

# TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

## CHAPTER 48 - BOARD OF PHYSICAL THERAPY EXAMINERS

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Physical Therapy Examiners intends to amend the rules cited as 21 NCAC 48D .0107, .0109, .0111; and 48E .0101.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncptboard.org/index.html>

**Proposed Effective Date:** August 1, 2021

**Public Hearing:**

**Date:** March 10, 2021

**Time:** 10:00 a.m.

**Location:** Zoom Meeting ID: 954 9130 8253 Passcode: 662437

<https://zoom.us/j/95491308253?pwd=OUgwWHRBd2FCZEhmTlVINm9UeSt0QT09>

**Reason for Proposed Action:** *These rules were previously adopted as temporary rules by the Board of Physical Therapy Examiners. The Board is seeking to make these rules permanent. 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.*

**Comments may be submitted to:** Deborah Ragan, 8300 Health Park, Suite 233, Raleigh, NC 27615; phone (919) 490-6393; fax (919) 490-5106; email [dragan@ncptboard.org](mailto:dragan@ncptboard.org)

**Comment period ends:** March 16, 2021

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### SUBCHAPTER 48D - EXAMINATIONS

#### 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 and Federation have authority to approve an applicant's exam eligibility. eligibility and may delegate its authority to the Federation. Upon delegation of said authority, the~~ The Board shall approve exam eligibility for foreign-trained applicants. The Federation shall grant exam eligibility for all other applicants as set forth in National Physical Therapy Examination policies, which are available free of charge at the Board's office and at [www.fsbpt.org](http://www.fsbpt.org).

~~(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.

(d) Any applicant who is refused permission to take the examination by the Federation has the option to appeal using the policies set forth in Paragraph (b) of this Rule.

*History Note:* Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.100; 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;  
Temporary Amendment Eff. September 25, ~~2020~~ 2020;  
Amended Eff. June 1, 2021.

## **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](http://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, which may be found at [www.fsbpt.org](http://www.fsbpt.org).~~

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

~~(e)~~(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](http://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;  
Temporary Amendment Eff. September 25, ~~2020~~ 2020;  
Amended Eff. June 1, 2021.

## **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~~ disability shall file an Accommodation Request Form and supporting documentation with the ~~executive director~~ 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, which may be found at [www.fsbpt.org](http://www.fsbpt.org).

*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;  
Temporary Amendment Eff. September 25, ~~2020~~ 2020;  
Amended Eff. June 1, 2021.

## **SUBCHAPTER 48E - APPLICATION FOR LICENSURE**

### **SECTION .0100 - REQUIREMENTS**

#### **21 NCAC 48E .0101 FILING APPLICATION AND BOARD DETERMINATION OF EXAM ELIGIBILITY**

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

~~(b) To be considered for a desired examination date, the applicant~~ Applicants pursuant to G.S. 90-270-97 shall submit all application requirements to the ~~executive director~~ 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;  
Temporary Amendment Eff. September 25, ~~2020~~ 2020;  
Amended Eff. June 1, 2021.