

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: All Rules Submitted

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Finding of Need Form for each Rule:

- *In Box 5e, please insert the date that the notice was sent.*
- *In Box 5f, I note that the agency adopted the temporary rules on September 2. Was this to accommodate the regularly scheduled meeting?*
- *In Box 5g, why are you seeking a delayed effective date of October 1, rather than the statutory effective date of September 25, 2020?*
- *In Box 6, what "other" are you citing to? It is likely that a serious and unforeseen threat to public health, safety, or welfare will be sufficient.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Rule citation & name: 21 NCAC 48B .0103 LICENSES BY EXAMINATION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 10, 2020 b. Proposed Temporary Rule published on the OAH website: June 17, 2020 c. Public Hearing date: July 8, 2020 d. Comment Period: June 17 – July 10, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): https://www.ncptboard.org/index.html f. Adoption by agency on: September 2, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: Explain: 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.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

In North Carolina Governors Executive Order 130 Section 3., regulatory flexibility to expand the healthcare work force was ordered. In response to that order the North Carolina Board of Physical Therapy Examiners' immediate adoption of the aforementioned rules would expedite the exam eligibility process and licensure of physical therapist and physical therapist assistant applicants while maintaining a level of oversight to ensure qualifications are met. Furthermore, as a result of COVID-19, testing centers are either closed or have significantly reduced capacities therefore slowing an applicant's access to the already limited National Physical Therapy Examination schedule. Physical therapist and physical therapist assistant applicants, once licensed, play a vital role in the rehabilitation of patients recovering from COVID-19 and other co-morbidities.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: (optional): 919-490-6393 or 919-418-6146 (during State of Emergency)

E-Mail: dragan@ncptboard.org

Agency contact, if any: Same as above

Phone: Same as above

E-Mail: Same as above

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Teresa F. Hale

Title: NC Board of Physical Therapy Examiners, Chairperson

E-Mail: Thale@alliedrehab.net

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48B .0103

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

I do not understand why this Rule needs to be amended under temporary measures. What is the reason for this action?

In (b), line 9, to be consistent with the rest of the Rule, please insert a period after "Applications."

On line 10, what is "incomplete"?

On line 10, considered by whom to be incomplete?

On line 12, isn't this fee new? The prior language did not refer to paying a new fee. Instead, it just required submission of credentials. A new fee will require a consultation pursuant to G.S. 12-3.1.

On line 12, please insert a comma after "fee"

In (d), line 19, consider replacing "set forth" with "defined"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020

1 **21 NCAC 48B .0103 is amended as a temporary rule as follows:**

2

3 **21 NCAC 48B .0103 LICENSES BY EXAMINATION**

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

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

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

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

20

21 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97;*
22 *Eff. February 1, 1976;*
23 *Readopted Eff. September 30, 1977;*
24 *Amended Eff. July 1, 2013; August 1, 2002; October 1, 1989; April 1, 1989; December 30, 1985;*
25 *October 28, 1979;*
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
27 *2018;*
28 *Amended Eff. May 1, ~~2020~~, 2020;*
29 *Temporary Amendment Eff. October 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Rule citation & name: 21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 10, 2020 b. Proposed Temporary Rule published on the OAH website: June 17, 2020 c. Public Hearing date: July 8, 2020 d. Comment Period: June 17 – July 10, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): https://www.ncptboard.org/index.html f. Adoption by agency on: September 2, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: Explain: 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.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

In North Carolina Governors Executive Order 130 Section 3., regulatory flexibility to expand the healthcare work force was ordered. In response to that order the North Carolina Board of Physical Therapy Examiners' immediate adoption of the aforementioned rules would expedite the exam eligibility process and licensure of physical therapist and physical therapist assistant applicants while maintaining a level of oversight to ensure qualifications are met. Furthermore, as a result of COVID-19, testing centers are either closed or have significantly reduced capacities therefore slowing an applicant's access to the already limited National Physical Therapy Examination schedule. Physical therapist and physical therapist assistant applicants, once licensed, play a vital role in the rehabilitation of patients recovering from COVID-19 and other co-morbidities.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: (optional): 919-490-6393 or 919-418-6146 (during State of Emergency)

E-Mail: dragan@ncptboard.org

Agency contact, if any: Same as above

Phone: Same as above

E-Mail: Same as above

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Teresa F. Hale

Title: NC Board of Physical Therapy Examiners, Chairperson

E-Mail: Thale@alliedrehab.net

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48D .0107

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a)(3), is "personal" background information known to your regulated public?

In (b), what authority are you relying upon to allow the Federation to approve the eligibility? I see in G.S. 90-100 states:

§ 90-270.100. Fees.

In all instances where the Board uses the services of a national testing service for preparation, administration, or grading of examinations, the Board may charge the applicant the actual cost of the examination services, in addition to its other fees.

That appears to be the only reference to a national testing service. Are there others that allow you all to share this responsibility that is vested in the Board in G.S. 90-270-92(1)?

On line 11, what are these policies? What authority are you relying upon to incorporate them into your Rule?

And how is the Board agreeing to this – will it be in Rule?

In (d), again, what is your authority to rely upon these policies promulgated by another entity outside of rulemaking?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020

1 **21 NCAC 48D .0107 is amended as a temporary rule as follows:**

2
3
4 **21 NCAC 48D .0107 PERSONS REFUSED EXAMINATION PERMISSION**

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

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

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

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

15 (d) Any applicant who is refused permission to take the examination by the Federation has the option to appeal
16 using the policies outlined in the FSBPT Candidate Handbook and NPTE policies (www.fsbpt.org).

17
18 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.103;*

19 *Eff. February 1, 1976;*

20 *Readopted Eff. September 30, 1977;*

21 *Amended Eff. December 1, 2006; August 1, 2002; December 30, 1985;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
23 *2018. 2018;*

24 *Temporary Amended Eff. October 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Rule citation & name: 21 NCAC 48D .0109 RETAKING EXAMINATION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 10, 2020 b. Proposed Temporary Rule published on the OAH website: June 17, 2020 c. Public Hearing date: July 8, 2020 d. Comment Period: June 17 – July 10, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): https://www.ncptboard.org/index.html f. Adoption by agency on: September 2, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other: Explain: 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.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

In North Carolina Governors Executive Order 130 Section 3., regulatory flexibility to expand the healthcare work force was ordered. In response to that order the North Carolina Board of Physical Therapy Examiners' immediate adoption of the aforementioned rules would expedite the exam eligibility process and licensure of physical therapist and physical therapist assistant applicants while maintaining a level of oversight to ensure qualifications are met. Furthermore, as a result of COVID-19, testing centers are either closed or have significantly reduced capacities therefore slowing an applicant's access to the already limited National Physical Therapy Examination schedule. Physical therapist and physical therapist assistant applicants, once licensed, play a vital role in the rehabilitation of patients recovering from COVID-19 and other co-morbidities.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: (optional): 919-490-6393 or 919-418-6146 (during State of Emergency)

E-Mail: dragan@ncptboard.org

Agency contact, if any: Same as above

Phone: Same as above

E-Mail: Same as above

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Teresa F. Hale

Title: NC Board of Physical Therapy Examiners, Chairperson

E-Mail: Thale@alliedrehab.net

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48D .0109

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (a), line 5, please insert a period after “.0102”

On lines 7 and 8, what authority are you relying upon to allow the Federation to approve the eligibility and rely upon its policies rather than the Board setting them?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020

1 **21 NCAC 48D .0109 is amended as a temporary rule as follows:**

2

3 **21 NCAC 48D .0109 RETAKING EXAMINATION**

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

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

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

13

14 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100;*

15 *Emergency Regulation Eff. July 23, 1979, for a period of 120 days to expire on November 20,*
16 *1979;*

17 *Made Permanent Eff. November 20, 1979;*

18 *Amended Eff. February 1, 2015; February 1, 1996; November 1, 1993; August 1, 1988; May 1,*
19 *1988;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
21 *~~2018.~~ 2018;*

22 *Temporary Amendment Eff. October 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Rule citation & name: 21 NCAC 48D .0111 APPLICANTS WITH SPECIAL NEEDS
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 10, 2020 b. Proposed Temporary Rule published on the OAH website: June 17, 2020 c. Public Hearing date: July 8, 2020 d. Comment Period: June 17 – July 10, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): https://www.ncptboard.org/index.html f. Adoption by agency on: September 2, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other:
Explain: 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.

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: (optional): 919-490-6393 or 919-418-6146 (during State of Emergency)

E-Mail: dragan@ncptboard.org

Agency contact, if any: Same as above

Phone: Same as above

E-Mail: Same as above

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Teresa F. Hale

Title: NC Board of Physical Therapy Examiners, Chairperson

E-Mail: thale@alliedrehab.net

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48D .0111

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On lines 4 and 5, consider rewording "medical or physical dysfunction"

On line 5, consider capitalizing "Executive Director" to be consistent with the term use throughout the Chapter.

So that I'm clear – on line 6, the request is made by the applicant to the Executive Director. Will the Board then forward that request to the Federation?

On lines 6-8, what authority are you relying upon to allow the Federation to approve the eligibility and rely upon its policies rather than the Board setting them?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020

1 **21 NCAC 48D .0111 is amended as a temporary rule as follows:**

2

3 **21 NCAC 48D .0111 APPLICANTS WITH SPECIAL NEEDS**

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

9

10 *History Note: Authority G.S. 90-270.92; P.L. 101-336;*

11 *Eff. October 1, 1995;*

12 *Amended Eff. February 1, 1996;*

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

14 *~~2018.~~ 2018;*

15 *Temporary Amendment Eff. October 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Rule citation & name: 21 NCAC 48E .0101 FILING APPLICATION
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: June 10, 2020 b. Proposed Temporary Rule published on the OAH website: June 17, 2020 c. Public Hearing date: July 8, 2020 d. Comment Period: June 17 – July 10, 2020 e. Notice pursuant to G.S. 150B-21.1(a3)(2): https://www.ncptboard.org/index.html f. Adoption by agency on: September 2, 2020 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: October 1, 2020 h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input checked="" type="checkbox"/> Other:
Explain: 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.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

In North Carolina Governors Executive Order 130 Section 3., regulatory flexibility to expand the healthcare work force was ordered. In response to that order the North Carolina Board of Physical Therapy Examiners' immediate adoption of the aforementioned rules would expedite the exam eligibility process and licensure of physical therapist and physical therapist assistant applicants while maintaining a level of oversight to ensure qualifications are met. Furthermore, as a result of COVID-19, testing centers are either closed or have significantly reduced capacities therefore slowing an applicant's access to the already limited National Physical Therapy Examination schedule. Physical therapist and physical therapist assistant applicants, once licensed, play a vital role in the rehabilitation of patients recovering from COVID-19 and other co-morbidities.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator: Deborah J. Ragan, PT, DPT

Phone: (optional): 919-490-6393 or 919-418-6146 (during State of Emergency)

E-Mail: dragan@ncptboard.org

Agency contact, if any: Same as above

Phone: Same as above

E-Mail: Same as above

10. Signature of Agency Head*:



*** If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.**

Typed Name: Teresa F. Hale

Title: NC Board of Physical Therapy Examiners, Chairperson

E-Mail: Thale@alliedrehab.net

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0101

DEADLINE FOR RECEIPT: Thursday, September 10, 2020

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On lines 8 and 12, consider capitalizing "Executive Director" to be consistent with the term use throughout the Chapter.

In (b), line 10, how will the individual know that the delegation occurred?

What is the Board's statutory authority to delegate this authority?

On lines 10 -11, why does the Board need "and, to be certain an applicant will be considered for a desired examination date,"? Isn't "If the Board... Federation, the applicant shall submit all application requirements to the Executive Director at least 30 days prior to the examination." sufficient?

Why are you citing to G.S. 90-270.98(b) in the History Note?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: September 4, 2020

1 21 NCAC 48E .0101 is amended as a temporary rule as follows:

2

3

SUBCHAPTER 48E - APPLICATION FOR LICENSURE

4

5

SECTION .0100 - REQUIREMENTS

6

7 21 NCAC 48E .0101 FILING APPLICATION

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

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

13 (c) The Board shall not approve an application until the applicant has graduated as defined by 21 NCAC 48A
14 .0105(6).

15

16 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.98(b);*

17 *Eff. February 1, 1976;*

18 *Readopted Eff. September 30, 1977;*

19 *Amended Eff. May 1, 1988; December 30, 1985; October 28, 1979;*

20 *Recodified Paragraph (c) to 21 NCAC 48C .0501 Eff. January 25, 1989;*

21 *Amended Eff. July 1, 2013; August 1, 1998; February 1, 1996;*

22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
23 *2018;*

24 *Amended Eff. May 1, ~~2020~~, 2020;*

25 *Temporary Amendment Eff. October 1, 2020.*