

MINUTES - DRAFT #5
North Carolina Board of Physical Therapy Examiners
September 12, 2018
Siena Hotel
Chapel Hill, North Carolina

Members Present:

David C. Reed, PT, Chair
Stacia H. Britton, PT, Secretary-Treasurer (arrived @ 8:39 a.m.)
C. David Edwards, PT (remote attendance)
Paul Garcia, MD (remote attendance @ 8:44 a.m.)
Teresa F. Hale, PT
Stuart W. MacRoberts, Public Member (remote attendance)
Pearl L. Rhone, PTA

Members Absent: Crystal Morris, PTA (excused absence – Hurricane Florence)

Staff Present:

Kathy Arney, PT, Executive Director (ED)
Debbie Ragan, PT, Deputy Director (DD)
Cindy D. Kiely, Director of Administration / Recorder
Gregg Seipp, Director of Information Technology
John M. Silverstein, Attorney

Others Present: None

The format for the Minutes is as follows: *V-# Summary of Motion (Board Member who introduced motion)*

Meeting Called to Order by Reed, Chair at 8:32AM

Announcements

- D. Reed, Chair, announced the following:
- Lunch time presentation by Ragan regarding the new Board office
 - Due to the approaching Hurricane Florence, some members will participate remotely and 1 (one) member is excused from participation.
 - No closed session today – no litigation or personnel issues to address
 - Public Notice of Meeting (*posted in Office*)
 - Notice of Meetings mailed/mailed to government officials and those requesting the agenda

Conflict of Interest Reminder by the Chair

D. Reed, Chair, reminded members of their duty to avoid conflicts of interest and appearances of conflicts of interest. In addition, D. Reed asked if there were any known conflicts of interest or appearance of conflicts of interest with respect to any matters that

were to be brought before the Board today as required by Executive Order 127. No Board member indicated conflicts of interest with the business before the Board today.

V-48'18 Passed Minutes June 6, 2018 [Attachment 1]

- Board adopted a motion to approve draft of the Minutes of the Board Meeting on June 06, 2018, with Silverstein edits. **(Reed)**

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone,

Members voting in the negative: None

APPLICATIONS

The Board was advised by the ED that a “Board Application for Licensure Evaluation – Resource Manual” has been prepared for their reference and is available in electronic and hard-copy form at the meeting today. This resource manual will become web accessible in the future. The manual will be updated as appropriate.

V-49-'18 Passed Ashok, Preeti (PT Exam Applicant)

The applicant’s credentials were not considered substantially equivalent to the first professional degree in physical therapy in the United States at the time of graduation based on 06/25/2018, credentials evaluation review from FCCPT using Course work Tool #6 (CWT#6). CWT#6 requires a total of 90 credits of professional education, 68 didactic and 22 in clinical education. Applicant has a total of 97.72 credits which satisfy the minimum total credits with deficiencies in Professional Education content as follows: Basic Health Science: Genetics, Diagnostic Imaging; Medical Science: System Interactions, Differential Diagnosis; Examination: Systems Review, Tests and Measures Administration: Environmental, home, work barriers, Mobility (excluding Gait); Evaluation: Findings that Warrant Referral; Plan of Care Implementation: Interventions: Mechanical Agents, Wound Debridement, Plan of Care Management, Supervision of Support Staff, Outcome Assessment, Discharge or Discontinuation; Related Professional Course Work: Documentation (all aspects of patient/client management). The applicant will need to consult with FCCPT to assist with coursework selection required to meet deficiencies. The Board voted to approve the application for exam upon completion of all deficient educational requirements. **(Rhone)**

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone

Members voting in the negative: None

V-50-'18 Passed – Salama, Mustafa (PT Endorsement Applicant - NY)

The applicants’ educational credentials review was not considered substantially equivalent due to a general education deficiency of one course in Social Sciences. In addition to his application and educational credentials review, the applicant provided a personal statement including work history as a PT licensee in NY, completion of a tDPT and a transcript demonstrating work “in progress” of evidence of coursework toward completion of a DSc from Andrews University. The Board voted to waive the outstanding course in Social Science and approved the application for licensure by endorsement. **(Hale)**

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone
Members voting in the negative: None

V-51-'18 Passed – Pandit, Pranjali Siddharth (PT Exam Applicant)

The applicant's credentials were not considered substantially equivalent to the first professional degree in physical therapy in the United States at the time of graduation based on 07/17/2018, credentials evaluation review from FCCPT using Course work Tool #6 (CWT#6). Based on CWT#6, she has a combined General Education and Professional Education total of 128.60 semester credit hours. CWT#6 requires a total of 170.00 credits. Ms. Pandit lacks 22.34 credits of the required 170.00. Her educational credentials demonstrate the following deficiencies in professional education: Medical Science – System Interactions, Differential Diagnosis; Examination – Systems Review; Evaluation -Findings that Warrant Referral, Prognosis and Goal Formulation; Plan of Care Implementation – Interventions: Mechanical Agents, Wound Debridement, Supervision of Support Staff, Discharge or Discontinuation. The applicant will need to consult with FCCPT to assist with coursework selection required to meet the deficiencies. The Board voted to approve the application for exam upon completion of all required educational requirements. *(Hale)*

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone,
Members voting in the negative: None

V-52-'18 -Passed - SA#10-18 (PT Exam Applicant)

The applicant provided the required Accommodation Request Form and medical documentation dated July 20, 2018, submitted by Danielle Farese Milburn, PhD, Licensed Psychologist. The applicant documents history of receiving special accommodations for testing in education and standardized testing settings. The Board voted to approve a motion for granting the request of time and one half and separate testing room accommodations for the NPTE. *(Rhone)*

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone,
Members voting in the negative: None

V-53-'18 -Passed - SA#11-18 (PTA Exam Applicant)

The applicant provided the required Accommodation Request Form and medical documentation dated July 30, 2018, submitted by Christine M. Murray, MD. The applicant has a documented history of receiving special accommodations for testing in education and standardized testing settings. The Board voted to approve a motion for granting the request of time and one half for the NPTE. *(Rhone)*

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone,
Members voting in the negative: None

V-54-'18 -Passed - SA#12-18 (PT Exam Applicant)

The applicant provided the required Accommodation Request Form and medical documentation dated August 30, 2018 submitted by Scott Trefts, OD. The applicant has a documented history of receiving special accommodations for testing in education and standardized testing settings. The Board voted to approve a motion for granting the request of paper and pencil exam form for the NPTE. *(Britton)*

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone,
Members voting in the negative:	None

V-55-'18 Passed Parmar, Sneha H. (PT Exam Applicant)

The applicant's credentials were not considered substantially equivalent to the first professional degree in physical therapy in the United States at the time of graduation based on 07/31/2018, credentials evaluation review from FCCPT using Course work Tool #6 (CWT#6). Based on CWT#6 she has a combined General Education and Professional Education total of 128.60 credit hours and applicant lacks 41.40 of the required 170.00. She has deficiencies in content in professional education. Applicant has 79.04 semester credits of professional education which satisfy the minimum requirements of 68 semester credits. The following areas of professional education content were found: Basic Science – Human Anatomy / specific to PT, Genetics, Histology; Examination – History; Evaluation – Findings that Warrant Referral; Plan of Care Implementation – Interventions: Wound Debridement, Supervision of Support Staff, Outcome Assessment, Discharge or Discontinuation; Related Professional Aspects and Values of Physical Therapy Practice. *(Hale)*

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone,
Members voting in the negative:	None

V-56-'18 Passed -Campbell, Camden (PT Endorsement Applicant)

PT applicant for endorsement (KY) - Based on the advice of the Board's attorney, the applicant has 2 options: either stay in Kentucky and complete the impairment program and all conditions of the Consent Order imposed by the Kentucky PT Board, then resubmit an application to NCBPTE for licensure as a PT in NC, or apply to North Carolina for PT licensure with the condition of completing the requirements of a program for impaired practitioners offered by the NC Board of Nursing as a restriction on his license to practice physical therapy in NC. If the applicant chooses the second option, NC would be entitled to impose the same or similar conditions as exist on his license to practice in KY, so he should be encouraged to investigate the program offered by the NC Board of Nursing because any violation of restrictions imposed on a NC license could result in further disciplinary action in NC. The Board placed the application on hold until Mr. Campbell determines which option to pursue. *(Reed)*

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None

V-57-'18 Passed -Altenburg, Timothy W. (PT for Endorsement)

The applicant checked “yes” to application questions #7 & #8 on mailed application (on online application only checked yes to question #11.) “Has disciplinary action ever been taken or is pending against you by a PT Licensing board?” and “Have you ever been found to have committed an act or acts of malpractice, gross negligence or incompetence in the practice of physical therapy? The Board would consider approval of his application contingent on successful completion of SC consent order requirements. When NC receives notification of compliance and he is able to successfully continue to meet the SC conditions, he will be approved for licensure by endorsement in NC with restrictions (under same restrictions as in SC). (Britton)

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None

Attorney Report

General update from Silverstein. The legislature is not in session thus there is no legislative action to report. With regard to a previously proposed Constitutional amendment to have the legislature make the appointments for Boards and Commissions, Silverstein updated the Board that provision is no longer a part of the Constitutional Amendment.

Investigative Committee Recommendations for Disciplinary Actions

V-58-'17 Passed Payne, Demita PT (P9703) (Probation)

A review of the case and recommendations proposed by the Investigative Committee were provided by Silverstein to the Board. The Board approved the recommendation of the Investigative Committee. Licensee will receive action consisting of Probation for 2 years, quarterly reports from her employer, reports from a professional counselor and reimburse the Board \$500.00 dollars for costs of the investigation. **(Rhone)**

Members voting in the affirmative:	Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None
Members voting recused	Reed

V-59-'17 Passed Edwards, James O., PT (P7578) (Warning)

A review of the case and recommendation of the Investigative Committee was provided by Silverstein. The licensee failed to complete an audit for Continuing Competence activities in a timely manner. The Board approved the recommendation of the Investigative Committee. Licensee will receive a Warning and reimburse the Board \$300.00 for costs of the investigation. **(Hale)**

Members voting in the affirmative:	Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None
Members voting recused	Reed

V-60-'17 Passed Matuskey, Joel, PT (P13317)

(Warning)

A review of the case and recommendation of the Investigative Committee was provided by Silverstein. The licensee failed to complete an audit for Continuing Competence activities, thus renewing his license without completion of renewal requirements. The Board approved the recommendation of the Investigative Committee. Licensee will be placed on “Do Not Renew” status, receive a Warning and reimburse the Board \$300.00 for costs of the investigation. The licensee will not be able to renew his license for 2019 without completing a paper application, complying with the requirements of the audit, being subject to further continuing competence audits and reimbursing the Board for costs. **(Rhone)**

Members voting in the affirmative:	Britton, Edwards, Garcia, MacRoberts, Rhone
Members voting in the negative:	Hale
Members voting recused	Reed

Executive Director’s (ED) Update – the Executive Director provided the following update and requests for discussion:

- Board Address and Contact list – all were requested to submit updates as needed.
- Current licensee count- 4.8 percent growth in licensee count. This metric continues to remain steady. We will begin adding additional information including: renewal totals, military permit and Compact privilege counts.
- 2018-2019 Exam Schedule and Board Member Score date notification – update
 - Important dates – eligibility deadlines; score days and Board review of non-accredited PT/PTA program applicants; please let Board staff know if you are not able to review applications
- Goals and Priorities – 2017 – 2018 – update/Strategic Planning; ED reported that these were not updated for this meeting; however, this quarter an office relocation was successfully accomplished and post-FSBPT Annual meeting Board staff will begin the process for recommending strategic planning for the Board.
- ED response to public records request for all Disciplinary Actions – *New – July, 2018*; ED reported NCBPTE may be requested to provide this report quarterly by the requestor.
- Board Office Technology Committee – Committee has not met as the priority was office relocation and adjustments to new office suite location.
- Board Office Updates and Staff Accomplishments:
 - Office relocation – *NEW Address*: 8300 Health Park, Suite 233, Raleigh, NC 27705; phones, fax, email remain the same
 - Summer Office Intern – Luke Coble – Campbell Student – did an excellent job and was sent a note of thanks.
 - Future Intern/Public Policy Student Involvement – has not been submitted to UNC as yet.
 - Documentation completed for FY2018 Financial Audit - Kiely
- Board website – *Proposed* Substance use Disorder Announcement- The Board discussed posting information on the website regarding resources for licensees with impairments in light of the opioid crisis. The statement would include information about the NCBPTE contract with NC BON substance use disorder programs and mental health

recommendations. Dr. Paul Garcia provided education to the Board and recommended wording regarding mental health for the posting.

V-61-'18 Passed Posting Substance Use Disorder Announcement on the Board Website [Attachment 2]

Motion to approved proposed Substance use Disorder Announcement with edits be posted on Board Website *(Hale)*

Members voting in the affirmative: Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone

Members voting in the negative: None

- Legislator Letter of Thanks and information re: Compact and Military Permits was sent by the ED to three legislators who sponsored the compact legislation bill
- Board Assessment Task Force – The FSBPT Committee is working to develop resources to assist Boards assess their effectiveness and efficiency in public protection. There will be a presentation at this year’s annual meeting. They are developing an online tool to assess effectiveness, such as strategic planning. Kentucky has expressed their support of this task force and offered to beta test any online tools. We will be able to provide additional information about potential metrics at the March 2019 Board meeting.
- Request from J. Brehmer – NC HealthConnex. There is a mandate that all health care providers receiving state funds will be on the same secure health information exchange portal. HealthConnex is currently trying to integrate systems to be compatible with current software programs. The ED offered Ms. Brehmer to create a posting for the NCBPTE website. The Board office will post any announcement provided.

No “Closed Session” – There are no updates or business to address related to litigation or personnel matters.

Financial Report

[Attachments - 3 - 6]

- Executive Summary – ED provided a verbal update on the improved financial status of the Board Balance Sheet and reduced litigation expenses during the first quarter of FY2019. The Board was requested to review the financials provided.
- Financials – July 1, 2018 – Sept. 10, 2018, & July 1, 2017 - Sept. 10, 2017 (Profit – Loss comparison)
- Financials – Sept. 10, 2018 comparison to same period 2017 (Balance Sheet)
- Adopted Budget for 2018-19 (FY2019) is provided for reference.
- Update – Relocation budget to date came in lower than expected. It is still not finalized but is currently approximately \$57,000 with an allocated budget of \$80,000.
- Financial Audit for FY 2018 – after the financial audit is completed, the Auditor G. Dodd will attend the December, 2018 Board meeting to provide an update and outcome of the Financial Audit. At that time, he may make recommendations regarding moving monies to reserves.
- Re-allocation of budgeted resources for 2019 – The ED reviewed the approved budget for FY2019, specifically line item allocated for temporary staffing/technology resources, (approximately 6% of the budget.) The Board agreed to relocate funds to

staffing/technology, if required – Consensus by Board. Arney will report to the Board any needs for use of these approved funds at future Board meetings.

Federation (FSBPT) – The ED reported the following:

- Future Meeting dates and Recent Meeting Updates – 2018; 2019 – TBD
- Board Regulatory Training – June 8-10, 2018 - Alexandria, VA – was attended by new Board members D. Edwards, T. Hale and Deputy Director, D. Ragan.
- Leadership Issues Forum - Alexandria, VA, July 14-15, 2018 – Final Report was provided for review by the Board. As requested by the FSBPT items in the report should not be forwarded.
- 2018 Annual Meeting – October 25-27, 2018 - Reston, VA. – NCBPTE will receive one of the Excellence in Regulation Awards warranting attendance at the annual meeting by Board members and staff.
- NCBPTE Continues to have a 5-Star Rating

V-62-'18 Passed FSBPT Annual Conference Meeting Attendance (Oct 25-27, 2018)

Board voted to fund Board Members to attend the meeting as the NC Board of PT Examiners will receive an Excellence in Regulation Award from the FSBPT. (*Reed*)

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone,
Members voting in the negative:	None

In addition to the Excellence in Regulation award, refer to the FSBPT July 2018 News brief announcements. Arney discussed the need for Board members to familiarize themselves with future FSBPT Bylaw Changes as they may impact NCBPTE meeting representation and attendance going forward. These will not be voted on at the 2018 delegate assembly, but a future date. If the Board members and or delegates have feedback, they may wish provide it to FSBPT. Items of significant interest to NCBPTE:

- Possible *future* Bylaw Changes- Specific issues include eliminating funding for alternative delegates to attend the FSBPT annual meeting.
 - Candidates for Office- The biographies for the candidates are in the FSBPT Delegate handbook. The ED is willing to answer individual Board member or delegate questions, if requested. Board Chair, D. Reed, expressed support for Ron Barbato and his excellent work. He has worked with him on the Ethics and Legislation Committee.
 - David C. Reed, PT, NCBPTE Chair, is receiving an FSBPT Outstanding Service Award for the second time at the 2018 Annual meeting of the FSBPT.
 - Arney – Presentations at the Annual Meeting – MDS Panel and Board Assessment Task Force Update
- **FSBPT Committee Service:** verbal updates included notification that these committees will present updates at the Annual FSBPT meeting.

- Kiely – Verifications Task Force
- Ragan – Re-entry Task Force
- Arney – Board Assessment Task Force
- Reed – Ethics and Remediation Committee, Chair

NCPTA & APTA Updates

NCPTA

- No written report from NCPTA
 - New ED – TBD; Nancy Garland is retiring.
 - Ballot counting – NCBPTE will assist NCPTA per their request – Sept. 19, 2018
- NCPTA - Newsletters – 2018 – All Access...(use the link in the attached email to view)
- FYI -Future Meeting - NCPTA Fall Conference – **October 18-20, 2018** (location Khoury Center Greensboro, NC)

APTA – next meeting dates:

- CSM 2019 – January 23-26, 2019 Washington, DC
- NEXT Conference and Exposition, June 12-15, 2019 - Chicago, IL

Report from Deputy Director, which - includes Continuing Competence [Attachment 7]

- A written report was submitted by D. Ragan. There were no questions by the Board.
- Continuing Competence Hardship requests:
One request was submitted for Medical Hardship for Board consideration.

V-63-'17 Passed - Wright, R.W., PT

Board approved request for continuing competence exemption for the reporting period of 2017-2019 due to medical hardship. Supporting documentation was provided by his physician. The licensee is eligible for an additional exemption in 2019 – 2021 reporting period with submission of an application and supporting medical documentation. (Britton)

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone

Members voting in the negative: None

- Ragan reported attending a meeting with AHEC continuing educational leaders who requested Board members submit suggestions for any educational topics AHEC might provide for PT licensees. In addition, there was a question whether the Board would consider altering their rules for counting contact hours for continuing competence activities.

Prometric Report - [Attachment 8]

- The Board reviewed the Prometric report for computer-based testing (CBT) comments submitted by examination candidates for period covering April - June, 2018. The NCBPTE continues to have a high-ratings approximately 5% higher than the national average for satisfaction of candidate's interactions with NCBPTE while applying for and making applicants eligible to take the exam.

Committee on Board Rules – Deputy Director D. Ragan provided a verbal update

- NCBPTE - Periodic Review of Rules: Ragan reviewed:

- Timeline - Re-adoption of Rules – Date Approved by RRC - Nov. 30, 2019;
- As Rule-making coordinator she will submit the Notice of Text, for the 3 rules determined to be “with substantive public interest” by the Board, to OAH for re-adoption with no changes. NCAC 48F .0102 and .0103; 21 NCAC 48G .0504.
- Board Rules - Technical Changes – Rule-making coordinator Ragan will submit documents to RRC to make technical changes to the rules to update the Board address and weblinks that are outdated. These will be submitted on September 13, 2018. The Board will consider a motion to accept these changes today. If accepted by RRC these changes will be considered for review by the RRC at its meeting on October 18, 2018.
- Rules Committee – The Board will reconvene the Rules Committee after completion of the Periodic Review and Technical change actions. The date is to be determined.

V-64-'17 Passed Rules – submission of Rules - Notice of Text for Technical Changes to RRC

Board approved a motion for technical changes of address and website links in rules NCAC 48F .0102 and .0103; 21 NCAC 48G .0504. (Reed)

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None

Correspondence with schools and Annual School Reports [Attachments – 9-12]

The Board reviewed score report pass rates for cohorts between the years of 2015-2018. The ED will contact Craven CC and Martin CC with regard to pass rate drops in the last year.

- Pass rate (**2018**) for North Carolina PT & PTA schools (*as of August 06, 2018*)
- Pass rate (**2017**) for North Carolina PT & PTA schools (*as of August 06, 2018*)
- Pass rate (**2016**) for North Carolina PT & PTA schools (*as of August 06, 2018*)
- Pass rate (**2015**) for North Carolina PT & PTA schools (*as of August 06, 2018*)
- Updated School Addresses - no address changes during the last quarter.
- Schools communications/presentations:
 - Communication with MAHEC – the ED received communication from the MAHEC regarding continuing education for PTA’s in leadership roles. NCBPTE contacted the MAHEC to request participation in the session. Arney/Ragan will prepare materials for the session titled “Building Leadership for the PTA” scheduled for Dec. 8, 2018. Silverstein recommended information be included regarding the NC PT Practice and Board’s Rules with emphasis on supervision and limitations of PTA practice.
- Additional information was presented to inform the Board:
 - Proposed school at WSSU – Chiropractic program – first public institution program in the US for Chiropractic Education.
 - Question submitted from a PT program re: scenario re: Student involvement in possible malpractice and how to handle the licensure application
 - Question D. Page – PTA Student US citizenship status and any licensure consideration

Ethics Commission

- **NEW** - (<https://ethics.ncsbe.gov/>) The Ethics Commission is now under the Board of Elections
The Board Chair provided the important reminder regarding requirement for Mandatory Ethics Education (*required every 2 years*) (*submit reimbursement request*)
- SEI Due *Annually* – April 15, 2018 - Ethics Commission – SEI reminder and Online filing instructions

Responses from ED/DD to questions addressed at the previous Board Meeting – [Attachment 13]

- The ED reviewed the response regarding questions submitted re: Wound Care scope of practice by M. Quinn, PT.

PT Licensure Compact – The ED provided updates regarding the PT Compact Commission and NC privilege issuing readiness as follows:

- Update on Privilege issue dates and NC readiness
 - FBI CBC Implementation – Working on internal processes before programming these processes and putting them online for applicants to use. FBI CBC application will be separate from the online licensure application. The Compact commission has inquired if NC would be ready to implement by October 2018. NCBPTE has notified the Commission that NC, will hope to be ready to implement in the first quarter of 2019.
 - Review of the NC Compact Workflow for demographics and JE was provided.
- Compact Update – There are new Proposed Rule and Bylaw Changes that require public comment between September 20, 2018 and October 20, 2018. The NC Delegate Arney requested Board members or public provide comment early if they have feedback for these proposed changes; 5 Member states are currently issuing privileges
- Jurisprudence Exercise – NC Compact Privileges – During Executive Board meetings of the Commission, delegate Arney brought information to the Board that they may need to consider whether completion of Jurisprudence Exercises should occur with initial application for privileges or both initial and renewal of application for Compact privileges

V-65-'17 Passed Jurisprudence Exercise – Licensure Compact privilege applicants to NC
Board approved applicants to NC for Compact privileges be required to complete a Jurisprudence Exercise for each application. (initial and any renewal of privileges) (Reed)

Members voting in the affirmative: Reed, Britton, Edwards, Garcia,
Hale, MacRoberts, Rhone

Members voting in the negative: None

- Presentations: Arney
 - NC Board of Pharmacy – Asheville, NC – August, 2018
 - Association of Speech Language and Audiologists – Tysons Corner, VA – October 2018

- Compact Commission Nomination for Offices – Arney informed the Board that her term as Vice-Chair of the PT Compact Commission would expire in October, 2018. The Board should consider whether she could continue as delegate and run for another term as Vice-Chair.

V-66-'17 Passed Compact Commission Nomination for Offices

Board approved motion to support ED continuing as delegate and running for another term as Vice-Chair for the PT Compact Commission. (Reed)

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None

Board Appointments

- Board Appointments – 2019 – process for appointments began April 1, 2018 (1 PT and 1 PTA to be nominated/appointed) (Current Board members eligible for reappointment – Britton, PT and Morris, PTA)
- Ballots sent to all PT/PTA residing in NC – August 1, 2018; ballots will be counted September 19, 2018, then letter with top vote receivers will be sent to the Governor by NCPTA officials. NCBPTE ED/DD will assist NCPTA with ballot counting at their request.

Potential legislation (and other materials) that could impact Boards - Silverstein noted there is no new report as the legislature is not in session.

- Legislative Session update – HB 974- no action
- Arney noted that the bill proposed for Telemedicine HB 967 supports payment for healthcare via telehealth at the same rate as in-person services.

Submission of Reports to the State – These are the reports to the State and other entities submitted in the last quarter: **[Attachments 14 - 17]**

- Ethics Liaison Expense Reports 2nd Quarter 2018 (Arney/Ragan)
- NC DOR Submission of licensee information – Annual – electronic (password protected)
- NC Department of Commerce - Quarterly report – For quarter ending June 30, 2018 (licensee counts)
- Conflict of Interest statements were completed for the Annual Financial Audit by all NCBPTE staff
- North Carolina Business and Occupational License Database (NCBOLD) – report
- Occupational Licensing Agency - Cost Collection report
- FY 2018 – Internal Control Certification
- Retirement Plan – Travelers Fiduciary Liability Policy Renewal. Arney provided a report to the Board on compliance with Plan policies regarding hardship withdrawals.

Lease – Update on relocation to 8300 Health Park, Suite 233

- Move began August 16, 2018 and the certificate of Occupancy was received 08-27-18
- Notification of Current Landlord was provided in a timely manner; Kiely accomplished activities required to close the former office location in Durham.

- Keys – Reed signed document to authorize property manager to allow Board staff personnel entrance to AIHF if keys/fobs are lost

Scope of Practice Questions for Board Consideration

- Telehealth questions submitted by various licensees were reviewed and responses considered by the Board. The Board approved the following response: The Board determined the following general principles will apply:
 - 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.
 - To address questions of 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.

As the use of telehealth in healthcare practice continues to evolve the Board must keep the protection of North Carolina citizens in mind. The Board will utilize current information based on education, training and routine clinical practices of PT licensees to inform responses to questions. The Board is considering reforming the Telehealth Task Force that met during 2015 and 2016 to continue its work on telehealth related topics.

In addition, the Board noted that telehealth is not about scope of practice expansion. It is a service delivery model and the licensee must comply with the NC PT Practice Act and Board's Rules. Board members will attend the Telehealth seminars at the FSBPT Annual meeting and a NCBPTE committee will be formed at the December Board meeting. Edwards offered to assist with the committee, do research and volunteer on the committee.

- The Board considered questions posed by P. Ingold, PTA regarding PTA's documenting whether a goal is met. The Board approved the following response: The Board considered the questions posed at its meeting on September 12, 2018. According to the NC PT Practice Act and Board's rules, it is the responsibility of the physical therapist to evaluate a patient and formulate the physical therapy plan of care. The PT is also responsible for supervision and delegation of any portion of the plan of care to a PTA if the PTA is

appropriately trained and clinically competent to perform the delegated activity and it is safe for the patient based on the patient's condition.

With regard to goals that are established as part of the PT Plan of Care, the Board determined that a PTA may make a determination that a PT goal has been met only in the circumstances where the goal in question is stated in clearly objective, measurable terms and that the PTA has communicated the status to the PT and the PT has the ability to "uncheck" the box on the goal accomplishment if the PT determines that to be the appropriate course of action.

Goals that require an assessment of patient status or ability may not be checked as "met" by a PTA as that would be outside the scope of PTA practice, nor may a PTA establish a new goal for a patient.

"Non-therapy goals" are not able to be addressed by NCBPTE; however, of note, there are sometimes tasks that employers require employees to complete that are outside the scope of PT practice. A PTA or PT may complete those activities as a condition of employment, but they would not be engaging in physical therapy while performing them, and should not identify as a licensee or bill the activity as PT.

- The Board considered the following question posed by K. Cox, PT: Is there any reason a PTA cannot complete a Braden Scale? The Board approved the following response: In making determinations about activities within the scope of practice the Board evaluates whether an activity is routinely taught in academic educational programs or continuing education programs and routinely performed in clinical practice. In addition, the Braden scale was evaluated by the Board to be an objective, measurable data collection tool used with patients at risk of developing wounds.

In researching this question for the Board review, several PTA academic programs indicated this test is taught in their programs and practiced to gain competence to varying degrees. Wound care techniques are routinely taught in continuing education programs and performed in practice by PTA's. Thus, the Board determined that the supervising PT is responsible for verifying that the PTA to whom the activity is delegated is properly trained and supervised by the PT, and it is safe for the patient. Under those conditions the Board believes it would not be a violation of either the NC PT Practice Act or Board's rules for a PTA to perform and document the results of a Braden Scale with a patient.

Record Retention – State Functional Schedule Update [Attachment 18]

The Deputy Director provided an update including 2018 NCBPTE Records Retention and Disposition Schedule signed copy by the ED and Board Chair and provision of the signed policy to the State Archives/Department of Cultural Resources. Office record retention and disposal activities at the Board office are ongoing.

Regulatory Agency Update

Membership Summary – updated - prepared by Kiely was reviewed. The ED recommended renewal/initiation of membership in CLEAR and INPTRA.

- CAC (Citizen Advocacy Center); <http://www.cacenter.org/>)
- FARB (Federation of Associations of Regulatory Boards); - <http://www.farb.org/>
- CLEAR (Council on Licensure, Enforcement, and Regulation); <http://www.clearhq.org/>).
- INPTRA (International Network of Physiotherapy Regulatory Authorities)

Motion was made to rejoin CLEAR and join INPTRA (Reed)

Members voting in the affirmative:	Reed, Britton, Edwards, Garcia, Hale, MacRoberts, Rhone
Members voting in the negative:	None

Credentialing Agencies –

- FCCPT – The ED provided an update that the FCCPT under new interim leadership is putting out a Newsletter 2Q – 2018. Communication is proactive and helpful in advising the Board
- IERF – no update
- ICA – Retired - Closed
- ICD / COGFNS (Commission on Graduates of Foreign Educated Schools) – recent request for information

Correspondence from ED, Articles, etc. - the following questions and answers received and answered by the ED were reviewed.

- Emailed question E. Bivens re: temporary permits for new graduates
- Emailed question A. Beahan re: functional maintenance programs in SNF's
- Emailed question D. Kennerson re: CDSA coaching question and PTA Scope of Practice
- Emailed question C. Danio re: Ethics question
- Emailed question F. Martin re: Animal rehabilitation, PTA's and NC PT Practice Act
- Emailed question D. Volk, re: PTA Supervision
- Emailed question C. Hall re: PTA's writing progress notes
- Emailed question Advantage OT re: hiring PT's
- Emailed question J. Stewart re: NC issuing Compact Privileges
- Emailed question R. Bousquet re: Telehealth in NC PT practice
- Emailed question C. Knight re: Grade V mobs
- Emailed question J Buck re: Unsolicited email
- Emailed question J. Gwyer re: Helen Kaiser's license

Reed reminded the Board of the dates for upcoming Board Meetings:

- December 5, 2018 (Wednesday) at the Siena Hotel, Chapel Hill, NC
- March 13, 2019 (Wednesday) at the Siena Hotel, Chapel Hill, NC
- June 19, 2019– (Wednesday) Location 8300 Health Park, Suite 233, Raleigh, NC 27615
- September 11, 2019– Location 8300 Health Park, Suite 233, Raleigh, NC 27615
- December 11, 2019– Location 8300 Health Park, Suite 233, Raleigh, NC 27615

Meeting adjourned by D. Reed, Chair, at 1:50 p.m.

Submitted,

Cindy D. Kiely
Director of Administration
Recording Secretary
*Indicates unanimous approval

Stacia H. Britton, PT
Secretary/Treasurer