

Adopted – Board Meeting – December 11, 2024

**North Carolina Board of Physical Therapy Examiners
MINUTES
October 21, 2024
8300 Health Park, Suite 233, Raleigh, NC 27615**

Members Present:

Leslie P. Kesler, PT, Chair (Remote)
Jamie Miner, Secretary/Treasurer
Lisa Johnston, PT
Jerri Shepard, PT
Stephanie Bernard, PTA
Lee Diehl, MD

Members Absent:

Tiffany Needham, PTA
Renu Kasula, CEO, Public Member

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Emily Smith, Office Administrator
Jim Ponder, Information Systems Manager
Ellen Roeber, PT, Deputy Director (DD)
Joyce Tynes, Finance Manager/Licensing Manager

David C. Gadd, Board Attorney

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

A. Preliminary Matters

The Board members attending remotely were provided access to the meeting.

B. Meeting Called to Order

The meeting was called to order by Leslie P. Kesler, Board Chair at 7:31 a.m. October 21, 2024. The meeting was conducted in-person and remotely and open to the public. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law. There were no requests for the meeting agenda prior to the meeting. The Chair conducted roll call; all members as noted above were present, two members were absent. A quorum was present.

Conflict of Interest Reminder by the Chair

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

C. References and Resources

Specific reference documents were provided to the Board as resources to support the Special Board meeting decisions and discussion:

- Executive Order 318
- APTA PT and PTA Role in Disaster Management
- FSBPT PT and PTA Roles in Covid-19
- Hurricane Helene – website posting
- FEMA Maps of NC Disaster Declarations
- Licensee Numbers in the Affected Areas
- Board Meeting Minutes – April 8, 2020 and April 21, 2020
- PT Compact – States not currently issuing privileges
- Regionally Affected States Regulatory Flexibility
- NC PT and PTA Academic Program Feedback
- Testimonials and Other Information
- NC OLB Regulatory Flexibilities
- Board Adopted Budget FY2025
- NC PT Practice Act
- Initial Board Office Response to DHHS

D. Hurricane Helene – Regulatory Flexibility Topics for Consideration

A document outlining possible ways the Board could consider addressing waiver or modification of Board regulations to support the Governors Executive Order 318 (EO 318) was provided for review and consideration. The Executive Director reviewed the reference documents in relationship to the topics outlined for consideration.

E. Regulatory Flexibility Recommendations

- a) EO 318 action recommended to the Board:

To address the with the EO 318 “Allowing persons to provide care if they are licensed in other states, territories, or the District of Columbia, but not licensed in North Carolina.”

PT/PTAs licensed in another state obtaining temporary practice privileges or PT Compact Privileges to practice PT in NC

The Board discussed the fact that the NC PT Practice Act contains provisions for temporary exemption from licensure in 90-27.101 Exemptions from licensure; certain practices exempted which were exercised during the COVID-19 pandemic. PTs/PTAs licensed outside of NC in the US, were made eligible for practice privileges in NC after license verification and review of qualifications. The following was recommended to support EO318 Section 1 (a)(i):

- Those eligible for a PT Compact privilege should obtain a Compact privilege. PT compact privilege holders are verified to have licensure in the US in another jurisdiction, have a license in good standing and are eligible to practice in NC until the privilege expires.
- If a PT/PTA is licensed outside of NC and not eligible for a PT Compact privilege (no state participation) they may obtain a temporary exemption from licensure with privileges to practice in NC, if the license in another state can be verified, the licensee has no disciplinary actions or criminal convictions in the last 2 years and satisfied any prior encumbrances in the other state.

The Board discussed how the privileges will be tracked, and how long the exemptions will be active. Per the Governor’s order temporary exemptions from licensure allows the temporary privilege holder to practice until the end of the state of emergency enacted by EO 318.

V-53-'24 Passed – Motion to allow a temporary exemption per §90-270.101(8) and (9) of the NC PT Practice Act for the term of the State of Emergency. The temporary exemption shall not apply to those eligible for a PT Compact Privilege.

For all applicants who are not eligible for a PT Compact Privilege, the Board will issue a temporary privilege with an active PT license in another state/jurisdiction as long as that state/jurisdiction license remains active or until the end of the state of emergency. (*Miner*)

Members voting in the affirmative:	Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative:	None

Efforts to assist licensees impacted by Hurricane Helene to the extent it causes licenses to become inactive.

- Extensions for 2025 License Renewal, Continuing Competence Requirements for Reporting Period Ending 01-31-2025

The Board acknowledged that the effects of Hurricane Helene will cause licenses to become inactive due to the inability to renew and complete continuing competence courses. EO 318 allows the Board to waive or modify enforcement of any legal or regulatory constraints to allow persons to provide care if their licenses are inactive. The Board discussed temporary extensions for license renewal being granted for 3 months, renewable for another 3-month period the state of emergency is still in effect. The extension would begin January 31, 2025, and extend their current active license, allowing additional time for license renewal for 2025. The Board also discussed requirements for “Attestation” for any PT/PTA license requesting an extension for renewal or continuing competence requirements. The requirements include having a home or work address/zip code in the FEMA defined affected area, disruptions to connectivity and license becoming inactive if not for modification of Board regulations. At the end of 3 months or period of extension the licensee must renew their license, provide payment, and report completion of continuing competence activities.

V-54-'24 Passed – Motion to prevent PT/PTA licenses from becoming inactive, NC PT/PTA licensees who are in affected NC counties as defined by FEMA DR-4827-NC (10-15-24) who make application and qualifying attestation to the Board may be granted a 3-month extension of their 2024 license and additional extensions may be granted on a case-by-case basis. (Diehl)

Members voting in the affirmative: Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative: None

Continuing Competence requirements for license Renewal

- Those in the FEMA DR-4827-NC (10-15-24) affected areas will also be eligible for an extension of their continuing competence requirements if their reporting period ends January 31, 2025.

V-55-'24 Passed – Motion to include the modification of deadlines of continuing competence requirement for licensees whose reporting period ends Jan 31, 2025. (Diehl)

Members voting in the affirmative: Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative: None

Continuing Competence Exemptions:

- The ED discussed the current continuing competence exemption process for personal hardship. This will remain an option for licensees with the difference of an exemption vs. extension being licensees may not continue practice with a continuing competence exemption. They may, however, continue to renew their license.

Renewal Fee Waiver for Financial Hardship Due to State of Emergency

The Board discussed financial hardship, and how to define what constitutes hardship. They determined if a licensee was significantly financially impacted, they should be allowed to request a fee waiver for the next licensing cycle (license year 2025). The Board attorney discussed deferral of fees. The Board determined that deferral of fee is too complex and difficult to manage. The Board discussed who falls in the category for a fee waiver request based on the State of Emergency, they reviewed the FEMA area affected map and discussed the public assistance categories listed as A and B vs. A-G.

V-56-'24 Passed – Motion to prevent NC PT/PTA licenses from becoming inactive, the Board will consider a waiver of fees for 2025 license renewal for those in the affected NC counties, as defined by FEMA DR-4827-NC (10-15-24) and eligible for individual assistance and Categories A-G of public assistance, with licensee attestation of experiencing significant disruption of employment, loss of habitation and license becoming inactive if not for modification of Board regulations. (Shepard)

Members voting in the affirmative: Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative: None

- The Board discussed delegating authority to grant extensions, exemptions, and waivers to Board staff with the guidance of the Board Attorney.

V-57-'24 Passed – Motion for the Board to delegate its authority to execute administration of fee waivers, licensure and continuing competence requirement modifications, and temporary exemptions from licensure related to EO 318 to Board staff and Board Attorney.

Members voting in the affirmative: Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative: None

Other considerations to prevent applicants and licensees from inability to practice physical therapy

- The Board deferred the topic of addressing potential extension of application expiration deadlines until December 11, 2024.

Waiver of Continuing Competence Audits for PT/PTA Licensees in FEMA identified affected county areas as of 10-15-24 and whose reporting periods end 01-31-2025.

The Board discussed a waiver for continuing competence audits for those licensees who cannot comply due to hurricane impacts and which would result in inactive licenses. This will be applicable to licensees with an assigned continuing competence reporting period that ends January 31, 2025. The Board discussed how to identify licensees in the affected counties and determined by home address/zip code. The Deputy Director reviewed how licensees are randomly selected and how the audit is performed. The Board discussed options for a waiver and determined the best to be a blanket waiver for all within the FEMA DR-4827-NC (10-15-24).

V-58-'24 Passed – Motion to waive continuing competence auditing for 2023-2025 reporting period for anyone in FEMA declared disaster areas. (Diehl)

Members voting in the affirmative: Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative: None

EO 318 Section 1 (a)(ii-iv).

The Board discussed ii. Allowing persons to provide care if they are retired or if their licenses are inactive. iii.

Allowing skilled, but unlicensed volunteers to provide care. iv. Allowing students at an appropriately advanced stage of professional study to provide care. Based on discussion with stakeholders in the affected areas there appears to be no significant need to allow these additional waivers at this time. This can be revisited as additional information becomes available. The Board’s next meeting is December 11, 2024.

V-59-'24 Passed – Motion to not grant items ii – iv of the EO 318 Section 1 (a) due to a lack of identified current need. (Kesler)

Members voting in the affirmative:	Miner, Johnston, Shepard, Bernard, Diehl, Kesler
Members voting in the negative:	None

The Board discussed potential effects of Hurricane Helene on applications for licensure. After discussion, the Board determined that the following topics would be discussed at the December Board meeting should there be additional information at that time:

- FBI fingerprints and CHRI related to application (both obstacles to obtain the fingerprints and then whether to consider licensure without the FBI CBC/CHRI information)
- extension of application expiration date. ED shared historical perspective based on Board actions during COVID-19 which resulted in a similar Executive Order.

Board members were asked to share suggestions on information to include in FAQ related to Hurricane Helene and EO 318. All actions resulting from today’s meeting will be communicated to the public and licensees via the website, Board newsletters, social media, and email. Email blasts for available extensions, waivers, and exemptions will be sent to all licensees with a home or work address in the affected counties as defined by FEMA. All those receiving these notifications will be encouraged to share the information within their personal and social media networks.

F. Application

- Polk – Military Extension of Application Expiration. The applicant began an application in September 2023 and was scheduled to take the National PTA Exam again in October of 2024, but was called to active-duty training. The applicant is requesting an extension of the expiration date on his application so he may take the NPTE in January 2025. The Board discussed due to his inability to retake the NPTE in October prior to fulfilling his active-duty needs. The Board attorney reviewed sections of 93B which are relevant to military members. While it does not address this situation specifically, the law allows for waiver of fees and other flexibilities for military members in their efforts to obtain licensure in NC. The recommendation is to toll the application expiration date by the length of time the applicant was on mandatory military training duty.

V-60-'24 Passed – Motion to accept the recommendation to extend applicant Polk’s deadline for application expiration for the length of time of the military training duty so he may take the NPTE in January 2025. (Miner)

Members voting in the affirmative:	Miner, Johnston, Shepard, Bernard, Diehl, Kesler
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Members voting in the negative: None

G. Dates and Locations for Future Meetings:

- **Potential upcoming Special Board Meeting – Formal Hearing, January 24, 2025 – time/location TBD**

Remaining dates for 2024 and 2025: Wednesday, December 11, 2024, will be held at NC State Board of Dental Examiners – 2000 Perimeter Park, Suite 160 Morrisville, NC 27580.

Dates for 2025:

Wednesday, March 19, 2025

Wednesday, June 11, 2025

Wednesday, September 10, 2025

Wednesday, December 10, 2025

Adjourn

Meeting adjourned by Leslie Kesler, Chair at 9:05 AM

Emily Smith
Recording Secretary

Jamie Miner, PT
Secretary-Treasurer