



North Carolina Board of Physical Therapy Examiners NEWSLETTER

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PTA Graduate Works Without a License

Patricia S. Hodson, Chair



Easily the most difficult aspect of serving on the Board is rendering decisions and enforcing disciplinary action against colleagues; however, as

a Board responsible for protecting the public, this is a critical responsibility of the Board. Likewise, in order to protect the public, the Board is responsible for preventing non-licensed individuals from attempting to practice physical therapy without a license. The following case is an example of how serious the Board takes its responsibilities and how expeditiously the Investigative Committee responds.

On August 26, 2003, the Executive Director (Ben F. Massey, Jr., PT) of the North Carolina Board of Physical Therapy Examiners (Board) received a faxed complaint from a licensee indicating that Amanda P. Stutz, a recent graduate of an accredited physical therapy assistant program in North Carolina, who had submitted an application for licensure, had been working as a licensed physical therapist assistant in Fayetteville, NC, even though she had not yet taken the exam, nor had she received her license. After being assured that Ms. Stutz was no longer employed at that facility, the Investigative Committee initiated an immediate investigation to determine if Ms. Stutz was working at other facilities in the area and determined that she was not.

On September 5, 2003, the Board's attorney (John M. Silverstein) sent

Ms. Stutz a certified letter outlining the allegations against her that she had been working without a license and stating that, in regards to her current application, "...the Board has determined that no final action will be taken on your application until its investigation in the matter is complete, and the Investigative Committee has made a recommendation to the Board as to whether your application for licensure will be denied based on the foregoing conduct."

After conducting a thorough investigation and interviewing numerous witnesses, the Investigative Committee determined that the matter should be forwarded to the District Attorneys of Harnett and Cumberland counties. She had submitted an application for employment in Harnett County, and had worked in Cumberland County. On October 17, 2003, Silverstein sent a letter to Stutz notifying her that the matter had been referred to the District Attorneys of these counties. On October 22, 2003, Resson O. Faircloth, Assistant District Attorney of Harnett County indicated that this violation was a misdemeanor and that the Board should proceed with swearing out a warrant. The Board's Investigator (Douglas Kearns) swore out warrants in Harnett and Cumberland counties. Ms. Stutz was charged with unlawfully violating NCGS §90-270.35 (1) & (2) by representing herself as a licensed physical therapist assistant. Warrants were issued and court dates were set. The first date was set for January 5, 2004 in Cumberland County. The case was continued to a later date, but was resolved on March 22, 2004 with a "deferred prosecution" and the following stipulations:

1. That she be required to pay restitution for costs incurred by the Board for the investigation (\$1,668.15) and that she reimburse her employer for her new employee sign-on bonus (\$1,000.00).
2. That she be required to perform community service at the discretion of the court.
3. That she be placed on probation for 6 months.
4. That she be required to pay a fine determined by the court.

As the case was resolved in Cumberland County, the Board elected not to pursue further prosecution in Harnett County and summarily dismissed the charges in Harnett County. Additionally, the Board discussed the time limitation on Ms. Stutz's ability to apply for licensure. Pursuant to NCGS §90-270.29 (1), Ms. Stutz is required to demonstrate "good moral character." While Ms. Stutz would be eligible to apply for licensure at any time, it is highly unlikely that such application would be granted until such time as she is able to rehabilitate her character and demonstrate to the Board that she does possess the good moral character necessary for licensure.

Although the Board takes no pleasure in disciplining licensees or issuing warrants for graduates of educational programs, it has a responsibility to the citizens of North Carolina to ensure their health, safety, and welfare when they are receiving physical therapy care and that their physical therapy care should only be provided by physical therapists and physical therapist assistants who are currently licensed and regulated by the Board.

Perspectives of a Physical Therapy Patient

By John M. Silverstein, Board Attorney



It has been my privilege to represent the North Carolina Board of Physical Therapy Examiners since 1977. During my 27 years with the Board, I have been fortunate to develop working relationships with physical therapists who have outstanding reputations on the local, state and national levels. I have come not only to respect them as individuals, but to have great admiration for the physical therapy profession and its role in the health care system.

Until this year, all of my interactions with physical therapists had involved interpretations of statutes and rules, involvement in disciplinary actions and advice relating to the scope of physical therapy practice. All that changed in April when I became a physical therapy patient following shoulder surgery. As a

result of relatively long-term intervention, vacations, changes in insurance plans and scheduling conflicts, I have been treated by six different physical therapists. Instead of giving advice to physical therapists on legal issues, I now find myself on the receiving end.

My experience with practitioners has ranged from inpatient hospital service to a private practice to a hospital outpatient facility, and I have been treated by physical therapists, a DPT student and a certified athletic trainer, who was clearly and appropriately identified as a physical therapy aide. Based on purely personal and statistically and scientifically unreliable observations of other patients being treated, it appeared to me that there was a difference in the manner and nature of treatments performed by physical therapists and those working under their supervision.

As a result of working closely with the Board, I have formed the irrefutable opinion that the physical therapy profession is represented by conscientious, caring, intelligent, engaging practitioners. My experience as a patient has reinforced that opinion. The interventions have resulted in measurable improvement, and the encouragement has enabled me to achieve results beyond what I had anticipated. Each physical therapist has explained the purpose behind a particular modality or exercise,

and each has appeared knowledgeable and interested in my progress.

It would be wonderful if every patient in need of physical therapy services could have the exclusive attention of a physical therapist for as long and as often as was necessary. Unfortunately, the realities of the reimbursement system and the concomitant need to provide physical therapy services in the most efficient manner possible, restricts practitioners to providing services in a safe and competent manner that still falls slightly short of the gold standard of care that could be accomplished if reimbursement was provided at a level that would enable physical therapists to spend more time with each patient. That is simply not what our healthcare system provides. Nevertheless, based on my observations of my own treatment, as well as other patients being treated at the same time as me, I believe all licensees should be proud of their profession.

We have all read about studies of professionals, particularly doctors and lawyers, who are extremely dissatisfied with their work and working conditions. Based on my own personal experience, that same sense of dissatisfaction has not yet entered the physical therapy profession, which is good news both for the profession and the public it serves.

Reappointments by Governor

On February 3, 2004, Governor Michael F. Easley reappointed J. Herman Bunch, Jr., PT, to serve on the NC Board of PT Examiners (Board) for a second 3-year term from 2004–2006. Mr. Bunch has served several terms on the Board in the past and has the distinction of serving as the Chair from 1995–1999. In addition, Mr. Bunch has served as the Board's representative to the Investigative Committee from 1996–1999 and in 2003–2004.

On April 14, 2004, Governor Easley reappointed Joanna Nicholson, PTA, to serve on the Board for a second 3-year term from 2004–2006. During her first term, in addition to her responsibilities of serving as the Board's expert on physical therapist assistant education, Ms. Nicholson served as the Board's delegate at the Federation of State Board's of Physical Therapy Delegate Assembly in 2002 and as the Alternate Delegate in 2003 and 2004.

Appointments for 2005 are to replace Patricia S. Hodson, PT, and James C. Harvell, Jr., MD. Ms. Hodson and Dr. Harvell are completing their second consecutive terms and are not eligible for reappointment.

North Carolina Board of Physical Therapy Examiners

Board Orders / Consent Orders / Other Board Actions
Jan. 2004 – June 2004

Pourvady, Ghassem, PTA (Warning)

Location: Louisburg, NC, Franklin County
License #: A-737
Conduct: Entering false and misleading information into a patient chart.
Action: Warning (March 18, 2004)

Evans, Kimberly S., PTA (Warning)

Location: Rocky Mount, NC, Edgecombe County
License #: A-2002
Conduct: Failure to maintain adequate patient records and failing to record patient data within a reasonable period of time.
Discipline: Warning (March 18, 2004)

Campbell, Barbara A., PT, (Suspension)

Location: Greensboro, NC (Guilford County)
License #: P-3959
Conduct: Recording false or misleading information into a patient chart.
Discipline: 6-month suspension, 7 days active. (Executed June 10, 2004)

MacLaughlin, Charles R., PTA, (Suspension)

Location: Morganton, NC (Burke County)
License #: A-2191
Conduct: Practicing beyond the scope of work of a physical therapist assistant, failing to follow physician and physical therapist's orders, failing to adequately train and supervise aides, and misrepresenting himself as physical therapist.
Discipline: 2 year suspension, 60 days active. (Executed June 10, 2004)

Mitchell, Paul A., PTA (Probation)

Location: Elizabethtown, NC, Bladen County
License #: A-1404
Conduct: Practicing beyond the scope of work of a physical therapist assistant by performing patient screens.
Discipline: Probation for 6 months. (Executed June 10, 2004)

Surrender of License

Taft, William H., PT, License # P-5133, of Charlotte, NC, Mecklenburg County, surrendered his license on January 15, 2004 pending sentencing on federal criminal charges. Final Licensure Board disciplinary action is pending sentencing by the United States District Court for the Western District of North Carolina.

Porter, Kevin T., PTA, License # A-3126, of Shelby, NC, Cleveland County, surrendered his license on March 21, 2004 pending sentencing on federal criminal charges. Final Licensure Board disciplinary action is pending sentencing by the United States District Court for the Western District of North Carolina.

Underwood, Paul E., PT, License # P-2647, of Charlotte, NC, Mecklenburg County, surrendered his License on June 20, 2004 pending sentencing on federal criminal charges. Final Licensure Board disciplinary action is pending sentencing by the United States District Court for the Western District of North Carolina.

Licensure Statistics *(As of May 24, 2004)*

	Licensed in NC	Reside in NC	Work in NC
PTs	4,907	3,860	3,367
PTAs	2,201	1,948	1,656

Licensure Board Forums

Forums were held in Asheville and Greenville in the Spring of 2004 to discuss continuing competence, jurisprudence, animal physical therapy, spinal manipulation, professional corporations, and education requirements of substantial equivalence for the foreign educated physical therapist. Forums are scheduled for the Fall of 2004 for Greensboro, Wilmington, and Charlotte. For details, see the Board's web page (www.ncptboard.org) and the previous Newsletter (Issue 31).

NOTE:

21 NCAC 48F .0105

CHANGE OF NAME AND ADDRESS

Each licensee must notify the Board within 30 days of a change of name or work or home address.

[History Note: Authority G.S. 90-270.27; Eff. August 1, 2002.] This can now be done by the licensee on the Licensure Board's web page (www.ncptboard.org) or by letter, fax (919-490-5106), or call the Board's office @ 919-490-6393 or 800-800-8982.

North Carolina Board of Physical Therapy Examiners

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Summary of Fees

Renewal (PT & PTA)	\$ 80.00
Revival Fee and Renewal Fee	110.00
Application Fee PT & PTA	135.00
Exam Cost (PT & PTA)*	285.00
Exam Retake Fee	60.00
Verification/Transfer Fee	25.00
Licensee Directory	10.00
License Card	10.00
Labels of Licensees (PT or PTA)	60.00
Certificate Replacement	25.00
*plus PT or PTA Application Fee	

Calendar of Events

Aug. 24, 2004 ... Investigative
Committee Meeting, 8:00 a.m. –
12:00 p.m., Silverstein Law Office,
Raleigh, NC)

Sept. 15, 2004 ... Board Meeting *-
(8:30 a.m. – 4:00 p.m., Siena Hotel,
1505 E. Franklin Street,
Chapel Hill, NC)

*Dates are tentative / please confirm
by contacting Board Office
(800-800-8982)

Forum: Questions and Answers

Question: Are low level laser treatment and ultrasound imaging for biofeedback within the scope of practice for a physical therapist?

Answer: Yes, based on the definition of scope of practice in the Board's rules, the Board determined that these procedures are within the scope of practice of a physical therapist provided that the physical therapist has received appropriate training and has demonstrated competence with this procedure.

Question: On page V of the **Directory of Licensees**, it states. "If the PTA is involved in the plan of care, the patient must be reassessed by the supervising PT no less frequently than every 30-days". I work in a school system and supervise PTA's that carry out the IEP/ PCP. In the school based therapy setting, can that reassessment be in the form of a no less than monthly conversation between the treating PTA and the PT in which they review the IEP goals, the effectiveness of the therapeutic interventions being used, and the need, if any, for a direct visit with the student or any changes. If it is determined that a direct visit is needed, one will then be arranged by the supervising PT to occur either separate from or in conjunction with the time at which the PTA is treating the student. Does this monthly procedure meet the "reassessment" requirement to which you are referring?

Answer: In the discussion of your question below by the Board, John M. Silverstein (Board Attorney) referred the Board to the following rule:

SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE *21 NCAC 48C .0102 RESPONSIBILITIES*

(j) If a physical therapist assistant or physical therapy aide is involved in the patient care plan, the patient must be reassessed by the supervising physical therapist no less frequently than every 30 days.

The Board determined that the 30-day rule would be applicable in all settings; therefore, the physical therapist must see and reassess the patient / client no less frequently than every 30-days and that this reassessment may **not** be defined as a conversation between a PT & PTA in which they review the IEP goals, the effectiveness of the therapeutic interventions being used, and the need, if any, for a direct visit with the student.