



North Carolina Board of Physical Therapy Examiners NEWSLETTER

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Message from the Board Chairman: "Serving on the Board"

Randall C. Stewart, PT, DPT

During my thirty-five year career as a physical therapist, I've had the pleasure of serving on the North Carolina Board of Physical Therapy Examiners for several terms. Serving the citizens of North Carolina and colleagues on a professional Board has been personally rewarding for me. In this article, I thought that I would discuss "service on the Board" in hopes of stimulating interest among licensees to consider future service.

The role of all Licensure Boards is to protect the public health, safety, and welfare. It is not to represent the profession or licensees as this would be the role of the professional association. The Board establishes and maintains minimum standards for practice, licenses individuals who meet these standards, investigates complaints, and determines disciplinary action. The Board also issues interpretations of questions arising from the **Physical Therapy Practice Act**. Additionally, the Board submits proposed rules and regulations to the Rules Review Committee and General Assembly for consideration. These proposed rules must be consistent with the Practice Act, and the general public, including licensees, have the opportunity to provide input.

As compared to states throughout the country that have umbrella boards or boards housed within state government departments, North Carolina is fortunate that the General Assembly has established independent regulatory boards. This authority has provided our Board with the ability to hire staff and contract for legal, investigative, and computer services. The Board has

greater control over the types and quality of services than Board members in other states where staff members are state employees.

There are eight members on the Board (4 PTs, 2 PTAs, 1 medical doctor, and 1 public member). Board members (excluding the public member) are appointed by the Governor from a list submitted by the North Carolina Physical Therapy Association (NCPTA). The list is created by an election process. The Board assists the Association with the election process to ensure all licensees residing in the state have an opportunity to participate. The governor seeks balance and diversity on the Board and considers experience, geographic distribution, gender, race, and practice setting in the appointment process. Membership in the NCPTA is not a requirement to serve on the Board. On the contrary, serving in a leadership position of the NCPTA may be a conflict of interest for Board members. Serving on the Board does not require "expertise or specialization" in an area of practice, but allows licensees with practical experience the opportunity to make important decisions related to professional regulation. The Board provides learning opportunities for new Board members and has substantial resources / continuing education opportunities available through the Federation of State Boards of Physical Therapy (FSBPT), Council on Licensure, Enforcement, and Regulation (CLEAR); Federation of Regulatory Boards (FARB), and the Citizens Advocacy Council (CAC).

The Board meets four times a year (1-day meeting, usually at the Siena Hotel in Chapel Hill) with less frequent contested case or public hearings. On rare occasions, the Board may conduct a telephone conference call in between scheduled meetings. Additionally, Board members review applications on a routine basis. The time commitment is "manageable" and Board members are reimbursed for travel expenses and paid a modest per diem (\$100.00/day).

At each Board meeting, there is considerable discussion regarding scope of practice issues. Guided by the Practice Act and Board's rules, the Board makes decisions on issues that affect the current and future practice of physical therapy in North Carolina, such as the performance of electromyography, low level laser therapy, ultrasound imaging for biofeedback, spinal manipulation, and supervision requirements of PTAs. In making these decisions, Board members are aided by opinions of the Board's attorney and reports on staff consultations with academicians, practitioners, and researchers.

One of the most difficult aspects of serving on the Board is rendering a disciplinary decision on a colleague; however, it is also one of the most critical functions of the Board to preserve the integrity of the Practice Act and the Board's rules. There are usually 2-3 cases that are presented to the Board at each meeting. Determining whether discipline is warranted and appropriate disciplinary sanctions can be, at times, extremely difficult; however, I believe that our record clearly demonstrates that our Board has been vigilant, but fair, in its disposition of disciplinary cases.

Board members also need to be visionary in the regulatory arena. Issues that the Board has been considering include continuing competence; jurisprudence; test score validity and reliability; background checks; and educational requirements (including foreign educated physical therapists). Board members and staff have been conscientious in preparing for the future by monitoring trends through regulatory journals and by attending continuing education courses. Additionally, Board and staff have been willing to share this information with licensees throughout the state by participating in Board forums and continuing education programs. Our Board and staff members are very dedicated and I feel fortunate to have had the opportunity over the years to serve with such quality individuals.

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Making Sausage

By John M. Silverstein, Board Attorney



Most licensees are aware that the North Carolina Physical Therapy Association (“Chapter”) has introduced two bills for consideration during the 2005 session of the North Carolina General Assembly, one dealing primarily with the ability of physical therapists to form professional associations and the other addressing the requirement that licensees demonstrate continuing competence for license renewal. Shepherding a bill through the process of finding sponsors, withstanding committee review, negotiating proposed changes and lobbying for final passage has been compared to the process of making sausage. I am sure those who have been involved in the process on behalf of the Chapter would readily agree.

The Board does not take a position on legislation unless it is requested to do so by the General Assembly. NCGS§ 93B-6 prohibits the Board from using any funds to support or oppose legislation. While the Board always attempts to provide its input when requested, the current legislation should not be considered as a Board initiative.

The Board’s role actually begins once the legislation has passed. At that point, it becomes the Board’s responsibility to enforce the legislation. In order to assist the general public and licensees to understand how the Board will enforce new laws, the Board must determine

what rules, if any, should be adopted. NCGS§ 90-150B-2 (8a) defines a “Rule” as any agency action “... that implements or interprets an enactment of the General Assembly...”

For example, if the General Assembly determines that it is appropriate to require continuing competence for license renewal, it then becomes the Board’s responsibility to determine how that continuing competence will be demonstrated. The options are varied. The Model Practice Act of Physical Therapy developed by the Federation of State Boards of Physical Therapy lists several models for assessing continuing competence, including specialty Board certification and recertification, in-office audit or on-site peer review, key feature case studies integrated with an examination, continuing professional education, outcome measurement tools, jurisprudence examinations and professional development portfolios, and this is by no means a complete list.

With regard to professional associations, the Board would have to adopt rules establishing the registration process, as well as rules that would address situations in which changes in professional associations would occur. Reasonable fees would also have to be considered for the costs associated with the registration requirements.

It is not the purpose of this article to provide an explanation of the manner in which any new legislation enacted by the 2005 session of the General Assembly will impact licensees. Rather, it is an attempt to introduce licensees to the process the Board will follow in fulfilling its responsibility to implement legislation passed by the General Assembly. No rules will be adopted until the Board has published proposed rules, and public hearings have been held for all interested persons to comment on the proposed rules.

If making laws is comparable to making sausage, it is the Board’s responsibility

to deliver the final product to the public in a manner that ensures the protection of the public health, safety and welfare. It is in that process of determining how the sausage gets to market that all members of the public and licensees will have an opportunity to assist the Board in developing a distribution plan that will both carry out the intent of the legislature and benefit the citizens of North Carolina.

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)* | 350.00 |
| 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 | |

Board Needs Assistance in Locating a Licensee

If you have a home or work address or phone number for William Moretz, PT, Lic. #8829, please contact Ben F. Massey, Jr., PT, Executive Director at ncptboard@mindspring.com or 800-800-8982. His last known mailing address was in the Winston-Salem area.

North Carolina Board of Physical Therapy Examiners

Board Orders / Consent Orders / Other Board Actions
February 2005 – June 2005

Birch, Melissa D., PTA (Suspension)

Location: Weldon, NC, Halifax County
License #: A-2483
Conduct: Obtaining a controlled substance using a former patient's prescription.
Discipline: Two-year suspension, 6 months active, 18 months inactive. (Executed Mar. 17, 2005)

Gonzaga, Froilan B., PT (Warning)

Location: Charlotte, NC, Mecklenburg County
License #: P-7216
Conduct: Failure to complete and return patient records to his employer in a timely manner upon termination.
Discipline: Warning. (Executed Mar. 17, 2005)

Ahrens, Stephen F., PT (Warning)

Location: Charlotte, NC, Mecklenburg County
License #: P-2611
Conduct: Administering prescription topical medication without having a physician's prescription and for maintaining a "community jar" of 10% hydrocortisone in the facility for use with patient interventions.
Discipline: Warning. (Executed Mar. 17, 2005)

Rushing, Tammi C., PT (Warning)

Location: Dallas, NC, Gaston County
License #: P-2886
Conduct: Questionable conduct with patients' prescription medications.
Discipline: Warning. (Executed Mar. 17, 2005)

Cameron, Brenda L., PT (Probation)

Location: Waynesville, NC, Haywood County
License #: P-7021
Conduct: Inappropriate supervision; failing to cooperate with a Board investigation; failing to properly maintain patient records as indicated in a Consent Order issued August 27, 2004 by the Maryland Board of Physical Therapy Examiners.
Discipline: Probation - 2 years, that she be required to complete the continuing education requirements outlined by the Maryland PT Board of Examiners, and that she cannot own a private practice or be employed by a private practice owned by a family member in North Carolina for a period of 2 years. (Executed Mar. 17, 2005)

Evans, Kimberly S., PTA (Suspension)

Location: Rocky Mount, NC, Nash County
License #: A-2002
Conduct: Recording false or misleading data, measurements, or notes regarding a patient; failure to file a report, filing a false report or failure to respond to an inquiry within 30 days; and failure to pay the costs of a previous investigation.
Discipline: Suspension - 2 years, 1 year of such suspension being active suspension and 1 year of suspension being inactive with conditions; and she must complete an ethics course approved by the Board. (Executed June 23, 2005)

Letter of Caution: Sixteen (16) Letters of Caution were issued to licensees who practiced after failing to renew their licenses by the January 31, 2005 deadline.

Licensure Statistics (As of June 13, 2005)

| | Licensed in NC | Reside in NC | Work in NC |
|------|----------------|--------------|------------|
| PTs | 5,108 | 4,045 | 3,545 |
| PTAs | 2,307 | 2,042 | 1,757 |

North Carolina Board of Physical Therapy Examiners – 2006

Back Row, Left to Right:

Eric Smith, PTA; Herman Bunch, PT; Randall Stewart, PT, (Chair); Michael Fajgenbaum (MD); Ben Massey, PT, (ED); John Silverstein (Attorney)

Front Row, Left to Right:

Joanna Nicholson, PTA; Avil Holmes (Public Member); Leslie Kesler, PT; Paula Schrum, PT



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Governor Appoints M. Fajgenbaum to the NC Board of PT Examiners

On April 8, 2005, Governor Michael F. Easley appointed Michael C. Fajgenbaum, MD, to serve a 3-year term as a Member of the North Carolina Board of Physical Therapy Examiners. Dr. Fajgenbaum received his medical degree from Tulane University School of Medicine in 1982 and completed his orthopedic residency at the University of Florida, Department of Surgery. He is in private practice at the Bone and Joint Surgery Clinic in Raleigh, NC and has served as a team physician for the NC State football team since 1989.

Calendar of Events

- | | |
|-----------------------|---|
| Aug. 18, 2005 | Investigative Committee Meeting*- (8:00 a.m. - 12:00 noon Silverstein Law Office, Raleigh, NC) |
| Sept. 22, 2005 | Investigative Committee Meeting*- (8:00 a.m. - 12:00 noon Silverstein Law Office, Raleigh, NC) |
| Sept. 29, 2005 | Board Meeting*- (8:30 a.m. - 4:30 p.m., Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC, http://www.sienahotel.com/) |
| Oct. 7, 2005 | Board will present two (2) sessions at the North Carolina Physical Therapy Association (NCPTA) Meeting in Greensboro, NC. 1. Session on Continuing Competence, and 2. "Mock" Informal Meeting of the Investigative Committee. For information, www.ncptboard.org , click Calendar of Events, or visit the NCPTA web page (www.ncpta.org). |
| End of October | 2006 license renewal information will be mailed to licensees. If licensee has not received the renewal information by mid-December, it is the licensee's responsibility to contact the Board to request the information. |
| Dec. 8, 2005 | Board Meeting*- (8:30 a.m. - 4:30 p.m., Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC, http://www.sienahotel.com/) |
| Jan. 31, 2006 | Final deadline for license renewal |
| Feb. 1, 2006 | Licenses not renewed, lapse |

* Dates are tentative/please confirm by contacting the Board Office (919-490-6393 or 800-800-8982) or e-mail to: NCPTBoard@mindspring.com for meeting time and place.

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In closing, if you've never thrown your hat in the ring to be considered for an appointment to the Board by the Governor, I encourage you to do so. It's a great opportunity to serve the profession and the citizens of North Carolina, but it comes with the responsibility to be well prepared, open minded, and willing to work hard. Lastly, it can be extremely exciting and rewarding to be a part of determining your profession's practice and regulation.

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North Carolina
Board of Physical Therapy Examiners

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