

**North Carolina Board of Physical Therapy Examiners
September 14, 2022
AIHF Conference Room
8300 HEALTH PARK
Raleigh, North Carolina 27615**

Members Present:

C. David Edwards, PT- Acting Chair
Paul Garcia, MD
Leslie P. Kesler, PT
Jamie L. Miner, PT - (remote participation)
Rosa Maria Gonzalez, BSN, RN, Public Member
Stephanie Bernard, PTA

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Gregg Seipp, IT Director
David Nall, IT Systems Administrator
Joyce Tynes, Finance/Licensing Manager

Debbie Ragan – Recorder
David C. Gadd, Board Attorney

Members Absent:

Teresa F. Hale, PT, Chair
Megan Wentz, PTA

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

Meeting Called to Order: The meeting was called to order at 9:04 a.m. by C. David Edwards, appointed acting Board Chair for the meeting, by Chair Hale due to her absence. The meeting was conducted in-person and open to the public. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law and there were no requests for the meeting agenda prior to the meeting. The Executive Director conducted a roll call a quorum was present.

Conflict of Interest Reminder by the Chair

C. David Edwards, Acting Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, C. David Edwards asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters to be brought before the Board today, as required by Executive Order 127. No Board member conflicts were indicated.

Agenda Re-order

Chair Edwards asked if the agenda required re-order and ED recommended moving the Committee on Board Rules prior to the PPTF section as the items were related. The re-order was completed.

Approval of the Minutes

V-082-'22 Passed Minutes June 8, 2022 [Attachment I]

Motion to approve draft Minutes of the June 8, 2022 Board Meeting. (*Kesler*)

Members voting in the affirmative:	Edwards, Garcia, Gonzalez, Kesler, Miner, Bernard
Members voting in the negative:	None

Applications for Review

V-083-'22 Lisa Barbee – PT Revival by 500 hours

Motion to approve the proposed plan of study presented by the applicant for 200+ hours of coursework and 300+ hours of supervised clinical practice. (*Kesler*)

Members voting in the affirmative:	Edwards, Garcia, Gonzalez, Kesler, Miner, Bernard
Members voting in the negative:	None

V-084-'22 V. Mandanas – Foreign Educated PT education credential – not substantially equivalent

Motion to approve the applicant be considered for licensure after submitting proof of completion of professional coursework content deficiencies as identified in the FCCPT Educational Credentials Review. (*Kesler*)

Members voting in the affirmative:	Edwards, Garcia, Gonzalez, Kesler, Miner, Bernard
Members voting in the negative:	None

CAPTE – Accredited Programs on Probationary Status – Q&A

The Board received a question asking if a PT/PTA academic educational program on Probationary Status is still considered accredited for the purpose of licensing. The Board received a response from CAPTE that the program on probation is still considered accredited.

TOEFL Rule – Educational information for license application approvals:

When reviewing documentation for English proficiency that meet Board rules 21 NCAC 48E. 0510, .0111, and .0112 requirements, the following may be accepted:

- The Board will accept the TOEFL iBT, not the Essentials version of the scores defined in rule when completed in one sitting or
- When the applicant provides documentation of graduation from a college, university or professional training in the US, pursuant to 8 CFR 212.5.

Responses from ED/DD to questions addressed at the previous Board Meeting (Attachments II - III)

The ED informed the Board of responses sent to scope of practice questions from the prior meeting including:

- Questions concerning Pelvic Health – including pessaries and internal physical therapy intervention – update will be posted on the website
- Advanced Training – update was posted on website
- Definition of “mental health” related to the PT Scope of Practice

Committee on Board Rules [Attachment IV]

Update – The Rules Review Commission (RRC) **technical changes requested required information on the entire rule vs. specific change(s) requested.** The Board staff requested an extension for submission of proposed Board Rules listed below, then requested to withdraw the proposed permanent rules to reconsider changes making make the rules consistent with current practice and policy by the NCBPTE.

V-085-'22 Passed Motion to approve the withdraw the Proposed Permanent Rules cited as follows:
(Kesler)

- 21 NCAC 48B .0102
- 21 NCAC 48F .0101
- 21 NCAC 48G .0105
- 21 NCAC 48G .0203
- 21 NCAC 48G .0504

And withdraw the proposed repeal of the following rules:

- 21 NCAC 48E .0104
- 21 NCAC 48F .0103

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard

Members voting in the negative: None

Future Rules – The Board future rulemaking will be conducted mindful of requirements for review of the entire rule prior to submission.

Rulemaking Coordinator – Kathy Arney, Executive Director was re-appointed Rulemaking Coordinator for NCBPTE by Chair Hale effective September 1, 2022 due to the retirement of Deborah J. Ragan.

Scope of Practice Questions for Board Consideration/Public Protection Task Force (PPTF) [Attachments V]

Public Protection Task Force – After review of current topics of the PPTF, the Board determined it would consider creating Position Statements as licensee guidance for the purpose of public protection, prior to conducting rulemaking. The PPTF will meet prior to the end of 2022 to consider those position statements. The Committee will also consider next steps related to the topics of Informed Consent, Virtual/Digital Physical therapy practice and Imaging.

Response to anticipated inquiries to the Board re: Monkeypox

V-086-'22 Motion- approve the response to the question on Monkeypox (Kesler)

- Draft response to potential questions re: Monekeypox. Response is essentially the same as COVID resources

Members voting in the affirmative: Edwards, Garcia, Kesler, Miner, Gonzalez, Bernard

Members voting in the negative: None

ED shared an article written by a NC licensee and Educator on the topic of Imaging. This will be added to the Imaging resources the Board is able to consider on the scope of practice topic - Imaging – PT Routinely Performing Requisite Skills to Refer to MSK Imaging – J of Manual and Manip. Therapy – Lance Mabry 2022

Closed Session

V-087-'22 Passed - Closed Session

Motion to go into Closed Session was made at 10:00 am in accordance with GS 143-318.11 (a) (1) and (6) to engage in privileged communications with the Board’s counsel concerning legal matters concerning the Board. (Kesler)

Members voting in the affirmative: Edwards, Garcia, Gonzalez, Kesler, Miner, Bernard

Members voting in the negative: None

V-088-'22 Passed - Closed Session

Motion to go into Closed Session was made at am in accordance with GS 143-318.11 (a) (1) and (6) to engage in privileged communications with the Board’s counsel concerning Closed Session Minutes of Board Meetings and personnel matters. (Kesler)

Members voting in the affirmative: Edwards, Garcia, Gonzalez, Kesler, Miner, Bernard

Members voting in the negative: None

V-089-'22 Passed - Return to “Open Session”

Motion to return to Open Session at approximately 12:15 p.m. (Gonzalez)

Members voting in the affirmative: Edwards, Garcia, Kesler, Miner, Gonzalez, Bernard

Members voting in the negative: None

Motions in Open Session discussed during Closed Session

V-090-'22 Passed – Motion to approve personnel actions from the Closed Session including bonuses for staff and status change for current IT Systems Administrator to IT Infrastructure Manager. (Kesler)

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard
Members voting in the negative: None

**V-091-'22 Passed Motion was made to approve:
Adoption of the Closed Session Minutes from June 8, 2022, as written. (Edwards)**

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard
Members voting in the negative: None

Attorney's Report

- **General Attorney Updates**
 - Temporary Exemptions ended 8/15/22 with end of the state of emergency in NC
- **Legislative Update**
 - Pandemic Emergency Powers Act – was vetoed
 - Federal legislation Occupational Licensing Liability Relief Act – has not changed status
 - Budget bill was passed
 - NC Legislative Committees are still reviewing Occupational Licensing reform.
- **Board Member Regulatory Training- biennial required training by NCGS 93B review included but was not limited to the following NC state Chapters and Articles:**
 - Administrative Procedures Act
 - Public Records Law
 - Open Meetings Act
 - State Tort Claims Act and The Defense of State Employees Law
 - State Government Ethics Act
 - Lobbying
 - Reviewed NC PT Practice Act statutes and Board Rules and PT Compact Statute and rules

- **Board Consideration of Disciplinary Action recommendations by the Investigative Committee (IC)**

Board member Jamie Miner, PT serves as the Board member representative to the Investigative Committee and will recuse from votes on disciplinary matters.

V-092-'22 Passed Motion was made to approve the IC recommendation for PT Lic#P14023, for licensee suspension for 6 months, followed by 18 months of probation with conditions pay costs of the investigation (Kesler)

Members voting in the affirmative: Edwards, Garcia, Kesler,
Gonzalez, Bernard

Members voting in the negative: None

Members recused: Miner

V-093-'22 Passed Motion was made to approve the IC recommendation of Warning and pay costs of the investigation for PT Lic# P12542 (Kesler)

Members voting in the affirmative: Edwards, Garcia, Kesler,
Gonzalez, Bernard

Members voting in the negative: None

Members recused: Miner

**Executive Director's (ED) Update
[Attachments VI – X]**

The Executive Director asked the Board if they had questions about the materials provided prior to the meeting including the following:

- Board Contact Information
- Current Licensees Count – Quarterly update
- Temporary Exemptions for Licensure ended August 15, 2022 – Managed effectively and efficiently by Kim Jackson, Exec. Asst. for 2.5 years.
- End of the NC State of Emergency (SOE)- August 15, 2022
- Regulatory Flexibility – Update at the end of NC SOE
Notification of application extension timeframe
- Strategic Plan – no significant changes during this quarter; the plan is ongoing.
- Office Operations – update
 - AIFH Sale to Thomas Park – signed Estoppel Certificate
 - Response to request for sublease
 - Office Hours to be published on the website and Updated Fax and Phone information.

Financial Update [Attachments XI - XII]

Arney Preliminary Comments- The budget established for 2023 does not reflect the unanticipated IT expenses experienced June – September 2022 for increased security measures and a new server or subsequent status changes for staff and increased external legal and IT services. Thus, the FY2023 budget was updated for review and approval by the Board at this meeting.

- Update – Joyce Tynes – Finance manager, NCBPTE
 - Financials including:
 - Profit and Loss comparison of FY 2022 to FY 2021
 - Balance Sheet FY 2022
 - Comparison budget to actual YTD 2022

were reviewed for the current period and a revised budget for FY 2023 presented.

V-094-'22 Passed Motion was made to approve (Kesler) Revised Budget 2023 – for review and consideration (including reconsideration for renewal fee reduction)

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard

Members voting in the negative: None

- Discussion IT related charges since June 8, 2022

V-095-'22 Passed Motion was made to approve (Kesler) Updated Reserves accounting

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard

Members voting in the negative: None

Additional financial updates:

- Board Delegated check signers checking and investment accounts
- IRS Mileage rate increase \$0.625 per mile
- Status of Financial Audit Preparations of FY 2022 is anticipated to be completed Sept. 30, 2022 with new requirements to capitalize the lease.

Report from Deputy Director [Attachment XIII]

- Deputy Director Report
 - Record retention- All records pertaining to a licensee that must be maintained permanently are now merged.
 - Application deadlines- all applicants that began on or after April 21, 2019 will be extended to 8/15/2023 before being destroyed per the record retention schedule if not completed. For endorsement candidates, the license verification must show an active license in another state, and for exam candidates, the Board must have received passing scores for the National Physical Therapy Exam.

- Licensing team updates- The character references, military ID, and Authority for Release of Information upload features are now back online.
- Revivals- currently developing a fully online process for all types of license revival methods

Committee on Information Technology [Attachment XIV - XVI]

- IT update-
 - Office 365 has been fully implemented
 - All remote licensing staff have cell phones for timely communication with applicants
 - Currently working with FSBPT to automate data sharing for faster and improved data transmission between the Board and FSBPT
 - In initial planning stages of data migration to the Cloud
 - Completed numerous security enhancements to website, servers, and equipment
- Future – Required Training – staff and Board Members
 - All board IT equipment will be maintained in good order and utilized ONLY for Board business
- Security tips and resources
 - Passwords will be updated per policies

Correspondence with Schools and Annual School Score Reports [Attachment XVII]

- Pass rate (2022) for NC PT and PTA Schools (as of August 8, 2022)
- Pass rate (2021) for NC PT and PTA Schools (as of August 8, 2022)
- Pass rate (2019) for NC PT and PTA schools (as of August 8, 2022)
- Pass rate (2018) for NC PT and PTA schools (as of August 8, 2022)

No recommendations were made for communications with schools regarding pass rates. The Board will continue to monitor quarterly.

Documents provided for review and reference:

- Updated School Addresses and contacts
- A link providing 2022 Exam Schedule and Board Member notification for score days- Board members are encouraged to let the licensing team know if they are unavailable to complete application reviews due to vacation, work issues, etc.
- School Presentations
 - None this quarter
- School Communications

Prometric

- NPTE Comments submitted by Exam candidates / NC Customer Satisfaction (results for April 1- June 20, 2022) . The Board staff is still trying to develop a satisfaction survey that is directly related to NC Board of Physical Therapy Examiners application processes.

Ethics Commission [Attachment XVIII]

Reminders were issued to the Board members for the following:

- Board Member Ethics Education (required every 2 years)
- Ethics Compliance Report – Board members should refer to this report for their next scheduled training and SEI filing deadlines
- SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>

PT Compact Commission

Arney provided updates to the PT Compact

- Compact Compliance Reports – NCBPTE continues to remain compliant.
- Discussion – future NC Delegate & education for potential privilege and stakeholders. Currently Board staff also act as delegates to provide information and insight regarding compact issues. Beginning 2023, the Board might want to consider if a Board member would like to serve as a NC compact delegate.
- APTA Magazine Article- August 2022 Extending Reach to Patients & Clients with the PT Compact
- Upcoming Annual Meeting – October 30, 2022 – Orange Co., CA

Board Appointments 2023 Board Appointments (1 PT, 1 MD and Public Member)

- 2023 Board Appointments- ballots closed September 9, 2022
- Terms Ending
 - Medical Director
 - Public Member-eligible for re-appointment
 - Physical Therapist- eligible for re-appointment
- APTA NC Ballot – sent to email address on file with the Board for licensees

Submission of Reports to State etc.

The following reports completed during the third quarter of 2022 were shared with the Board:

- Ethics Liaison 2Q 2022 Expense filing – Arney / Ragan
- Request 2Q Disciplinary Action Report
 - NC Medicaid – D Pearsall
 - Select Rehab – S. Rodriguez
 - NC DHHS – A. Henry

- NC Child Support Services – submission
- NC Public Records Request – T. Ferguson CIVITECH
- Office of Inspector General – request for revoked, suspected and surrendered license
- Secretary of State -2021 Appointment and Gender Report
- NC Office of State Budget and management (OSBM – Collection Cost for Civil Penalties, Fines and Forfeitures - 07-05-22
- Retirement plan – annual policy fiduciary liability insurance (Traveler’s) and audit information request
- Office of State controller- FY 2022-Self-assessment of Internal Control questionnaire/certification form – submitted
- Quarterly Wage and Tax Report – submitted by HAAP (payroll accountant)

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

- Board members were advised to consider whether they wanted to be considered for Board officer, committees or task forces or delegates. Elections and appointments are conducted at the December Board meeting.

Federation (FSBPT)

- New required FSBPT Member Portal to sign up for events and information. 2 members requested help with accessing the portal.
- FSBPT Publication – Links – <https://www.fsbpt.org?News-Events/Publications>
- FSBPT Annual Meeting – October 27 -29 – 2022 Orange Co. CA
 - FSBPT Delegate Assembly Virtually 7:00 pm Monday October 23, 2022, required attendance: Jamie Miner, Delegate and Rosa Gonzalez Alt. Delegate
- FSBPT Leadership Issues Forum (LIF) July 23-24, 2022 Alexandria VA – Miner and Arney attended
- Annual FSBPT meeting : the requested CBA meeting report was submitted

APTA NC & APTA

- APTA NC
 - Annual Conference – October 14-15 2022 High Point, NC
 - Jamie Miner and Rosa Gonzalez will attend and report back to the Board.
 - Newsletters links : https://aptanc.org/page/aptanc_newsletters
- APTA – Advisory Network Newsletter – July 2022

Other regulatory Organizations

- CLEAR – opportunities for education - <https://www.clearhq.org/>

Credentialing Agencies

- FCCPT – no new update

Correspondence from ED, Articles, etc.

The following were shared with the Board

- Licensure – M. Bid – staffing post end of NC State of Emergency
- Printed license – compliment – G. Garrett

Dates and Locations for Future Meetings

Upcoming Quarterly Board Meeting Dates and locations – all dates are Wednesdays

- December 7, 2022 – Raleigh Marriott Crabtree, 4500 Marriott Drive, Raleigh, NC 27612

The Board considered proposed meeting dates in 2023. The Quarterly Board meeting dates in 2023 decided were:

March 8

June 7

September 13

December 6

Adjourn

V-096-'22 Passed Motion to adjourn (*Kesler*)

Members voting in the affirmative: Edwards, Garcia, Kesler,
Miner, Gonzalez, Bernard

Members voting in the negative: None

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

Debbie Ragan, PT
Recording Secretary

C. David Edwards, PT
Acting Chair