



**PROPOSED TEMPORARY RULE FOR
PUBLICATION ON THE OAH WEBSITE**

OFFICE USE ONLY

Published on the OAH
website:

CHECK APPROPRIATE BOX:

Proposed Temporary Rule [G.S. 150B-21.1(a3)]

Proposed Temporary Rule simultaneously adopted as an emergency rule [G.S. 150B-21.1A(a)]

1. Rule-Making Agency: NC Board of Physical Therapy Examiners

2. Proposed Action -- Mark the appropriate box(es) and list rule citation(s) beside proposed action:

ADOPTION:

AMENDMENT: 21 NCAC 48B .0103, 48D .0107, 48D .0109, 48D .0111, and 48E .0101

REPEAL:

3. Public Hearing:

Date: July 8, 2020

Time: 1:00pm


Location: Remote hearing for public safety. Directions to be posted on the website for remote access.

4. Reason for agency adopting rule(s) under temporary action:

- A serious and unforeseen threat to the public health, safety or welfare.**
 The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
 A recent change in federal or state budgetary policy.
Effective date of change:
 A recent federal regulation.
Cite:
Effective date:
 A recent court order.
Cite order:
 Other: Executive Order 130, Section 3a

Explain: Please justify the need for the temporary rules here.

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.

<p>5. Comments from the public shall be directed to: Name: Deborah J. Ragan, PT, DPT Address: 8300 Health Park Suite 233 Raleigh, NC 27615</p> <p>Phone (optional): 919-490-6393 or 919-418-6146 (during State of Emergency) Fax (optional): E-Mail (optional): dragan@ncptboard.org</p>	
<p>6. Comment Period Starts: June 17, 2020</p>	<p>Comment Period Ends: July 9, 2020</p>
<p>7. Rule-making Coordinator: Deborah J. Ragan, PT, DPT</p> <p>Address: 8300 Health Park Suite 233 Raleigh, NC 27615</p> <p>Phone: 919-490-6393 E-Mail: dragan@ncptboard.org</p> <p>Agency contact, if any: Same as above</p> <p>Phone: Same as above E-mail: Same as above</p>	<p>8. The Agency formally proposed the text of this rule(s) on Date: June 10, 2020</p> <p>9. Signature of Agency* Head or Rule-making Coordinator:</p> <p></p> <hr/> <p>*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.</p> <p>Typed Name: Deborah J. Ragan, PT, DPT</p> <p>Title: Rulemaking Coordinator</p>

1 21 NCAC 48B .0103 is amended under temporary procedures 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.*

1 21 NCAC 48D .0107 is amended under temporary procedures 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 has authority to approve an applicant's exam eligibility and may delegate its authority to the
10 Federation. Upon delegation of said authority, the Federation may grant permission to take the examination pursuant
11 to National Physical Therapy Examination policies and as agreed upon by the Board.

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

15 *History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.103;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 30, 1977;*
18 *Amended Eff. December 1, 2006; August 1, 2002; December 30, 1985;*
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*
20 *2018- 2018;*
21 *Temporary Amended Eff. October 1, 2020.*

1 21 NCAC 48D .0109 is amended under temporary procedures as follows:

2 21 NCAC 48D .0109 RETAKING EXAMINATION

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

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

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

12

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

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

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

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

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

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

22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

21 NCAC 48D .0111 is amended under temporary procedures as follows:

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.*

21 NCAC 48E .0101 is amended under temporary procedures as follows:

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;
Temporary Amendment Eff. October 1, 2020.*