



North Carolina Board of Physical Therapy Examiners

NEWSLETTER

Issue 21

Summer 1998

Chairman's Message J. HERMAN BUNCH, Jr., PT, M.Ed., ATC

The North Carolina Board of Physical Therapy Examiners (NCBPTE) has voted to ask the General Assembly to consider raising the fees for licensure in the North Carolina Physical Therapy Practice Act. The law change would be submitted for consideration by the General Assembly in the 1999 Session. The fee structure has not been changed since 1985. If the change in the law is adopted, the Board would propose raising the renewal fee from the current fee of \$40.00 up to \$60.00 in the year 2000 and \$80.00 in the year 2005. The current proposal has a long term cap of \$150.00.

The costs of operating the Board have increased over the past 15 years and it

has become necessary to raise the fees to keep pace. In addition, the Board has expanded the services that it offers to licensees and citizens of North Carolina. The expense of disciplinary actions has risen significantly over the past couple of years. With more violations being reported, the Investigative Committee, Board Investigator, and attorney have spent a tremendous amount of time and money in the performance of their duties.

The cost of operating the Board Office has increased significantly due to the need for increased staff, space, and technology. Board responsibilities have increased with new state and federal requirements such as reporting disciplinary

actions to interstate reporting agencies and assistance with enforcing child support financial obligations.

Based on a survey of 27 Licensure Boards in North Carolina, the average cost for licensure renewal is \$127.00. National data reveals that the current national average for renewal fees for physical therapy licensees is over \$50.00 per year.

The Board hopes that licensees will actively support this proposed legislation for a fee increase to allow us to continue to take positive initiatives that guarantee that the citizens of North Carolina will receive quality care provided in a safe and efficacious manner.

From the Executive Director BEN F. MASSEY, Jr., PT

The purpose of the Physical Therapy Practice Act and Licensure Board is to protect the health, safety, and welfare of the general public. This is accomplished through licensure, discipline, and education. It is funded by physical therapy licensees and administered by the Board. The Board is appointed by the Governor through an election process that is conducted with the assistance of the Board staff.

Over the last couple of years, the Board has taken some very positive steps in becoming more accessible to the general public. The Board voted to install a toll free telephone number (800-800-8982) which can be obtained from toll free directory assistance. The Board has an e-mail (NCPTBoard@mindspring.com) to facilitate communication with the public and licensees.

North Carolina was one of the first states to change from paper and pencil exams to computer based testing. As a result of this change, graduates are allowed to take the exams much quicker and more often (if needed) than before. Therefore, graduates are now becoming licensed much quicker which benefits the citizens of North Carolina.

A web page was instituted in 1997 which provides valuable information such

as the **Practice Act, Rules**, and licensure information. Important notices that affect licensees are now placed on the web for immediate dissemination. Disciplinary actions and how to report violations are located on the web. (In 1997, the Investigative Committee addressed 59 complaints and resolved 47 in the same year. In 1997, the Board suspended 7 licenses, placed 1 licensee on probation, issued 5 warnings, and sent 21 letters of private reprimand. In 1998, the Investigative Committee has already addressed 36 complaints.) The Board has collaborated with the North Carolina Physical Therapy Association (NCPTA) on several task forces to clarify legal and ethical practice. This has resulted in: (1) the development of Board position statements, (2) the Board financially supporting statewide presentations on Supervision at AHEC programs, and (3) the development of the reference book, **Practice Under Pressure** (to date, 400 copies have been sold). The Board, staff, and attorney have presented programs at professional association meetings on legal practice and the Model Practice Act. The Executive Director presents programs routinely at PT and PTA schools across the state.

The distribution of the Newsletter has

been increased from 2 issues per year to 3 issues in 1998 and will probably be 4 issues in 1999. The Board has continued to support the publication of the Directory of Licensees which facilitates communication with other licensed physical therapy practitioners across the state.

The Board has also assisted the North Carolina Department of Human Resources, Division of Social Services, Child Support Division with resolving financial obligations of physical therapy licensees who are in arrears with their child support payments.

The Executive Director has been actively involved in the Federation of State Boards of Physical Therapy and has maintained an open dialogue with other Board administrators throughout the country. This helps keep North Carolina on the cutting edge of trends in professional regulation. Our licensees are fortunate to have an independent Board which has the authority and is willing to make tough decisions to insure the public health, safety, and welfare of citizens who receive physical therapy services. Physical therapists and the citizens of North Carolina owe a debt of gratitude to the General Assembly of North Carolina for giving Boards the autonomy to regulate and police our own profession.

ALLIES IN HEALTH

John M. Silverstein, Attorney

Physical therapy licensees do not practice in a vacuum. They are continually interacting with allied health professions to better serve the health care needs of patients and other individuals in need of their services. Based on questions presented to the Board from North Carolina practitioners, pressures are being placed on licensees to stretch the scope of permitted practice to the limits contained in the Practice Act and beyond (particularly for physical therapist assistants). At the same time, other individuals seem poised to invade the permitted practice areas for licensed physical therapists. This Comment will address the interrelationship between the practice of physical therapy and other disciplines.

Licensed physicians are authorized by North Carolina law to engage in the practice of medicine, which would include the practice defined as physical therapy. Physicians are also authorized to delegate a broad range of health care activities to those working under their supervision. Nevertheless, a physician is not authorized to supervise the practice of physical therapy. Therefore, those working under the direction and supervision of a physician should not refer to their activities as physical therapy, nor should physical therapy personnel initiate physical therapy interventions on the orders or direction of a physician before a patient has been evaluated by a licensed physical therapist.

Osteopaths, chiropractors and podiatrists are specifically permitted to use physical therapy modalities in the lawful practice of their professions, but G.S. §90-270.39 prohibits those licensees and others working under their supervision from holding themselves out as practicing physical therapy. By the same token, physical therapists are prohibited by G.S. §90-270.24(4) from manipulation of the spine unless prescribed by a licensed physician.

Physical therapists often work in close association with occupational therapists and speech pathologists. In fact, they are frequently supervised on an administrative level by a person who is not a licensed physical therapist. That close association does not mean that physical therapy licensees are entitled to perform elementary screens that are more appropriately classified as tasks within the scope of another profession. Just as physical therapy screens are limited to physical therapists, screens for intervention by other professionals should not be performed by physical therapists. As every physical therapy licensee should know, any screen that involves an evaluative element, which includes most screens, should only be performed by a physical therapist.

The Board is presented with many questions involving non-physical therapy personnel such as health care technicians, who desire to be trained by physical therapy licensees to perform basic, routine exercises. While the multi-disciplinary approach may provide some benefits for patients, no benefit is conferred when a physical therapist or physical therapist assistant is requested to engage in activities beyond the scope of their permitted practice, or a person who is not licensed in accordance with the requirements of the Physical Therapy Practice Act is

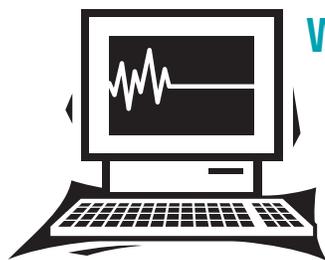
requested to engage in activities that must be performed under the supervision of a licensed physical therapist.

The Board is receiving an increasing number of requests for guidance regarding activities that deal with interactions with nursing personnel. A physical therapist may be requested to perform certain duties that are more appropriate for nurses when one is not available, and persons supervised by nurses are attempting to become trained by physical therapists to perform simple modalities that also might be performed by a patient's care giver or family member, but are not called physical therapy.

Physical therapists must be particularly careful when performing iontophoresis or other modalities requiring the use of prescription medications. The Board of Pharmacy has ruled that a physical therapist should not use a prescription medication in a physical therapy treatment unless a specific prescription for the medication has been received from a physician. Physical therapists have inquired as to whether any special license is necessary for treating animals. Since the Physical Therapy Practice Act only refers to the treatment of persons, the treatment of animals is not physical therapy. However, the prudent physical therapist who is going to treat an animal should first check with the licensing board that regulates the practice of veterinarians.

Finally, athletic trainers have recently become licensed and licensure efforts are being advanced by massage therapists. While an athletic trainer or a massage therapist may have a scope of practice, any individual engaging in the practice of physical therapy who is not licensed in accordance with the provisions of the Physical Therapy Practice Act must function as an aide and work under the on-site supervision of a licensee. While their practice acts may enable them to practice as an athletic trainer or massage therapist, there is no authorization to practice physical therapy.

In order to protect the integrity of the profession and the credibility of the Practice Act, it is necessary for physical therapy licensees to stay within the boundaries of professional practice and insure that those working under their supervision do the same. It is just as important that physical therapy licensees be vigilant in preventing those who are not licensees from engaging in practices that are within the domain of physical therapy. To assist this endeavor, the Board has developed position statements on the performance of screens by physical therapist assistants and the role of physical therapists in overseeing nursing home aides, copies of which can be obtained from the Board office. In the final analysis, the goal for physical therapy licensees and all other health care professionals must be to act as true allies to promote the public health and welfare of North Carolina citizens.



WEB PAGE...ncptboard.org

As reported in the previous issue of the Newsletter, the Board has a Web Page (ncptboard.org). We encourage all licensees to visit the web page at least once a month to keep up with any changes that may affect the practice of physical therapy (*add our web page to your bookmarks!!*).

All important notices and announcements will be placed on the web page. In addition, you will find a copy of the Practice Act, Rules, disciplinary actions, and other information related to the practice of physical therapy.

NORTH CAROLINA PHYSICAL THERAPY

Board Orders / Consent Orders / Other Board Actions January / February / March / April / May / June, 1998

Suspensions (3)

Everette, Mark A., PTA, (Suspension), Contested Case Hearing

Location: Emporia, VA

License #: PTA 1228

Conduct: After determining that the requirements of Board Rules 48G.0601(b) were met in its entirety, the Board imposed the same sanctions as the Virginia Board of Medicine indefinitely suspending Mr. Everette's license to practice as a physical therapist assistant for a period of not less than two years. Mr. Everette may petition the Board after two (2) years from the date of entry of the Virginia Consent Order (October 22, 1997) for reinstatement of his license to practice as a physical therapist assistant at which time an administrative proceeding may be convened to receive evidence satisfactory to the Board that Mr. Everette is able to resume the safe and competent practice as a licensed physical therapist assistant.

Discipline: February 5, 1998 Order executed. Suspension of license for a period of not less than two years.

Roden, Ross, PT (Suspension), Consent Agreement

Location: Cary, NC

License #: PT 6163

Conduct: Documenting and charging for home health patient visits that were not performed.

Discipline: April 23, 1998 Consent Order executed – surrender of license to practice as a physical therapist for a period of twelve (12) months measured from April, 1998; however, all but six (6) months of such suspension shall be stayed upon completion of the terms and conditions of the Consent Order.

Helene B. Edwards, PTA (Suspension), Consent Agreement

Location: Hendersonville, NC

License #: PTA 2123

Conduct: Performing patient treatments that were not included in the treatment program; practicing beyond her scope of practice;

performing professional services without adequate supervision; and advertising, recommending, and using in-patient care alternative treatments not within the scope of physical therapy practice.

Discipline: July 9, 1998 Order Executed. Suspension of license for a period of twelve (12) months; however, all but two (2) weeks shall be stayed providing that she functions under the on-site supervision of a licensed physical therapist at her place of employment.

Surrender of License (1)

Mantovani, Randolph A., PT, (Surrender of License), Consent Agreement

Location: Lumberton, NC (Robeson County)

License #: PT 3522

Conduct: Violation of the conditions of his Consent Agreement of January 23, 1997

Discipline: February 5, 1998, Consent Order Executed. Board approved a motion to allow Mr. Mantovani to surrender his license to practice physical therapy in North Carolina and he not be permitted to apply for licensure for three (3) years at which time the Board would handle his application as it would any other applicant with a history of disciplinary action.

Reprimands

At the April 23, 1998 Board Meeting, eleven (11) reprimands were issued to licensees for engaging in the practice of physical therapy for a period of time when their license had not been renewed. At the July 9, 1998 Board Meeting, one (1) reprimand was issued.

Denied Licensure (1)

Neil Primack, PT

Location: Kailua-Kona, HI

Discipline: Denied licensure for providing false information on his application regarding disciplinary action in Colorado.

Rules Changed Adopted... see Web Page (www.ncptboard.org) for Rules and Explanations

The proposal for changes in the Rules by the North Carolina Board of Physical Therapy Examiners received final approval by the Rules Review Commission of North Carolina at its recent meeting. The new rules are expected to take effect August 1, 1998.

A Notice of the Rule Making Proceedings was published in the October 15, 1997 North Carolina Register and the Proposed Rules were published in the Register on January 2, 1998. A notice was placed in the NCBPTE Newsletter (Winter 1998, Issue 20) of a Public Hearing which was conducted on February 5, 1998. The Rules Review Commission approved the Rules on April 15, 1998 and notice of the upcoming changes were subsequently placed on the Board web page (www.ncptboard.org).

For the first ever, the entire PT Board Rules will be made easily accessible to the general public and licensees via the web page!

Changes that were made include:

1. Elimination of the New Graduate Permit
2. Changes in the English requirements for Internationally Educated Physical Therapist applicants (IEPT).
3. Change in the requirement for the IEPT from the current minimum of 57 semester hours of professional education to 60 semester hours.
4. New requirement for IEPT of 50 semester hours of general education.
5. Changes in the Prohibited Actions section of the Rules to better protect the general public.
6. Change in completing the application process from 60 days to 30 days prior to taking the examination.

The rationale for elimination of the new graduate permit is that the Permit was originally instituted to accommodate graduates and employers when the exam was only given three times annually. With the advent of Computer Based Testing and the rapid electronic communication score

return, graduates are able to take the exam and receive their results very quickly following graduation; therefore, Graduate Permits are no longer necessary.

In addition, there has always been the legal question why graduates who were issued a Graduate Permit and subsequently failed the examination should have ever been allowed to "practice". Elimination of the Graduate Permit removes this concern. The Board Office will make every effort to insure that new graduates are licensed as quickly as possible in cooperation with the educational program directors.

The changes in the Internationally Educated requirements were recommended as these changes are consistent with the recommendations of the Federation of State Boards of Physical Therapy's (FSBPT) Course Work Evaluation Tool for Persons Who Received Their Physical Therapy Education Outside the United States.

North Carolina Board of Physical Therapy Examiners

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NC Board of PT Examiners
18 West Colony Place, Suite 120
Durham, NC 27705
919-490-6393
800-800-8982
Fax 919-490-5106
NCPTBoard@mindspring.com
Web page ncptboard.org

Summary of Fees

Renewal (PT & PTA)	\$ 40.00
Revival Fee and Renewal Fee	65.00
Application Fee PT	100.00
Application Fee PTA	90.00
Exam Cost (PT & PTA)*	185.00
Exam Retake Fee	30.00
Transfer Fee	15.00
Licensee Directory	6.24
License Card	6.00
Labels of Licensees (PT or PTA)	60.00
Certificate Replacement	15.00

*plus PT or PTA Application Fee

Tentative Schedule of Board Activities

- Election of Board Members / Deadline for return of Ballots (October 1, 1998)
- Board Meeting (October 8, 1998)
- License renewals to be mailed (November 1, 1998)
- Recommended deadline for License Renewal (January 1, 1999)
- Final deadline for licenses to be in (January 31, 1999)
- Licenses not renewed will lapse (February 1, 1999)

Forum: Question and Answers

Q: Does a physical therapist need a specific order when using phonophoresis or iontophoresis?

A: The NC Pharmacy Board adopted a position that states that if medications used with phonophoresis or iontophoresis are prescription medications, then the physician needs to write a specific order for treatment that includes the specific dosage of the medications prescribed. Therefore, a "blanket order" for phonophoresis or iontophoresis is not sufficient.

Q: Can an Athletic Trainer who is functioning as an aide in a physical therapy service sign progress notes as "John Doe, ATC"?

A: It would not be improper for the athletic trainer to sign physical therapy progress notes with the initials ATC when the athletic trainer is working in a physical therapy service and functioning as a PT Aide.

Change of Address / Name / Licensee Directory Correction Form

Current Name _____ New Name _____ PT _____ PTA _____

New Home Address _____

New Home City, State, Zip _____ Phone _____

New Work Address _____

New Work City, State, Zip _____ Phone _____ Fax _____

License # _____ Mail or Fax to: NC Board of PT Examiners,
18 West Colony Place, Durham, NC 27705 Fax 919-490-5106 E-mail: ncptboard@mindspring.com

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18 West Colony Place, Suite 120
Durham, N.C. 27705

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Board of Physical Therapy Examiners

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