



# NEWS FROM North Carolina Board of Physical Therapy Examiners

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by  
Leslie Kesler, PT

## Reflections of the Chair

During the past six years, I have had the honor and the privilege of serving on the North Carolina Board of Physical Therapy Examiners. I had aspired to being involved with NCBPTE for many years before being appointed. Little did I know when I started this journey that it would be one of the best experiences of my professional life as a Physical Therapist!

The first step in my journey was developing a profound respect for the role of the Board. As a licensee for 20 years before serving on NCBPTE, I already valued the Practice Act and Rules and Regulations as part of the foundation of Physical Therapy practice. I remember the strong impact of efforts to establish Direct Access about the same time as I graduated from PT school. As a member of the current Board, I have gained even more appreciation and gratitude for the staff and members of NCBPTE, past and present. We are so fortunate to have a dedicated Physical Therapy Board, unlike many licensees in other states who are regulated by Boards that also oversee other healthcare and/or technical professions. From the Executive Director, Ben Massey, PT, to each of the staff in the NCBPTE office and Board Attorney, John Silverstein, the team members are knowledgeable, responsive, and skilled in their work – they are a tremendous resource to applicants, licensees, and the public, just a phone call or email away! The appointed members of the Board also display a level of professionalism and commitment that I can only hope to emulate. It is difficult to convey a description of the conscientious study and thoughtful input that the Board

members provide on every issue addressed. They take their responsibility seriously to support the NCBPTE mission of protecting the safety and well-being of the public and establishing and maintaining standards for the practice of Physical Therapy. It has been both an exciting and humbling experience to be on this journey with the current team and as a part of the 60 year legacy of NCBPTE.

Another significant part of the trek has been the establishment of continuing competency standards for Physical Therapy licensees. Many of our peers in other healthcare disciplines have long had continuing education requirements, so many have considered a system of promoting continuing competence as overdue for Physical Therapy. This venture had years of preliminary planning before even getting to the stage of

developing rules to take through the legislative process. Many hands and minds were involved in establishing a continuing competence system that other U.S. states now look to as a model for promoting professional engagement. Our rules and regulations offer licensees a variety of meaningful methods to demonstrate ongoing competence. The electronic tools that have been developed to organize and track continuing competence points also make the system clear and easy to use. The Board is so responsive to the input of licensees that we are already looking at ways to further improve the system! As Oliver Wendell Holmes said, “The great thing in this world is not so much where we are, but in what direction we are moving.” Continuing competence is

*(continued on page 4)*



### **North Carolina Board of Physical Therapy Examiners - 2010**

*Back Row: Left to Right: Judy L. Edwards; John M. Silverstein, Attorney; Gloria H. Lewis; Deborah J. Ragan; Ben F. Massey, Jr., ED; Patricia S. Hodson; Paul Garcia; Front Row: Left to Right: Pearl L. Rhone; Leslie P. Kesler, Chair; Stuart W. MacRoberts, Secretary-Treasurer*



by  
John M. Silverstein  
Board Attorney

# Disciplinary Action/Criminal Prosecution

Most complaints alleging violations of the Physical Therapy Practice Act are referred to the Board's Investigative Committee. This Committee investigates the allegations in the complaint, and determines whether there is probable cause to commence a disciplinary action against a licensee. Occasionally, a complaint will involve allegations that, if proven, would constitute criminal conduct, and would include not only violations of the Physical Therapy Practice Act, but of other North Carolina criminal laws as well. If the Board's investigation reveals grounds for criminal prosecution, the matter is referred to the District Attorney of the jurisdiction where the conduct occurred for prosecution.

Even if the Board determines that conduct warrants criminal prosecution, it is ultimately within the discretion of the District Attorney as to whether criminal charges will be filed. Perhaps since there are relatively few referrals for criminal violations of the Physical Therapy Practice Act, the Board has encountered differing degrees of interest from North Carolina's District Attorneys. With over 40 judicial districts in North Carolina, it is

understandable that not all DA's would have the same resources or inclination to prosecute violations of the Physical Therapy Practice Act. Therefore, a recent Board referral to a District Attorney in the western part of the State is noteworthy. Since identity theft was involved, names of licensees will not be used.

This case involved a PTA who was disciplined by the Board in 1999 for documenting and charging for home health patient visits that were not performed. Although her license had been reinstated, she was not working in physical therapy when she was convicted in federal court in January, 2008, for falsifying information submitted to the FDA from the physician's office in which she was employed. She received a probationary sentence. Over the course of the next several months, the Investigative Committee corresponded with the PTA regarding disciplinary action based on the federal prosecution.

In an unrelated matter, in July, 2008, the Board received a complaint from a licensed physical therapist alleging that this same PTA was using the physical therapist's name, license number and personal information to apply for a physical therapist position. The Board's Investigative Committee immediately commenced an investigation, and determined that the PTA had applied for other physical therapist positions in the western part of the State. During this same period of time, the Board received a complaint that the PTA was using the name of a second physical therapist to apply for physical therapist positions. Consequently, the Board sought to determine the scope of the PTA's conduct by assigning its Executive Director, Ben Massey, and its Investigator, Douglas Kearns, to interview employers for whom the PTA had allegedly worked as a PT.

When she was confronted with the evidence the Board obtained, the PTA surrendered her license to practice as a physical therapist assistant in North Carolina. The Board published an alert on

its website and disseminated it to facilities in the western part of the state warning that the PTA had applied for positions as a physical therapist. Mr. Massey and Mr. Kearns also communicated with law enforcement offices that were investigating the PTA's conduct for violations of federal and state criminal laws.

As a result of the Board's actions, the PTA was charged with violating the conditions of her federal probation, and in April, 2009, she appeared in federal court in Greensboro. Based on testimony from Ben Massey, her probation was revoked, but she was given three more years of intensive probation.

On the local level, investigations were undertaken by law enforcement officials in Asheville, Brevard, Waynesville and Hendersonville. While all of the law enforcement officials indicated that fraud was difficult to prove, Detective Ned Whitmire of the Henderson County Sheriff's Office investigated the matter thoroughly, and District Attorney Jeff Hunt, recognizing the seriousness of the PTA's actions, as well as the harm to the PT's who were innocent victims of the PTA's reckless and criminal behavior, assigned the case to Assistant District Attorneys Doug Pearson and Doug Mundy for prosecution. As a result of their hard work, the PTA pled guilty to identity theft and obtaining money by false pretenses. She received an 8 to 10 month sentence, including electronic house arrest for 6 months. Finally, she was prohibited from practicing physical therapy in North Carolina unless she had a valid license.

Without the excellent work of Ben Massey, Doug Kearns, Ned Whitmire, Jeff Hunt, Doug Pearson and Doug Mundy, there is no limit to how much harm might have been done by this PTA. Thanks to Mr. Massey's quick action and Mr. Hunt's office's prosecution, this PTA was stopped from engaging in illegal conduct, and the public was the ultimate beneficiary.

## E-Mail Address Required to Renew License

License renewal applications and continuing competence activity reports required for license renewal for 2011 must be completed **online**. There will be **no** option for paper renewal. **Therefore, all licensees must use an e-mail address that has been registered with the Board.** For licensees who currently do not have an e-mail address, there are several e-mail providers that will furnish you with an email address at no cost. For a list of some of those providers, please consult the Board's web site.

## *PT and PTA examinations have been suspended for graduates of programs in Egypt, India, Pakistan and the Philippines*

The Federation of State Boards of Physical Therapy (Federation or FSBPT) develops and administers the National Physical Therapy Examination (NPTE) for both physical therapists and physical therapist assistants in 53 jurisdictions – the 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands. These high-stakes examinations assess the basic entry-level competence for first time licensure or registration as a physical therapist or physical therapist assistant within the 53 jurisdictions.

The Federation recently announced that it has suspended NPTE testing for all graduates of physical therapy schools located in Egypt, India, Pakistan, and the Philippines “in response to pervasive, ongoing security breaches by significant numbers of graduates of physical therapy schools from these countries. This necessary security measure has been implemented in light of compelling evidence gathered by the Federation reflecting systematic and methodical sharing and distribution of recalled questions by significant numbers of graduates of programs in the affected countries, as well as several exam preparation companies specifically targeted to these graduates.”

“As a result of these ongoing security breaches, graduates of Egyptian, Indian, Pakistani and Philippine programs are no longer able to register for the NPTE for PTs or PTAs, effective 11:59 PM, Sunday, July 11, 2010. New PT and PTA examinations, called the NPTE-YRLY, will be developed for graduates of these programs and should be available for registration in the fall of 2011. Currently, the Federation intends to offer the NPTE-YRLY once per year, at select test sites to be identified at a later date.”

“The Federation will contact graduates from the affected physical therapy schools who have already registered for the NPTE to provide written instructions regarding when and under what conditions they will be able to take the NPTE. Jurisdiction physical

therapy licensing authorities will be informed of the status of candidates from affected programs who have applied to their jurisdiction for licensure in separate correspondence.”

“This necessary security measure is in response to compelling evidence gathered by the Federation reflecting systematic and methodical sharing and distribution of recalled questions by significant numbers of graduates of programs in the affected countries, as well as several exam preparation companies specifically targeted to these graduates. This evidence was obtained through extensive forensic analyses of exam performances, as well as a variety of legal actions brought by the Federation in the United States and abroad. Most notably, this includes the raid and seizure of evidence from the St. Louis Review Center in Manila, Philippines, and its alleged owners/operators, Gerard L. Martin, Roger P. Tong-An and Carlito Balita, which revealed the widespread sharing of hundreds of live test items. In response, the Federation is pursuing criminal copyright prosecution against St. Louis Review Center and its owners, has invalidated the scores of several individuals believed to have unfairly benefitted from advance access to test questions, and has removed the compromised items from the exam.”

“The Federation’s ongoing investigative efforts have revealed that the sale and sharing of recalled test questions extends beyond this single test preparation company, and that the sharing of test items has continued despite its past efforts to ensure the security of the exam. The National Physical Therapy Examination is a key element in assisting jurisdiction licensing boards and the Federation in assuring the public that licensed physical therapists and physical therapist assistants are competent and safe practitioners. We view the security of the NPTE as the highest priority

in our mission of public protection and, therefore, have used the best forensic and investigative techniques available to identify the problem and the perpetrators. Given the pervasive and continuing use of electronic technologies by graduates of these schools and some examination preparation companies – in spite of the harsh penalties imposed by the Federation – we believe that the NPTE-YRLY is the best solution to ensure the validity of all NPTE test results,” stated Federation President E. Dargan Ervin. “The Federation recognizes the significant consequences of this policy decision, but feels that it needs to be made clear to all candidates that the Federation will not tolerate security breaches. We will continue to use and add security measures to protect against possible future breaches and will not hesitate to add other groups to the list restricted to the NPTE-YRLY if we obtain sufficient evidence that members of additional groups may be obtaining an unfair advantage on the NPTE or otherwise jeopardizing the integrity of the exam.”

Candidates with questions may visit the Federation’s website at [www.fsbpt.org](http://www.fsbpt.org) for updated information or email [examregistration@fsbpt.org](mailto:examregistration@fsbpt.org). Individuals without Internet access may contact the Federation at 703-739-9420.

The North Carolina Board of Physical Therapy Examiners will continue to accept applications and the application fee from graduates of Egypt, India, Pakistan, and the Philippines; however, the application fee is not refundable and candidates will not be allowed to take the NPTE until the Federation lifts the current suspension.

Applicants or potential employers with questions for the North Carolina Board of Physical Therapy Examiners may contact Cindy Kiely, Administrative Licensing Manager at [cindy@ncptboard.org](mailto:cindy@ncptboard.org) or 919-490-6393 / 800-800-8982.

# Continuing Competence Basic Information

## GENERAL INFORMATION

▼ All NC licensees are required to complete continuing competence activities as a condition of license renewal.

▼ **IMPORTANT:** Continuing Competence Reporting Periods are **2 years** (January 1 to December 31 of the following year); License renewal is **annual**. License expiration is January 31 each year.

## ▼ REPORTING PERIODS:

- If you were *licensed prior to 2009*, your first reporting period began January 1, 2009 and will end December 31, 2010. The next reporting period begins January 1, 2011 and so on.
- If you were *first licensed* after January 1, 2009, your first reporting period begins January 1 of the year following your date of licensure and runs for two years. **Your reporting period does not start immediately.**
- If your license lapsed and was revived at any time after December 31, 2008, the following applies:
  - Lapse of less than 1 year: REPORTING PERIOD remains the same as though there was no lapse.
  - Lapse of greater than 1 year: REPORTING PERIOD: Begins January 1 of the year **after** your license revival. **Your reporting period does not start immediately.**
- If you do not know your reporting period contact the NCBPTE at either: (919) 490-6393 or (800) 800-8982 or email [karney@ncptboard.org](mailto:karney@ncptboard.org) for assistance.

▼ **You must complete the Continuing Competence Reporting Form at the end of your reporting period** (unless you have received a Board approved Exemption or Deferment from the Continuing Competence Requirements) to be able to renew your license. If you have an exemption or deferment you remain in the same reporting period. When your exemption or deferment expires you will need to either:

- submit a request to the Board for another exemption or deferment or,
- fulfill the requirements for the next period. Refer to your Approved

Exemption or Deferment letter for details.

## ▼ There have been updates to the Continuing Competence Reporting software.

- All licensees should carefully check information entered previously to assure it is accurate. You may print a copy for your records.
- Continuing Competence Activities should be reported using only the single date the activity was completed or choose one date during the range of dates of the activity. Example: 4-25-2009. There is no option for entering a range of dates.
- ▼ When the reporting period ends on December 31 there are 30 days to enter all information into the Report. The report then becomes "Read-only"; you may refer

to it but make no further entries, edits or deletions.

▼ You may carry over up to 10 points from the previous reporting period. You must re-enter the information for the points you want to carry over. If necessary, refer to the "Read-only" copy of the previous reporting period for reference.

▼ Licensees need to keep documentary evidence of the continuing competence activities they record for proof of *completion upon audit*. (Records should be kept for a period of four years following the end of the reporting period for which credit is sought for an activity.) **DO NOT SEND PAPER COPIES TO THE BOARD** at license renewal. You will be notified by mail if you have been randomly chosen for audit.

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## Reflections of the Chair *(continued from page 1)*

definitely a move in the right direction and it has been exciting to be a part of the initial stages of implementation.

Another meaningful aspect of the journey has been the networking with other healthcare professionals within the state and across the country. NCBPTE is active on a national level, staying informed as well as providing input on regulatory, legislative, and Physical Therapy practice issues. NCBPTE also reaches out to regulatory boards of other disciplines to promote professional relationships and address interdisciplinary issues or public safety concerns. NCBPTE is respected for its proactive and big picture approach. It has been an incredible growth experience to establish professional and personal bonds with folks that I have met through my involvement with the Board.

One of the most recent ventures for NCBPTE is to 'go green'. After careful deliberation of the costs and benefits, we have been able to eliminate significant amounts of printing and mailing. For example, this issue of the Board's newsletter will be the first to be electronic

version only. In addition, a major overhaul and advancement of the technology infrastructure in the past few years has strengthened information management. Taking opportunities like this demonstrates environmental and fiscal responsibility, saving resources and while providing easy access to information. It gives a great feeling of pride to know that the Board continually researches for best practice and is willing to change.

There are many other parts of the voyage that I treasure; my goal in sharing some of them has been to give you a verbal 'slide show' of some the highlights of the trip. Primarily I want to say thank you for allowing me to serve on the North Carolina Board of Physical Therapy Examiners for terms 2005-2010. When I finish my term this year, I will consider my tenure on the Board to have been rewarding beyond measure. I hope that each of you will have the opportunity to be a part of something so meaningful during your journeys in Physical Therapy and in life. Perhaps you too will choose a path with NCBPTE!

## Continuing Competence Footnotes

### • “Carry Over” Points

Many licensees are finding they have earned points beyond the requirement and are asking about how to carry over points into the next reporting period. At this time we expect that the “up to 10 point carry over” will be handled by the licensee. Extra points will not be “automatically” added to the online report for the following period. Licensees will report all points earned during a single reporting period in the Continuing Competence Report online. Once that reporting period has ended the online report will become “read-only”. A licensee will have access to review the “read-only” file at anytime but will no longer be able to make changes to it. Then, for the following reporting period, the licensee will determine which points they will carry over, if any. They will re-enter the information for points selected for carry over into the Continuing Competence Online Report for the next reporting period. Only points earned during the prior reporting period will be considered for carry over. A licensee may carry over points from any subcategory up to the limit for that category or a maximum of 10 points if the category

allows more than 10. The directions for carry over points will be added to the online report later this year. Contact the Board if you have questions.

### • **Completing a Continuing Competence Online Report**

Information and step by step directions are now located on the website at [www.ncptboard.org](http://www.ncptboard.org), Continuing Competence link, Continuing Competence Reporting

### • **New FAQ’s**

Several new FAQ’s have been posted on the web page. New postings related to Presenting and Teaching, ABPTS Certification and Courses and Conferences approved Outside of North Carolina are available under the “Rule Interpretation” heading.

### • **Continuing Competence Exemptions/Deferments**

The Continuing Competence Board Rules have provisions for exemptions and deferments from the continuing competence requirements for license renewal. If you need more information go to [www.ncptboard.org](http://www.ncptboard.org), Continuing Competence link, Rules and Chart; 21 NCAC 48G .0111 Exemption and Deferments.

## License Renewals: Important Points

2011 License renewals will be done online. Actions to make the process easier are:

- **Renew early.** Renewal online will be available at the Board website in early November, [www.ncptboard.org](http://www.ncptboard.org). It is recommended you renew by January 1. Look for the button on the home page that says “License Renewal”
- **Complete the Continuing Competence Report online before you attempt to renew.** Whether you are at the mid-point or end of a reporting period, avoid renewal delays by completing the appropriate form. If your reporting period ends December 31, 2010, all continuing competence activities including a Jurisprudence Exercise must be completed by that date. See the red button on the home page, “Continuing Competence Reporting” . At the top of the report in the summary section, both boxes should be green and say complete.
- Every licensee is required to **register a current, working email address** with the Board to renew his / her license! (Don’t have one? See information regarding obtaining an email address on the Board’s web site). To confirm or update your email address go to: [www.ncptboard.org](http://www.ncptboard.org), chose “Licensing” from the menu on the left, go to “Change of Address”, login (see directions), then confirm or update your email address.
- When you get to the online renewal **READ THE DIRECTIONS THOROUGHLY.** Common questions about login passwords have been answered on the renewal direction page.

## The Audits Are Coming

Random audits of documentation of continuing competence activities is the way the Board will ensure that NC PT licensees are meeting the requirements for license renewal. The first 2 year continuing competence reporting period will end December 31, 2010. Licensees will be notified by mail and will be expected to submit documentation of materials that substantiate continuing competence activities.

The notification letter will instruct licensees how and where to send documentation. Hard copy documentation must be sent within 30 days of the Board’s request and will not be returned. Any licensee who has a hardship providing documentation of continuing competence activities should contact the Board. Requests will be reviewed on a case by case basis.

Documentation will be reviewed for:

- Exemption or deferment status
- Compliance with continuing competence requirements such as:
  - All components were accomplished
  - Within the reporting period
  - Approved provider
  - Assessment component
  - Points and limits for category met
  - Proper documentation
- Any requirements from disciplinary action.
- Jurisprudence Requirement met

Licensees who fail to comply may be:

- Offered an opportunity to provide additional documentation.
- Provided additional time to meet requirement.
- Referred to Investigative Committee for possible disciplinary action, with disciplinary status posted on Board website.

**NOTE: ONLY LICENSEES WHO ARE AUDITED ARE REQUIRED TO SUBMIT PROOF OF COMPLIANCE TO THE BOARD.**

# Announcements!

## **Coming in November!** NCBPTE Continuing Competence presentation: **Continuing Competence: Next Steps-Recording, Reporting and Audits:**

Kathy O. Arney, PT, MA, NCBPTE Continuing Competence Consultant, presenting  
November 18, 2010, 6-8 pm, registration begins at 5:30 pm, Asheville, NC  
Mountain Area Health Education Center ([www.mahec.net](http://www.mahec.net)) **2 points**

This presentation will be videotaped. Licensees may view the presentation after it is posted on the website and earn 2 points toward the continuing competence requirement in the continuing education, electronic media category.

## **Updated Website pages: Take a look: [www.ncptboard.org](http://www.ncptboard.org)**

### **1. AUDIT Documentation: What should I send in if audited?:**

A summary of the documentation required for audits is available on the website at [www.ncptboard.org](http://www.ncptboard.org), Continuing Competence link, "Required Documentation". In addition, specifically for continuing education activities, licensees are encouraged to keep brochures, internet advertisements or course descriptions because many certificates of completion do not have thorough information.

A reminder notation of the required documentary evidence of compliance is being posted to each subcategory of the "Continuing Competence Report" online as a reminder for you! Go to Red Button: Continuing Competence Reporting, on the home page of the website.

### **2. New "REVIVE YOU LICENSE" page, under "Licensing" on the blue menu on the Homepage, under Quick Links on the Home page.**

## **3. All continuing competence pages have been updated—take a look**

### **Contact:**

**General Information:** email: [benmassey@ncptboard.org](mailto:benmassey@ncptboard.org) or call (919) 490-6393 or (800) 800-8982

**Continuing Competence:** [karney@ncptboard.org](mailto:karney@ncptboard.org) or call (919) 490-6393 or (800) 800-8982

**Board Address:** North Carolina Board of Physical Therapy Examiners  
18 West Colony Place, Suite 140  
Durham, North Carolina 27705

## **Federation for State Boards of Physical Therapy : Practice Review Tool**

Physical therapists have a new tool available to them from the Federation of State Boards of Physical Therapy. The Orthopedics Practice Review Tool (Ortho PRT) is an assessment tool which scores the licensed physical therapist's knowledge of systems, clinical applications, examinations, evaluations, interventions, and equipment based on real-life scenarios. Armed with the results, licensed practitioners will see their areas of strength and identify areas where to concentrate improvement.

Note: the results are NOT shared with state licensing boards; however, the North Carolina Board of Physical Therapy offers 5 points for proof of completion or 10 points for meeting the standard. To register or get more information, go to <https://www.fsbpt.org/ForCandidatesAndLicensees/ContinuingCompetence/PracticeReviewTools/index.asp>.

## FORUM: Q & A

**Q:** Dear Mr. Massey, I work for a large home health agency in N.C. Recently I was told by my branch director that I was expected to assign patient treatments to one of the PTA's whenever I was told to do so. I briefly tried to discuss the fact that patients are not always appropriate for the assistants (depending on the patient's needs, the assistant's experience and personality, etc). My manager was not willing to agree that there are exceptions to assigning all patients to an assistant. What are your thoughts, / opinions, and / or advice in this situation?

**A:** Dear Licensee: If your question is whether all patients (which includes patients in the home health environment), regardless of their diagnosis, status, physical and mental condition, etc., should be assigned to physical therapist assistants for treatment, the answer is no.

### **The Board's rules state:**

#### **21 NCAC 48C .0102 RESPONSIBILITIES**

- The physical therapist must determine the patient care plan and the elements of that plan appropriate for delegation.
- The physical therapist must determine that those persons acting under his or her supervision possess the competence to perform the delegated activities.
- The physical therapist may delegate responsibilities to physical therapist assistants. The supervising physical therapist must determine that the PT or PTA student is working under supervision at all times.
- The physical therapist must enter and review chart documentation, reexamine and reassess the patient and revise the patient care plan if necessary, based on the needs of the patient.
- For each date of service, a physical therapist must provide all therapeutic interventions that require the expertise of a physical therapist and must

determine the use of assistive personnel who provide delivery of service that is safe and effective for each patient.

#### **21 NCAC 48G .0601 PROHIBITED ACTIONS**

- Behaviors and activities which may result in disciplinary action by the Board pursuant to G.S. 90-270.36(1), (6), (7), (8) and (9) and G.S. 90-270.35(4) include the following:
  - delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such a person is not qualified by training, by experience, or by licensure to perform such responsibilities;

Therefore, it is the physical therapist's responsibility to only delegate to the assistant when the physical therapist has determined that the patient and his/her condition can be treated safely and effectively by a physical therapist assistant and that the physical therapist assistant has the competencies to perform the delegated activity. In addition, there are specific treatments (e.g., spinal mobilization, vaginal and rectal mobilization) that the Board has determined are beyond the scope of work for a physical therapist assistant. If a physical therapist delegates a patient or elements of a treatment to a physical therapist assistant that is not appropriate or if the physical therapist has knowledge that the physical therapist assistant does not have the skill and competency to perform the treatment, then the referring physical therapist could be in violation of the North Carolina Physical Therapy Practice Act and Board's rules, and would be subject to disciplinary action.

# North Carolina Board of Physical Therapy Examiners

## Board Orders / Consent Orders / Other Board Actions June 2009 – June 2010

### Hill, Terrance M. Hill., PTA (Warning)

**Location:** Lexington, NC, Davidson County  
**License #:** A-3869  
**Conduct:** Failure to accurately complete patient records.  
**Discipline:** Warning and pay cost of the investigation. (Executed October 10, 2009)

### Yount, Marshall H., PT (Warning)

**Location:** Winston-Salem, NC, Forsyth County  
**License #:** P-10074  
**Conduct:** 1. Failure to accurately complete patient records in a timely manner, and 2. inappropriate behavior in the presence of a patient.  
**Discipline:** Warning and pay cost of the investigation. (Executed December 31, 2009)

### Kight, Joyce Z., PT (Warning)

**Location:** Charlotte, NC, Mecklenburg County  
**License #:** P-2251  
**Conduct:** Failure to maintain legible notes and appropriately document patient treatments.  
**Discipline:** Warning and pay cost of the investigation. (Executed December 31, 2009)

### Layton, Morgan E., PTA (Warning)

**Location:** Tarboro, NC, Edgecombe County  
**License #:** A-3274  
**Conduct:** Falsifying documentation in a patient's record.  
**Discipline:** Warning and pay cost of the investigation. (Executed December 31, 2009)

### Osborne, Jason Scott., PT (Suspension)

**Location:** Sanford, NC, Lee County  
**License #:** P-8549  
**Conduct:** Failure to appropriately document patient treatment notes, inappropriate use of reimbursement codes, and administering prescription topical medication without having a complete physicians' prescription showing dosage.  
**Discipline:** Suspension for 1 year with 5 days active and the remaining period stayed with conditions. Additionally, he must pay the cost of the investigation. (Executed - March 11, 2010)

### Kidd, William Bryan, PT (Warning)

**Location:** High Point, NC, Guilford County  
**License #:** P-11526  
**Conduct:** Recording false information in a patient's record.  
**Discipline:** Warning and pay cost of the investigation. (Executed – April 19, 2010)

### Stewart, Samuel Michael, PTA (Warning)

**Location:** Shelby, NC, Cleveland County  
**License #:** A-2040  
**Conduct:** Recording false information in a patient's record.  
**Discipline:** Warning and pay cost of the investigation. (Executed – April 19, 2010)

## Changes in Mode of Communication from Board

- Require all renewals to be done online – notices will be emailed to licensees
- Require reporting of continuing competence to be done online
- Discontinue printing the Directory of Licensees (information is available online)
- Discontinue printing of the Newsletter (Newsletter will be posted online)

**Primary Purpose:** to maintain fee schedule at the current level. The last time the Board enacted a Rules change to allow a fee increase was November 1, 2006; however, it chose not to implement the fee increase until March 1, 2007. Although the Board has incurred significant costs with the implementation of continuing competence, it has been able to maintain the current fees by increasing efficiencies, primarily through the use of technology. In an effort to continue to maintain the fees at the current level for the next few years and to implement environmentally friendly policies, at its recent meeting the Board voted to take advantage of cost savings associated with technological advances (e.g. require online renewals, reduce mailings and utilize posting of information on the Board's web site including the Directory and Newsletter). By continuing to increase efficiencies and reduce costs, the goal of the Board is to maintain the fees at the current level until 2014 or 2015.

# Calendar of Events

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

|                       |   |
|-----------------------|---|
| Sept 2, 2010 (Thurs)  | Investigative Committee Meeting *- (8:00 a.m. – 12:00 p.m. (noon), Satsky and Silverstein Law Firm, Raleigh, NC, <a href="http://www.satskysilverstein.com">www.satskysilverstein.com</a> )   |
| Sept 23, 2010 (Thurs) | Board Meeting *- (8:30 a.m. - 4:30 p.m., Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC, <a href="http://www.sienahotel.com/">http://www.sienahotel.com/</a> )   |
| Oct 12, 2010 (Thurs)  | Investigative Committee Meeting *- (8:00 a.m. – 12:00 p.m. (noon), Satsky and Silverstein Law Firm, Raleigh, NC, <a href="http://www.satskysilverstein.com">www.satskysilverstein.com</a> )   |
| Dec 09, 2010 (Thurs)  | Board Meeting *- (8:30 a.m. - 4:30 p.m., Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC, <a href="http://www.sienahotel.com/">http://www.sienahotel.com/</a> )   |
| Dec 31, 2010 (Fri)    | Final date for completion of continuing competence for licensees who are in the Reporting Period ending December 31, 2010. (Licensees will have 30 days from Dec 31, 2010 to enter the documentation in the Continuing Competence Report Online before the computer program is converted to “Read-Only”.) |
| Jan 31, 2011 (Mon)    | Final Deadline for license renewal  |
| Feb 1, 2011 (Tues)    | Lapse of licenses not renewed   |

**Board Members**

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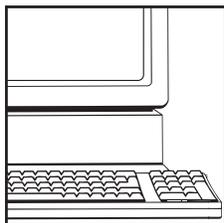
John M. Silverstein, Esquire

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## N.C. Licensure Statistics

*(As of May 19, 2010)*

|      | Licensed | Reside | Work  |
|------|----------|--------|-------|
| PTs  | 6,305    | 5,297  | 4,923 |
| PTAs | 2,713    | 2,428  | 2,226 |



### **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](http://www.ncptboard.org)) or by letter, fax (919-490-5106), or call the Board’s office at 919-490-6393 or 800-800-8982.