MINUTES
North Carolina Board of Physical Therapy Examiners
December 11, 2019
NCBPTE OFFICE
8300 HEALTH PARK, Suite 233
Raleigh, North Carolina 27615

Members Present:
David C. Reed, PT, Chair
Crystal D. Ostlind, PTA, Secretary/Treasurer
Paul Garcia, MD
C. David Edwards, PT
Teresa F. Hale, PT
Leslie Kesler, PT
Stuart W. MacRoberts, Public Member
Pearl L. Rhone, PTA

Staff Present:
Kathy Arney, PT, Executive Director (ED)
Cindy D. Kiely, Director of Administration / Recorder
Gregg Seipp, Director of Information Technology
John M. Silverstein, Attorney

Guests:
Gerry Dodd, CPA
Mark Scott, Investigator
Randall Lazicki, PT, DPT
Robert Bruzga - via Teleconference
Mike Essa - via Teleconference
Benjamin James Massey, PT, DPT – Assistant Professor, Wingate University Physical Therapy Program - via teleconference

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

Meeting Called to Order by Reed, NCBPTE Board Chair – 8:30AM

Announcements
D. Reed, Chair, announced the following:
Meeting was noticed and agenda submitted to interested parties requesting the agenda
Update on the agenda – NC Secretary of State office web address: www.sosnc.gov
Re-ordering agenda for Scope of Practice Questions – Guest speakers:
  o 1:30- Dry Needling Connective Tissue- Lazicki
  o 2:30- Blood Flow Restriction Training- Bruzga, Essa
  3:00- Musculoskeletal Ultrasound Imaging Research- Massey

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-063-’19 Passed Minutes Sep 11, 2019 [Attachment I]
• Board adopted a motion to approve draft of the Minutes of the Board Meeting on Sept 11,
  2019. (Rhone)
  Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards,
  Hale, Kesler, MacRoberts, Rhone
  Members voting in the negative: None

APPLICATIONS

V-64-’19 Passed – Muppaneni, Sabita (PT Endorsement 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 the February
28, 2019, credentials evaluation review from FCCPT using Coursework Tool #6 (CWT#6). Based
on CWT#4 the applicant has a combined General Education and Professional Education
total of 152 semester credit hours which satisfies the minimum requirement of 150 semester
credit hours.
The evaluation stated she has 30.72 semester credits in General Education. General Education
lacks required courses in the following:
  • Physical Science – one course in Chemistry with lab
The evaluation stated that she has 111.56 Professional Education credits. Credits satisfy the
minimum requirement of 90 semester credits. All required content areas are identified.
• Board adopted a motion that her application will be reconsidered upon completion of the
  aforementioned deficiencies. (Kesler)
  Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards,
  Hale, Kesler, MacRoberts, Rhone
  Members voting in the negative: None

V-65-’19 -Passed - SA#18-19 (PT Exam Applicant)
The applicant provided the required Accommodation Request Form and documentation dated
10/16/2019, submitted by Staci Condrey, MD. The applicant documents history of receiving
special accommodations for testing in education testing settings. The Board voted to approve
the request of time and one-half, and a separate testing room accommodations for the NPTE.
Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Hale, Kesler, MacRoberts, Rhone

Members voting in the negative: None

**V-66-'19 -Passed - SA#19-19 (PT Exam Applicant)**
The applicant provided the required Accommodation Request Form and documentation dated 11/11/2019, submitted by Jerry L. Sloan, Ph.D., ABPP. The applicant documents history of receiving special accommodations for testing in education testing settings. The Board voted to approve the request of time and one-half accommodation for the NPTE.  

*(Hale)*

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

Members voting in the negative: None

**V-67-'19 -Passed - SA#20-19 (PT Exam Applicant)**
The applicant provided the required Accommodation Request Form and documentation dated 11/20/2019, submitted by Lewis Dubard Johnston. The applicant documents history of receiving special accommodations for testing in education testing settings. The Board voted to approve the request of time and one-half accommodation for the NPTE.  

*(Kesler)*

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

Members voting in the negative: None

**V-68-'19 -Passed – Parnam, Sivaprasad (PT Endorsement 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 the November 20, 2019 credentials evaluation review from ICD using Coursework Tool #6 (CWT#6). Based on CWT#6 the applicant’s credentials evaluation shows a combined General Education and Professional Education total of 185.0 semester credits which does satisfy the minimum requirement of 170 semester credit hours. The evaluation stated that he received 55.5 General Education semester credits. All required content areas are identified. Professional Education includes 117 credits with the following courses outstanding: Test and Measures Administration: Self-care, home management, Plan of Care Implementation: Interventions: Wound debridement, Self-care, home management function training, Discharge or discontinuation.  

His application will be reconsidered upon completion of the aforementioned deficiencies.  

*(Edwards)*

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

Members voting in the negative: None

**V-69-'19 -Passed – Wardley, Sunita (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 the November 20, 2019 credentials evaluation review from ICD using Coursework Tool #6 (CWT#6). Based on CWT#6 the applicant’s credentials evaluation shows a combined General Education and Professional Education total of 185.0 semester credits which does satisfy the minimum requirement of 170 semester credit hours. The evaluation stated that he received 55.5 General Education semester credits. All required content areas are identified. Professional Education includes 117 credits with the following courses outstanding: Test and Measures Administration: Self-care, home management, Plan of Care Implementation: Interventions: Wound debridement, Self-care, home management function training, Discharge or discontinuation.  

His application will be reconsidered upon completion of the aforementioned deficiencies.  

*(Edwards)*

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

Members voting in the negative: None
degree in physical therapy in the United States at the time of graduation based on the December 03, 2019 credentials evaluation review from FCCPT using Coursework Tool #6 (CWT#6). Based on CWT#6 the applicant’s credentials evaluation shows a combined General Education and Professional Education total of 191.97 semester credits which does satisfy the minimum requirement of 170 semester credit hours. The evaluation stated that she received 94.97 General Education semester credits. General Education lacks the following required courses: Physical Science – Physics with Lab. Professional Education includes 70.59 credits with the following content areas lacking: Basic Health Science – Nutrition; Medical Science – Immune; Examination – Test and Measures Administration: Cranial nerve integrity; Plan of Care Implementation – Interventions: Mechanical Agents & Wound Debridement, Supervision of Support Staff, Discharge or Discontinuation, Patient-related Emergency Procedures. Her application will be reconsidered upon completion of the aforementioned deficiencies, per ED recommendation (Kesler)

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

Members voting in the negative: None

V-70-’19 Passed Proposed Board Policy FBI-CBC-JE Requirements for Military
After discussion of the requirements of 93B-15.1 and licensure requirements of the NC PT Practice Act for applicants for permits and licensure, the Board approved a motion to require military applicants to take the Jurisprudence Exercise I and provide proof of application for an FBI-CBC, prior to permit issuance.

(Hale)

Members voting in the affirmative: Reed, Ostlind, Garcia, Hale, Kesler, MacRoberts, Rhone

Members voting in the negative: None

Members abstaining: Edwards

V-71-’19 Passed Amended License Revival Policy to include FBI-CBC-JE Requirements
The Board approved a motion to require FBI Criminal background checks for license revivals.

(Ostlind)

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

Members voting in the negative: None

Attorney Report
Silverstein has been the Board attorney for the NCBPTE since 7/1/77. In 2020, he will be transitioning from active practice. Silverstein provided his highest recommendation for colleague David Gadd, JD who has served as his back-up during his absence. He also suggested the Board consider inviting both Silverstein and David Gadd attend the March 2020 Board meeting to provide legal counsel. Arney also stated high praise for her interactions with Gadd when legal assistance was required during Silverstein’s absences. The Board determined a Task Force will be formed to discuss the attorney transition and hiring, ensuring due diligence. Arney will facilitate the Task Force.
V-72-'19 Passed - NC Board of Chiropractic Examiners (NC BOCE) – MOU - [Attachment II]
Proposed Memorandum of Understanding (MOU) between NCBPTE with NC BOCE – Board to accept Memorandum to protect the public from unlawful practice of Chiropractic (by PT/PTAs) or Physical Therapy (by Chiropractors) (Rhone)

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

Members voting in the negative: None

Investigative Committee Recommendations for Disciplinary Actions
(T. Hale, Member of the Investigative Committee, recused herself and did not participate in discussion or vote related to the investigation in which she participated)

V-73-'19 Passed – Joel Cabrera, (P12052) (Probation)
A review of the case and recommendations proposed by the Investigative Committee were provided by Silverstein to the Board. The licensee admitted documenting for treatments he did not make. The Board approved the recommendation of the Investigative Committee of a period of probation of (1) one year. Mr. Cabrera is required to inform the Board of his place of employment and submit certification from his employer of their knowledge of his disciplinary action and they must submit quarterly reports to the Board and documentation subject to random audits. In addition, he is prohibited from engaging in home health physical therapy and will reimburse the Board the cost of the investigation of one thousand dollars. (Kesler)

Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Kesler, MacRoberts, Rhone

Members voting in the negative: None

V-74-'19 Passed - Andrew K. Carter, (A5331) (Probation)
A review of the case and recommendations proposed by the Investigative Committee were provided by Silverstein to the Board. The licensee admitted to taking medications from a patient’s home and having a substance use disorder. The Board approved the recommendation of the Investigative Committee of a period of probation of (2) two years. Mr. Carter is required to inform the Board of his place of employment and submit certification from his employer of their knowledge of his disciplinary action and they must submit quarterly reports to the Board. He must also provide the Board with the name of his licensed counselor, furnish the Board with properly executed releases for the counselor to communicate with the Board and submit certification from them that he has continuously complied with the recommended course of treatment from the prior quarter. He must provide certification from his medical provider that he has received his monthly injection of Vivitrol and certification of his attendance at sessions sponsored by Celebrate Recovery and Narcotics Anonymous. In addition, he is prohibited from engaging in home health physical therapy and will reimburse the Board the cost of the investigation of five hundred dollars. (Rhone)

Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Kesler, MacRoberts, Rhone

Members voting in the negative: None
A review of the case and recommendations proposed by the Investigative Committee were provided by Silverstein to the Board. The licensee admitted documenting for a treatment he did not make and completing patient records prior to seeing the patient (pre-charting). The Board approved the recommendation of the Investigative Committee of a Warning, completing a course on compliant documentation and reimburse the Board the cost of the investigation of five hundred twenty dollars. (Kesler)

Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Kesler, MacRoberts, Rhone

Members voting in the negative: None

Motion to go into Closed Session in accordance with GS § 143-318.11 (a) (6) to discuss personnel issues. (Reed)

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

Members voting in the negative: None

Motion to return to Open Session was adopted. (Reed)

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

Members voting in the negative: None

Motion to approve the ED request during the closed session for funding for a contract, full-time Executive Assistant until July 1, 2020. The ED will assess personnel needs going forward and will propose the addition of a position, if needed, for the FY 2021 budget. (Rhone)

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

Members voting in the negative: None

Executive Director’s (ED) Update – [Attachment III]

- Updated Board Addresses were provided and members were asked to alert staff to any changes.
- Current licensee count was provided. During the 3rd quarter of 2019, the licensee count increased by 4.07%.
- 2020 License Renewal update was provided. As of 12-11-19 approximately 20% of renewals were complete and were on track with the same percent for the same date in prior years. Licensees are sending more checks vs. credit card payments likely due to the implementation of payment for costs of credit card processing. –The staff will determine if adding e-checks for future renewals is feasible.
• Adopted NCBPTE Goals and Priorities – 4Q 2019/Proposed NCBPTE Goals and Priorities – 1Q 2020. Updated goals were provided and the Board approved by acclamation.

V-77-’19 Passed
Motion was approved by the Board to investigate and implement a “Board Portal” prior to March, 2020 to improve secure and ease of access to Board meeting materials and other Board related business. (Hale)

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

• Updates – implementation of requirements per H770 – the ED provided a chart with the status of tasks needed to fully implement the requirements of H770, including rules for predetermination. [Attachment]
• NCBPTE continues to hold an FSBPT 5-Star Rating for the quarter ending September 30, 2019FYI – National licensee scam re: disciplinary actions - update
• FYI – Discussion with Ethics Liaison from NC SOS office
• FYI – Personnel Consulting Projects will begin in late 2019, early 2020 to update job descriptions, performance measures, salary scales and reviews, compensation packages, employee policy and procedure manual and other necessary personnel documentation issues.
• 2020 FSBPT Exam and Eligibility Deadlines- these were provided to Board members. It was requested that Board members please inform staff of times when they are unable to review applications for any reason and those will not be sent to them during those times.

Financial Report- [Attachments IV - VII]
• Executive Summary – Financial documents were provided for the Board’s review. There were no questions due to the financial audit report provided by Auditor, Gerald Dodd, CPA
  • Financials – Comparison July 1, 2018 – Nov. 19, 2019 to same period in 2018 (Profit – Loss comparison)
  • Financials – Nov. 19, 2019 comparison to same period 2018 (Balance Sheet)
  • YTD Comparison Budget to Actual
• Adopted Budget for 2018-19 was provided for reference
• Auditor, Gerald Dodd, CPA provided a review of the Fiscal Year 2019 Annual Financial Audit.

Financial Recommendations for Board approval

V-78-’19 Passed Financial Recommendations
Motion to accept financial recommendations for CDARS Program at Pinnacle Bank. Move monies not insured at other institutions, to Pinnacle Bank. (Kesler)

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

V-79-’19 Passed Financial Recommendation to move $500,000.00 from undesignated to designated fund category “unanticipated legal costs.”
Motion to accept financial recommendation above. (Kesler)
Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Hale, Kesler, MacRoberts, Rhone

Members voting in the negative: None

**Federation (FSBPT)** – The ED reported the following:

- **Future Meeting dates and updates** – 2020
  - Board Regulatory Training – August 16-18, 2020 - Alexandria, VA
  - Leadership Issues Forum - Alexandria, VA, TBD 2020 —Delegate and Administrator
  - 2020 Annual Meeting – October 22-24 – Orange Co., CA

- **FSBPT Committee Service:**
  - Reed – Finance Committee
  - Morris – Resolutions Committee

- **Other verbal updates provided:**
  - Update – Alternative Approval Pathway – update from FSBPT 2019 Annual Meeting
  - FSBPT Continuing Education - Justice 3D- offering a course on handling special cases (sexual assault); response required – Would NCBPTE like to send a participant, funded by FSBPT? Other attendees at Board expense may attend. Based on the presentation by Louisiana at the 2019 FSBPT Annual Meeting
  - FACTS – Credentiaing Agency request – FSBPT did not approve their use of the CWT’s; Arney will respond to FACTS
  - Documents on Best Practices by the CBA on License verifications, Transition Planning, Re-entry to Practice and Board Assessments that the Board may use in the future
  - Links to the FSBPT Presentations from the Annual Meeting were provided

- **FSBPT Annual Meeting – 2020 – Attendance Considerations**
  The Board discussed policy for out-of-state meeting attendance for Board members and staff. The Board felt strongly that we are members of FSBPT and this is a one-time per year training for regulation in our profession; while location of the meeting may increase costs, the benefits to public protection in NC with a trained staff and Board members outweighs and negative perceptions of attendance.

**NCPTA & APTA Updates**

- Future meeting dates were provided to the Board for both organizations and reference to NCPTA newsletters and a survey on direct access to physical therapy services.

**APTA**

- CSM - 2020 - February 12-15, 2020, Denver, Colorado
- NEXT Conference and Exposition, June 3-6, 2020, Phoenix, Arizona

**Report from Deputy Director [Attachment VIII]**

- Report submitted by D. Ragan
• Exemptions from Continuing Competence- The Board has one exemption request for medical hardship since the September 2019 Board meeting for review
• Record Retention update- The Board office now has an established perpetual record retention calc. The next topic for the workgroup is to review and formalize the internal retention schedule for those who failed the NPTE. Emily Sweitzer, NCBPTE records analyst with the Department of Cultural Resources will come to the office early 2020 for scoping electronic record retention process.
• Newsletter update- the 2019 NCBPTE newsletter was posted on the website on October 31, 2019 was made to a licensee license number after posting.
• Request from “CE Broker” proposing their product for licensees to document continuing education considered by the Board. At this time, due to the Board’s required online continuing competence that is tied to license renewal a pressing need for a new product was not envisioned by the Board. They have the option to use the CE Broker product if they desire and are also required to use NCBPTE in order to renew their licenses. There is no need for a rule change at this time to add CE Broker licensees to use.

V-81- ’19 Passed Siemens, Deborah (P15820) Request for Exemption from Continuing Competence due to hardship
After considering the completed application and documentation provided by the licensee a motion to approve exemption was approved by the Board. (Edwards) Members voting in the affirmative: Reed, Ostlind, Garcia, Edwards, Hale, Kesler, McRoberts, Rhone
Members voting in the negative: None

Prometric Report - [Attachment IX]
CBT comments submitted by examination candidates for July – Sept. 2019 (Note NC results on Pages 2 & 11)

Committee on Board Rules – ED presented verbal update for Deputy Director, D. Ragan: [Attachments X-XI]
• Rules Committee 2019 – update- The proposed amended permanent NCBPTE Rules were posted in the NC Register on November 15, 2019.
• Public Hearing – Re: Submitted proposed New and Amended Permanent Rules – 2:00 p.m.
  Chair opened the Public Hearing at 2:00pm. There were 2 public comments received and considered by the Board. There were no attendees during the public hearing. Chair closed hearing at 2:11p.m. The public comment period will continue until January 14, 2020. The Board will consider any additional comments at the March 2020 Board meeting and will at that time decide if they will formally vote to move forward with the proposed rules.
• New Proposed Amended Permanent Rules
• The Rules subcommittee met on November 14, 2019 to consider possible rule changes related to renewal timeframes and passage of H770 with regard to pre-determination.

Ethics Commission – Reed reminded the Board of their responsibility to complete Ethics training and SEI’s in a timely manner
• www.sosnc.gov - IMPORTANT: Reminder regarding requirement for Mandatory Ethics Education (required every 2 years--submit reimbursement request) Compliance Report
• SEI Due Annually – April 15 SEI reminder and Online filing instructions
Responses from ED/DD to questions addressed at the previous Board Meeting – [Attachments XII - XVI]

- J. Rackley - Position Statement update on Performance of Soft Tissue mobilization vaginally or rectally by a PTA
- Various licensees - Is Musculoskeletal (MSK) Ultrasound / Diagnostic Ultrasound (US) within the scope of PT Practice; Can Diagnostic US be used in guiding dry needle placement?
- D. Moniot – Clarification of whether a PT’s use of electrical stimulation concurrent with dry needling is “prohibited practice”
- H. Radwan – Is completion of documentation of work restrictions and FMLA paperwork part of the PT scope of practice?
- A. Tomlinson – Modified Ashworth Scale – PTA’s

**PT Licensure Compact** – ED provided the following update:
- PT Compact Commission – ptcompact.org – Rule and Policy Updates were made at the 2019 Annual meeting in Oklahoma City, OK.- Next meeting is immediately following the Annual FSBPT Meeting October 25, 2020 in Orange Co., CA
- ED Reported of Encumbrances to PT Compact Commission
- Financial report – Compact Privileges July – Oct. 2019 – the number of privileges remains below 50 at this time. The ED will continue to monitor changes in numbers of endorsements and revenue with increased numbers of compact privileges being issued in NC.

**Board Appointments:** - (1 (one) PT and MD member each) – No new appointments have been made as of this meeting

**Potential legislation (and other materials) that could impact Boards** - Silverstein reported that beyond the change to the NC PT Practice act – direct access spinal manipulation and H770 there were no additional legislative updates. NC Legislature reconvenes Jan. 14, 2020.

**Submission of Reports to the State** – The Board reviewed the reports to the State and other entities submitted in the last quarter: [Attachments XVII - XIV]

- Ethics Liaison Expense Report – 3rd Quarter 2019 (Arney/Ragan)
- B. Trais - Public Records Request – updated disciplinary information 3rd Q 2018
- NCBPTE BCBS Response to Affidavit Request- 09-12-19
- NCBPTE BCBS Survey response – 10-21-19
- Submission of FY2019 Financial Audit and Annual Report to required state entities
- Submission of NCBPTE Fall 2019 Newsletter to required state agency
- Submission of Licensee Workforce Data to SHEPS–10-15-19
- Submission of OLB Survey information to PED – military trained and spouses - 10-16-19
- Submission of OLB Survey information to PED – military trained and spouses – additional information
- Submission of OLB Survey information to PED – military trained and spouses – follow up request for additional information -11-01-19
- Ethics Commission Request – Ethics Education Compliance response
- NCBOLD- Announcement of data collected by NC Dept of Commerce available to the public
Board Technology and Committee Updates – written reports were provided including:

- IT Department Updates – Goals for the upcoming quarter and accomplishments for 3rd Quarter
- Cyber Insurance Policy – The IT Director recommended completing the Traveler’s insurance application to obtain a quote for additional insurance. Once the quote is obtained, he will make a recommendation to the Board re: purchase.
- Rider with State Farm purchased after the September 11, 2019 Board meeting

Scope of Practice Questions for Board Consideration

Dry Needling Connective Tissue - Randal Lazicki, PT, attended the Board Meeting to provide information and clarifications regarding his question, “Is dry needling connective tissue within the scope of PT practice?”

After discussing the NCBPTE Declaratory Ruling and NC Supreme Court decision regarding dry needling, the Board determined that the definition in the Supreme Court decision included relieving “myofascial pain.” To the extent relief of myofascial pain includes connective tissue it may be included in the practice of dry needling for PTs in North Carolina. The Board responded to Mr. Lazicki with the following:

The Board determined that as noted in the North Carolina Supreme Court decision issued on December 7, 2019, in the case brought by the Acupuncture Board, “dry needling is a treatment that uses physical or rehabilitative procedures, with assistive devices, for the purpose of correcting or alleviating myofascial pain…” Therefore, any utilization of dry needling techniques that satisfy the foregoing language is within the scope of physical therapy practice in North Carolina. As the Board has previously noted, dry needling is an advanced skill for which training beyond entry level education is required. It is incumbent upon the licensee to obtain the appropriate training and education to be competent to perform dry needling. For your reference, the Board has posted document links related to the litigation brought by the Acupuncture Board on the announcements page of the Board's website. https://www.ncptboard.org/Announcements/Announcements.php - scroll down the page.

Blood Flow Restriction Training - Presentation via teleconference – Bruzga, PT and Mike Essa

Mr. Essa and Mr. Bruzga joined the NCBPTE by Skype to provide additional information and clarification of their question – is blood flow restriction training part of the scope of practice of PT in North Carolina?

After discussing the information provided and whether this technique is routinely taught in entry level and continuing education and routinely performed in practice, the Board determined the following:

“…Blood Flow Restriction training satisfies the criteria to be included within the scope of physical therapy practice in North Carolina because it is an advanced skill being taught in entry level PT education, taught routinely in continuing educational programs and routinely performed nationally in PT practice. It is incumbent upon the licensee to obtain the appropriate training and
education to be competent to perform this technique in a manner that is considered safe and effective for the patient.”

**Musculoskeletal Ultrasound**– Benjamin James Massey, PT attended Board Meeting via teleconference to educate and answer questions from the Board on Musculoskeletal Ultrasound and its diagnostic and therapeutic uses in physical therapy in response to two questions posed by licensees:

1. Is Musculoskeletal Ultrasound within the scope of PT Practice in NC? and 2. Can musculoskeletal Ultrasound be used to guide needle placement when performing dry needling.

After the discussion, Board and review of information available, the Board provided this response: “…The standard for making this determination is contained in Board Rule 48C .0101 (a) Permitted Practice, which states, “Physical therapy is presumed to include any acts, test, procedures, modalities, treatments, or interventions that are **routinely** taught in educational programs, or in continuing education programs for physical therapists and are **routinely** performed in practice settings.”

The Board determined that the standards of Board Rule 48C .0101 (a) are not met at this time. Therefore, the use of Musculoskeletal Ultrasound for diagnostic purposes or guiding needle placement during dry needling and physical therapy documentation requirements is not currently within the scope of physical therapy practice in North Carolina. Further, clients receiving this technique should not be advised or led to believe they are receiving physical therapy.

If new or additional information is provided to the Board regarding where this is taught in entry-level or continuing education and is routinely practiced by physical therapists, it will review the new information and make a determination.”

- Radial pressure shockwave - The question was asked by a licensee H. Abrams – “Is Radial Pressure Wave treatment is in the PT scope of practice in North Carolina?”

After reviewing available information and discussing the matter the Board determined a response to the licensee would be the following: The standard against which the question must be analyzed is contained in Board Rule 48C .0101 (a) Permitted Practice - “Physical therapy is presumed to include any acts, test, procedures, modalities, treatments, or interventions that are **routinely** taught in educational programs, or in continuing education programs for physical therapists and are **routinely** performed in practice settings.”

At this time, the Board was unable to determine that Radial Pressure Wave treatment satisfies the standards of Board Rule 48C .0101 (a) based on the information reviewed. If new or additional information is provided to the Board regarding where this is taught in entry-level or continuing education and is routinely practiced by physical therapists, it will review the new information and make a determination.

- Rigid Casting - The question was asked by D. Fowler, “Are PTs allowed to cast patients with rigid cast material?”
After reviewing available information and discussing the matter the Board determined a response to the licensee would be the following: “The standard against which the question must be analyzed is contained in Board Rule 48C .0101 (a) Permitted Practice - “Physical therapy is presumed to include any acts, test, procedures, modalities, treatments, or interventions that are **routinely** taught in educational programs, or in continuing education programs for physical therapists and are **routinely** performed in practice settings.” At this time, the Board was unable to determine that PTs casting patients with the use of rigid cast material satisfies the standards of Board Rule 48C .0101 (a). If new or additional information is provided to the Board regarding where this is taught in entry-level or continuing education and is routinely practiced by physical therapists, it will review the new information and make a determination. It would be helpful if we could speak on the phone to provide additional information or clarification.”

Election of Officers and FSBPT Delegates/ Appointment of Standing Committee members
NCBPTE Officer Elections 2020 - Board Vote: Reed (Chair) conducted the elections:
- V-82-'19 Passed Board Chair 2020 – Teresa Hale was elected Board chair by acclamation
- V-82-'19 Passed Sec / Treasurer (Chair of Finance and Audit Committee) – Crystal Ostlind was re-elected Sec / Treasurer by acclamation
- V-82-'19 Passed Election of Board Delegate to FSBPT – Pearl Rhone was elected by acclamation
- V-82-'19 Passed Election of First Alternate Delegate to FSBPT - Crystal Ostlind was elected by acclamation

Standing Committee Appointments 2020 - by the 2020 Chair - Hale:

Appointment of Investigative Committee Member for 2020 – Hale (Chair) reappointed to serve on the Investigative Committee. Silverstein recommended that a term of at least two years for the Investigative Committee be completed.

Appointment of Finance Committee Member for 2020 – Edwards was appointed to serve on the Finance Committee. Ostlind serves as Chair by virtue of the Sec/Treas. Officer position.

Appointment of Rules Committee Member for 2020 – Kesler and Edwards were appointed to serve on the Rules Committee.

Attorney Transition Review Committee – Kesler, Rhone and Edwards were appointed to serve as members; Arney will serve as staff; It was noted that a CV from David Gadd, JD may be obtained from the Satisky & Silverstein website.

Other regulatory organizations – no updates

Credentialing Agencies – ED provided written updates including the following:
- IERF – NCBPTE written response to a survey from them
- ICD / COGFNS (Commission on Graduates of Foreign Educated Schools) – information from FSBPT

Correspondence from ED, Articles, etc. - the following questions and answers received and answered and articles provided by the ED were reviewed:
- P. Brisson – PT Aides Dry Needling
- Z. Ness – BFR Training status

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• P. Bolac – 2 questions from other NC OL’B’s
• A. Jackson – Early Intervention Questions

Dates and Locations for future meetings:
Reed reminded the Board of the dates for upcoming quarterly Board meetings:
The meetings will be held in Raleigh, NC at 8300 Health Park, Suite 233, Raleigh, NC 27615. Further
details about hotel arrangements will be sent to all Board members prior to the next meeting.

• March 11, 2020 (Wednesday)
• June 10, 2020(Wednesday)
• September 2, 2020 (Wednesday)
• December 9, 2020(Wednesday)

The meeting was adjourned at 4:58 p.m.

Submitted,

Cindy D. Kiely                              Crystal Ostlind, PTA
Director of Administration               Secretary/Treasurer
Recording Secretary

*Indicates unanimous approval