

# North Carolina Board of Physical Therapy Examiners

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Kim Jackson  
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## Legal Counsel

David C. Gadd, Attorney

## North Carolina Board of Physical Therapy Examiners

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## FROM THE BOARD CHAIR

COVID-19 has had an impact on so many facets of our lives during most of 2020, from personal to professional, health and wellness, safety and security, and the list continues. To minimize the spread of COVID-19 and comply with the Governor's Executive Order 121 on March 27, 2020 to "Stay at Home," the majority of the NC Board of PT Examiners office staff began remote work March 30, 2020 and continues to work remotely as of the date of this newsletter publication. Having been previously almost entirely paper based, the staff had to develop and implement its own electronic documentation management system and then proceed to implement a Microsoft document management platform, all while continuing the duties of licensing and regulation.

Out of an abundance of caution, Board meetings have been remotely hosted from NC Board of PT Examiners, 8300 Health Park, Suite 233. The meetings are conducted by use of simultaneous communication (Zoom) as allowed by Session Law 2020-3, effective May 2, 2020. Board members and staff are present for the entirety of the meeting and are provided with all materials used during the meeting in advance. Other attendees can also participate using simultaneous communication. Click here to see the NCPT Board YouTube Channel.

Click here to read more about the North Carolina Board of Physical Therapy Examiners (NCBPTE) specific efforts to exercise regulatory flexibility since March 10, 2020.



## GOVERNOR-APPOINTED MEMBERS OF THE NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS - 2020



Top row: Teresa F. Hale, Crystal D. Ostlind, C. David Edwards, Paul Garcia.

Bottom row: Rosa M. Gonzalez, Leslie P. Kesler, Jamie L. Miner, Pearl L. Rhone.

## BOARD HONORS JOHN M. SILVERSTEIN'S YEARS OF SERVICE



At the Board's September virtual meeting, John M. Silverstein was recognized for his more than four decades of service as the Board's legal counsel. During his lengthy tenure, John has diligently educated the Board on its primary mission to protect the public. His work with the Board has helped it to adapt and adopt rules that accommodated to changes in the legal landscape over many years. When asked for information, John provided the guidance and support that enabled direct access to physical therapy services in North Carolina and facilitated participation in the national Physical Therapy Compact.

A prime example of John's leadership in regulatory matters was his steady navigation during the three-year period the Board endured litigation concerning the technique of dry needling. In the words of former long-time NCBPTE Executive Director, Ben F. Massey, Jr., John was, "the engineer, quarterback and miner." The decision of the North Carolina Supreme court to allow physical therapists to perform dry needling will have a lasting impact on public protection in the state and the profession of physical therapy.

John's legal advice coupled with patient guidance left its mark on Board members both personally and professionally – something that was echoed in the many tributes he received from past and current Board members. Skip Roy, a former Board Chair, summed up the extent of John's influence:

*His model of being a servant leader and counselor and advocate provided a strong foundation that current and future members of our profession and of the NC Board of PT Examiners will build on for generations.*

His consistency, dedication, loyalty and service are an enduring legacy for the North Carolina Board of Physical Therapy Examiners. We wish him well.

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## NEW BOARD MEMBERS



**Jamie L. Miner** was raised in NC and graduated with a BS degree in PT from UNC Chapel Hill in 1988. She moved to Georgia and raised her family there. She recently returned to her home state of NC and is glad to be able to serve the PT community by being on the NC Board of Physical Therapy Examiners. She earned her DPT from Shenandoah University in 2010. She became a board-certified geriatric specialist in 2012. She serves as an adjunct professor at Shenandoah University and Campbell University. She earned her vestibular certification at Emory University in March 2003. She serves as clinical instructor to many doctoral physical therapy students. She currently provides PRN services to multiple SNFs in the Raleigh area. She has experience in home health, acute care, outpatient vestibular rehab and fall prevention, acute rehab, sub-acute rehab, and long-term care.

Jamie has been married over 20 years and has three grown children and two grandsons. When not playing with the grandkids, she enjoys reading, cooking, and traveling.



**Rosa Maria Gonzalez, BSN, RN, FCN**, is the newly appointed NCBPTE Public Member. Rosa works at two catholic churches in Concord and Kannapolis, NC and resides in Troutman, NC.

Rosa grew up in Mexico City and graduated from UNAM (National Autonomous University of Mexico) with a medical degree in 1984. In 2000, she earned her bachelor's degree in nursing from UNC Charlotte. She has worked in the operating room at Carolina's Health Care System, now Atrium Health, and since 2016, she's worked at Faith Community Health Ministry.

Being Mexican and with a strong background in medicine and nursing, Rosa understands many of the gaps and challenges facing the Latino community in this country. She is co-founder and former president of "El Puente Hispano" (The Hispanic Bridge), a non-profit organization in Concord, NC. Rosa also serves on several health-related advisory boards in Cabarrus County.

Rosa loves to read about spirituality, history, geography, cultures and languages from around the world. Her favorite hobbies are arts and crafts, and cooking. Two of her favorite quotes:

*The only thing I know is that I know nothing.* – Socrates

*Do the best you can until you know better, then when you know better, do better.* – Maya Angelou

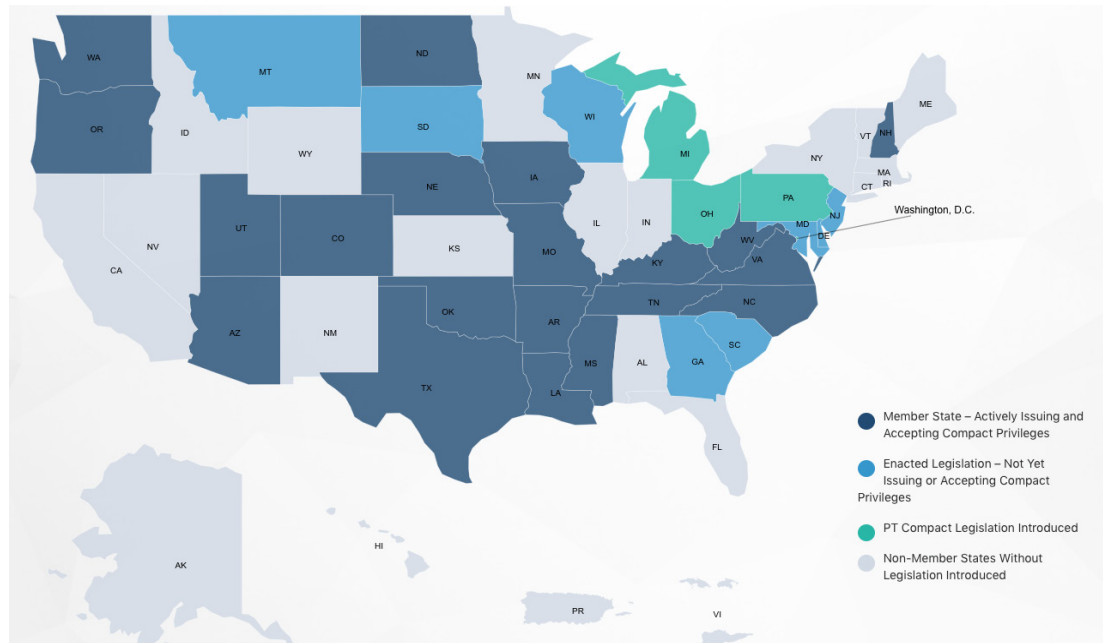
# PT COMPACT UPDATES

Since NC has begun issuing Compact Privileges on July 1, 2019, the NC Board of PT Examiners has issued the following privileges, as of October 2, 2020:

PT- 94  
PTA- 31

These compact privilege holders come from the following states:

VA-33	AZ-06
TN-21	CO-08
KY-03	KS- 01
TX-15	UT-02
MO-06	WV-01
MS-07	IA-04
LA-02	ND-01
NH-04	OR-04
NE-01	WA-06



**“The Physical Therapy Compact** is an agreement between member states to improve access to physical therapy services for the public by increasing the mobility of eligible physical therapy providers to work in multiple states.” ([www.ptcompact.org](http://www.ptcompact.org))

T.J. Cantwell, Compact Administrator, Physical Therapy Compact Commission reported on February 24, 2020 that the Compact Commission received word from CMS officials that their general counsel has determined that the compact privilege is considered a valid, full license for purposes of meeting federal licensure requirements. For more information, please go to <http://ptcompact.org/resources-tools>.

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## Frequent Questions Regarding Compact Privileges and the Home State Definition

### Can I use a compact privilege to practice/work if I live in North Carolina?

No, a regular license is required to practice/work if your home state is North Carolina.

### What does home state mean in terms of the compact privilege?

As defined in Rule 1.1, a licensee’s home state means the person’s true, fixed, and permanent home and is the place where the person intends to remain indefinitely, and to which the person expects to return if absent without intending to establish domicile elsewhere.

### What if I decide to move to another state besides NC and have other state compact privileges?

All compact privilege holders must notify the Compact Commission ([www.ptcompact.org](http://www.ptcompact.org)) of a change in home state address within thirty (30) days of the change since any changes may affect the status of compact privileges.

**Active duty military members and military spouses can learn more about alternatives to the home state definition at <http://ptcompact.org/resources-tools>.**

**NCBPTE OFFICE IS  
CLOSED TO THE  
PUBLIC DURING  
THE NC STATE OF  
EMERGENCY**

You may experience some delays in response time as staff are working remotely.

**To contact the Board office** email is preferred: [angela.licensing@ncptboard.org](mailto:angela.licensing@ncptboard.org) or view the Contact Us page for additional email addresses.

**To change your address or contact information** go to Online Services: Licensee Change of Address.

**Name changes** must be verified using personal information. EMAIL the Board office and include: phone number and a good time to call. You will receive a phone response within 2-3 days.

# PROCESSING THE MYRIAD OF INFORMATION ON COVID-19

BY DAVID GADD, BOARD ATTORNEY

On March 10, 2020, Governor Roy Cooper declared a State of Emergency in North Carolina to coordinate a response and develop protective actions to prevent the spread of COVID-19. To date, there have been over thirty-five additional executive orders addressing a wide range of issues involving COVID-19. As you will remember in those early days of the COVID-19 response, most everyone was trying to decipher the orders to determine such things as whether they were defined by the government as an “essential” business, operation or profession, and what restrictions they should put in place to prevent virus spread while complying with the orders. The NCBPTE was no different. The Board spent a great amount of time monitoring not only the Governor’s orders, but also guidance from the Centers for Disease Control, North Carolina Department of Health and Human Services, orders from North Carolina counties and session laws of the North Carolina General Assembly. The Board worked to determine the duties, obligations and best practices that applied to licensees and to the Board itself. To assist licensees in sifting through voluminous orders and information from our government, the Board created a COVID-19 announcement page on the website with links to websites containing information pertinent to the practice of physical therapy.

On May 4, 2020, the Governor signed into law Session Law 2020-3. Section 4.38, titled “Authorize State Agencies to Exercise Regulatory Flexibility During the Coronavirus Emergency in Order to Protect the Economic Well-Being of the Citizens and Businesses of the State,” that authorizes the Board to take measures to modify procedures to allow for certain flexibilities for licensees and applicants. The Board considered many requests from licensees as well as analyzed internal procedures in an effort to streamline the application process and interaction with licensees. As a result, most all correspondence and submissions to the Board can now be done online, there have been modifications to the fingerprint and criminal background check procedures, and deadlines for certain fees have been extended.

One question that has arisen frequently since March is whether the Board can close clinics or private businesses for violations of the Governor’s orders or session laws dealing with COVID-19. The NCBPTE derives its powers from the Physical Therapy Practice Act, found in North Carolina General Statutes §90-270.90 through §90-270.106. The powers of the Board are laid out in Section §90-270.92; the primary functions being as follows:

- (a) Examine and determine qualifications of applicants;
- (b) Issue, renew, deny, suspend or revoke licenses;
- (c) Conduct investigations to determine if violations of the Practice Act and Board rules have occurred and conduct administrative hearings;
- (d) Assess continuing competence;
- (e) Adopt, amend and repeal rules necessary to carry out Board functions.

These powers were granted to the Board by the General Assembly for the purpose of serving the best interests of the people of North Carolina. The Board does not have any authority over private businesses or clinics for the purpose of enforcing COVID-19 related orders or laws. In addition, the Board cannot discipline licensees for violations of COVID-19 orders or laws which are not also violations of the Practice Act or Board rules.

The directives of the executive orders and session laws dealing with the COVID-19 response expire relatively quickly due to the uncertain nature of the virus. Many of the early executive orders were set to expire in the last few months and have been extended by subsequent orders as the virus persists. While the Board has no enforcement authority related to executive orders or COVID-19 session laws, the Board does feel it has a duty to keep licensees informed as best it can. As a result, the Board will continue to monitor the actions of the General Assembly, Governor’s Office, and Federal Government to comply with the rapidly changing laws and to continue the purpose of the Board – to safeguard the health, safety and welfare of the public.

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## TELEHEALTH- TOOLS IN THE TOOL BOX

In the 2018 issue of the Board Newsletter, the Board published general principles that apply to providing physical therapy services through telehealth and felt they were worth publishing again.

- *Telehealth is a delivery model for physical therapy services and as such it is not a question of scope of physical therapy practice.*
- *PT licensees must comply with the NC PT Practice Act and Board rules when performing physical therapy services using telecommunications.*
- *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.*

*Continued next page*

## TELEHEALTH- TOOLS IN THE TOOL BOX *continued*

- To address questions whether a PT licensee or other healthcare provider or non-healthcare individual must be with the patient in the remote location and the level of expertise that person needs, the answer depends on various factors, including the status and safety of the patient, whether it is an initial evaluation or ongoing treatment, and the complexity of the services being provided.
- For questions related to the use of telehealth in physical therapy practice in North Carolina that are not answered by these general principles, the Board will continue to respond to questions on a case-by-case basis.

While these principles still apply, with pandemic related “stay-at-home” orders and individual risk levels guiding healthcare decisions, the topic of telehealth has been pushed to the forefront of issues facing the PT profession.

Whether referred to as telehealth, telepractice, telemedicine, or something else, the Board views the use of telecommunications and other electronic means used to provide physical therapy services a “delivery model.” The standard of care and scope of practice limits remain the same despite how the treatment is delivered to the patient. As with any aspect of scope of practice, the licensee must still obtain the necessary education, training, and technology to administer telehealth effectively and competently.

The Board does not have rules which regulate payers or payer policy, thus accessing resources directly from the individual payer or via APTA ([www.apta.org](http://www.apta.org)), APTA-NC ([www.ncpt.org](http://www.ncpt.org)), or the American Telehealth Association (<https://www.americantelemed.org/>) regarding payment for services delivered using telehealth will be important for licensees.

The Board does not have jurisdiction over employers of physical therapist licensees. If your employer requests you provide services via telehealth, the licensee must still obtain the proper education, training and necessary mentoring or practice to be competent in providing services.

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## LICENSE REVIVALS FOR 2020

North Carolina law does not provide a “hold” or “inactive” status for NC PT/PTA licenses. If someone chooses not to renew his/her license by January 31 of each year, it will lapse. If the licensee wants to revive the lapsed license, there are several methods as illustrated below.

### *Reviving a Lapsed License*

[Home](#) » [Licensing](#) » [Reviving a Lapsed License](#)

#### **21 NCAC 48G .0203 REVIVAL OF LAPSED LICENSE**

- A license that has been lapsed less than one year may be revived by payment of the revival of lapsed license fee and the current year’s renewal fee and by completion of the revival form.
- A license that has lapsed more than one year but less than five years may be revived by completion of the revival form, and:
  - completing 30 units (if reviving a physical therapist license) or 20 units (if reviving a physical therapist assistant license) of continuing competence as provided in the Rules in this Subchapter,
  - payment of the revival of lapsed license fee, and
  - payment of the current year’s renewal fee.
- A license that has lapsed more than five years may be revived by completion of the application forms; and
  - passing the “PT exam” (if trained as a physical therapist) or the “PTA exam” (if trained as a physical therapist assistant);
  - compiling at least 500 hours within the period of one year in the following manner: between 50 and 200 class hours of course work (ie, refresher course, continuing education, pertinent college courses) approved by the Board as designed to demonstrate proficiency in current physical therapy theory and practice, and the remaining hours working as an aide under the supervision of a licensed physical therapist; or
  - endorsement of a current license in another state as provided by 21 NCAC 48B .0102.

As of October 2, 2020, the NC Board of PT Examiners has revived licenses as follows:

Totals by PT/PTA Category:

By payment: 33

By exam: 0

PT: 71

By continuing competence: 22

By course work and clinical supervision  
as an aide: 0

PTA: 39

By endorsement: 55



## NEW BOARD ATTORNEY DAVID C. GADD

Upon the retirement of long-time Board attorney, John M. Silverstein, the Board hired David C. Gadd, also with the firm of Satsky & Silverstein, LLP. David comes to the Board with a range of administrative experience having represented numerous public boards and serving as the County Attorney for Tyrrell County, North Carolina. While David also practices in the areas of real estate law, estate planning and estate administration, a significant portion of his practice is devoted to administrative law and the North Carolina Board of Physical Therapy Examiners. He enjoys the interaction with Board staff and Board members, and specifically his role advising the Investigative Committee. When representing public bodies, David strives to provide sound legal guidance while keeping in mind he represents the Board as a whole, not the individuals serving on the Board. David is a native of Wake Forest, North Carolina and attended NC State University and Florida State University College of Law. Prior to joining Satsky & Silverstein, LLP in 2016, David was a partner in the firm of Hornthal, Riley, Ellis & Maland, LLP based in Elizabeth City, North Carolina.

## CONTINUING COMPETENCE AND COVID-19

We have been receiving numerous questions about how to get continuing competence credit during the current COVID-19 pandemic. Here are some pointers about online continuing competence activities. The Board's continuing competence rules establish maximum points (contact hours), not minimum. Live, in person, activities are not required. The Board built in flexibility when developing the continuing competence categories, so licensees can earn points that best meet their learning style and clinical/professional needs.

Continued Competence points may be obtained electronically as described below:

### 21 NCAC 48G .0109 CONTINUING COMPETENCE ACTIVITIES (a) Continuing Education activities are eligible for points as follows:

(1) ...The maximum number of points allowed during any reporting period for an interactive course offered through electronic media shall be 15. (Live webinars are appropriate for categories indicated by purple arrows.)

(4) For registered participation in a non-interactive course offered by an approved provider by videotape, satellite transmission, webcast, DVD, or other electronic media, one hour of participation earns one point. The maximum number of points allowed during any reporting period shall be 10. (Recorded webinars are appropriate for categories indicated by red arrows.)

(8) For completion of a home study physical therapy program furnished by an approved provider, one hour of home study earns one point. The maximum number of points during any one reporting period allowed shall be 10. These can also be online/recorded electronic/live electronic.

There are also many other ways to earn points during this challenging time.

If you have questions, please contact [dragan@ncptboard.org](mailto:dragan@ncptboard.org) for more information.

Continuing Education (maximum 29.0)	
Registered attendance at a Course or conference offered live, in real time by approved provider (1 point for each contact hour - Maximum 29.0)	0
None	
★ Registered attendance at a Course or conference offered live, in real time by approved provider - electronic media (1 point for each contact hour - Maximum 15.0)	0
None	
Academic course offered in an approved provider, post-baccalaureate program (1 point for each class hour. 1 semester/credit hour=15 contact hours - Maximum 29.0)	0
None	
Attendance or participation in an activity related to physical therapy for which no assessment is received (1 point for two contact hours - Maximum 5.0)	0
None	
★ A Course offered by an approved provider by non-interactive electronic media (1 point for one hour of participation - Maximum 10.0)	0
None	
★ Study group consisting of at least 3 licensees (1 point for two hours of participation - Maximum 10.0)	0
None	
★ Self-designed home study program (1 point for three hours of home study - Maximum 5.0)	0
None	
Continuing education required by credentialed residencies and fellowships (1 point for each contact hour - Maximum 29.0)	0
None	
★ Home study program by an approved provider (1 point for each contact hour - Maximum 10.0)	0

# TEMPORARY PERMITS FOR MILITARY, MILITARY SPOUSES, MILITARY VETERANS, AND VETERAN'S SPOUSES

During the past several years, military endorsement applicants could be issued a military temporary permit to practice physical therapy in NC while working toward full licensure, provided the applicant met the necessary requirements.

Effective 12/1/2020, according to Session Law 2020-87, House Bill 1053, the NC Board of PT Examiners shall, according to §93B 15.1(f), "issue a temporary practice permit to a military trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section no later than 15 days following receipt of an application, if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board or State agency licensing board in this State. The temporary practice permit shall be issued using the same information as provided by the applicant in the licensure application and remain valid for the later of one year or the required renewal date for the occupation the temporary practice permit was issued for or until a license, certification, or registration is granted by the occupational licensing board or State agency licensing board. A temporary practice permit may be denied or revoked for a pending complaint after notice is provided to the military trained applicant or military spouse as set forth under subsection (a1) or (b1) of this section."

For detailed information, please click [here](#).

In 2020, through 10/2/2020, the NC Board of PT Examiners has issued the following temporary permits:

PT: 11

PTA: 4

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## KATHY ARNEY RECEIVES FSBPT'S RICHARD MCDUGALL LONG-TERM SERVICE AWARD



Kathy Arney, Executive Director, is the recipient of the 2020 Richard McDougall Long Term Service Award. Named after the FSBPT's first Treasurer, this award recognizes and honors individuals who have made a lasting, significant, and distinguished contribution to FSBPT. More importantly, the award recognizes those individuals who have been actively involved in FSBPT activities for at least ten years.

Kathy received the Outstanding Service Award from the organization in 2013. She has served as a member on the Continuing Competence Committee, the Board Assessment Task Force and the Minimum Data Set Task Force. She is currently Chair of the PT Compact Commission (PTCC), has also served as Vice Chair and Chair of the PTCC Rules and Bylaws Committee and serves as Chair of the Licensing Compact Administration Services Organization.

Congratulations to Kathy on being lauded for her involvement and service to the mission of FSBPT as well as recognizing her commitment to the practice of physical therapy.

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## ALTERNATE APPROVAL PATHWAY FOR EXAM ELIGIBILITY

The North Carolina Board of Physical Therapy Examiners is pleased to announce that the Rules Review Commission at the Office of Administrative Hearings approved temporary rules allowing this Board to participate in the FSBPT Alternate Approval Pathway (AAP) for exam eligibility and special accommodation requests.

The temporary rules became effective September 25, 2020. We plan to pursue making these rules **permanent** going forward. So, *what does this mean for PT/PTA educational institutions and students?*

- **Streamlined exam eligibility process through the FSBPT.**
- Applicants can reserve a seat at Prometric sooner.
- Eliminates concerns about NCBPTE "Assured Graduation" forms.

*Continued next page*

- Special Accommodations administration for the NPTE will be conducted by FSBPT using experts in the field of accessibility and disability services, thus affording a consistent process to ALL exam candidates.
- Improved application experience.

**For Applications to the Board and FSBPT filed before September 25, 2020** – The NC Board of PT Examiners will make students exam eligible under the following conditions:

- The educational program has “validated for graduation” of the student in the FSBPT.net portal, **and**
- Student has registered with **FSBPT to take the exam** and paid the exam fee.
- Student has applied and paid for an application for licensure in North Carolina, **and**
- Student has submitted two character references.
- If needed, the student has submitted an application for special accommodations.
- The education program has submitted the Education Certification form.

**On or after September 25, 2020** - the FSBPT will make CAPTE students exam eligible under the following conditions:

- The educational program has “validated for graduation” of the student in the FSBPT.net portal, **and**
- Student has registered with **FSBPT to take the exam** and paid the exam fee.
- (The student STILL applies to the NC PT Board for licensure.)

**Note: Non-CAPTE educated students will continue to be made eligible by the NC Board of PT Examiners.**

We look forward to working with each educational program to ensure a smooth transition to this new expedited exam eligibility process for PT/PTA educational institutions and students!

Have questions? Contact: Kathy Arney, Executive Director, at [karney@ncptboard.org](mailto:karney@ncptboard.org) or Debbie Ragan, Deputy Director at [dragan@ncptboard.org](mailto:dragan@ncptboard.org)

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## ACADEMY OF ADVANCED ITEM WRITERS



**2020 Vickie Samuels,  
North Carolina**

The Academy of Advanced Item Writers consists of those National Physical Therapy Examination (NPTE®) item writers who develop both quality and quantity items as defined in the criteria below.

- Developed 60 items which were approved by the Examination Development Committee and entered into the item bank.
- Attended at least one FSBPT beginning item writing workshop.
- Fulfilled content area assignments during beginning item writing workshops.
- Recommended by an Item Writer Coordinator.
- Provide additional service on an NPTE committee or taskforce



**2019 Shelly Watkins,  
North Carolina**



# NC Board of Physical Therapy Examiners

*Effective May 1, 2020*

*English Proficiency for Foreign-Educated Applicants*

According to the North Carolina Physical Therapy Practice Act and Board Rules, the applicant will show proof of demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language (TOEFL) score requirement as 'defined by the Federation'. The current TOEFL score requirement as defined by the Federation was adopted on July 1, 2016 and is as follows:

## Federation of State Boards of Physical Therapy

### 16-07-01 Motion adopted

Adopt the following individual section and total cut scores on TOEFL iBT for both Physical Therapists (PT) and Physical Therapist Assistants (PTA). These scores must be obtained in one sitting.

- Reading: 22
- Listening: 21
- Speaking: 24
- Writing: 22
- Total Minimum: 89

READING 22 MIN.

LISTENING 21 MIN.

SPEAKING 24 MIN.

WRITING 22 MIN.

**TOTAL MINIMUM 89**

## IT UPDATE 2020

As this year winds to a close, the NCPT IT department continues to change the way Board members, staff, and applicants interact with our software and infrastructure. COVID-19 reprioritized Board office functions from primarily paper-based toward increasingly electronic-based services to continue to provide information to the public while ensuring a safe, secure, and reliable working environment for the Board and staff. Although this year has distanced us physically and socially, the Board and office staff have made a conscious effort to remain connected with the public.

In late March 2020, with the stay-at-home Executive Order of Governor Cooper, the decision was made to implement a remote work environment in order to combat the spread of COVID-19. In doing so, the IT department was tasked with ensuring all staff members were equipped with the necessary devices, software, and procedures to work from home. While moving into a remote working environment, the Board began the work of retooling processes to electronically handle licensing approvals and document management. By implementing several new SharePoint software sites, the staff was able to completely update the process and electronic environment in which the Board and staff collaborate.

The IT Department welcomed Subha Arulsevam, Software Engineer, who along with Gregg Seipp, Director of Information Technology, redesigned the license renewal software and updated the licensee data collected to include the national Physical Therapy Minimal Data Set (PT MDS). This tool will allow the Board to collect modernized information about the physical therapy workforce. This aggregated data will assist in better understanding North Carolina's physical therapy workforce and future needs. Gregg and Subha are also collaborating on modernizing and improving the infrastructure of the Board website ([www.ncptboard.org](http://www.ncptboard.org)) upon which to build a new site. The website serves as resource and data repository used by staff and the public each day.

Although this year may go down in history as one filled with constant challenges, the NCPT Board will be able to look back on the improvements it has made that will serve the public and Board well into the future. The IT department continues to refine software, the website, and infrastructures which should be visible now and in 2021.

# POSITION STATEMENT – NC BOARD OF PHYSICAL THERAPY EXAMINERS

## 10. Use of Clinical Designator, PT, DPT, and PTA

PT & PTA designator originally printed in the Board Newsletter, 1994, Issue 12

DPT designator printed in Board Newsletter, 2012, Issue 44

Updated – September 23, 2010, June 17, 2015, **September 02, 2020**

Reviewed- June 6, 2018

In North Carolina, the required clinical designator for physical therapist is PT and for physical therapist assistant is PTA.

Q: Can a physical therapist with a doctoral degree call himself/herself “Dr.”?

A: The **North Carolina Physical Therapy Practice Act** and Board’s rules do not specifically address this question; however, a physical therapist should not mislead or misrepresent himself/herself to patients or the general public. It does not matter whether it is intentional or unintentional, it is the responsibility of the physical therapist to make sure that the patient clearly understands that he/she is not a medical doctor. To the extent that a physical therapist can distinguish the doctoral degree in physical therapy when communicating with others, that is permitted. However, if the manner in which the DPT is currently introducing himself/herself or writing correspondence to patients or the general public is confusing, that is a problem. The DPT needs to choose his/her words carefully to clarify that he/she is not a medical doctor.

The term “Graduated” as defined in 21 NCAC 48A .0105 is used in the context of the application process for obtaining a PT or PTA license. The clinical designator is appropriate to use only after the degree has been conferred and the individual is licensed to practice physical therapy in the state of North Carolina.

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# POSITION STATEMENT – NC BOARD OF PHYSICAL THERAPY EXAMINERS

Approved: June 16, 2011

## 20. Nutritional Supplements, Vitamins, , Over-the-Counter (OTC) Medications

Posted: June 22, 2011, June 17, 2015

Reviewed- June 6, 2018

Updated: **September 02, 2020**

In accordance with the following Board rule:

### 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 determined that the selling or promoting the use of nutritional supplements/vitamins/over-the-counter (OTC) medications to patients/clients does not fall under the purview of physical therapy practice as it does not meet the criteria as outlined above.

Similar to the practice of promoting vitamins, nutritional supplements and over the counter medications, the promotion of CBD products does not meet the criteria as laid out in 21 NCAC 48C .0101. CBD products can vary widely with regard to ingredients, manufacturing, and quality, and the promotion of these products does not fall under the purview of physical therapy practice at this time.

# NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

## Board Orders / Consent Orders / Other Board Actions

November 1, 2019 – October 31, 2020

### Bateman, Jonathan D., PTA (Warning)

**Location:** Lumberton, NC, Robeson County

**License #:** A1924

**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:** Warning and reimburse Board for costs of investigation. (Effective January 11, 2020)

### Scott, III, Julian W., PT (Warning)

**Location:** Fayetteville, NC, Cumberland County

**License #:** P14023

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

**Discipline:** Warning and reimburse Board for costs of investigation. (Effective March 11, 2020)

### Cabrera, Joel, PT (Probation)

**Location:** Nashville, NC, Nash County

**License #:** P12052

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

**Discipline:** Probation for one (1) year with conditions and reimburse Board for costs of investigation. (Effective January 6, 2020)

### Harrington, II, Michael D., PT (Suspension)

**Location:** Charlotte, NC, Mecklenburg County

**License #:** P18147

**Conduct:** inappropriate sexual conduct and harassing, abusing, inappropriately touching a patient.

**Discipline:** Suspension – 18 months active, 2 years inactive, with other conditions, and reimburse Board for costs of investigation. (Effective April 8, 2020)

### Carter, Andrew K., PTA (Probation)

**Location:** Wilmington, NC, New Hanover County

**License #:** A5331

**Conduct:** engaging in misrepresentation or deceit or exercising undue influence over a patient or former patient for the financial gain of the licensee.

**Discipline:** Probation for two (2) years with conditions and reimburse Board for costs of investigation. (Effective January 11, 2020)

### Scolet, James A., PTA (Warning)

**Location:** Hayesville, NC, Clay County

**License #:** A6768

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

**Discipline:** Warning, complete a course, and reimburse Board for costs of investigation. (Effective March 11, 2020)

## 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 provides a process for licensees to recover from impairment and become safe practitioners. **Contact: NC Board of Nursing or 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, NCBPTE Executive Director, at [karney@ncptboard.org](mailto:karney@ncptboard.org).

# CALENDAR OF EVENTS

*\* DATES, TIMES, AND MEETING METHOD/LOCATION ARE TENTATIVE.*

*Contact Kathy Arney, Executive Director at [karney@ncptboard.org](mailto:karney@ncptboard.org) for further information.*

November 12, 2020 (Thu)	<b>Investigative Committee Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. Hosted remote meeting.
December 9, 2020 (Wed)	<b>Board Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. <b>REMOTE MEETING</b> – Streamed on YouTube channel: <a href="https://www.youtube.com/channel/UCUVBmOFF6-RRZ8hwvf8lyew">https://www.youtube.com/channel/UCUVBmOFF6-RRZ8hwvf8lyew</a>
December 12, 2020 (Thu)	<b>Investigative Committee Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. Hosted remote meeting.
January 21, 2021 (Thu)	<b>Investigative Committee Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. Hosted remote meeting.
March 10, 2021 (Wed)	<b>Board Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. <b>TENTATIVE REMOTE MEETING</b> – Details pending.
June 9, 2021 (Wed)	<b>Board Meeting *</b> - (8:30 a.m. - 4:30 p.m.) Offices of NC Board of Physical Therapy Examiners, 8300 Health Park, Suite 233, Raleigh, NC, 27615. Details pending.



# 2020-21 HOLIDAYS

BOARD OFFICE WILL BE CLOSED

Holiday	Day (s) of Week	Date (s)
Thanksgiving	Thursday and Friday	November 26 & 27, 2020
Christmas	Wednesday, Thursday, Friday	December 23-25, 2020
New Year's Day	Friday	January 1, 2021
Martin Luther King Jr. Day	Monday	January 18, 2021
Good Friday	Friday	April 2, 2021
Memorial Day	Monday	May 31, 2021
Independence Day	Monday	July 5, 2021
Labor Day	Monday	September 6, 2021
Veteran's Day (observed)	Thursday	November 11, 2021
Thanksgiving	Thursday and Friday	November 25 & 26, 2021
Christmas	Thursday, Friday, and Monday	December 23-24 & 27, 2021

## SCOPE OF PRACTICE QUESTIONS AND BOARD RESPONSES:

The standard for making NC Physical Therapy scope of practice decisions is analyzing if it satisfies Board Rule 48C .0101 (a) Permitted Practice - which states, "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." If the Board determines that it does not satisfy Board Rule 48C .0101 (a), if new or additional information is provided to the Board regarding where this is taught in entry-level or continuing education and is routinely practiced by physical therapists, it will review the new information and make a determination.



### Is Blood Flow Restriction Training considered part of the scope of practice in physical therapy in North Carolina?

The Board, at its meeting on 12/11/2019 determined that Blood Flow Restriction training satisfies the criteria to be included within the scope of physical therapy practice in North Carolina because it is an advanced skill being taught in entry level PT education, taught routinely in continuing educational programs and routinely performed nationally in PT practice. It is incumbent upon the licensee to obtain the appropriate training and education and to be competent to perform this technique in a manner that is considered safe and effective for the patient.

### Can PTAs perform Blood Flow Restriction Training?

First, if the technique does not require evaluation, it may be delegated to a PTA who has the education/training and competence to perform the technique. It is incumbent upon the PT licensee to assure that the PTA always works under the supervision of a PT, the PT delegates only portions of the plan of care that are safe and effective for the patient and the PTA is trained to perform.

*Continued next page*

## **SCOPE OF PRACTICE QUESTIONS**      *continued*

At its meeting on 12/11/2019, the Board reviewed information available and discussed the questions, **“Is Musculoskeletal (diagnostic) Ultrasound (MSK-US) in the PT Scope of Practice?”** and **“Can MSK-US be used to guide needle placement during dry needling?”**

The Board determined that the standards of Board Rule 48C .0101 (a) are not met at this time at this time. Therefore, the use of Musculoskeletal Ultrasound for diagnostic purposes or guiding needle placement during dry needling and physical therapy documentation requirements is not currently within the scope of physical therapy practice in North Carolina. Further, clients receiving this technique should not be advised or led to believe they are receiving physical therapy.

### **Is Radial Pressure Wave treatment in the PT scope of practice in North Carolina?**

The Board discussed the topic at its meeting on 12/11/2019 and was unable to determine that Radial Pressure Wave treatment satisfies the standards of Board Rule 48C .0101 (a) based on the information reviewed.

### **Does Dry Needling Include Connective Tissue?**

The Board determined that as noted in the North Carolina Supreme Court decision issued on December 7, 2019, in the case brought by the Acupuncture Board, “dry needling is a treatment that uses physical or rehabilitative procedures, with assistive devices, for the purpose of correcting or alleviating myofascial pain...” Therefore, any utilization of dry needling techniques that satisfy the foregoing language is within the scope of physical therapy practice in North Carolina. As the Board has previously noted, dry needling is an advanced skill for which training beyond entry level education is required. It is incumbent upon the licensee to obtain the appropriate training, education and be competent to perform dry needling. For your reference, the Board has posted document links related to the litigation brought by the Acupuncture Board on the announcements page of the Board’s website. <https://www.ncptboard.org/Announcements/Announcements.php> - scroll down the page.

### **Is Battlefield Acupuncture within the PT scope of practice in NC?**

No discipline other than physical therapy is regulated by the Physical Therapy Practice Act, which only authorizes those licensed under its provisions to practice physical therapy. Acupuncture is a separate and distinct discipline regulated by a totally separate practice act. There are areas in which acupuncture and physical therapy may overlap, but acupuncture is not included in the scope of practice of physical therapy.

While physical therapists may attend training on the battlefield acupuncture techniques, acupuncture is not considered within the scope of PT practice in NC. Therefore, without a license to practice acupuncture in NC, battlefield acupuncture may be considered a violation of the state Acupuncture Practice Act.

### **Can Athletic Trainers perform dry needling under the supervision of a PT as a PT Aide?**

Dry needling is an advanced skill for which training beyond entry level education is required. The Board has determined this is a skill for physical therapists, not PTAs or Aides. When providing physical therapy services, an athletic trainer would be considered a PT Aide. Therefore, an athletic trainer performing as a PT aide would not be authorized to perform dry needling.

### **Are PTs allowed to cast patients with rigid cast material?**

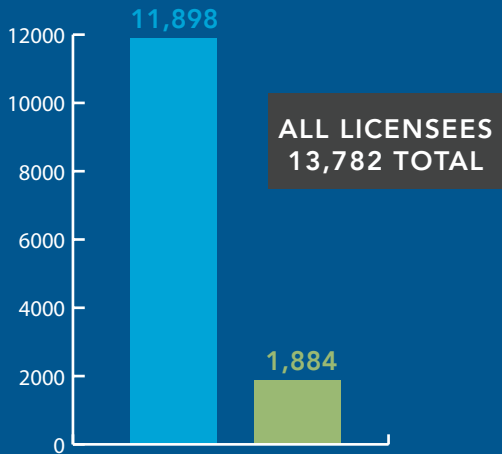
The Board discussed the topic at its meeting on December 11, 2019 and was unable to determine that PTs casting patients with the use of rigid cast material satisfies the standards of Board Rule 48C .0101 (a).

### **Is it within the scope of practice of a PTA to assess heart sounds in a home health patient?**

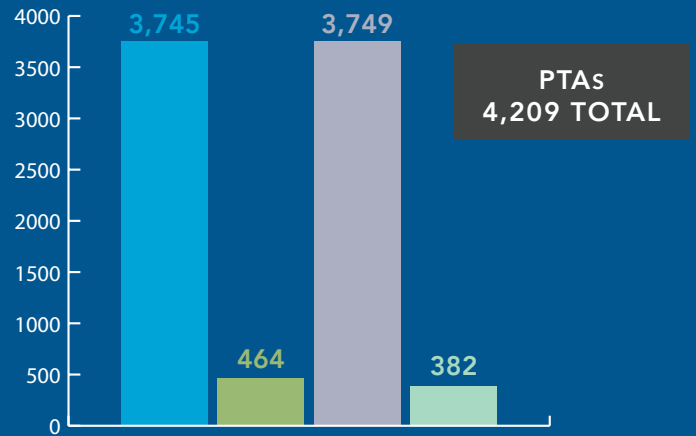
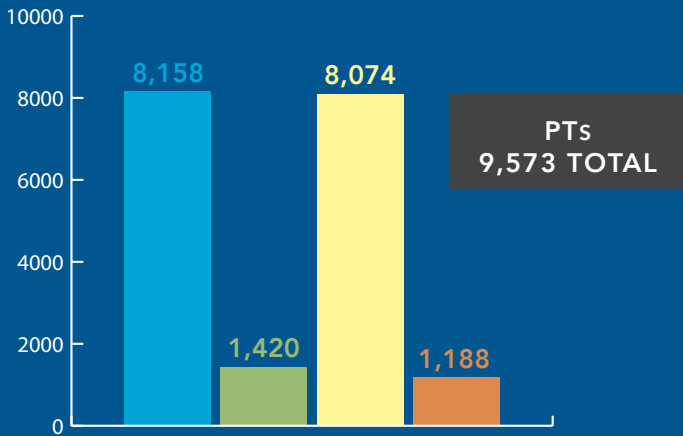
The Board determined that assessment of heart sounds is not routinely taught in PTA academic education which does not meet the Board standard for a procedure to be considered within the scope of practice. In addition, the NC PT Practice Act considers assessment outside the scope of practice for a PTA.

# LICENSEE COUNTS

COUNTS FOR TYPE OF LICENSES AS OF 10/02/2020



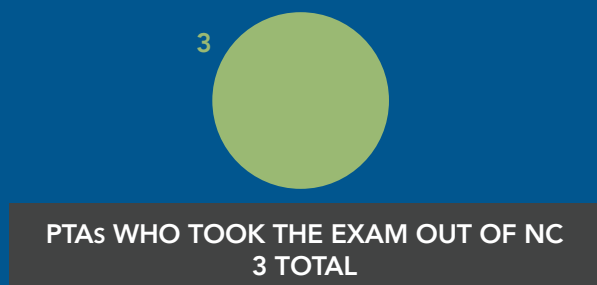
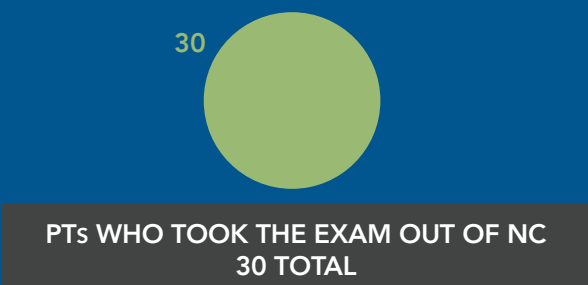
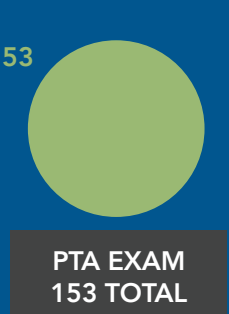
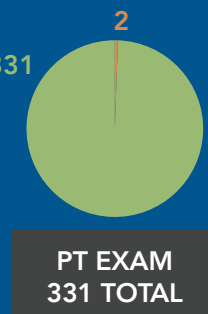
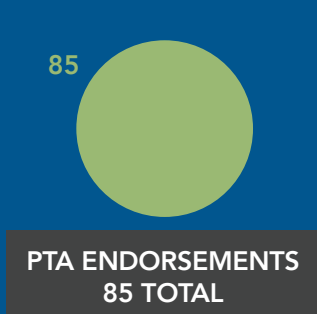
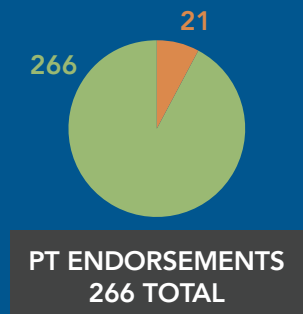
- ACTIVE LICENSEES LIVING IN NC
- ACTIVE LICENSEES NOT LIVING IN NC
- ACTIVE PTs WORKING IN NC
- ACTIVE PTs NOT WORKING IN NC
- ACTIVE PTAs WORKING IN NC
- ACTIVE PTAs NOT WORKING IN NC



## PT/PTAs LICENSED IN 2020

AS OF 10/02/2020

- CAPTE EDUCATED
- FOREIGN-TRAINED



# **\*\*NEW\*\* – NORTH CAROLINA PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT LICENSE RENEWAL FOR 2021**

NOTE: The NC Board of PT Examiners Renewal Application has changed for 2021.

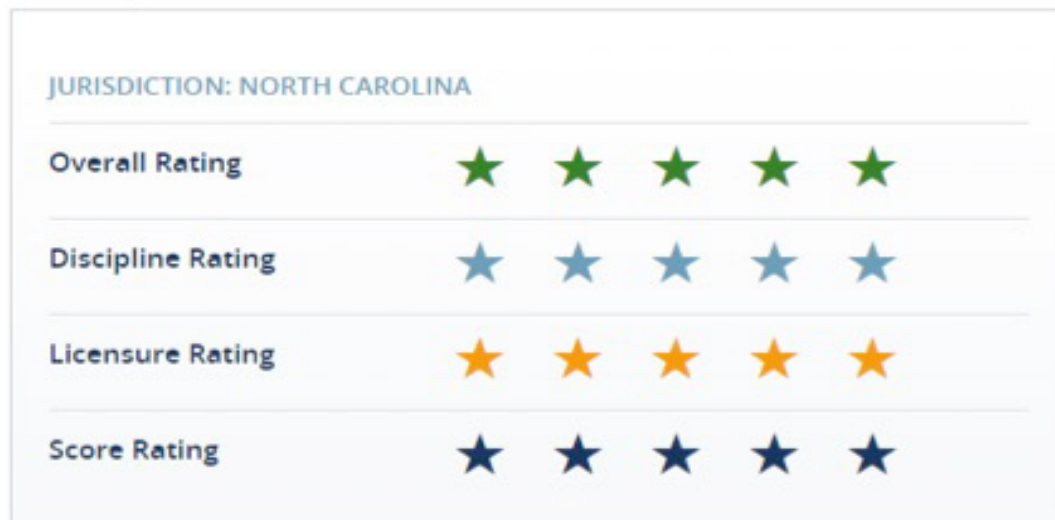
- Online License renewal for 2021 is open from Sunday, **November 1, 2020 – Monday, February 1, 2021 at 5:00 p.m. Eastern Standard Time** (When January 31 falls on a non-business day, license renewal at the close of business on the next business day.) *Licensees who do not plan to renew, please notify the Board (email, fax, or letter).*
- Questions regarding Demographics, Licensure and Education, Employment Status and Place and Characteristics of Practice/Work have been updated. These questions must be answered to complete your renewal. Information is released to the UNC SHEPS Center for Health Service Research (UNC-CH), university research and HRSA (Health Resources & Service Administration, a Division of the US Department of Health and Human Services.
- Payment for license renewal for 2021 can be made via credit or debit card or e-check. **\*\*\*Do not mail checks to the Board office; if payment does not go through due to insufficient funds, you will be notified by email that you have 5 days to make a payment and to include a \$25.00 processing cost or your license will not renew.**
- Please be aware that due to COVID-19 the Board office is closed to the public and the majority of staff is working remotely. **If you have a question about renewals, please email** [renewals@ncptboard.org](mailto:renewals@ncptboard.org).

## **\*\* IMPORTANT REMINDERS:**

- The most recent email address on file with the Board becomes your USER ID at Login. Any previously saved User ID's will no longer work.
- **CONTINUING COMPETENCE REPORTING REQUIREMENT:** For licensees in the reporting period ending January 31, 2021, continuing competence activities must be reported before renewing the license for 2021.

## **Exam, Licensure & Disciplinary Database (ELDD)**

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.



\*These ratings are based on ELDD data as of 7/1/2020  
To learn more about how these ratings were calculated, view the [ELDD Participation Index descriptions](#).