

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 48 – BOARD OF PHYSICAL THERAPY EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.1 that the Board of Physical Therapy Examiners intends to amend the rules cited as 21 NCAC 48B .0103; 48D .0107, .0109, .0111; 48E .0101.

Codifier of Rules received for publication the following notice and proposed temporary rule on June 10, 2020.

Public Hearing:

Date: July 8, 2020

Time: 1:00 p.m.

Location: Zoom remote hearing: [https://zoom.us/j/91475936456?pwd=TmttaEFQdTJONlZWRklYekFCWEIXdz09](https://zoom.us/j/91475936456?pwd=TmttaEFQdTJONlZWRklYekFCWEIXdz09;); Meeting ID 914 7593 6456 Password: 720772

Reason for Proposed Temporary Action: A serious and unforeseen threat to the public, health, or safety and Executive Order 130, Section 3a. On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The World Health Organization, the Center of Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Section 16 of Executive Order No. 116 temporarily waives licensure requirements for healthcare providers licensed in other states, territories, and the District of Columbia. The North Carolina Board of Physical Therapy Examiners seeks to help increase the pool of qualified healthcare providers who can provide assistance with a COVID-19 outbreak by creating an expedited process by which physical therapists and physical therapist assistants can be licensed. Furthermore, qualified physical therapists and physical therapist assistants will be essential in the rehabilitation process for many persons recovering from the residual effects of COVID-19.

Comment Procedures: Comments from the public shall be directed to: Deborah J. Ragan, PT, DPT, 8300 Heath Park, Suite 233, Raleigh, NC 27615; phone (919) 490-6393 or (919) 418-6146 (during State of Emergency); email dragan@ncptboard.org. The comment period begins June 17, 2020 and ends July 10, 2020.

SUBCHAPTER 48B - TYPES OF LICENSES

21 NCAC 48B .0103 LICENSES BY EXAMINATION

(a) Applicants. An applicant seeking an initial license or who fails to meet the requirements in Rule .0102 of this Section for endorsement must pass a computer-based examination set forth in Subchapter 48D of this Chapter to practice in North Carolina following the approval of the applicant's credentials.

(b) ~~Timing of Examination. The applicant shall take the examination within one year following the Board's approval of his or her application. If the applicant does not do so, the applicant must submit his or her credentials to the Board for review before he or she can take the exam.~~ Incomplete Applications – Any application received in accordance with this Rule that remains incomplete one year after the initial application filing shall be considered to be abandoned and no further processing shall be undertaken with respect to that application. Applicants shall reapply, pay the application fee and provide updated application requirements after an application has been abandoned.

(c) Examination Taken in Another State. Applicants not previously licensed who take a PT exam or a PTA exam in another state may be licensed in North Carolina if they provide scores that meet the North Carolina passing level set forth in Rule 48D .0105 of this Chapter and meet all other requirements set forth in this Chapter and the Physical Therapy Practice Act for North Carolina licensure in effect at the time of application.

(d) Jurisprudence Exercise. All applicants for licensure for endorsement shall furnish proof of completion of the Jurisprudence Exercise 1 as set forth in 21 NCAC 48G .0105(7).

History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. July 1, 2013; August 1, 2002; October 1, 1989; April 1, 1989; December 30, 1985; October 28, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;

Amended Eff. May 1, 2020, 2020;

Temporary Amendment Eff. October 1, 2020.

21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION

(a) The Board shall refuse permission to take the examination to any person who:

- (1) Does not meet the requirements as set forth in the Physical Therapy Practice Act;
- (2) Furnishes false information to the Board on the application; or
- (3) Fails to furnish personal background information as required by these Rules.

(b) The Board has authority to approve an applicant's exam eligibility and may delegate its authority to the Federation. Upon delegation of said authority, the Federation may grant permission to take the examination pursuant to National Physical Therapy Examination policies and as agreed upon by the Board.

~~(b)(c)~~ Any applicant who is refused permission to take the examination shall be entitled to petition the Board for a contested case hearing pursuant to Subchapter 48G, Section .0500 of this Chapter.

History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.103;
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. December 1, 2006; August 1, 2002; December 30, 1985;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018~~; 2018;
 Temporary Amended Eff. October 1, 2020.

21 NCAC 48D .0109 RETAKING EXAMINATION

(a) Arrangements for Retake. To retake the examination, the applicant shall notify the Board in writing, and pay the retake fee as specified in 21 NCAC 48F .0102 The examination cost as set forth by the Federation (www.fsbpt.org) is hereby incorporated by reference and includes subsequent amendments and editions. A copy of the retake application may be obtained from the Board's website at no charge. If the Federation approves exam eligibility, the Federation shall administer the retake process according to NPTE policies.

~~(b) Retake Examination. The Board shall administer a particular form of the examination to an applicant only one time.~~

~~(c)~~ (b) Limitations. An applicant shall be limited to taking the examination the number of times allowed by the Federation as indicated on the Federation's website (www.fsbpt.org).

History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100;
 Emergency Regulation Eff. July 23, 1979, for a period of 120 days to expire on November 20, 1979;
 Made Permanent Eff. November 20, 1979;
 Amended Eff. February 1, 2015; February 1, 1996; November 1, 1993; August 1, 1988; May 1, 1988;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018~~; 2018;
 Temporary Amendment Eff. October 1, 2020.

21 NCAC 48D .0111 APPLICANTS WITH SPECIAL NEEDS

Examination candidates who need special accommodations for the examination as a result of a medical or physical dysfunction shall file an Accommodation Request Form and supporting documentation with the executive director at least 60 days before the examination date in order for the request to be considered by the Board. If the Federation grants exam eligibility, the accommodation request shall be made pursuant to Federation testing accommodation policy.

History Note: Authority G.S. 90-270.92; P.L. 101-336;
 Eff. October 1, 1995;
 Amended Eff. February 1, 1996;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, ~~2018~~; 2018;
 Temporary Amendment Eff. October 1, 2020.

SUBCHAPTER 48E - APPLICATION FOR LICENSURE

SECTION .0100 - REQUIREMENTS

21 NCAC 48E .0101 FILING APPLICATION

(a) An applicant for licensure shall ensure that his or her credentials are filed with the executive director in accordance with the rules of this Subchapter.

~~(b) To be~~ If the Board has not delegated the authority to grant exam eligibility to the Federation, and, to be certain an applicant will be considered for a desired examination date, the applicant shall submit all application requirements to the executive director at least 30 days prior to the examination.

(c) The Board shall not approve an application until the applicant has graduated as defined by 21 NCAC 48A .0105(6).

History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.98(b);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. May 1, 1988; December 30, 1985; October 28, 1979;
 Recodified Paragraph (c) to 21 NCAC 48C .0501 Eff. January 25, 1989;
 Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;
 Amended Eff. May 1, ~~2020~~; 2020;

