



Reflections from the Board Chair

by David Reed, PT, Board Chair

January 27, 2014 would change the course of my career beyond anything I could have imagined at the time. It was the date that Gov. Pat McCrory appointed me for service to the Great State of North Carolina as a Member of the North Carolina Board of Physical Therapy Examiners (NCBPTE). In the nearly six years since then, I've done my very best to give more of myself than I took in terms of learning and relationships built. While time will determine the success or failure of these efforts, I can say for certain that my service to the people of the State of North Carolina was made in earnest with integrity, care, and expectation toward the future of physical therapy treatment. On December 11, 2019, the second of my two possible consecutive appointments to the NCBPTE arrives at its conclusion.

With these bookends established, it is important that I first extend gratitude to the folks who made this service possible:

- To my wife, Jill, and our three boys – Your support is everything. I love you.
- To Gov. Pat McCrory – whose administration had the confidence in me to twice appoint me to service.
- To David Perry & John Wadsworth – friends & mentors without whose encouragement and confidence, I may not have even become a PT.
- To Ben Massey – my role model in regulation who I had the privilege to serve beside.
- To Kathy Arney, the Board's ED, and Debbie Ragan, the Board's DD –

for their patience and support during my term as the Board's Chair.

- To John Silverstein, the Board's attorney - for being the voice of reason permanently fixed in my head.
- To the NCBPTE staff who move mountains every single day.
- Most importantly, to all the incredible professionals, current and past, with whom I've had the honor to serve and volunteer beside as a member of the NCBPTE.

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North Carolina Board of Physical Therapy Examiners - 2019

Left to Right: Stuart W. MacRoberts; Leslie P. Kesler; Paul Garcia, MD; Pearl L. Rhone; C. David Edwards; Teresa F. Hale; John M. Silverstein, Attorney
Left to Right: Kathy O'Dwyer Arney, ED; David C. Reed, Chair; Crystal D. Ostlind, Sec-Treas



UPDATES: The Physical Therapy Compact – North Carolina Privileges to Practice

Kathy O. Arney, PT, MA, NCBPTE Executive Director

The NC Board of PT Examiners began issuing privileges July 1, 2019. Eligible licensees whose ‘home state’ is also participating in the Compact and issuing privileges are able to obtain a privilege to practice in NC by competing a Jurisprudence Exercise on the Board’s website, then applying for a privilege at ptcompact.org. NC PT Compact privilege holders may practice physical therapy according to the NC PT Practice Act and Board rules and comply with the requirements of the PT Compact and its rules. (Reference to these documents is available [here](#).)

As of September 29, 2019, NC has 22 privilege holders. Their privilege to practice in NC expires with their home state license and they may reapply to the PT Compact Commission for a privilege or to NCBPTE for a PT/PTA license, if they wish to continue practicing in NC. Privilege holders may be verified on the Board website by going to “Online Services, [Verify a PT or PTA](#), or click on the [PT Compact Commission Verification Page](#) link to see if the PT or PTA holds a compact privilege in North Carolina.

By virtue of joining the Physical Therapy Licensure Compact, the NCBPTE began requiring all applicants for INITIAL licensure (exam and endorsement) to complete an FBI fingerprint criminal background check (FBI CBC) beginning May 29, 2019. So what does that mean?

Who DOES NOT have to complete the FBI CBC?

- Current NC PT/PTA Licensees
- Applicants whose license in NC lapsed and are now reviving their NC PT/PTA license

Who DOES have to complete the FBI CBC?

- Applicants who are applying for initial PT/PTA licensure in NC by exam or endorsement
- Applicants for NC PT/PTA licensure who applied before 5/29/19, but did not complete their application in one year, as applications are only good for one year.

What is involved in the process for obtaining an FBI CBC for a licensure application?

- [Click here](#) to find out more information in regards to the FBI CBC process

Where do I get my fingerprints done?

- The fingerprinting takes place at a local police station or sheriff’s office.

When do I start the FBI CBC process?

- Complete the application and FBI CBC process and NC PT/PTA application early!!! The entire process of licensure may now take up to 90 days due to the FBI CBC requirement.

Clinical Practice Pressures: “Pre-Charting”

Competent and compliant physical therapy practice often requires satisfying more than one entity, including the Board, practice ethics, payers and employers. In addition to clinical practice, physical therapy services require completion of compliant documentation of every evaluation and intervention or treatment by physical therapists as described in Rule 21 NCAC 48C .0102, and physical therapist assistants must document every treatment/intervention element as described in rule 21 NCAC 48C .0201. Documentation should be completed only after services are performed with the patient. Physical therapy services are complete when the clinical service and documentation is done.

Clinical practice challenges such as productivity requirements, patient scheduling conflicts and

electronic medical record usage may create the need for additional “off the clock” work time in order to complete documentation. Licensees seeking to create time efficiencies may be tempted to complete some or all patient treatment documentation, including measurements and patient responses, prior to patient care by “pre-charting”, then completing any missing or elements requiring updating at the end of a treatment or clinical day. This practice is fraudulent documentation and a violation of the NC PT Practice Act and Board rules. Documentation without performing clinical services carries the potential of harm to patients, billing for evaluation/treatments not performed and risk of disciplinary action by the Board.



Manipulations

By John M. Silverstein, Board Attorney

Effective October 1, 2019, the definition of physical therapy in N.C.G.S. §90-270.90(4) was modified by removing the following phrase as an exclusion from the scope of physical therapy practice: “manipulation of the spine unless prescribed by a physician licensed to practice medicine in North Carolina.” At the same time, the following language was added as an exclusion from the practice of physical therapy: “. . . the practice of chiropractic, as defined by G.S. 90-143.” Therefore, manipulation of the spine without a physician referral is now within the scope of practice of physical therapy in North Carolina, and when performed by a physical therapist, manipulation of the spine should be referred to as physical therapy, not chiropractic.

An amendment to the Physical Therapy Practice Act is not the only interaction between chiropractic

and physical therapy that has recently occurred. Representatives of the North Carolina Board of Chiropractic Examiners and the North Carolina Board of Physical Therapy Examiners have had several meetings to develop a Memorandum of Understanding between the Boards to address scope of practice issues and to discuss other matters of mutual importance, such as advertising and legislation. The leadership of both Boards recognizes that meeting face-to-face builds mutual trust that can hopefully prevent more expensive and contentious approaches to problems that rarely result in satisfactory outcomes.

A great deal of credit goes to the Executive Directors of the Boards, Tom Sullivan and Kathy Arney, for making the effort to establish the framework for continued dialogue between the two Boards.

Reflections from the Board Chair

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Thank you. Great things are not accomplished without great people working together toward a common goal. Serving our neighbors is the best goal that I can think of.

During the last six years, we persevered through challenges always with an eye toward the future and offering North Carolinians better access to and elevating the minimum standard of physical therapy care. When challenged as those best qualified to determine the scope of physical therapy practice in this state, we followed through with the North Carolina Supreme Court ultimately in agreement. An accomplishment that could potentially have implications well beyond our state's borders. When presented with an avenue to offer improved access to care, we led the way becoming one of the first states to adopt the PT Compact and leading the drafting of the governance documents as well. When we discovered opportunities to improve our service to our customers, we tackled them with enthusiasm: bringing our licensure process entirely online thereby improving on our already efficient process & requiring FBI background checks for a greater level of public protection. In recognition of these accomplishments, North Carolina was presented the Excellence in Regulation Award in 2018 by the

Federation of State Boards of Physical Therapy (FSBPT) at their annual meeting of jurisdictions.

As I rotate off the Board, my commitment to public service continues with the Federation of State Boards of Physical Therapy. Since 2015 I have been an active participant first as a member and chair of the Ethics and Legislation Committee and now as a member of the Finance Committee through 2020. Hopefully opportunities to serve will continue to present. It is my hope that I have contributed in some small way during my service to our Great State being a nationally recognized leader in public protection through the regulation of physical therapy. More importantly, that I have contributed to elevating the standard of physical therapy practice in North Carolina for the public we serve.

If you're reading this and thinking of volunteering to serve in ANY capacity, do it without hesitation. If I can help in any way, reach out. For the time that I'm away from the Board, I will miss it dearly, but will never miss an opportunity to serve my neighbors either personally or professionally.

Yours in Service,
David Reed, PT



Rules Subcommittee Working Hard Behind the Scenes!

By Deborah J. Ragan, PT, DPT, NCBPTE Deputy Director

Physical Therapy is a dynamic practice that is ever evolving and expanding in scope. Therefore, it is prudent that the Board continually reviews the Board Rules for consistency, accuracy and relevance. The following is a brief overview of various means the Board has at its disposal to review and revise Board Rules as changes in the PT Practice Act and PT scope of practice necessitate.

Periodic Review of Permanent Rules – N.C. Gen. Stat. §150B-21.3A, adopted in 2013, requires the North Carolina Board of Physical Therapy Examiners (NCBPTE) and all other state rule-making bodies to review all existing rules every 10 years, according to a schedule adopted by the North Carolina Rules Review Commission (RRC). (for more information about this process, please [click here](#)).

The NCBPTE was required to evaluate each existing rule and make an initial determination from one of the following three classifications:

Necessary with substantive public interest – the agency has received objections to the rule within the past two years, or the rule affects the property interest of the regulated public and the agency knows or suspects that a person may object to the rule.

Necessary without substantive public interest – the agency determines that the rule is needed, and the rule has not had objections in the last two years.

Unnecessary – the agency determines that the rule is obsolete, redundant or otherwise not needed.

This process took over 2 years and was successfully completed on May 1, 2019 for this 10-year cycle. The value in this process is that the Board has to review every Board rule, and all interested parties get several times, during public comment periods and public hearings, to have their voices heard regarding needed rule changes and updates.

Technical Rule Changes – When the Physical Therapy Licensure Compact was signed into law several years ago, the Physical Therapy Practice Act (Article 18E) had all of the statute numbers updated, effective October 2017. As a result, the Rules Committee worked to update all references to the PT Practice Act in the Board Rules and that was successfully completed as of September 1, 2019.

Permanent Rule Changes – The NC PT Board works collaboratively with the NC Rules Review Commission (RRC) in the development, review, and execution of the permanent rule making process. The RRC provides the Board with legal analyses of requests for permanent rule changes to our Board Rules, namely Chapter 48 of the NC Administrative Code. This process is lengthy and often takes well over a year for any permanent rule change. The Board is currently in the process of permanent rule making for 11 Board Rules. You will be notified by email and a posting on the Board’s website in the near future about the upcoming public hearing and 60 public comment period. Your comments and feedback are welcomed.

Exam, Licensure & Disciplinary Database (ELDD)

How well is my jurisdiction participating?

The ELDD supports the jurisdictions’ mission of public protection by maintaining a physical therapy database of disciplinary, licensure and exam score information. The ELDD depends on its members’ participation to provide accurate licensure and disciplinary information.

JURISDICTION: NORTH CAROLINA	
Overall Rating	★ ★ ★ ★ ★
Discipline Rating	★ ★ ★ ★ ★
Licensure Rating	★ ★ ★ ★ ★
Score Rating	★ ★ ★ ★ ★

How does the Board make determinations about “Scope of Practice” questions?

Based upon the requirements in Board rule 21 NCAC 48C .0101 (a) - Permitted Practice,

SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE

SECTION .0100 - PHYSICAL THERAPISTS

21 NCAC 48C .0101 PERMITTED PRACTICE

(a) Physical therapy is presumed to include any acts, tests, procedures, modalities, treatments, or interventions that are routinely taught in educational programs or in continuing education programs for physical therapists and are routinely performed in practice settings.

The Board bases decisions and considers whether a practice is routinely taught in educational and continuing educational programs and routinely performed in clinical practice settings. When a question is received from a licensee or member of the public asking whether techniques, devices or clinical practices are within the scope of practice of a PT licensee in NC a determination is made if the topic has been previously addressed by the Board. If the Board

has not previously addressed the question or new information is available regarding where education is available or performed in practice, the question is considered at an upcoming quarterly meeting of the Board. Prior to the meeting, staff gathers information that is submitted and obtains additional information for the Board’s review and consideration. The Board discusses the topic at its meeting and makes a determination within the context of Board rule 21 NCAC 48C .0101. If a topic has been previously considered without consensus by the Board members, additional resources are sought on the topic that may come from other PT regulatory entities, subject matter experts, research, APTA and others.

At times the Board comes to the conclusion in response to a question that the technique, device or practice in question is not in the scope of practice yet. The Board is also aware that other entities such as APTA may take a different stance on a specific scope of practice question than the Board, but the Board is required to comply with NC state law, not the Association position. When the Board receives requests to re-examine its position, it will do so when new and relevant evidence is presented.



Don't forget!! It is license RENEWAL time again!

**** IMPORTANT REMINDER:** *Have you updated your email address with the Board? If not, you could miss important time sensitive communications and you may not be able to update your password.*

Renewals for 2020 can be entered online at www.ncptboard.org, starting November 1, 2019. Except for licensees who have been disciplined in the last two years, there will be **no** paper renewals. Although the deadline to renew is January 31, 2020, licensees are highly encouraged to renew by **January 15, 2020** to ensure that there are no problems with the online process. It is the licensee’s responsibility to furnish the Board with a correct e-mail address. Inability to log-in will not be considered a valid reason to extend the deadline for renewal. *Licensees who do not plan to renew, please notify the Board (call, email, fax, or letter).*

Continuing Competence Reporting Requirement – Information is available on the Board’s website. *For licensees in the reporting period ending January 31, 2020, continuing competence activities must be reported before renewing the license for 2020.*

For further information, contact the Board office. (email: dragan@ncptboard.org; phone: 919-490-6393 or 800-800-8982; fax: 919-490-5106)

Please note, beginning this year, there will be a credit card processing charge of \$4.68 in addition to the renewal fee of \$120.

Practice Act Change as of October 1, 2019

G.S. 90-270.90-90-270.106
 PHYSICAL THERAPY PRACTICE ACT: NORTH CAROLINA
 Article 18E Physical Therapy

90-270.90. Definitions.--In this Article, unless the context otherwise requires, the following definitions shall apply:

Prior to 10-01-19

(4) “Physical therapy”“Physical therapy does not include the application of roentgen rays or radioactive materials, surgery, manipulation of the spine unless prescribed by a physician licensed to practice medicine in North Carolina, or medical diagnosis of disease.”

NEW! On and after 10-01-19

(4) “Physical therapy”” Physical therapy does not include the application of roentgen rays or radioactive materials, surgery, the practice of chiropractic, as defined by G.S. 90-143, or medical diagnosis of disease.”

License and Renewal Fees

21 NCAC 48F .0102 FEES

(a) The following fees are charged by the Board:

- (1) application for physical therapist licensure, one hundred fifty dollars (\$150.00);
- (2) application for physical therapist assistant licensure, one hundred fifty dollars (\$150.00);
- (3) renewal for all persons, one hundred twenty dollars (\$120.00);
- (4) revival of license lapsed less than five years, thirty dollars (\$30.00) plus renewal fee;
- (5) transfer of licensure information fee, including either the examination scores or licensure verification or both, thirty dollars (\$30.00);
- (6) retake examination, sixty dollars (\$60.00);
- (7) certificate replacement or duplicate, thirty dollars (\$30.00);
- (8) licensee list or labels or any portion thereof for physical therapists, sixty dollars (\$60.00);
- (9) licensee list or labels or any portion thereof for physical therapist assistants, sixty dollars (\$60.00); and
- (10) processing fee for returned checks, maximum allowed by G.S. 25-3-506.

(b) The application fee is not refundable.

(c) Payment of application fees listed in Subparagraphs (a)(1) and (2) of this Rule may be made by certified check, cash, credit card, or debit card.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.33; Eff. February 1, 1976; Readopted Eff. September 30, 1977; Amended Eff. August 1, 1998; October 1, 1995; October 1, 1994; November 1, 1991; August 1, 1991; Temporary Amendment Eff. October 1, 1999; Amended Eff. August 1, 2017; July 1, 2013; December 1, 2006; August 1, 2002; August 1, 2000.

Calendar of Events

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

November 14, 2019	Investigative Committee Meeting *- (08:30 a.m. – 12:00 p.m.) Thursday Offices of Satsky and Silverstein Law Firm, Raleigh, NC, www.satskysilverstein.com
December 11, 2019 (Wed)	Board Meeting *- (8:30 a.m. - 4:30 p.m., Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615)
January 9, 2020	Investigative Committee Meeting *- (08:30 a.m. – 12:00 p.m.) Offices of Satsky and Silverstein Law Firm, Raleigh, NC, www.satskysilverstein.com
February 27, 2020	Investigative Committee Meeting *- (08:30 a.m. – 12:00 p.m.) Offices of Satsky and Silverstein Law Firm, Raleigh, NC, www.satskysilverstein.com
March 11, 2020 (Wed)	Board Meeting *- (8:30 a.m. - 4:30 p.m.) Thursday, Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615).
June 10, 2020 (Wed)	Board Meeting *- (8:30 a.m. - 4:30 p.m.) Thursday, Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615).



Q: Does the state practice act allow PTs to administer epipens in an emergency situation?

A: The carrying and use of an epipen is not within the scope of physical therapy practice and would not be called physical therapy. The use of an epipen in an emergency situation falls under the category of emergency response and any PT licensee would not be providing PT services during its use. A user would be responsible for following the protocols of an employer during use of an epipen.

Q: From a scope of practice perspective is there any concern about physical therapist providing counseling?

A: Physical therapy services that involve instruction about activities directly related to treatments a PT administers within the scope of PT practice would be considered education. To the extent activities beyond the scope of PT practice are involved, the “education” may overlap with areas that are regulated by other licensed professions that include “counseling”. For example, if a PT attempts “education/counseling” that goes beyond the physical ailments the PT is treating such as recommendations of specific activities for depression or stress without referring the patient to an appropriate practitioner, it may go beyond the PT scope of practice.

Q: Is a licensed physical therapist assistant permitted to work under the license of a chiropractor to perform manual therapy and therapeutic exercises?

A: No. Physical Therapist Assistants only work under the supervision and delegation of a PT pursuant to a Plan of Care by a licensed Physical Therapist.

Q: Can you clarify the Board’s position on blood flow restriction training? On the APTA web site BFR is considered within physical therapy practice according to the APTA. For more information [click here](#).

A: The North Carolina Board of Physical Therapy Examiners addressed whether blood flow restriction training is within the scope of PT practice in NC at its meeting on September 14, 2017. According to Board Rule 48C .0101 (a) Permitted Practice, “Physical therapy is presumed to include any acts, tests, procedures, modalities, treatments, or interventions that are routinely taught in educational programs, or in continuing education programs for physical therapists and are routinely performed in practice settings.” The Board’s research indicated that blood flow restriction training did not satisfy the three components in Board Rule 48C .0101 (a) because it is not “routinely” taught or performed. Therefore, physical therapy services are not being performed while using blood flow restriction training, and physical therapy documentation requirements do not apply. Further, patients receiving this technique should not be advised or led to believe they are receiving physical therapy.

The APTA does not make scope of practice determinations in North Carolina, so the APTA’s position on BFR would not be a basis for “clarification” of the Board’s determination that blood flow restriction (BFR) training is not within the scope of physical therapy practice in North Carolina. In order to revise its determination, the Board would have to be presented with evidence that there has been sufficient change in education and practice of BFR in North Carolina to warrant review of the existing determination.



Q: Is it within the PT scope of practice to provide paperwork for work restrictions and FMLA?

A: The Board has determined that PTs have sufficient education and training to complete paperwork such as work restrictions and FMLA.

Q: Can electrical stimulation be used in conjunction with dry needling?

A: The Board determined that a properly trained and licensed physical therapist is permitted to perform electrical stimulation with dry needling

Q: I am a current licensee in NC. Do I have to do an FBI CBC fingerprint check?

A: FBI Criminal Background check requirement, implemented this year as part of the national PT Compact requirements, is only for initial licensure and not license renewal. If you already have a license in NC, then the requirement for new initial applications does not apply to you.

Q: As long as PTs do not provide “medical nutrition therapy” and do not present themselves as dietitians/nutritionists, can they offer nutritional education/advice as much as our PT scope permits?

A: NCBPTE would refrain from interpreting the Nutrition/Dietetics Practice Act as that would be within the domain of the Nutrition/Dietetics Board. In previous responses to similar questions, the Board has indicated that there are few overlaps in scope of practice with the Nutrition and Dietetics scope of practice; therefore, per our Board’s attorney, “the further PT’s stray beyond basic, simple information, available in the realm of public knowledge, the greater potential they have to run afoul of violating the laws or rules of another discipline.”

Q: Is auricular acupressure considered to be within the scope of physical therapy practice?

A: According to Board Rule 21 NCAC 48C .0101 (a) Permitted Practice: “Physical therapy is presumed to include any acts, test, procedures, modalities, treatments, or interventions that are routinely taught in educational programs, or in continuing education programs for physical therapists and are routinely performed in practice settings.” The Board’s research regarding “routinely taught” in educational or continuing education programs and “routinely performed” in practice settings” indicated that auricular acupressure currently does not meet that standard, and is therefore not considered to be within the scope of practice of physical therapy in NC at this time.

Q: Does the scope of practice for a PTA include the Modified Ashworth Scale and deep tendon reflex testing?

A: The CAPTE curriculum includes both of these techniques in PTA education as data collection skills and both are routinely taught in PTA educational programs in NC. Therefore, PTAs can collect the information and provide it to a PT for interpretation of the results.

Do you or a PT/PTA colleague you know struggle with a substance use or mental health disorder?

The NC Board of PT Examiners encourages you to seek help!

Substance Use Disorders: The Board contracts with the NC Board of Nursing (NCBON) to allow qualified PT licensees to participate in the Nursing Board's Substance Use Disorder Programs (Alternative - to - discipline program) Each program has objectives which may include the following:

- Ensure the health and safety of the public by closely monitoring licensees impaired by drugs and/or alcohol.
- Achieve earlier intervention with intent to decrease the time between the licensee's acknowledgement of chemical dependency and entry into the recovery process.
- Return the licensee to safe and effective practice in a more efficient manner while minimizing financial impact.
- Provide an opportunity for licensees to recover from impairment in a therapeutic, non-punitive and non-published process.
- To ensure the health, safety and welfare of the public through a program that closely monitors licensees impaired by drugs and/or alcohol.
- Provide a process for licensees to recover from impairment and become safe practitioners.

Contact: [NC Board of Nursing](#)

Or contact your primary care provider for treatment or appropriate referral.

Mental Health Disorders:

If you struggle with a mental health issue, please contact your health care provider for treatment or who can refer you to appropriate resources in your area.

Want more information? Contact Kathy Arney, Executive Director, NCBPTE – karney@ncptboard.org or call 919-490-6393 or 800-800-8982.

2019-2020 NCBPTE Holiday Schedule

Board Office will be closed	Day (s) of Week	Date (s)
Thanksgiving Day	Thursday and Friday	November 28 & 29, 2019
Christmas	Thursday, Friday	December 25-27, 2019
New Year's Day	Wednesday	January 1, 2020
Martin Luther King Jr. Day	Monday	January 20, 2020
Good Friday	Friday	April 10, 2020
Memorial Day	Monday	May 25, 2020
Independence Day	Saturday	July 4, 2020
Labor Day	Monday	September 7, 2020
Veteran's Day (observed)	Wednesday	November 11, 2020
Thanksgiving Day	Thursday and Friday	November 26 & 27, 2020
Christmas	Thursday, Friday	December 23-25, 2020

Reminder!

Telehealth is a delivery model for physical therapy services and as such it is not a question of scope of physical therapy practice.

In order to provide physical therapy services to a patient geographically located in NC, the provider of telehealth services must possess an active NC PT license.

NCALB versus NCBPTE Lawsuit Update

Status of NC Acupuncture Board Lawsuit: In September 2015, the North Carolina Acupuncture Licensing Board filed a lawsuit against NCBPTE. NCBPTE has retained the law firm of Ellis Winters LLP to defend the Board in this case. The case was assigned to the North Carolina Business Court.

In April 2016, Judge Louis Bledsoe III dismissed the Acupuncture Board's complaint based on principles of sovereign immunity and failure to exhaust administrative remedies.

The Acupuncture Board then sought a declaratory ruling from NCBPTE related to dry needling. NCBPTE issued a declaratory ruling on June 27, 2016. The Acupuncture Board then filed a petition for review of the declaratory ruling in Wake County Superior Court.

On August 2, 2017, Judge Bledsoe affirmed the declaratory ruling.

On August 25, 2017, the Acupuncture Board filed a notice of appeal of the August 2 ruling. The appeal was taken to the North Carolina Supreme Court.

The North Carolina Supreme Court hearing was held on April 18, 2018.

On December 7, 2018, the North Carolina Supreme Court issued its unanimous opinion, concluding as follows:

"Both the Physical Therapy Board's declaratory ruling and underlying policy statement are consistent with the statutes and administrative rules that the Board is charged with interpreting and administering. Therefore, we defer to the Physical Therapy Board's interpretations of those same statutes and rules in reaching the conclusion that dry needling is a part of the practice of physical therapy. Accordingly, we affirm the decision of the Business Court affirming the Physical Therapy Board's declaratory ruling reaffirming that dry needling falls within the scope of physical therapy in North Carolina."

The definition of dry needling affirmed by the Court is that "dry needling is a treatment that uses physical or rehabilitative procedures, with assistive devices, for the purpose of correcting or alleviating myofascial pain, a physical disability."

Special thanks to Matt Sawchak, Stephen Feldman and the team at Ellis & Winters for their excellent advocacy for the Board in this case.

IT Update

In today's work environment, technology is improving more rapidly than ever. Gregg Seipp, Director of Information Technology for NCBPTE, always keeps an ear to the ground when it comes to keeping up to date with the current hardware and software improvements. This year, the Board has expanded the IT department to include two new team members: Jose Moran, Software Engineer, and David Nall, Systems Administrator.

Jose, and his position, gives NCBPTE the opportunity to roll out more frequent updates and improvements to our online services, as well as the software used by our staff. With new improvements in the works, NCBPTE looks forward to providing an increasingly intuitive and simplified process for the public and all of our applicants

and licensees. The addition of David and his role offers the Board and its staff an ongoing source of support for all front end issues, as well as the opportunity to improve and maintain its physical IT infrastructure. Some of these improvements include an updated Board room equipped for video conferences, and continued updates to NCBPTE email security policies.

As NCBPTE continues to grow and improve, keep an eye out for changes and additions to its website and processes. Technology is an ever-changing field, and NCBPTE aims to take advantage of the advancements that come along with these changes in order to provide the Board, the public, licensees, and applicants with the best possible experience.

**The NCBPTE
office address is
8300 Health Park
Suite 233
Raleigh, NC 27615**



North Carolina Board of Physical Therapy Examiners

Board Orders / Consent Orders / Other Board Actions

Nov. 1, 2018 – October 31, 2019

Conrad, Robert P., PTA (Warning)

Location: Asheville, NC, Buncombe County

License #: A6112

Conduct: Failure to maintain legible patient records that contains ...the treatment record including all elements required and authentication by signature on all patient treatments

Discipline: Warning and reimburse the Board for the costs of the investigation. (Effective – September 11, 2019)

Vargas, Eddie Z., PT (Suspension)

Location: Raeford, NC, Hoke County

License #: P9657

Conduct: recording false or misleading data, measurements or notes regarding a patient; billing and charging for services or treatment not performed; failing to perform documentation in a timely manner; failing to keep legible records.

Discipline: One (1) year suspension – active 30 days, eleven (11) months stayed with conditions. In addition, he must reimburse the Board the costs of the investigation (Executed – June 5, 2019)

Martin, Michelle L., PT (Suspension)

Location: Lexington, NC, Davidson County

License #: P13995

Conduct: recording false or misleading data, measurements or notes regarding a patient; billing and charging for services or treatment not performed; failing to perform documentation in a timely manner; failing to keep legible records.

Discipline: Two (2) year suspension – active three (3) days, twenty-one (21) months stayed with conditions. In addition, he must reimburse the Board the costs of the investigation (Executed – June 5, 2019)

Jones, Melynda F., PTA (Revocation)

Location: Monroe, NC, Union County

License #: A668

Conduct: recording false or misleading data, measurements or notes regarding a patient; billing and charging for services or treatment not performed.

Discipline: Revocation and Reimburse the Board for costs of the investigation. (Effective – December 5, 2018)

Baker, Daniel E., PTA (Suspension)

Location: Wilmington, NC, New Hanover County

License #: A5696

Conduct: recording false or misleading data, measurements or notes regarding a patient; billing and charging for services or treatment not performed.

Discipline: One (1) year suspension – active six (6) months, remaining six (6) months stayed with conditions. In addition, he must reimburse the Board the costs of the investigation (Executed – January 1, 2019)

Payne, Demita, PT (Probation)

Location: Charlotte, NC, Mecklenburg County

License #: P9703

Conduct: The use of drugs or intoxicating liquors to an extent which affects professional competency;

Discipline: Probation for 2 years with conditions and Reimburse the Board for costs of the investigation. (Effective – December 12, 2018)



DID YOU KNOW...

The NCBPTE is very active and involved on task forces and committees at the Federation of State Boards of Physical Therapy (FSBPT) and the PT Compact Commission. North Carolina is well represented at the national level!

- David Reed, PT, Board Chair is currently on the Finance Committee.
- Crystal Ostlind, PTA, Board Sec/Treas. is currently on the Resolution Committee.
- Kathy Arney, PT, Executive Director is the new Chair of the Compact Commission. She is also serving on the Board Assessment Task Force.
- Cindy Kiely, Director of Administration is currently on the License Verification Task Force.
- Debbie Ragan, PT, Deputy Director is currently on the Return to Practice Task Force.

Position Statement updates

Performance of soft tissue mobilization using biofeedback, electrical stimulation and internal pelvic floor muscle techniques vaginally or rectally by a PTA Adopted – June 6, 2007 Reviewed – September 23, 2010, June 17, 2015, June 6, 2018 Updated - September 11, 2019

The NCBPTE determined that using biofeedback, electrical stimulation and internal pelvic floor muscle techniques to perform soft tissue mobilization vaginally or rectally are not entry level skills. However, under appropriate supervision, a properly trained physical therapist assistant can perform internal vaginal and rectal interventions.



FBI CBC fingerprint background checks are for INITIAL LICENSURE APPLICANTS ONLY! Current PT/PTA licensees DO NOT have to complete an FBI CBC fingerprint background check!

21 NCAC 48F .0105 CHANGE OF NAME AND ADDRESS REQUIRED



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.]

Addresses can be changed 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.

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North Carolina Board of Physical Therapy Examiners

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Raleigh, NC 27615
Ph. 919-490-6393/800-800-8982
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Continuing Competence FAQs

- 48G .0110 (b) *Licensees shall retain evidence of compliance with continuing competence requirements for a period of four years following the end of the reporting period for which credit is sought for an activity.* (in the event of a random CC audit)
- Continuing Competence points are the units of measure awarded for a continuing competence activity. By way of example, continuing education courses that offer contact hours or CEU's will have points awarded as follows: 1 CEU = 10 contact hours, 10 course hours or 10 classroom hours = 10 points.
- 48G .0110 (g) *clinical worked hours - The licensee shall maintain certification from the employer(s) for whom the services were performed including year and hours worked or document practice hours as the owner of a practice.* [Click here for a sample certification form.](#)
- 48G .0106 (c) *Up to 10 extra points earned during one reporting period may be carried over to the next reporting period, except that points earned for the Jurisprudence Exercise (JE), Clinical Practice and Self-Assessment categories may not be carried forward.* In calculating carryover points, any points earned for the JE, Clinical worked hours, or the self-reflective practice exercise will be deducted from the total points earned during the reporting period. If after that, the PT has over 30 points or the PTA has over 20 points, those points will be available as carryover points.
- The following categories can both utilize non-interactive electronic media to satisfy the requirements.
 - Home study by an approved provider and
 - non-interactive electronic media by an approved provider
- The Board offers a wide variety of ways to earn continuing competence points. NC PT/PTA licensees choose the categories that best suit their professional and clinical needs as well as their preferred learning styles. The only Board requirement, according to Board Rule 48G .0109 (k) is *during each reporting period, every licensee shall complete a jurisprudence exercise provided by the Board.*
- What does approved provider mean? According to Board Rule 48 G .0108, if an activity has been approved by any State PT Licensure Board, or any State PT Association that approves continuing competence activities, it is considered approved in NC and no additional approval is needed. (Please note that while the activity would be considered approved in NC for continuing competence purposes, whether the techniques can be performed in NC depends on compliance with the NC PT Practice Act and Board's Rules).

N.C. Licensure Statistics

(As of October 18, 2019)

	Licensed	Reside	Work
PTs	9,332	7,832	7,761
PTAs	4,142	3,676	3,593

The Ben F. Massey, Jr. Student Scholarship



This scholarship was created by the NCBPTE, in collaboration with NCPTA Scholarship and Loan, to honor the years of service Ben F. Massey, Jr. devoted to the profession of physical therapy and to public protection. All proceeds will go directly and in full to support the educational needs of North Carolina PT and PTA students. [Click here](#) to read the Proclamation in honor of Ben Massey, Jr. on the Occasion of his Retirement from the North Carolina Board of Physical Therapy Examiners.

To donate, please [click here](#)

If donating by cash or check, please direct contributions to:

Randall Lazicki, PT, DPT
Board of Directors, Chair
NCPTA Scholarship and Loan Fund, Inc.
1717 Black Spruce Way
Willow Spring, NC 27592