

**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

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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](mailto:angela.licensing@ncptboard.org) to [PTboard@ncptboard.org](mailto: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](http://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 2<sup>nd</sup> 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
- 2<sup>nd</sup> 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](https://aptanc.org/page/aptanc_newsletters)
- Fall Conference 2021 – October 8-9, 2021 – Benton Convention Center Winston-Salem-reminder 2 imaging courses being taught
- 75<sup>th</sup> 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