

NORTH CAROLINA BOARD OF PHYSICAL THERAPY EXAMINERS

October 1, 2020

The Joint Legislative Administrative Procedure Oversight Committee
The Joint Legislative Commission on Governmental Operations
The Office of the State Budget and Management

Dear All:

Pursuant to NC Session Law 2020-3 Section 4.38.(c), the North Carolina Board of Physical Therapy Examiners (NCBPTE) is providing this report regarding specific efforts to exercise regulatory flexibility from March 10, 2020 to the date of this filing. Having ready access to physical therapy services during the state of emergency created by the COVID-19 pandemic is critical for citizens to maintain their physical health and well-being. The Board prioritized expediting the process to licensure in order to provide access to safe physical therapy services in North Carolina.

Protection of economic well-being of the citizens and businesses of the State and Protection of public health, safety and welfare

Although the Board office has been closed to the public since March, 2020, Board staff conveyed information to the public and PT licensees via the Board website, email and phone calls regarding COVID-19, PT business operations, Personal Protective Equipment (PPE), patient care, and statutory and regulatory information.

Board office operations

To minimize the spread of COVID-19 and comply with the Governor's Executive Order 121 on March 27, 2020 to "Stay at Home," the majority of Board office staff began remote work March 30, 2020. The Board provided staff with necessary computer equipment and supplies, software and electronic connectivity to the office to allow Board office functions to continue.

The employees who could not work at home due to necessary in-office functions staffed the office. Measures employed to minimize the spread of COVID-19 included:

- Proper hand washing techniques
- Using appropriate social distancing
- Use of face masks in common building areas
- Nightly and as needed cleaning procedures on contacted surfaces

To maintain office functions and minimize the spread of the virus, the office was closed to the public. The public was encouraged to use primarily electronic forms of communication.

Board Website – www.ncptboard.org – Home page

The Board established a section of its Home page for “COVID-19 Announcements” postings to provide an easy way for licensees to gather information on COVID-19 and new processes. The following information is included:

- Board office Closed to the Public status and how to communicate with the Board office
- Governor’s Executive Orders containing relevant information to PT licensees and the Board
- Physical Therapy as “Essential Workforce”
- Links to information to help prevent the spread of COVID-19
- Telehealth provision of physical therapy services using various forms of telecommunication
- Notification of NCBPTE issuing no change to licensing requirements (regulatory flexibility adjustments were located on other website pages)
- Updated information for licensure applicants

Licensing functions – Board Regulatory Flexibility to expand the workforce

Subsequent to Session Law 2020-3, the Board office immediately transitioned as many functions from paper-based to electronic functions. This transition provided a faster and easier way for licensees to communicate with the Board. Use of additional commercial software and programming of the existing database to accommodate changes was completed.

To allow greater regulatory flexibility and streamline licensing, the following modifications were implemented by the Board:

Exam Eligibility:

The Board initiated a rule change, effective September 25, 2020 to convert the current exam eligibility process to an available national standard. This change enabled qualified applicants to more quickly secure an exam date and seat since both became limited due to COVID-19 precautions.

FBI Criminal Background Checks

Due to the closure of law enforcement offices to the public for fingerprinting and length of time to receive FBI Criminal background check results, the Board modified the policy to review results of FBI Criminal Background checks prior to Exam eligibility to after exam eligibility and prior to licensure. Board staff initiated communication with the North Carolina Department of Public Safety (DPS) to discuss acceptable options for fingerprints and submission of documents to DPS during the pandemic. Additional fingerprinting solutions were considered and adopted, documentation modified for applicants in and out of state, and published on the website. Fingerprints mailed to the Board office were sent in bulk weekly via FED EX to assure DPS receipt and efficient turn-around time for receipt of results at the Board office. These changes have achieved consistent results during the pandemic with trackable information. The process of mailing packets for applicants to submit fingerprints and additional related documentation is being modified and converted to online for additional time-savings.

License Verifications requested to other states

License verifications to other states were changed from mailed to emailed notifications to both other states and licensees to assist in timely license transfers while preserving primary source authenticity of documentation.

Acceptance of application documentation

The Board modified procedures which now allow certain application documents to be submitted using alternative methods. To maintain primary source receipt, emailed documentation will be accepted including:

- Graduation/Assured Graduation forms – from educational institutions
- Transcripts – from educational institutions
- License verifications – from other jurisdiction occupational licensing entities
- Character references – emailed from the reference

Additionally, documentation of the following is accepted via email:

- Foreign-trained applicant: Proof of English Proficiency/Educational Credentials Review documentation – email submission by another primary source (ETS or another licensure Board) or if the documents were inaccessible, after documentation of all other options being exhausted, the applicant may submit a notarized copy

Extension of time for Application Expirations

The Board approved extending the one-year expiration of licensure applications and waiving fee applications and document resubmissions for those who would be required to reapply.

License Renewals 2021

License renewals for 2021 will proceed with modifications for safety of staff and the public as noted below:

- Notification that continuing competence requirements may be completed with virtual learning options
- All renewals will be conducted online
- Secure payment options will be electronic including credit cards and e-checks

Collection of fees and costs

- Costs of Investigations – collection of these costs by the Board may be delayed or the payment schedule modified based on case-by-case circumstances during the state of emergency.
- Eliminated fees for requested licensee lists the Board may charge per NCGS 90-270.100.
- Refunded application fees typically not refundable for applicants who no longer want to file a licensure application with the Board.

Access to Licensed Physical Therapy Services through Licensure Portability

In addition to the Physical Therapy Compact which facilitates interstate practice of physical therapy, NCGS 90-270.101 allows a license exemption for physical therapists licensed in another jurisdiction of the United States to enter this State to provide physical therapy during a declared emergency.

Board staff created an online application portal for “Exemptions from Licensure during the State of Emergency.” From April 16, 2020 through the date of this report, 183 temporary privileges to practice without licensure have been applied for with 179, of those eligible, and privileges issued within 24-48

hours of application. Each applicant has licensure in another jurisdiction verified and contact information available to the Board. The public may verify this status directly on the home page of the Board website made in real-time.

Functions of the Board during COVID-19

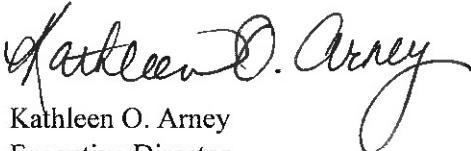
To assure the Board continued to effectively protect the public by answering questions, taking complaints and maintaining licensing processes, Board staff primarily worked remotely with 2-3 individuals working in the office to handle mail, paper-based documents, and other operational functions.

The Board continued quarterly meetings and held three special meetings using teleconferencing and video-conferencing technologies. Board meetings were streamed to the public on YouTube in compliance with procedures outlined in SL 2020-3. Board determinations of exam eligibility, licensing, responding to scope of practice questions and holding rule-making public hearings continued. The Board will continue to meet virtually until restrictions are lifted and the decision to hold in-person meetings safely is made by the Board.

The Board's Investigative Committee continued with investigations and conducted video meetings that allowed virtual attendance of licensees.

If there are any questions regarding this report, please do not hesitate to contact me.

Respectfully submitted,



Kathleen O. Arney
Executive Director