



# North Carolina Board of Physical Therapy Examiners NEWSLETTER

ISSUE 25

FALL 2000

## Mission Responsible

by JUDY A. WHITE, PT, Chair

Being a member of the NCBPTE has its positives and not-so-positives; however, one thing for sure, it is not a "mission impossible"! The mission, or purpose, of the Board was clearly stated by the 1951 N.C. General Assembly: "to establish and maintain standards for the practice of physical therapy to protect the safety and welfare of the citizens of North Carolina; to license physical therapists and physical therapist assistants to practice physical therapy in the State; to investigate complaints regarding unauthorized practice of physical therapy in the State and acts of licensees that violate the Practice Act and to issue interpretations of questions arising from the Physical Therapy Practice Act." Given this legislative directive, the mission of the Board is indeed "mission responsible"! Both the staff and Board assume this responsibility with full commitment.

The Board is continually challenged by changes in health care, both nationally and internationally. Many of these changes have become repeat concerns appearing on the Board's agenda and have, thus, evolved as issues. The Board has identified the following as issues which should be monitored closely:

supervision, especially physical therapy aides; foreign educated applicants; continuing competency for licensees; telehealth; the PT and PTA national examination process and reporting; and, documentation. All of these issues are a part of the routine scrutiny that the Board achieves in its effort to maintain its commitment to the mission.

A primary Board focus of the past few months has been a review of the Board rules and procedures. Patricia Stravakas, Ben Massey, and John Silverstein served as members of the Rules Revision Committee which performed a thorough review of the existing rules in light of the Federation of State Boards of Physical Therapy (FSBPT) Model Practice Act, rules of other physical therapy boards, and rules that the Board has previously identified as needing revision. This committee presented 36 recommendations of changes, interpretations, and additions to the Board at its September 7 quarterly meeting. Some of these suggestions included issues of supervision, documentation, telecommunications, definition of physical therapy, foreign educated applicants, and disciplinary actions. These recommendations have and will continue to generate lengthy,

in-depth discussions by the Board, beginning at the December 17 Board meeting. The rule change recommendations will then be presented for public scrutiny in January and February, at which time comments will be encouraged and welcomed. Hopefully, many of you will attend these public sessions and be active participants in the process.

In closing, the Board is actively involved in monitoring the changing environment in light of the North Carolina Practice Act and making the appropriate changes as we address the purpose of the NCBPTE...it is a pleasure to be "mission responsible"!



### PROPOSED RULES CHANGES

In order for a Board to make changes in its Rules, it must follow a strict procedure outlined by the North Carolina General Assembly. The purpose of this procedure is to ensure public input from the citizens of North Carolina. This procedure includes publication in the North Carolina Register of a Notice of Rule Making Proceedings and also filing the text of the rules. In addition, there is a Public Hearing on the proposed changes and a designated time for written comments to be received. Following the Public Hearing and Board's action, the rules must go through the Rules Review Commission and final approval by the Legislature. The entire process may take up to two years to complete.

This Newsletter is dedicated to notification of licensees and the general public that the Board is proposing changes in its current rules (please see John Silverstein's article for specifics.) In addition to the official Board Public Hearing that is conducted by the Board as a matter of standard procedure, the Board has voted to host three public forums across

the state to get input from licensees before finalizing the rules. Therefore, licensees are encouraged to attend these forums to express your opinions for or against the changes.

The Forums will be conducted from **7:00 PM – 9:00 PM** at the following locations:

**January 10, 2001 (Wed) Morganton**, Grace Hospital, 2201 Sterling Street, (take Exit 105 off of I-40; turn right; take the 1st right at the stoplight past McDonalds toward hospital; the meeting will be held in the Conference Dining Room in the Basement).

**January 23, 2001 (Tues) Chapel Hill**, Wm & Ida Friday-Center of UNC, Hwy 54, (directions: <http://www.fridaycenter.unc.edu>)

**February 7, 2001 (Wed) Greenville**, Belk Building (Room 101) on the campus of East Carolina University, corner of Greenville Blvd. and Charles St. Parking is available in the front and back of the building.

**Inclement weather:** please call the Board office at 800-800-8982 or 919-490-6393 if there is a question regarding inclement weather. A recording will provide status information regarding the forum.

We would like to thank Grace Hospital, East Carolina University, and the University of North Carolina for hosting these events. As the Board is not charging a registration fee, there will be no handouts available or refreshments provided.

**The proposed rules should be available on the web page ([www.ncptboard.org](http://www.ncptboard.org)) by January 1, 2001.** For easy reference, you may wish to download and print these proposed rules and bring them to the forum. If you are unable to attend the forum, please send your written comments to: [ncptboard@mindspring.com](mailto:ncptboard@mindspring.com), fax 919-490-5106, or US Postal Mail by **Feb 7, 2001.**

Ben F. Massey, Jr., PT,  
Executive Director

# Proposed Rules Changes

JOHN M. SILVERSTEIN, Attorney

Chapter 150B of the North Carolina General Statutes is entitled "Administrative Procedure Act." Its purpose is to establish a uniform system of administrative rule making and adjudicatory procedures for agencies. The North Carolina Board of Physical Therapy Examiners is an "Occupational Licensing Agency" under G.S. 150B-2(4b). G.S. 150B-2(8a) defines "Rule" as "...any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or the repeal of a prior rule." The adoption of rules by a state agency is an involved, if not cumbersome procedure. Before a Rule can be adopted, amended or repealed, it is necessary for the agency (1) to hold a public hearing, (2) have the Rules examined by the Administrative Rules Review Commission for consistency with statutory authority and (3) approved by the General Assembly. In order to secure compliance with all the statutory requirements necessary to complete a rule making proceeding, the entire process takes between one and two years.

Recognizing that the practice of physical therapy continues to evolve, which necessitates reviewing the responsibilities of those who engage in and assist in the practice of physical therapy, the Board regularly examines its rules to determine if modifications are necessary. The Board has recently undertaken a thorough review of its rules, and has identified several areas in which revisions are proposed. In making these revisions, the Board has utilized appropriate provisions of the Model Practice Act developed by the Federation of State Boards of Physical Therapy. The scope of these revisions ranges from technical to substantive changes. It is the purpose of this article to discuss those revisions that would constitute substantive changes.

**Definitions.** In its definition section, the Board has never defined "on-site supervision". Since the Board frequently receives questions as to what is actually required for on-site supervision, the following definition is proposed: "The supervising physical therapist is continuously on-site and present in the department or facility where services are provided, is immediately available

to the person being supervised and maintains continued involvement in the appropriate aspects of each treatment session which physical therapist assistants and physical therapy aides are involved in components of care."

**Exemptions.** From time to time, the Board has received requests for exemptions from licensure for physical therapists coming to North Carolina for a special event. In order to accommodate these special events, a new exemption from the Practice Act would be added to read as follows: "Physical therapists and physical therapist assistants licensed in other jurisdictions who are accompanying an athletic team or performance group to this State, or who are providing services in connection with a special event attracting participants outside North Carolina, such as, but not limited to, individual or team athletic competitions, Special Olympics, intercollegiate events or professional sports competition shall be exempt from obtaining a license in North Carolina so long as the period of time in which physical therapy services will be provided does not exceed 21 days in any calendar year."

**Scope of Practice.** The definition for the practice of physical therapy has not been revised since 1985. The new definition of physical therapy will be based on the model definition of physical therapy adopted by the APTA Board of Directors in March, 1997. The complete text of this definition, which essentially divides the practice of physical therapy into four categories (tests and measures, interventions, prevention and academic), is available on the Board's web site.

**Responsibilities.** 21 NCAC 48C.0102 lists the responsibilities of the physical therapist. The Board would propose adding the following: requiring that patients be reexamined and reassessed no less than every 30 days, requiring the PT to establish the discharge plan, limiting the number of supportive personnel that a physical therapist performing interventions may supervise to 4 individuals, requiring the physical therapist to have first-hand knowledge of the status of each patient's condition and documentation, and requiring a physical therapist to be immediately available by telephone or pager to an individual being supervised.

**Supervision.** Other provisions are proposed to clarify the roles of the

physical therapist assistant and the physical therapy aide. A new rule would make it clear that a physical therapist assistant may document patient care without the cosignature of the supervising physical therapist. Since a comparable provision would not be included for a physical therapy aide, independent entries cannot be made by physical therapy aides. An effort would also be made to define the supervision requirement for aides: "The physical therapy aide must be in the same building as the supervising licensee. In a campus setting or multibuilding complex, the presence of the supervising licensee in one building and the physical therapy aide in another does not constitute supervision in the same facility." The relationship between the aide and the supervising physical therapist would be further clarified as follows: "A physical therapy aide shall work under the on-site supervision of a physical therapist who is continuously on-site and present in the facility. This may extend to an off-site setting only when the physical therapy aide is accompanying and working directly with a licensee with a specific patient." A new rule would also be added to indicate that a physical therapy aide cannot have a patient case load. Finally, the level of supervision required for students completing clinical requirements would be the same as is required for aides.

**Other Personnel.** Rules would address other assistive personnel who are involved in interactions with physical therapy personnel, but who are not engaged in delivering physical therapy: "Unlicensed health care personnel who do not function as physical therapy aides may receive direction from physical therapists with regard to patient related activities, but they must not either refer to or represent their services as physical therapy."

**Examination.** At the present time, there is no limit on the number of times an applicant can take an examination so long as it is not the same form of the exam. A rule is proposed to limit the number of attempts to 3, after which an applicant would be required to complete additional course work before being permitted to retake the examination.

**Internationally Educated.** The Board spends a significant amount of time analyzing the qualifications of foreign-trained applicants for licensure. The rule governing foreign-trained applicants would be revised to make it clear that college education at the freshman through senior level is required, and that up to 21 hours may be substituted for actual course work by passing College Level Examination Program Examinations.

**Restrictions on Practice.** From time to time, the Board has discussed cases in which it might be appropriate to place restrictions on a license to practice physical therapy, not only from a disciplinary standpoint, but in cases in which a license has been revived after having been lapsed for a significant period of time. The restrictions could involve scope of practice, place of practice, supervision of practice, duration of license status or type or condition of patient or client to whom a licensee may provide service.

**Disciplinary Action.** Conduct that could lead to disciplinary action would be expanded to include failure to record patient data within a reasonable period of time following evaluation, assessment or intervention and failure to maintain legible patient records that contain an evaluation of objective findings, a diagnosis, a plan of care including desired outcomes, the treatment record, a discharge plan including results of intervention, sufficient information to identify the patient and the printed name and title of each person making an entry in the patient record.

As noted earlier, Chapter 150B requires the Board to give notice of rule making proceedings and to give all interested parties an opportunity to be heard. Written submissions will be considered so long as they are received by the appropriate deadline, and those making oral presentations may be required to register in advance. The information regarding specific dates for participation can be found elsewhere in this issue of the newsletter. In order to provide more opportunities for licensees to express their views regarding the proposed rules, several forums have been scheduled in different parts of the state. The locations, dates and times can be found in this newsletter and on the Board's web site.

The Board regularly reviews its rules to ensure that they reflect procedures designed to carry out the provisions of the Physical Therapy Practice Act in a manner that ensures the greatest protection to the public health, safety and welfare. The Board welcomes the input of licensees and other interested parties in this endeavor.

## North Carolina Board of Physical Therapy Examiners

### Board Orders / Consent Orders / Other Board Actions

March – September 2000

#### Suspension

##### James Darrel Johnson, PTA (Suspension)

**Location:** New Bern, NC (Craven County)  
**License #:** A-1466  
**Conduct:** Engaging in activities beyond the scope of practice of a physical therapist assistant.  
**Discipline:** September 07, 2000: One year suspension, 15 days active (Nov 3-17, 2000), and the remaining period will be stayed so long as Mr. Johnson complies with the terms of the Consent Order for Disciplinary Action.

##### Todd Schermbeck, PTA (Suspension)

**Location:** Ridgeway, SC  
**License #:** A-2495  
**Conduct:** License suspended for failure to list felony conviction on his application for licensure as a PTA in North Carolina.  
**Discipline:** September 07, 2000: One year suspension, 10 days active (Nov 17- 29, 2000) and the remaining period stayed.

#### Probation

##### Baucom, Angela L., PTA (Probation)

**Location:** Union County, NC  
**License #:** A-2350  
**Conduct:** Working as a physical therapist assistant in a physician's office without appropriate supervision by a physical therapist.  
**Discipline:** September 07, 2000: Probation for 1 year. As a condition, she cannot continue to work for the physician.

##### Genter-Burgin, Suzanne, PTA (Probation)

**Location:** Union County, NC  
**License #:** A-658  
**Conduct:** Working as a physical therapist assistant in a physician's office without appropriate supervision by a physical therapist.  
**Discipline:** September 07, 2000: Probation for 1 year. As a condition, she cannot continue to work for the physician.

#### Warning

##### Barbara Bridges, PT (Warning)

**Location:** Southern Pines, NC  
**License #:** P-738  
**Conduct:** Failure to timely complete documentation of patient intervention.  
**Discipline:** May 26, 2000: Warning

##### Dean D. Hatcher, PT (Warning)

**Location:** Wilmington, NC  
**License #:** P-6565  
**Conduct:** Failure to provide adequate supervision of an athletic trainer who was assisting him during the performance of a Functional Capacity Evaluation (FCE).  
**Discipline:** September 07, 2000: Warning



**North Carolina Board of Physical Therapy Examiners – 2000**

#### Back Row, Left to Right:

Eric Smith, Geraldine Highsmith, Patricia Stavrakas, Randall Stewart, Ben Massey (ED)

#### Front Row, Left to Right:

Gloria Lewis, JoDell King, Judy White, J.C. Harvell, Jr., John Silverstein (Attorney)

**North Carolina Board of Physical Therapy Examiners**

**Board Members**

Judy A. White, PT  
*Chair, Chapel Hill, NC*  
 JoDell F. King, PTA  
*Sec-Treas, Erwin, NC*  
 James C. Harvell, Jr., MD  
*Greenville, NC*  
 Geraldine K. Highsmith, PT  
*Raleigh, NC*  
 Gloria Lewis, Public Member  
*Oxford, NC*  
 Eric J. Smith, PTA  
*Sanford, NC*  
 Patricia A. Stavrakas, PT  
*Greenville, NC*  
 Randall C. Stewart, PT  
*Rocky Mount, NC*

**Staff**

Ben F. Massey, Jr., PT  
*Executive Director*  
 Cynthia D. Kiely  
*Administrative Assistant*  
 Diane Kelly  
*Receptionist*  
 Marie Turner  
*Office Assistant*

**Legal Counsel**

John M. Silverstein, Esquire

**ADDRESS**

NC Board of PT Examiners  
 18 West Colony Place, Suite 140  
 Durham, NC 27705  
 919-490-6393  
 800-800-8982  
 Fax 919-490-5106  
 E-mail:  
[NCPTBoard@mindspring.com](mailto:NCPTBoard@mindspring.com)  
 Web page: [www.ncptboard.org](http://www.ncptboard.org)

**Calendar of Events**

Dec 14, 2000 . . . .Board Meeting\*  
 Dec 21, 2000 . . . .Investigative Committee Meeting\*  
 Jan 1, 2001 . . . . .Recommended deadline for license renewal  
 Jan 31, 2001 . . . . .Final deadline for license renewal  
 Feb 1, 2001 . . . . .Licenses not renewed, lapse  
 Mar 29, 2001 . . . .Board Meeting\*  
 Jun 14, 2001 . . . .Board Meeting\*

\*Dates are tentative / please confirm on webpage

**Summary of Fees**

Renewal (PT & PTA)	\$60.00
Revival Fee and Renewal Fee	90.00
Application Fee PT & PTA	120.00
Exam Cost (PT & PTA)**	285.00
Exam Retake Fee	50.00
Verification/Transfer Fee	25.00
Licensee Directory	10.00
License Card	10.00
Labels of Licensees (PT or PTA)	60.00
Certificate Replacement	20.00

\*\*plus PT or PTA Application Fee

**Licensure Statistics (As of November 17, 2000)**

	<b>Licensed in NC</b>	<b>Reside in NC</b>	<b>Work in NC</b>
PTs	3595	2595	2040
PTAs	1757	1504	1118

**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, fax, or e-mail addresses to the Board Office.

7000 copies of this public document were printed at a cost of \$1,036.70 or 1481 cents per copy.

**North Carolina Board of Physical Therapy Examiners**  
 18 West Colony Place, Suite 140  
 Durham, N.C. 27705

BULK RATE  
 U.S. POSTAGE  
 PAID  
 DURHAM, N.C.  
 PERMIT NO. 947