

Adopted – March 8, 2023- Board Meeting

North Carolina Board of Physical Therapy Examiners

MINUTES

December 7, 2022

Crabtree Marriott Hotel

Raleigh, North Carolina 27615

Members Present:

Teresa F. Hale, PT, Chair

C. David Edwards, PT, Secretary/Treasurer

Paul Garcia, MD

Leslie P. Kesler, PT

Jamie L. Miner, PT

Rosa Maria Gonzalez, BSN, RN, Public Member

Stephanie Bernard, PTA

Megan Wentz, PTA

Staff Present:

Kathy Arney, PT, Executive Director (ED)

Paula Brooks, Office Administrator

David Nall, IT Systems Administrator

Ellen Roeber, Deputy Director

Joyce Tynes, Finance Manager/Licensing Manager

David C. Gadd, Board Attorney

Members Absent:

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

A. Preliminary Matters

The Chair recognized Ellen Roeber, PT, DPT, Deputy Director (DD), attending her first full Board meeting. The DD provided her work history for the Board.

No members of the public were present.

B. Meeting Called to Order by Teresa Hale, Board Chair for NCBPTE at 8:30 a.m. December 7th, 2022. The meeting was conducted in-person and open to the public. The meeting was noticed in the Board office, on its website, and NC Secretary of State website as required by law. There were no requests for the meeting agenda prior to the meeting. The Chair conducted a roll call; all members were present, a quorum, as noted above.

Conflict of Interest Reminder by the Chair

Teresa Hale, Board Chair, reminded members of their duty to avoid conflicts of interest and

appearances of conflicts of interest. In addition, Teresa 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.

C. Approval of the Minutes

V-097-'22 Passed Minutes September 14, 2022 [Attachment I]

Motion to approve draft Minutes of the Board Meeting held on September 14, 2022. *(Kesler)*

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

D. Applications for Review

There were no applications for the Board to review. Arney reminded the Board, for educational purposes, of the types of applications that they are required to approve.

Joyce Tynes, Licensing Manager discussed activities of the licensing staff including updating processes and documentation of those as the Board office continues modernization efforts. An email from a grateful licensee was read to the Board complimenting licensing and other staff members on their efforts to license him efficiently as he had a job waiting.

E. Closed Session

V-098-'22 Passed – Motion to go into Closed Session

A motion to go into Closed Session was made at 8:40 am, in accordance with GS 143-318.11 (a) (5) to engage in privileged communications with the Board’s counsel concerning Closed Session Minutes of Board Meetings and contracts for services to the Board. *(Edwards)*

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

V-099-'22 Passed - Return to Open Session

Motion to return to Open Session at approximately 8:56 a.m. *(Edwards)*

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

E. Approval of actions during the Closed Session

V-100-'22 Passed – Motion to approve Minutes from the Closed Session of the September 14, 2022, as written. *(Wentz)*

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

V-101-'22 Passed – Motion to approve amendments to the actions Board Financial Auditor contract for FY2023 and the next Request for Proposal for Auditor as discussed in Closed Session (Kesler)

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

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

The Executive Director has not received questions regarding Monkeypox; if there are questions the response will be edited as it is now being referred to as Mpox.

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

Updated Public Protection Task Force – David Edward, Chair of the PPTF updated the Board on the following topics from the Task Force meeting on November 17th, 2022. Previously addressed topics that were or may be finalized in the upcoming year include:

- Imaging – which has been referred to APTA NC
- Dry Needling – informed consent and training requirements
- Pelvic Health – position statement complete and posted; additional questions will be handled on a case-by-case basis.

New topics for prioritization and consideration for the Board include

- Lung Bowel Sounds
- Pulse Oximetry / Position Statement
- Wellness “Episode of Care”
- Revival by 500 hours
- SSNs necessity for collection and maintenance
- Telehealth
- Shockwave/Laser Therapy
- Inactive/Retired license status
- PT’s discharging patients from surgical centers
- PT’s and IME’s in NC

Executive Director facilitated discussion of the Board of the above topics for prioritization for the PPTF. The following input was received:

- **Lung Bowel Sounds** – future questions not previously addressed will be handled on a case-by-case basis
- **Pulse Oximetry / Position Statement** – Staff presented an edited version of the position statement edited in June related to the request for reconsideration from a licensee that pulse oximetry be removed from the list described. The Board discussion

agreed with the edit for remove of pulse oximetry from the list but a paragraph added at the end of the statement to clarify when pulse oximetry should be used in conjunction with physician direction and orders.

- **Wellness “Episode of Care”**- this topic was requested by a licensee for Board review; Board believes this has been addressed sufficiently in Board Rule at this time.
- **Revival by 500 hours** - current regulatory best practice aligns with current Board rules; Board agreed with ED recommendation to add information to the Board website assisting applicants with a plan of action for completion of the 500-hour requirement. This may be addressed in the future with research outcomes HRRI and FSBPT are working on.
- **SSNs necessity for collection and maintenance** – NC state requires Occupational Licensing Boards obtain and maintain this information in the Board database and report as required annually for purposes of the state which include but are not limited to child support non-payment and tax filings. The Board will maintain this information behind several layers of security and will no longer be available for staff viewing, but upon request only. This information will continue to be maintained and reported to the state as required.
- **Telehealth** – The Board referred this topic to the PPTF for review
- **Shockwave/Laser Therapy** – After discussion, the Board decided this topic would not be referred to the PPTF. If additional requests are made in the future the Board will reconsider.
- **Inactive/Retired license status** – The Board discussed how a licensee’s status is shown on the website and in the Board computer system (active, expired, lapsed, etc.). The Board decided the methods currently used are sufficient at this time and should not be changed.

Additional questions were posed to the Executive Director for Board consideration and response.

- **Question posed to the Board regarding PTs in Surgi-Center “clearing” patients for discharge** – the ED made a recommendation for response which the Board reviewed and approved.
- Question posed to the Board – **Can PT’s perform IME’s (Independent Medical Examinations) in NC?** The ED made a recommendation for response which the Board reviewed and approved.
- **Questions regarding PTA Scope of Practice – Inquiry from Jared Cooper, PT – PTA educator** - the Board determined it would refer this inquiry to the PPTF for discussion and response.
- **Virtual PT** – the Board discussed several topics related to the topic:
 - **UHC and Kaia app** – the Investigative Committee completed its correspondence, facilitated by the NC Department of Insurance, with UHC regarding the Kaia app, resulted in the app no longer being referred to as “virtual physical therapy”
 - **LUNA Physical Therapy** – Jamie Miner, PT explained how this app is used and

applied in the field of PT. Physical Therapy licensees use the application to obtain patient referrals and set their own schedule to see the patients in their homes. All paperwork is done on the app. The service is provided and filed as Part B for Medicare or can be private pay and a referral would not be needed.

H. Attorney's Report

- **General Attorney Update**
Breach Outage – The Board Attorney will continue to communicate with the State Farm referred attorney and IDX as needed. Attorney Gadd has been on the calls with Arney to provide information and assist with licensees who have expressed concern.
- **Legislative Update - Not currently in session.**
- **Rules – the Rules Review Commission (RRC) has submitted rules for public comment. One of the proposed rules places additional restrictions on when rules may be withdrawn by agencies. The Board staff will submit questions to the RRC regarding agency withdrawal of rules. The board will need to be diligent on how the new RRC rules will impact the Board.**
- **Consideration of Disciplinary Actions – None**
- **Board Regulatory Training – Gadd provided education on Position Statements, specifically when they are appropriate versus rulemaking and statutory amendments. Discussion was had about the value of Position Statements when establishing guidelines which may be used by licensees and Board Staff to apply the Practice Act and Board rules to the practice of PT.**

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

The Executive Director provided verbal updates including the following:

- **Board Contact Information – requested the Board members to provide updated contact information to Paula Brooks Office Administrator. All Board members acknowledged receiving information at their current Board email addresses. Additional discussion related to transitioning Board member emails exclusively to ncptboard.org and using Board laptops only for Board communications and application review. ED will bring a procedure back to the next Board meeting regarding transition and ways to maintain efficient notification for members when materials are being sent. David Nall, Information Technology Infrastructure Manager, will lead this effort.**
- **Current Licensees Count – Quarterly update – slightly increased for this quarter from one year ago and over recent quarters at 3.4% growth.**

- Office Operations – updates
 - New Property Manager -Matt Burns, Thomas Park Investments
 - Fax Capabilities – computer based (non-phone line dependent) 4 staff have capabilities; number remaining 919 490-5106. One fax has been received in the 6 weeks since installation.
 - Soft Phones - computer based phone software estimates are still being considered to replace cell phones and outdated in-office phone system.
- Board member Mentor Program – A Board Member proposed experienced Board members could mentor newer members and assist with onboarding and understanding of Board member processes. The Board agreed to beginning this with new members appointed for terms beginning in 2023.
- Discuss with licensees: re: Outage concerns
 - Executive Director reviewed the financial breakdown of the Outage.
 - December 2, 2022 - Enrollment with IDX ended
 - State Farm Insurance Cyber Insurance – It is anticipated the premium may increase given the claim for 2022. We will not know the outcome until the policy is up for renewal in 2023.
 - FY 2023 Budget - Overall Expense update – Expenses are higher than budgeted due to the outage.
- New FSBPT Continuing Competence Self-Reflection poll – Beta Testing. FSBPT Continuing Competence Committee is requesting beta testers – Self Reflection tool.
 - David Edwards and Jamie Miner agreed to Beta Testing
- 2023 Renewals update
 - Fees / Costs questions – ED shared feedback from licensees. A small percentage of applicants expressed concerns with the cost of credit card fees and renewal fees. The Board was provided with their emailed comments. No change is required at this time.
 - Renewal Summary 2023 update – Nov 21 2022, 13% have renewed, at this time in 2021 11% renewed; Renewals have proven consistent with prior years.
 - Requests for expunging/removal of licensure records – these are public records and are unable to be removed.
- FSBPT API update – the electronic interface with FSBPT is working to obtain exam scores and FSBPT IDs; once created an interface for exchange of PT Compact data is anticipated to be added. Joey Peters, Board IT programming contractor is working with NCBPTE IT on this project doing an excellent job.

- Strategic Planning – Report update – ED provided a verbal update of the FY2023 strategic plan. In all categories the Board is on track with established plans. Execution of the plan will continue through the fiscal year.

J. Financial Update [Attachments]

- Verbal Update - Joyce Tynes, Finance Manager
 - FY 2022 Financial Audit – Review with Board – The FY2022 was reviewed by Joyce Tynes for the Board. The Audit for this year, as in years past, reports no irregularities. The Reserves have been updated to reflect Board adopted requirements and income of approximately \$130,000 was shown.
 - Balance Sheet FY 2022 – shows a healthy financial position.
 - Profit and Loss comparison of FY 2022 to FY 2021 – the Board has needed to spend monies beyond budgeted to enhance Information technology and systems for the Board office. This will continue into FY2023.
- Review and Board Insurances
 - Directors and Officers Liability Policy Renewal – 2023 – the annual policy renewal was submitted December 5, 2022. This year as required by the application PCI/DSS (security) compliance was updated. The quote for renewal is anticipated later in December. The Board agrees the policy is still necessary.

V-102-'22 Passed - Motion made for the ED authority to renew the 2023 D&O insurance coverage up if the premium does not exceed \$35,000 annually (Edwards)

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

Members voting in the negative: None

K. Report from Deputy Director (DD)

- Ellen Roeber, PT, DPT - Deputy Director Report
 - DD provided a brief verbal update on her part-time work becoming oriented to continuing competence processes during renewals, course approvals, revivals and working directly with the Licensing staff and Manager to update consistency of processes that interface with her role as DD.
- NCBPTE Webinar Series hosted by DD
 - DD provided a brief verbal update on a November 17, 2022 Webinar she hosted related to continuing competence requirements for license renewal – She indicated that the Q&A portion of the webinar and parts of it will be posted on the website and

available for continuing competence points for licensees.

- Rule 21 NCAC 48G .0109 (h) Professional Self-Assessment - Reflective Practice Exercise (RPE)
Since the inception of the rule in 2009, there has been a single RPE designed by the Board for licensees to use in this category of continuing competence. Others could be approved by the Board, but few have been successfully submitted. The Nov. 17, 2022, webinar precipitated a submission for approval.
 - The DD presented a rubric for Board consideration and approval for staff approving Self-Assessment - Reflective Practice Exercises. The requirements includes:
 - The exercise includes a process to evaluate current professional practice abilities.
 - The exercise includes goal establishment to address areas of deficiencies or areas for growth identified as a result of the evaluation process.
 - The exercise includes a plan of action to work toward meeting goals.
 - The exercise includes documentation of activities that are completed to achieve established goals.
 - Is the activity submitted by a current Board pre-approved provider?

V-103-'22 Passed - Motion made to approve the rubric for approval of continuing competence Self-Assessment - Reflective Practice Exercises as presented by the DD. (Wentz)

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

Members voting in the negative: None

L. Committee on Board Rules

- Rulemaking Coordinator – No Update

M. Committee on Information Technology [Attachments]

- Reports from Director - Information Technology and Infrastructure Manager were presented

- Media report – Cyber Threat – System Outage for NC Dept of Information Technology

N. Correspondence with Schools and Annual School Score Reports [Attachment]

Documents provided for review and reference:

- Pass rate (2022) for NC PT and PTA Schools (as of November 15, 2022)
- Pass rate (2021) for NC PT and PTA Schools (as of November 15, 2022)
- Pass rate (2019) for NC PT and PTA schools (as of November 15, 2022)
- Pass rate (2018) for NC PT and PTA schools (as of November 15, 2022)

No action was recommended for communication with schools at this time. ED updated the Board on several NC programs CAPTE is monitoring this quarter.

- Updated School Addresses and contacts
 - The ED will send an introductory correspondence to New Program Directors of PT/PTA programs
- School Presentations – Duke January 2023 - ED/DD

O. Prometric

- NPTE - Survey Satisfaction by Month – NCBPTE satisfaction is in the 80%- 90% range. Due to extensive modernization efforts, the Licensing staff is working consistency of processes, written procedures and leveraging technology for more self-service features for website applicant and licensee users. This may enhance satisfaction ratings.
- FSBPT Candidate Comments Report and other metrics were provided for Board review– July 2022

P. Ethics Commission [Attachment]

Reminders were issued to the Board members for the following:

- Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training
- 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>
- Ethics Commission newsletters were reviewed and are available for reference.

Q. PT Compact Commission

Arney provided updates to the PT Compact

- Compact Update – ED is the NCBPTE delegate and continues to serve as Chair of the PTCC. The PTCC recently completed a strategic plan in which NC is expected to
- Compact Compliance Reports
- Bylaws, Rules & Policy Guidelines updates
 - 14 days to report vs 48 hours is the most important

R. Board Appointments 2022 (1PT and 1PTA) / 2023 Board Appointments

- 2023 Board Appointment Term Ending 12/31/2022 – Miner, Garcia & Gonzalez. Gonzalez and Miner are eligible for reappointment.
- APTA NC – submitted names for PT and MD to the Governor; the Public Member appointment is completed through the Governor’s office of Boards and Commissions

Appointments are anticipated in late 2022 or early 2023.

S. Submission of Reports to State etc. [Attachments] – the following reports to the state, policy renewals or public record requests and communication were completed during the quarter:

- Catapult Wage & Salary Benefit Report Submission
- Catapult Benefit Survey
- Select Rehabilitation Request for NC PT Licenses Disciplines Q3
- BCBS Annual Group Eligibility
- D&O Insurance Submission Updating
 - PCI / DSS compliance
- Annual Report to the State & Financial Report – October 31, 2022
- SHEPS Center – PT MDS Data usage request UNC Pembroke
- Board Appointment Report
- SHEPS Center – NCBPTE annual requested submission October 2022
- Board Newsletter and submission to the state Publications office
- NC BOLD – NC Dept of Commerce – updated links previously submitted
- Updated Annual Retirement Trustee Directors and Officers Insurance

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

- Annual Elections: Chair and Secretary / Treasurer

After nominations, the following Board members were elected to Board Office for the calendar year 2023:

V-104-'22 Motion made for David Edward, PT as Chair of the Board. (Hale)

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

Members voting in the negative: None

V-105-'22 Motion made for Jamie Miner, PT as Secretary /Treasurer; in the event she is not re-appointed Leslie Kesler, PT will serve. (Edwards)

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

Members voting in the negative: None

Chair Hale made the following appointments to Committees and Task Forces for 2023:

- Investigative Committee – Jamie Miner, PT will continue serving on the Investigative Committee; in the event she is not re-appointed Leslie Kesler, PT will fill this role.
- Rules Committee – Megan Wentz, PTA will serve on the Rules Committee.
- Finance Committee – Leslie Kesler, PT will serve on the Finance Committee;
- Public Protection Task Force – David Edwards, PT will serve on the Public Protection Task Force as Chair – Stephanie Bernard, PTA will serve and Leslie Kesler, PT Rosa Gonzalez, Public Member will continue their service.
- Executive Director Review Task Force – Teresa Hale and Jamie Miner will serve on the Review Task Force. David Edward will serve when he becomes Chair.

- Strategic Planning Task Force – Leslie Kesler, PT and Stephanie Bernard, PTA will continue serving with the addition of Jamie Miner, PT
- FSBPT Delegate and Alternate Delegates will be selected in March 2023 or after Board Appointments for 2023.

U. Federation (FSBPT) [Attachment]

- New Required FSBPT Member Portal
 - Cadence - FSBPT Webinar and meeting portal required for sign up and registration. Please attend course offerings throughout the year
 - FSBPT Publications - Links – <https://www.fsbpt.org/News-events/publications>
 - FSBPT Annual Meeting – October 27-29 Orange County – California
 - Attendee update –
 - Jamie Miner provided a presentation on her experiences and education from the Annual Meeting
 - Update Meeting dates 2023
 - LIF – July 2023 – Delegate & Administrator
 - Annual Meeting – Jacksonville FL – October 2023

V. APTA NC & APTA

- APTA NC – Report NCBPTE to annual APTA NC business meeting

W. Other regulatory Organizations – no new report

X. Credentialing Agencies

- FCCPT – no new update

Y. Correspondence from ED, Articles, etc.

- FSBPT Article

Z. Dates and Locations for Future Meetings:

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

Dates –Wednesdays

March 8, 2023

June 7, 2023

September 13, 2023

December 6, 2023

Adjourn

Meeting adjourned by Teresa Hale, Chair at 2:38 pm

Paula Brooks
Recording Secretary

C. David Edwards, PT
Secretary/Treasurer