

**North Carolina Board of Physical Therapy Examiners  
MINUTES  
June 5, 2024  
8300 Health Park, Conference Center  
Raleigh, North Carolina 27615**

**Members Present:**

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

**Members Absent:**

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  
Joyce Tynes, Finance/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 Chair welcomed new staff member, Information Systems Manager, Jim Ponder to the meeting.

**B. Meeting Called to Order** by Leslie P. Kesler, Board Chair for NCBPTE at 8:32 a.m. June 5, 2024. The meeting was conducted in-person and open to the public. The meeting was noticed in the Board office, on its website, and on the 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 except for Renu Kasula, Public Member. A quorum was present.

**Conflict of Interest Reminder by the Chair**

Leslie P. Kesler, Board Chair, read the Conflict-of-Interest statement by reading the NCGS 138A excerpt. She reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, the chair asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that were to be brought before the

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

### **C. Approval of the Minutes**

#### **V-14-'24 Passed Minutes March 6, 2024 [Attachment I]**

Motion to approve draft Minutes of the Board Meeting as written held on March 6, 2024. *(Diehl)*

Members voting in the affirmative: Kesler, Miner, Johnston, Shepard, Bernard, Needham, Diehl

Members voting in the negative: None

### **D. Applications for Review**

No Applications for Board review.

PTA Score Metrics – the pass/fail rate of NPTE PTA scores was reviewed for reference.

### **License verification (LV) modernization**

E. Roeber, Deputy Director presented on the Board moving to a self-service LV model; This will be a free service to access a LV from the website (current charge is \$30.00 per LV). The licensee lookup is being updated concurrently to include disciplinary status on the first page of the look up. Previously, the process required a licensee to write in a request, staff member creation of a letter and sending it via email to the requested jurisdiction with a copy to the licensee. The self-service model would decrease the time it takes to get information about licensees licensed in NC to other jurisdictions. The \$30.00 fee will no longer be charged and will decrease Board income by approx. \$22,000 per year. This will be offset currently by interest income.

#### **V-15-'24 Passed License Verification Self-Service Model**

Motion for the Board to adopt a license verification self-service model *(Johnston)*

Members voting in the affirmative: Kesler, Miner, Johnston, Shepard, Bernard, Needham, Diehl

Members voting in the negative: None

### **E. Closed Session**

#### **V-16-'24 Passed – Motion to go into Closed Session**

A motion to go into Closed Session was made at 8:47 am, in accordance with GS 143-318.11 (a) (5) and (6) to engage in privileged communications with the Board's counsel concerning Closed Session Minutes of Board Meetings, contracts for services to the Board and employee related matters. *(Deihl)*

Members voting in the affirmative: Kesler, Miner, Johnston, Shepard, Bernard,

Members voting in the negative: Needham, Diehl  
None

**V-17-'23 Passed - Return to Open Session**

Motion to return to Open Session at 9:29 a.m. *(Diehl)*

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

**Approval of actions during the Closed Session**

**V-18-'24 Passed – Motion to approve Minutes from the Closed Session of March 6, 2024, as written. *(Needham)***

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

**V-19-'24 Passed – Motion to approve the Bonus for the Deputy Director for the fiscal year 2024, in addition to any salary compensation as documented in the Deputy Director Performance Review documentation. *(Diehl)***

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

**V-20-'24 Passed – 2. Motion to approve the salary and/or Bonus and/or other changes for the Executive Director for the fiscal year 2025 as documented in the Executive Director Performance Review *(Bernard)***

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

**F. Responses from ED/DD to questions addressed at the previous Board Meeting [Attachments II-IV]**

- Response from FMCSA Customer Service – NC PTs as DOT Medical Examiners
- DME Prescriptions – vaginal dilators
- PTA and suctioning response to inquiry

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

Public Protection Task Force update – Leslie P. Kesler, Chair of the PPTF and Ellen Roeber DD updated the Board on the following topics from the Task Force meeting on May 8, 2024.

- PT Delegation of suctioning to a PTA – the response was approved by the Board and posted on the website
- Telehealth questions – referred to PPTF
- Biennial Position Statement Review- every other year the Board reviews the content and accuracy of the Boards Position Statements. There are currently 21 Position statements listed on the Board’s website. Board staff reviewed the statements and recommendations were as follows: eight (8) were reviewed and will stay the same, four (4) are currently being reviewed and revisions will be brought to the Board by the September 2024 meeting, and nine (9) statements were revised and presented to the Board for review and approval.

**V-21-'24 Passed – Motion to approve the revisions to 9 position statements reviewed by the Board. (Diehl)**

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

- PTAs administering laser treatments – referred to PPTF
- PTAs performing peripheral mobilizations - continued work by the PPTF. Arney received another question from a PTA program director regarding this topic. PTAs joint mobilization – conflicting guidance between FSBPT and APTA, the PPFT continues to review the question
- Can PT licensees perform PCR testing in respiratory, urinalysis, GI, or wounds?– After discussion and input from the MD member, it was determined that this fits within the Board position statement regarding medical procedures outside the scope of PT that can be performed by PT licensees if they are trained, competent and the results are reviewed and addressed by an appropriate medical professional. The position statement will be updated with these addition and question-asker advised of the response.

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

**General Attorney Update:**

- 2023 had double the number of complaints, and they are on track to do the same for 2024. Currently have about 30 complaints. Current process once the complaint comes in, the investigator Mark Scott will gather all the evidence. Many complaints have to do with documentation issues and billing for services not performed due to pressure from employers.

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

- Rule proposed by the RRC – A rule that has been adopted would restrict

licensing agencies would prevent withdrawing a rule for modification.

- Uniform law commission is coming together to create uniform laws across the states as it relates to the Federal Military licensure law from 2023. Stay tuned for the outcome.

**Disciplinary Actions:**

- Failure to renew a license – licensee P3518 – Licensee was lapsed for 2 years and has a business that consults employers working environment. Continued to provide consulting services throughout the 2 years of a lapsed license. Recommendation from the Investigative Committee is a warning letter and it'd go on the licensee's file and would be reported to the NPDB and pay the cost of the investigation.

**V-22-'24 Passed – Motion to approve the Investigative Committee recommendation for Warning and pay costs of the investigation for failure to renew a license and continued work as a licensee. (Shepard)**

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

- Review of recent voluntary surrender – PTA was in a treatment facility during the day, and the employer found entries for treatments after the time she left work and the patients corroborated they were not treated by her. Investigative Committee recommendation that would be revocation/suspension of the license for a portion of time and courses. The PTA requested a voluntary surrender. The Board will submit her voluntary surrender to the NPDB. The investigative committee recommended if the licensee requests licensure again in NC that a 6 month wait period and remedial courses be done before being licensed again.
- Voluntary Surrender – case of a licensee who chose voluntary surrender vs. disciplinary action was reviewed.

**Regulatory Training:**

- Biennial 93B Required Regulatory Training - During the biennial training, regulatory requirements for occupational licensing boards were reviewed and discussion was had with the Board. These topics included but were not limited to:
  - NC Physical Therapy Practice Act - reviewed definitions, Board of Examiners make up, the Board Powers, applicant qualifications, exemptions, unlawful practice, disciplinary actions, and other modalities.
  - Board Rules – reviewed administration, types of licenses, scope of practice, retention of license, discipline, rulemaking, PT Compact, qualifications of

- compact privilege, and compact rules.
- NC Administrative procedures Act – reviewed policy and scope, special provisions on licensing, declaratory rulings, article 2A. rules, administrative hearings, judicial review,
- Public records law – reviewed this statute and the exceptions.
- Open Meetings law – reviewed how everything is open to the public and the exceptions, and closed sessions.
- Other laws – State tort claims act, the defense of state employees’ law, the state government ethics act, lobbying, and antitrust law and state action immunity.

The Board asked questions about application of these laws which Attorney Gadd answered.

**I. Executive Director’s (ED) Update – [Attachments V-VII]**

The Executive Director provided verbal updates including the following:

- Board Contact Information
- Current Licensees Count – Growth of **4.3%**
- Strategic Plan FY2024 wrap up – mostly “green” = complete, goals not accomplished will move to the FY2025 plan.
- Strategic Plan Proposed FY2025 – ED reviewed the FY2025 additions created with the strategic planning committee.

**V-23-'24 Passed – Motion to approve the proposed Strategic Plan for FY2025 (Bernard)**

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

- Board Insurance – Annual Review with the Board; additional estimates for costs savings are being sought.
- Response to letter submitted to NCDIT requesting permission to collect credit card fees – charging of credit card transactions costs was approved. July 1, 2024 the Board will charge 2.9% +.52 cents per transaction for services and documents paid for with credit cards.
- Arney requested the Board approve of action taken – movement of funds from PNC to Pinnacle in February and March of 2024.

**V-24-'24 Passed – Motion to approve the movement of funds from PNC to Pinnacle (Diehl)**

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

- Responses from questions posed to FSBPT were reviewed and discussed. Topics include:
  - Special Accommodation requests for exam candidates
  - Access to information in the FSBPT database – military members in particular
  - Request for review of FSBPT position on their website re: PTA joint mobilization
  - Differences in FSBPT vs. NCBPTE database even with data sharing
  - FSBPT Coursework Tool calculation of supervised clinical practice hours
 Arney will follow up with additional information and requests for information.
  
- New policies and procedures were reviewed by the Board and considered for adoption: Social Media Use, Credit card use and Accounts Payable Policies.

**V-25-'24 Passed – Motion to approve all three policies (Needham)**

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

**J. Financial Update [Attachment VIII]**

- Update - Joyce Tynes, Finance Manager-
  - Profit and Loss 4<sup>th</sup> quarter FY 2024 – due to interest income and renewal rates going up in 2024 we will be \$180k ahead of where we anticipated. With the IT third party service provider costing more than anticipated, the total year over year will be about \$70k.
  - Balance Sheet 4<sup>th</sup> quarter FY 2024 – Good news
  - Anticipated FY2024 Budget to actual – higher keep rate of PTs/PTAs, higher interest income, credit card fees are down due to change to authorize.net, project 200k above budget, 300k under projected costs, projected more money going to the bank and no need to get into reserves.
  - Finance and Audit Committee –
    - Minutes – May 20, 2024 Meeting – were provided for reference
    - Recommendation for approval of FY2025 budget

**V-26-'24 Passed – Motion to move the cost-of-living increase from 3% to 5% for FY2025 for all employees (Miner)**

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

**V-27-'24 Passed – Motion to accept the proposed fiscal year 2025 budget as presented, pending revisions when performance reviews are completed, and merit increases in addition to cost of living are determined. (Miner)**

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

- The Board reviewed the designated reserves for any adjustments. Recommendations were to decrease the continuing education \$25,000, increase the payroll reserve to \$900,000 and create an office expenses reserve of \$150,000. The overall designated reserve total is \$2,950,000.

**V-28-'24 Passed – Motion to accept the allocation of the reserves (*Bernard*)**

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

- Review of legal contact and dba for banking contracts and noticing – Arney explained the need for this policy and a letter signed by the Chair to assure our banking contracts list the proper legal contact, yet have the authority for a DBA Administrator who can access the account to do financial review and transactions.

**V-29-'24 Passed – Motion to approve the letter for the banking contracts or adopt this policy (*Shepard*)**

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

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

- Report from DD – reviewed 18 courses during this calendar year, pushing to APTA NC when needed. The randomized audit began with 175 PTs and 125 PTAs. Newsletters will continue to go out and move into pushing informational posts on to social media outlets. Revivals will be transitioned to an elec. Outreach has helped with initial applicants and questions from teachers. PPFT has been a huge role and the research for topics has been good.
- Continuing competence audits update was presented
- Monthly Newsletters – 2024 March, April, and May were provided for reference

**L. Committee on Board Rules**

- Update – Rules Committee Staff Update
- NC PT Practice Act – technical changes and companion document – recommendations were made and presented by staff for board consideration



**V-30-'24 Passed – Motion to accept the proposed changes to the NCPT Practice Act (Bernard)**

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

- General Statues Commission – Practice act updates
- Approve engagement of Rulemaking consultant, Dedra Alston per letter of agreement

**V-31-'24 Passed – Motion to approve engagement of the Rulemaking consultant, Dedra Alston of DA Rulemaking and Consulting (Bernard)**

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

**M. Committee on Information Technology [Attachment X]**

- Introduction to Jim Ponder, Information Systems Manager
- IT Update - tweaking servers to be more cost effective, looking into VPN replacement, working on creating a BCM document by end of the year, Teams will be our new phone system, donated the old servers, using knowbe4 security trainings, and eventually will be using AI.
- IT Strategic Plan Update – creating a FY2025 plan for September, all but a few activities for FY2024 have been completed the ones not completed will continue on the FY2025 strategic plan.
- IT support – references for contacts for Board members were provided and will be included in the next Board contact list update.
- Discussion of Fax or fax alternatives – only receive two documents via fax. IT recommends dropping the fax. An alternative to this will be identified.

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

- Updated Contact List of PT/PTA Academic Programs – posted on the Board website – please note any changes and let staff know.
- Multi-school score reports were made available for review for 2021, 2022, 2023 and 2024
- School Presentations – Deputy Director reached out to all the schools and has actively made contact with all 21 programs. She will continue to do presentations as invited and reach out and offer to present.
- School Communications No new communications to discuss
- Exam Dates 2024 – see reference on FSBPT website

**O. Prometric [Attachment XII]**

- NPTE Comments submitted by Exam candidates / NC – Results for Q1 2024  
No Board feedback at this time.

## **P. Ethics Commission**

- Reminders were issued to the Board members for the following:
- Board Member Ethics Education (required every 2 years) – a link is available for Board member access to training <http://ethics.nc.gov/education>. A reminder to submit a voucher for Ethics Education was issued.
- SEI Reminder – Due April 15 annually – ALL Board members – click for filing instructions – <https://ethics.nc.gov/seis>
- Ethics Compliance Report – please review for dates of next Ethics Education due.
- New form to update Board/agency membership or ethics liaison form – link is provided
- NC State ethics commission newsletter March 2024 = for reference, it's all about SEIs and proper filing and compliance

## **Q. PT Compact Commission**

- Compact Update – making money for the first time; Compact statute has been adopted by 37 jurisdictions.
- Compact Compliance Reports – NC is compliant 100% across the board with data sharing, unique identifier usage (FSBPT ID), submitting investigations and disciplinary actions.
- PTCC Proposed Rules, Bylaws and Policy Procedure updates have been noticed and will be published on the Board website for 30 days
- PTCC letter sent to all member state Medicaid offices.
- PT Compact Module for educations – available
- June 17, 2024 full PT Compact Commission meeting will be held to adopt Rules, Bylaws and Policy Procedure changes

## **R. Board Appointments 2024**

- 2025 Board Appointments – 1 PT and 1 PTA Member appointments – APTA NC is currently accepting nominations
- Interpretation of NC PT practice act – Board nominations, compact privilege holders do not qualify to nominate as they are not NC residents.
- Nominations: a request to update consent to serve documentation and letter was received. Staff and Board attorney will update the document and provide it to APTA NC to appropriate nominees. Board members all provide input for the updates.

## **S. Submission of Reports to State etc. [Attachments XIII-XV] The following reports have been**

**submitted to various state agencies and other external entities as required and requested:**

- Annual Submission of 2023 minutes to the state archives
- 2023 OSBM Annual Fee Report
- NEIS Audit report for period 3/15/23 – 3/15/24
- 2024 Annual survey of public employment and payroll
- 2024 NC Department of Commerce – BOLD report
- NC Department of Insurance – Crime Policy – 3/1/2024-3/1/2025
- NCBPTE Board member SEI filing – complete
- Ethics Liaison expense filing Q1 2024 – complete
- NCQA primary source verification – CIGNA
- RxDC Survey, Blue Cross Employer group data
- NC PHP Contract review – ‘evergreen’ unless one party has changes
- HAAP Q1 payroll tax submission to NC DOR
- BCBS medical loss ratio questionnaire - completed

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

- List as of March 6, 2024
- No elections – June 2024

**U. Federation (FSBPT)**

- FSBPT Publications
- FSBPT Annual Meeting –
  - Leadership Issues Forum (LIF) – July 13-14, 2024, Arlington, VA
  - Delegate Assembly – required for delegate and alt TBD – Virtual
  - Annual FSBPT Education Meeting October 31- November 2, 2024 – Cedar Rapids
- NEW required FSBPT member portal – required for webinar and in-person
- Response from FSBPT to Board and staff questions

**V. APTA NC & APTA**

- APTA NC
- Annual Meeting – October 11-12, 2024, High Point, NC
- Webinar Series

**W. Other regulatory Organizations –**

- CLEAR – opportunities for education – update the new board members to this.

**X. Credentialing Agencies**

- No new report

**Y. Correspondence from ED, Articles, etc.**

- Question regarding PTs ordering imaging
- Legislation to protect mandated reporters

**Z. Dates and Locations for Future Meetings:**

**Dates for 2025:**

Wednesday, March 19, 2025

Wednesday, June 11, 2025

Wednesday, September 10, 2025

Wednesday, December 10, 2025

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

Dates –Wednesdays

September 18, 2024

December 11, 2024

**Adjourn**

**Meeting adjourned by Leslie Kesler, Chair at 2:00 PM**

---

Emily Smith  
Recording Secretary

---

Jamie Miner, PT  
Secretary-Treasurer