



North Carolina Board of Physical Therapy Examiners

NEWSLETTER

Issue 20

Winter 1998

CHAIRMAN'S MESSAGE J. HERMAN BUNCH, Jr., PT, M.Ed., ATC



On October 18, 19, and 20, 1997, the Federation of State Boards of Physical Therapy (FSBPT) conducted its Fall Educational Program for Licensure Boards and Administrators. John M. Silverstein (Board Attorney), Ben F. Massey, Jr., PT (Executive Director), and I represented the North Carolina Board of Physical Therapy Examiners (NCBPE) at this program.

Mr. Massey, Parliamentarian for the Council of Board Administrators of the FSBPT, played a major role in the newly developing organization's meeting. Ben was in charge of developing and presenting the Bylaws to the Council for their approval. As usual, Ben did an outstanding presentation and the proposed Bylaws were unanimously adopted. We are very proud of Ben in his new elected position in the FSBPT.

John Silverstein and I attended a mock hearing for a contested case regarding a physical therapist who had violated a state's practice act. The session was most informative as it demonstrated how other Board's conduct contested cases. The following session was a roundtable discussion of challenging ethical issues. The breadth of expertise of fellow Board members from across the country greatly enhanced our knowledge of how other states address complaints and enriched

our perspectives on contested cases and penalties for practice act violations.

The major focus of the program was "practice act violations." Other states have noted an alarming increase in violations. North Carolina has also experienced a significant increase in complaints and violations over the past few years. The knowledge and insight that we gained from attending this program is directly applicable to many of the issues that the Board is currently facing in North Carolina.

In closing, I want to reiterate the concluding remarks that I made in the Chairman's Message of Issue 18, Spring 1997 regarding the vitally important issue of improper physical therapy practices: "Only when we take pride in ourselves and our profession do we consistently deliver a professional line of service and only then will complaints to the Board again decline."

FROM THE EXECUTIVE DIRECTOR BEN F. MASSEY, Jr., PT

NORTH CAROLINA PHYSICAL THERAPY

Board Orders / Consent Orders / Other Board Actions August, September, October, November, 1997

Suspensions (1)

Everette, Mark A., PTA

Location: Emporia, VA

License #: PTA 1228

Conduct: Provided false information on 1998 Renewal Form by failing to disclose disciplinary action in Virginia.

Discipline: 11/20/97 Order executed. License summarily suspended pending hearing.

Warnings (1)

Eidens, Gerald G., PT

Location: Troy, NC

License #: PT 4015

Conduct: Failure to document in patient records the involvement of the physical therapist in the patient's intervention.

Discipline: Warning

Private Reprimands (4)

One (1) private reprimand was issued to a physical therapist assistant for failure to document instructions of major modifications of treatment that were requested by the physical therapist.

One (1) private reprimand was issued to a licensee for failure to respond to repeated requests by the Board asking that she provide proof that she did not engage in the practice of physical therapy for a period of time when she had not renewed her license.

One (1) private reprimand was issued to a licensee for allowing a new graduate to practice for a brief period of time without a valid Graduate Permit.

One (1) private reprimand was issued to a graduate who practiced for a brief period of time without a valid Graduate Permit.

Complaints Submitted (11)

During the months of August, September, October, and November, 1997, there were eleven (11) new complaints submitted to the Board. The Investigative Committee maintained approximately two (2) dozen active investigations during this period. Upon completing their investigations, the Investigation Committee found that there was no probable cause to pursue disciplinary action regarding eight (8) licensees against whom complaints had been previously filed.

Meet the Staff

Pamela P. Kelly joined the Board staff in September 1997 as an Office Assistant. She relocated to Durham from California in 1980 and has two children. Ms. Kelly works part time, assisting in the renewal process and the licensure of new applicants. She provides additional support to the staff by answering the phones, handling requests for applications and performing general office

Licensure Statistics

(As of January 2, 1998)

	Licensed in NC	Reside in NC	Work in NC
PTs	4393	2988	2649
PTAs	1852	1520	1343

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

FOLLOWING ORDERS

John M. Silverstein, Board Attorney

Since North Carolina has sanctioned direct access by legislation, doesn't a physical therapist have the absolute authority to determine what course of physical therapy treatment is best for the patient? If the Physical Therapy Practice limits the practice of physical therapy to those who are licensed in accordance with its provisions, isn't the responsibility to determine the proper course of a patient's physical therapy treatment the ultimate responsibility of the physical therapist performing the evaluation? In recent months, the Board has received more than one request for an opinion regarding the impact of direct access on the ability of the physical therapist to vary a physician's order for physical therapy. Does a physical therapist always have to follow a physician's order for specific treatment?



At the outset, it is important to note that direct access in North Carolina is not a broad authorization for physical therapists to evaluate and treat any individual who presents himself or herself without being referred by a physician. In fact, the heading for the section in which direct access is authorized is labeled "Unlawful Practice." In North Carolina, it is unlawful to fail to refer a patient to a licensed medical doctor or dentist"...whose medical condition should have, at the time of evaluation or treatment, been determined to be beyond the scope of practice of a physical therapist;".

G.S. 90-270.35(4). Therefore, it is only by implication that a physical therapist can evaluate and treat a patient whose condition is diagnosed to be within the scope of practice of a physical therapist. Moreover, there is no statutory basis for the proposition that a physical therapist is not bound to comply with a specific order for physical therapy treatment.

Just as a physical therapist assistant is prohibited from making major modifications in patient treatment programs, there is no authority, either express or implied, for a physical therapist to vary a physician's order for specific treatment. This problem would not be presented if the physician's order is general in nature, e.g. "evaluate and treat."

Since there is no requirement in the Practice Act or the Board's rules for a physical therapist to accept a particular patient, it is appropriate for a physical therapist to refuse to treat a patient if the therapist feels that a specific order is inconsistent with the patient's needs or condition. While it is certainly advisable to attempt to contact the referring physician to discuss the reasons for the difference in opinion regarding the particular course of treatment, the physical therapist will not commit a Practice Act violation by refusing to perform treatments that the physical therapist, in good conscience and with a supporting evaluation, determines could result in harm or injury to the patient.

In conclusion, a patient who has a specific order for treatment must either be given that treatment or refused treatment altogether. Unless the physician modifies the order, there is no way for a physical therapist to turn a patient with a specific order for treatment into a direct access patient.

DISCHARGE SUMMARIES

Q: Can the Physical Therapist Assistant sign the Discharge Summary?

A: Any patient note that involves an evaluation must be signed by a physical therapist. However, to the extent that a discharge summary consists solely of a summary of matters already in the patient's chart, such an entry can be made and signed by a physical therapist assistant. In the past, the Board has attempted to make a distinction between a "discharge summary" and a "discharge note", with the difference being that a note contains the final evaluation prior to discharge, which must be signed by the physical therapist, while a summary is limited to matters already in the record without an additional evaluation, assessment, judgement or opinion being involved.

In the final analysis; however, the Board is more concerned with what the note contains than with what it is called. If the note contains any evaluative information, it must be signed by the physical therapist. If it is simply a summary of prior information in the patient's record, it can be written and signed by a physical therapist assistant.

NOTICE FROM NC INDUSTRIAL COMMISSION

The North Carolina Industrial Commission requested the North Carolina Board of Physical Therapy Examiners to disseminate a Memorandum that clarifies questions presented to the Commission by Payors and Payees as to whether an "office visit" is allowed. The Memorandum is posted on the new NC PT Board Homepage on the Internet.



Website Address: NCPTBoard.org.

(Please visit the web page regularly for updates from the PT Board.)

BUNCH & KING ELECTED

Congratulations are extended to J. Herman Bunch, Jr., PT for being unanimously re-elected as Chairman of the Board at the October 23, 1997 Board Meeting. Mr. Bunch was appointed to the Board in 1994 and has been elected as Chairman in 1995 and 1996.

At the same meeting, JoDell F. King, PTA, was unanimously elected as Secretary-Treasurer for the Board. Ms. King was appointed to serve on the Board in 1995 and has served on numerous Task Forces and Committees during her tenure.

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

Jan	21, 1998	Investigative Committee Meeting
Jan	31, 1998	Final Deadline for licenses to be in!
Feb	1, 1998	Licenses not renewed lapse.
Feb	5, 1998	Board Meeting (Public Hearing for Proposed Rules Changes)
Feb	26, 1998	Investigative Committee Meeting
March	17, 1998	Federation Annual Meeting
April	14, 1998	MAHEC Presentation, Asheville

PT FORUM: QUESTIONS AND ANSWERS

Q: Does a physical therapist need a physician's order when using iontophoresis and phonophoresis?

A: Yes, a signed physician's order for prescription medications is required. Direct Access in North Carolina does not allow a physical therapist to administer prescription medications without a physician's order.

Q: Can a physical therapist use and sell "magnetic devices" in shoe inserts, mattress inserts, wound bandages, and massage rollers.

A: The use of magnetic devices is not routinely taught in physical therapy educational programs or continuing education programs, nor does there appear to be any research reports in the peer reviewed literature that would support the use of magnet devices as a therapeutic device. Therefore, it appears that the use and sell of magnetic for the purposes as described above does not fall under the current scope of practice for physical therapists.

Q: Is a PT Graduate allowed to co-sign a PT Aide's Notes.

A: No. The PT Graduate requires immediate supervision; therefore, the graduate would be ineligible to co-sign notes.

Q: Are there new examinations for physical therapists and physical therapist assistants being given by the Professional Examination Service (PES) to replace the former tests.

A: Yes. The Federation of State Boards of Physical Therapy has completed a comprehensive and defensible analysis of practice for physical therapists and assistants. The results of this massive study serve as the blueprints (outlines) for the national physical therapist and physical therapist assistant licensure examinations effective July, 1997.

7000 copies of this public document were printed at a cost of \$697.00 or 9.95 cents per copy.

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Examiners

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