PT and PTA licensees with an "active" license as of 06-30-20
(2)	The number of persons who applied to the board for examination	827
(3)	The number who were refused examination	0
(4)	The number who took the examination.	655
(5)	The number to whom initial licenses were issued.	630
(5a)	The number who failed the examination.	25
(6)	The number who applied for license by reciprocity or comity.	629
(7)	The number who were granted licenses by reciprocity or comity.	555
(7a)	The number of official complaints received involving licensed and unlicensed activities	47
(7b)	The number of disciplinary actions taken against licensees, or other actions taken against non-licensees, including injunctive relief.	Disciplinary Actions: 4 Other actions: 0
(8)	The number of licenses suspended or revoked.	0
(9)	The number of licenses terminated for any reason other than failure to pay the required renewal fee.	0

(9a)	The number of applicants for a license and, of that number, the number granted a license.	Applicants for a license: 1622 Number granted a license: 1367
(9b)	The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.	Applicants with conviction record: 3 Number granted a license: 3 Number denied a license for any reason: 0 Number denied a license because of conviction: 0
(9c)	The number of applicants with military training, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.	Military training applicants: 0 Granted a license: 0 Denied a license: 0
(9d)	The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.	Military spouse applicants: 44 Military Spouse granted License: 22 Denied a license: 0
(10)	The substance of any anticipated request by the occupational licensing board to the General Assembly to amend statutes related to the occupational licensing board.	NONE
(11)	The substance of any anticipated change in rules adopted by the occupational licensing board or the substance of any anticipated adoption of new rules by the occupational licensing board.	See attached
93B-2(e)		
(1)	The number of applicants for a license and, of that number, the number granted a license.	Applicants for a license: 1622 Number granted a license: 1367
(2)	The number of applicants with a conviction record and, of that number,	Applicants with conviction record: 3

	the number granted a license, denied a license for any reason, and denied a license because of a conviction	Number granted a license: 3 Number denied a license for any reason: 0 Number denied a license because of conviction: 0
(3)	The number of applicants with military training, the number granted a license, the number denied a license for any reason, and summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant.	Military trained applicants: 0 Military trained granted a license: 0 Military trained denied a license: 0
(4)	The number of applicants who are military spouses, the number granted a license, the number denied a license for any reason, and a summary of the reasons for denial. The information provided in accordance with this subdivision shall not disclose any identifying information of any applicant. (1957, c. 1377, s. 2; 1969, c. 42; 2006-70, s. 1; 2007-323, s. 23.2; 2009-125, s. 2; 2011-291, ss. 2.19, 2.20; 2014-120, s. 4; 2019, s. 3; 2020-87, s. 2(a))	Military spouse applicants: 44 Military spouse granted a license: 22 Military spouse denied a license: 0

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS	
2. Rule citation & name (name not required for repeal): 21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 15, 2021 Link to Agency notice: https://www.ncptboard.org/index.html Hearing on: March 10, 2021 Adoption by Agency on: June 9, 2021 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Session Law 2020-3 was enacted on May 4, 2020 and authorized Occupational Licensing Boards to take various steps to protect the economic well-being of the citizens of the State in light of the COVID-19 pandemic. This rule is part of a group of rules that were previously adopted as temporary rules in response to Session Law 2020-3 and is an exercise of regulatory flexibility for the benefit of licensees. The amendments in this rule make the rule consistent with current practice and policy by the NCBPTE.	
10. Rulemaking Coordinator: Deborah Ragan 8300 Health Park, Suite 233 Raleigh, NC 27615 Phone: 919-490-6393 E-Mail: Dragan@ncptboard.org Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"></div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Deborah Ragan, PT Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 48D .0107 is amended as published in 35:14 NCR 1582 as follows:

2

3 21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION

4 (a) The Board shall refuse permission to take the examination to any person who:

5 (1) Does not meet the requirements as set forth in the Physical Therapy Practice Act;

6 (2) Furnishes false information to the Board on the application; or

7 (3) Fails to furnish personal background information as required by these Rules.

8 ~~(b) The Board and Federation have authority to approve an applicant's exam eligibility. eligibility and may delegate~~
9 ~~its authority to the Federation. Upon delegation of said authority, the~~ The Board shall approve exam eligibility for
10 foreign-trained applicants. The Federation shall grant exam eligibility for all other applicants as set forth in National
11 Physical Therapy Examination policies, which are available free of charge at the Board's office and at
12 www.fsbpt.org.

13 ~~(c)~~ Any applicant who is refused permission to take the examination shall be entitled to petition the Board for a
14 contested case hearing pursuant to Subchapter 48G, Section .0500 of this Chapter.

15 ~~(d) Any applicant who is refused permission to take the examination by the Federation has the option to appeal using~~
16 ~~the policies set forth in Paragraph (b) of this Rule.~~

17

18 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100; 90-270.103;*

19 *Eff. February 1, 1976;*

20 *Readopted Eff. September 30, 1977;*

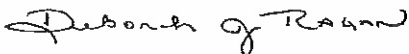
21 *Amended Eff. December 1, 2006; August 1, 2002; December 30, 1985;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
23 *2018;*

24 *Temporary Amendment Eff. September 25, 2020. 2020;*

25 *Amended Eff. August 1, 2021.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS	
2. Rule citation & name (name not required for repeal): 21 NCAC 48D .0109 RETAKING EXAMINATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 15, 2021 Link to Agency notice: https://www.ncptboard.org/index.html Hearing on: March 10, 2021 Adoption by Agency on: June 9, 2021 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Session Law 2020-3 was enacted on May 4, 2020 and authorized Occupational Licensing Boards to take various steps to protect the economic well-being of the citizens of the State in light of the COVID-19 pandemic. This rule is part of a group of rules that were previously adopted as temporary rules in response to Session Law 2020-3 and is an exercise of regulatory flexibility for the benefit of licensees. The amendments in this rule make the rule consistent with current practice and policy by the NCBPTE.	
10. Rulemaking Coordinator: Deborah Ragan 8300 Health Park, Suite 233 Raleigh, NC 27615 Phone: 919-490-6393 E-Mail: Dragan@ncptboard.org Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"></div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Deborah Ragan, PT Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 48D .0109 is amended as published in 35:14 NCR 1582-1583 as follows:

2

3 21 NCAC 48D .0109 RETAKING EXAMINATION

4 (a) Arrangements for Retake. To retake the examination, the applicant shall notify the Board in writing, and pay the
5 retake fee as specified in 21 NCAC 48F .0102. The examination cost as set forth by the Federation (www.fsbpt.org)
6 is hereby incorporated by reference and includes subsequent amendments and editions. ~~A copy of the retake~~
7 ~~application may be obtained from the Board's website at no charge. If the Federation approves exam eligibility, the~~
8 ~~Federation shall administer the retake process according to NPTE policies, which may be found at www.fsbpt.org.~~

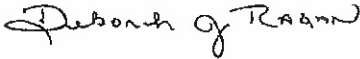
9 (b) ~~Retake Examination. The Board shall administer a particular form of the examination to an applicant only one~~
10 ~~time.~~

11 ~~(e)(b)~~ Limitations. An applicant shall be limited to taking the examination the number of times allowed by the
12 Federation as indicated on the Federation's website (www.fsbpt.org).

13

14 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100;*
15 *Emergency Regulation Eff. July 23, 1979, for a period of 120 days to expire on November 20,*
16 *1979;*
17 *Made Permanent Eff. November 20, 1979;*
18 *Amended Eff. February 1, 2015; February 1, 1996; November 1, 1993; August 1, 1988; May 1,*
19 *1988;*
20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
21 *2018;*
22 *Temporary Amendment Eff. September 25, 2020- 2020;*
23 *Amended Eff. August 1, 2021.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS	
2. Rule citation & name (name not required for repeal): 21 NCAC 48D .0111 APPLICANTS WITH SPECIAL NEEDS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 15, 2021 Link to Agency notice: https://www.ncptboard.org/index.html Hearing on: March 10, 2021 Adoption by Agency on: June 9, 2021 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Session Law 2020-3 was enacted on May 4, 2020 and authorized Occupational Licensing Boards to take various steps to protect the economic well-being of the citizens of the State in light of the COVID-19 pandemic. This rule is part of a group of rules that were previously adopted as temporary rules in response to Session Law 2020-3 and is an exercise of regulatory flexibility for the benefit of licensees. The amendments in this rule make the rule consistent with current practice and policy by the NCBPTE.	
10. Rulemaking Coordinator: Deborah Ragan 8300 Health Park, Suite 233 Raleigh, NC 27615 Phone: 919-490-6393 E-Mail: Dragan@ncptboard.org Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Deborah Ragan, PT Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 48D .0111 is amended as published in 35:14 NCR 1583 as follows:

2

3 21 NCAC 48D .0111 APPLICANTS WITH SPECIAL NEEDS

4 Examination candidates who need special accommodations for the examination as a result of a medical or physical
5 ~~dysfunction~~ disability shall file an Accommodation Request Form and supporting documentation with the ~~executive~~
6 ~~director~~ Executive Director at least 60 days before the examination date in order for the request to be considered by
7 the Board. If the Federation grants exam eligibility, the accommodation request shall be made pursuant to
8 Federation testing accommodation policy, which may be found at www.fsbpt.org.

9

10 History Note: Authority G.S. 90-270.92; P.L. 101-336;

11 *Eff. October 1, 1995;*

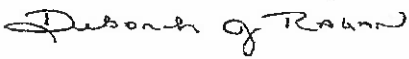
12 *Amended Eff. February 1, 1996;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
14 *2018;*

15 *Temporary Amendment Eff. September 25, 2020, 2020-;*

16 *Amended Eff. August 1, 2021.*

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS	
2. Rule citation & name (name not required for repeal): 21 NCAC 48E .0101 FILING APPLICATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: January 15, 2021 Link to Agency notice: https://www.ncptboard.org/index.html Hearing on: March 10, 2021 Adoption by Agency on: June 9, 2021 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Session Law 2020-3 was enacted on May 4, 2020 and authorized Occupational Licensing Boards to take various steps to protect the economic well-being of the citizens of the State in light of the COVID-19 pandemic. This rule is part of a group of rules that were previously adopted as temporary rules in response to Session Law 2020-3 and is an exercise of regulatory flexibility for the benefit of licensees. The amendments in this rule make the rule consistent with current practice and policy by the NCBPTE.	
10. Rulemaking Coordinator: Deborah Ragan 8300 Health Park, Suite 233 Raleigh, NC 27615 Phone: 919-490-6393 E-Mail: Dragan@ncptboard.org Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Deborah Ragan, PT Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken:: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

1 21 NCAC 48E .0101 is amended as published in 35:14 NCR 1583 as follows:

2
3 SUBCHAPTER 48E - APPLICATION FOR LICENSURE

4 SECTION .0100 - REQUIREMENTS

5
6 21 NCAC 48E .0101 FILING APPLICATION AND BOARD DETERMINATION OF EXAM
7 ELIGIBILITY

8 (a) An applicant for licensure shall ensure that his or her credentials are filed with the ~~executive director~~ Executive
9 Director in accordance with the rules of this Subchapter.

10 (b) ~~To be considered for a desired examination date, the applicant~~ Applicants pursuant to G.S. 90-270-97 shall
11 submit all application requirements to the ~~executive director~~ Executive Director at least 30 days prior to the
12 examination.

13 (c) The Board shall not approve an application until the applicant has graduated as defined by 21 NCAC 48A
14 .0105(6).

15
16 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.98(b);*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. September 30, 1977;*

19 *Amended Eff. May 1, 1988; December 30, 1985; October 28, 1979;*

20 *Recodified Paragraph (c) to 21 NCAC 48C .0501 Eff. January 25, 1989;*

21 *Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
23 *2018;*

24 *Amended Eff. May 1, 2020;*

25 *Temporary Amendment Eff. September 25, ~~2020~~ 2020;*

26 *Amended Eff. August 1, 2021.*

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS – effective 03-11-2021

BOARD MEMBERS

Teresa F. Hale, PT, Chair Term Expires: 2023	112 Scarlet Bell Drive Youngsville, NC 27596 C: 919-880-1596 Email: thale@alliedrehab.net
C. David Edwards, PT, Secretary/Treasurer Term expires: 2023	508 Westminster Circle Greenville, NC 27858 C: 252-902-7061 Email: davidedwards@kineticptgreenville.com
Crystal D. Ostlind, PTA, Secretary/Treasurer Term expires: 2021	29 Cattle Run Lane Carolina Shores NC 28467 C- 910/988-5242, W: 910/458-8884 Email: cmorrispta@nc.rr.com
Dr. Paul Garcia, Physician Member Term expires: 2022	140 Sabre Point Drive Bath, NC 27808 W: 866-998-2597, C: 252-714-2772 New work location: Trillium Health Resources – LME/MCO; Medical Director, Utilization Management Email: paulgarciamd@hotmail.com
Leslie P. Kesler, PT Term expires: 2021	3101 Durbin Court Wilmington, NC 28409 H: 910/799-0087 W: 910/667-5619 C: 910/465-2130 Fax: 910-342-3232 Email: Leslie.Kesler@nhrmc.org
Rosa Maria Gonzalez, BSN, RN, Public Member Term expires: 2022	253 Linden Ave. SW Concord, NC 28028 P: 704-493-2525 Email: rosa.m.389@gmail.com
Jamie L. Miner, PT Term expires: 2022	8001 Netherlands Drive Raleigh, NC 27606 C: 678/521-1620 Email: minerjlc@gmail.com
Pearl L. Rhone, PTA Term expires: 2020	2240 Pridgeonfarm Road Fayetteville, NC 28306 C: 910-366-2826 Email: prhone2@gmail.com

OFFICE PERSONNEL

Kathy O. Arney, PT, Executive Director Email: karney@ncptboard.org Personal Cell: (919) 698-2185	8300 Health Park, Suite 233 Raleigh, NC 27615 B: 919-490-6393 Fax: 919-490-5106
Deborah J. Ragan, PT, Deputy Director Email: dragan@ncptboard.org Personal Cell: 919-418-6146	
Cindy Kiely, Director of Administration Email: cindy@ncptboard.org H: 919-967-8305; Cell: 919- 257-0565	
Gregg, Seipp, Director of Information Technology Cell: (336) 408-8446 Email: Gregg@ncptboard.org	

ATTORNEY

David Gadd, Attorney Email: dgadd@satskysilverstein.com B Direct: 919-376-2983	Satsky & Silverstein, LLP 415 Hillsborough St., Suite 201 Raleigh, NC 27603 B: 919-790-9102 Fax: 919-790-1560
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Effective – March 11, 2021

Teresa F. Hale, PT
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Youngsville, NC 27596

Crystal D. Ostlind, PTA
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Carolina Shores NC 28467

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Dr. Paul Garcia
140 Sabre Point Drive
Bath, NC 27808

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3101 Durbin Court
Wilmington, NC 28409

Rosa Maria Gonzalez, BSN, RN, Public Member
253 Linden Ave SW
Troutman, NC 28028

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Pearl L. Rhone, PTA
2240 Pridgeonfarm Road
Fayetteville, NC 28306

David Gadd, Attorney
Satsky & Silverstein, LLP
415 Hillsborough St., Suite 201
Raleigh, NC 27603



3200 CROASDAILE DRIVE
SUITE 501
DURHAM, NC 27705

OFFICE: (919) 383-7026
FAX: (919) 382-0673

Board of Directors

North Carolina Board of Physical Therapy Examiners

In planning and performing our audit of the financial statements of the North Carolina Board of Physical Therapy Examiners as of and for the year ended June 30, 2021, in accordance with auditing standards generally accepted in the United States of America, we considered the North Carolina Board of Physical Therapy Examiners' 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 North Carolina Board of Physical Therapy Examiners' internal control. Accordingly, we do not express an opinion on the effectiveness of the North Carolina Board of Physical Therapy Examiners' 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.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. 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.

This communication is intended solely for the information and use of management, and the Board of Directors of the North Carolina Board of Physical Therapy Examiners, and is not intended to be and should not be used by anyone other than these specified parties.

Garrett, Dodd & Associates, Ltd.

Garrett, Dodd & Associates, Ltd.

Durham, North Carolina

September 21, 2021



3200 CROSDAILE DRIVE
SUITE 501
DURHAM, NC 27705

OFFICE: (919) 383-7026
FAX: (919) 382-0673

September 21, 2021

Board of Directors
North Carolina Board of Physical Therapy Examiners

We have audited the financial statements of the North Carolina Board of Physical Therapy Examiners for the year ended June 30, 2021. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and Government Auditing Standards, as well as certain information related to the planned scope and timing of our audit. Professional standards require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the North Carolina Board of Physical Therapy Examiners are described in Note A to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2021. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the Board's financial statements were:

Management's estimate of the depreciable lives of capital assets (i.e. equipment and computers). We evaluated the key factors and assumptions used to develop the useful lives and determined that they were reasonable in relation to the financial statements taken as a whole.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated September 21, 2021.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

This information is intended solely for the use of the Board of Directors and management of the North Carolina Board of Physical Therapy Examiners and is not intended to be and should not be used by anyone other than these specified parties.

Board of Directors
North Carolina Board of Physical Therapy Examiners
Page 3

GARRETT, DODD & ASSOCIATES, LTD.

Garrett, Dodd & Associates, Ltd

Durham, North Carolina

**NORTH CAROLINA BOARD OF
PHYSICAL THERAPY EXAMINERS**

FINANCIAL STATEMENTS

JUNE 30, 2021

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

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JUNE 30, 2021

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Independent Auditors' Report

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

Report on the Financial Statements

We have audited the accompanying financial statements of the North Carolina Board of Physical Therapy Examiners, an enterprise fund of the State of North Carolina, as of and for the year ended June 30, 2021 and the related notes to the financial statements, which collectively comprise the Board's basic financial statements as listed in the table of contents.

Management's Responsibility 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; this includes 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.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. 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. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements 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 entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

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, 2021, 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 Matter

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, 2021, 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.

Other Matters

Required Supplementary Information

Management's Discussion and Analysis

Accounting principles generally accepted in the United States of America require that *management's discussion and analysis* on pages 3-5 be presented to supplement the basic financial statements. Such information, 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 21, 2021 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 internal control over financial reporting or on compliance. Those reports are 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 21, 2021

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, 2021). 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 payables 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, licensure renewal and examination activities 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 on 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 and noncurrent liabilities, revenues and expenses, required information on pension plans, insurance 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.

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

Brief Agency Highlights

- At the end of the fiscal year ending June 30, 2021, the Board had an operating income of \$304,231, a decrease from 2020 of \$154,976.
- Operating Expenses increased by \$194,408 from June 30, 2020 to June 30, 2021. To continue modernization efforts in fiscal year 2021, Board expenses increased due primarily to hiring an additional software programming contractor and purchase of hardware and software to support increased security of Board data. One additional Board administrative staff was added due to an anticipated retirement. In addition, due to prevention measures for the spread of the COVID-19 virus, continued modernization and use of electronic technology reduced expenses for office supplies and Board meeting related expenses.
- The Board has increased its investment in Certificates of Deposit, all within the limits of coverage by the FDIC.
- Total assets increased from \$2,842,897 on June 30, 2020 to \$3,182,248 in the year ending June 30, 2021. The number of licensure applicants continued to increase as did license renewals. This increase is allowing the Board to make significant updates to its technology infrastructure, transition from paper to electronic Board processes and provide staffing to serve an increasing licensee population and the public protection efforts.
- Current liabilities increased in 2021 from 2020 due to additional employees becoming eligible for vacation benefit accrual. Long-term liabilities decreased due to a majority of current NCBPTE staff having 6 years or less longevity with the Board.
- Net position consists of amounts invested in capital assets of \$104,072 and \$107,501 for June 30, 2020 and June 30, 2021 respectively, and unrestricted amounts of \$2,648,953 and \$2,963,215 respectively. The increase in net position from June 30, 2020 to June 30, 2021 reflects an increase in earnings from 2020 to 2021 of invested assets and increase in operating revenues due to increased numbers of applications and license renewals
- Operating revenues increased by \$39,432 from June 30, 2020 to June 30, 2021 primarily due to an increase in the numbers of licensees paying renewal and application fees

Comparative Financial Highlights

Year End	June 30, 2020	June 30, 2021
Current Assets	\$2,615,930	\$3,074,747
Capital Assets-Net	104,072	107,501
Other Long-term Assets	122,895	--
Total Assets	2,842,897	3,182,248
Current Liabilities	53,227	83,934
Long-term Liabilities	36,645	27,598
Total Liabilities	89,872	111,532
Net Position – Unrestricted	2,648,953	2,963,215
Operating Revenue	1,883,752	1,923,184
Operating Expenses	1,424,545	1,618,953
Operating Income (Loss)	459,207	304,231
Change in Net Position	469,395	317,691

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

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 Executive Director
 North Carolina Board of Physical Therapy Examiners
 8300 Health Park, Suite 233
 Raleigh, North Carolina 27615
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 Fax: (919)490-5106
 email: kamev@ncptboard.org
 Web address: www.ncptboard.org

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS
STATEMENT OF NET POSITION
ENTERPRISE FUND
JUNE 30, 2021

ASSETS

Current Assets:

Cash and cash equivalents (Note B)	\$ 691,547
Certificates of deposit (at cost) (Note B)	2,376,069
Prepaid expenses	<u>7,131</u>
Total Current Assets	3,074,747

Noncurrent Assets:

Capital assets (Note C)	
Furniture	56,015
Equipment	6,208
Computer equipment	<u>232,543</u>
	294,766
Less accumulated depreciation	<u>(187,265)</u>
	<u>107,501</u>
Total Assets	<u>3,182,248</u>

LIABILITIES

Current Liabilities:

Accounts payable	3,080
Accrued vacation (Note D)	<u>80,854</u>
Total Current Liabilities	83,934

Long-Term Liabilities:

Accrued vacation (Note D)	<u>27,598</u>
Total Liabilities	<u>111,532</u>

NET POSITION

Invested in capital assets	107,501
Unrestricted (Note G)	<u>2,963,215</u>
Total Net Position	<u>\$3,070,716</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 (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2021

OPERATING REVENUES

Charges for services:	
Renewal fees	\$ 1,563,845
License, revival, transfer and other fees	236,214
Credit card processing fees	62,403
Background check fees collected	49,557
Disciplinary reimbursements	7,383
Other revenues	<u>3,782</u>
 Total operating revenues	 <u>1,923,184</u>

OPERATING EXPENSES

Staff salaries	757,354
Payroll tax expense	54,898
Retirement contributions (Note E)	43,343
Board members and other travel	
per diem, subsistence and registration	5,295
Legal and investigation	91,856
Postage	9,797
Copying and printing	3,130
Office supplies and expense	5,817
Office relocation expense	728
Staff registration, travel, meals	2,812
Information technology costs	176,773
Professional fees	37,228
Group insurance	147,954
Insurance	25,981
Membership dues	1,975
Credit card transaction fees	69,372
Equipment rent (Note F)	4,663
Rent (Note F)	77,486
Background check expenses	48,685
Depreciation (Note C)	<u>53,806</u>
 Total operating expenses	 <u>1,618,953</u>
 Operating income	 <u>\$ 304,231</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 (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2021

NONOPERATING REVENUES (EXPENSES):

Interest income	\$ 13,573
Loss on disposal of capital assets	<u>(113)</u>
	<u>13,460</u>
Change in net position	317,691
Net position June 30, 2020, as restated (Note I)	<u>2,753,025</u>
Net position June 30, 2021	<u>\$ 3,070,716</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, 2021

Cash flows from operating activities:	
Cash received from licensees and applicants	\$ 1,912,019
Cash received from others	11,165
Cash paid to employees and professionals	(866,479)
Cash paid to suppliers	<u>(675,779)</u>
Net cash flows provided by operating activities	<u>380,926</u>
 Cash flows from capital and related financing activities	
Acquisition of capital assets	<u>(57,348)</u>
 Cash flows from investing activities	
Receipt of interest income	13,573
Increase in certificates of deposit	<u>(1,714,131)</u>
Net cash flows used by investing activities	<u>(1,700,558)</u>
 Net change in cash and cash equivalents	(1,376,980)
 Cash and cash equivalents - June 30, 2020	<u>2,068,527</u>
 Cash and cash equivalents - June 30, 2021	<u>\$ 691,547</u>
 Reconciliation of operating income to net cash flows provided by operating activities	
Operating income	\$ 304,231
Adjustments to reconcile operating income to net cash provided by operating activities:	
Depreciation and amortization	53,806
Changes in assets and liabilities:	
(Increase) in prepaid expenses	(1,190)
Decrease in other assets	2,419
Increase in accounts payable - trade	1,701
Increase in accrued vacation	<u>19,959</u>
Net cash provided by operating activities	<u>\$ 380,926</u>

See Independent Auditors' Report and Notes to Financial Statements

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

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 Comprehensive Annual Financial Report (CAFR). 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, 2021

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.

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

NOTE A (CONTINUED)

Capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset Class</u>	<u>Estimated Useful Lives</u>
Furniture and equipment	5-10 years
Computer equipment	3 years

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 assets and unrestricted.

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 \$2,376,069 at June 30, 2021. Certificates of deposit have varying interest rates and staggered maturities over the next 12 months,

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

NOTE B (CONTINUED)

Custodial Credit Risk – Deposits. Custodial credit risk is the risk that, in the event of a bank failure, the Board’s deposits may not be returned to it. The Board does not have a formal deposit policy for custodial credit risk. As of June 30, 2021, the Board’s deposits of \$3,067,616 were exposed to custodial credit risk as follows:

Uninsured and uncollateralized - \$215,938

NOTE C CAPITAL ASSETS

Changes in capital assets for the year ended June 30, 2021 were as follows:

	ASSET			
	June 30, <u>2020</u>	<u>Additions</u>	<u>Retirements</u>	June 30, <u>2021</u>
Furniture	\$ 58,429	\$ -	\$ (2,414)	\$ 56,015
Equipment	6,208	-	-	6,208
Computer Equipment	<u>196,878</u>	<u>57,348</u>	<u>(21,683)</u>	<u>232,543</u>
	<u>\$261,515</u>	<u>\$ 57,348</u>	<u>\$(24,097)</u>	<u>\$294,766</u>

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

NOTE C (CONTINUED)

	DEPRECIATION			
	<u>June 30,</u> <u>2020</u>	<u>Current</u> <u>Expense</u>	<u>Retirements</u>	<u>June 30,</u> <u>2021</u>
Furniture	\$ 28,590	\$ 7,132	\$ (2,301)	\$ 33,421
Equipment	4,603	917	-	5,520
Computer Equipment	<u>124,250</u>	<u>45,757</u>	<u>(21,683)</u>	<u>148,324</u>
	<u>\$ 157,443</u>	<u>\$53,806</u>	<u>\$(23,984)</u>	<u>\$187,265</u>

NOTE D ACCRUED VACATION

The changes in accrued vacation are as follows:

	<u>June 30,</u> <u>2020</u>	<u>Additions</u>	<u>Used</u>	<u>June 30,</u> <u>2021</u>
Amount	\$88,493	\$100,813	\$80,854	\$108,452

The amount representing the current portion of vacation leave is \$80,854.

NOTE E RETIREMENT PLAN

The North Carolina Licensing Boards Retirement Plan is a multiple-employer, cost-sharing defined contribution plan. Participating employees must 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 (\$43,343) on behalf of its employees.

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

NOTE F LEASE OBLIGATIONS

The Board leases office space and office equipment through operating leases under which future minimum rentals are as follows:

<u>Year ended June 30:</u>	<u>Amount</u>
2022	\$ 82,670
2023	87,572
2024	90,052
2025	92,078
2026	94,149
Thereafter	<u>211,168</u>
	<u>\$657,689</u>

NOTE G NET POSITION

The Board has assigned portions of its unrestricted net position for the following purposes:

Designated	
Reserve for prepaid expenses	\$ 7,131
Information technology reserve	300,000
Replacement of property & equipment	100,000
Continuing education	50,000
Possible future building acquisition	735,000
Unanticipated litigation costs	<u>800,000</u>
	<u>1,992,131</u>
Undesignated	<u>971,084</u>
	<u>\$2,963,215</u>

NORTH CAROLINA BOARD OF PHYSICAL
THERAPY EXAMINERS
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

NOTE H SUBSEQUENT EVENTS

The Board has evaluated subsequent events through September 21, 2021, the date which the financial statements were available to be issued.

NOTE I NORTH CAROLINA LEGISLATIVE STATUTORY REQUIREMENT
CONCERNING AUDIT FEES

This audit required 61 hours at a cost of \$10,400.



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**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
Durham, 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, 2021 and the related notes to the financial statements and have issued our report thereon dated September 21, 2021.

The financial statements present only the North Carolina Board of Physical Therapy Examiners and do not support to and do not present fairly the financial position of the State of North Carolina, as of June 30, 2021, 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.

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 to determine the 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 significant deficiencies or material weaknesses. 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 determination of financial statement amounts. 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

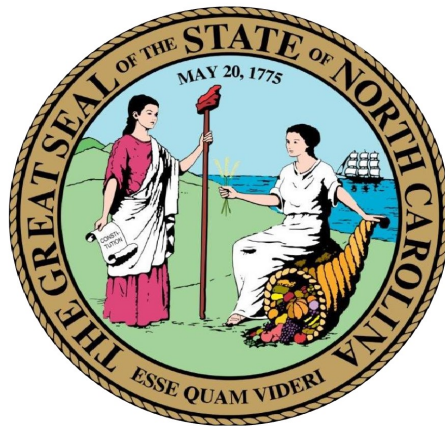
The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in 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.

Garrett, Dodd & Associates, Ltd.

Durham, North Carolina
September 21, 2021

Attachment 18



From: [Kim Jackson](#)
To: Denise.Jones@ncdcr.gov
Cc: [Kathy Arney](#)
Subject: NCBPTE Newsletter
Date: Thursday, November 4, 2021 2:24:20 PM
Attachments: [Newsletter Nov 2021_5.pdf](#)

Attached please find the newsletter of the North Carolina Board of Physical Therapy Examiners for your records.

Kim Jackson
Executive Assistant
NC Board of PT Examiners