

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48B .0102

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Just so I understand, I assume that the intent of this Rule is to provide meaning to "substantially equivalent requirements" pursuant to G.S. 90-290.98(b)? If so, I think it's fine.*

*In (a), what is meant by "on an individual basis"? As opposed to what? An entire State's pool of physical therapists? I'm not sure that a change is necessary here, but I want to be sure that this is clear.*

*In (b)(1)(A), what is the "North Carolina passing level"? Is there a cross-reference available to provide this?*

*In (b)(1)(A), delete or define "adequate"*

*In (b)(1)(A), by "may ask the applicant", do you mean the "applicant shall have..." If you mean that the "Board may ask" how is this determined? If scores aren't available from another state, are there circumstances in which you all would not require the applicant to have scores sent from the testing agency?*

*In (b)(1)(A), delete or define "appropriate" in "appropriate testing agency." Do you need it? Here, I assume that you mean that the applicant needs to have the scores test from the testing agency from which he or she took the exam? If so, "appropriate" appears to be unnecessary.*

*In (b)(1)(A), what is meant by "unsatisfactory"? Do you mean does not meet the passing level of North Carolina?*

*In (b)(1)(B), what is meant by "for the Board to attempt to obtain the examination"? What is the actual requirement here?*

*In (b)(1)(B), what factors will be used in making the determination whether the examination was "substantially equal" to NC's?*

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

*In (b)(2), please change the period after "For Physical Therapist Assistants" to a colon.*

*In (b)(2), what is the North Carolina passing level? Is this set forth elsewhere in rule or statute?*

*In (b)(2), what is meant by "if not"? Do you mean if they have not taken a PTA exam or if they haven't scored high enough?*

*In (c), just so I understand, is the intent here that the other state's Board is required to do something or are you requiring the applicant to ensure that the information reaches you all? I think you mean the latter. Please review and revise as necessary for clarification.*

*In (d), do you want to add an introductory phrase as you have elsewhere throughout this Rule (in (a) "Endorsement."; (b) "Examination Required."; (c) "Active License."*

*What is the intent of (d)? It appears to be missing something. Here, do you mean something like "All applicants for licensure by endorsement shall furnish proof of..."?*

*In (d), should "competition be "completion"?*

*What is the Jurisprudence Exercise I? Is additional information set forth elsewhere in Rule or statute? Is this part of the National Exam?*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 48B .0102 is amended as published in 34:10 NCR 873-874 as follows:

**21 NCAC 48B .0102      LICENSES BY ENDORSEMENT**

(a) Endorsement. Each application for endorsement shall be considered on an individual basis.

(b) Examination Required. Only those persons initially licensed in another state by virtue of examination shall be considered for endorsement. Only the following examinations shall be considered:

(1) For Physical Therapists:

(A) Therapists licensed on the basis of a PT exam shall present total scores that meet the North Carolina passing level. If adequate scores and information are not available from the other state, the Board may ask the applicant to have the scores issued through the appropriate testing service. If the total score on the examination is unsatisfactory, the exam shall be repeated. The cost of the examination shall be paid by the applicant.

(B) If licensed in another state by an examination compiled by that Board, the applicant shall supply information for the Board to attempt to obtain the examination in order to determine if it was substantially equal to the examination required by North Carolina at that time. If it cannot be determined that the examination was equal to the North Carolina examination or if the scores received on an acceptable examination did not meet the North Carolina passing requirement, the applicant shall take the PT exam. The cost of the examination shall be paid by the applicant.

(C) A physical therapist currently licensed in another state whose license in that state was granted on the basis of the American Registry of Physical Therapists Examination shall be considered for endorsement.

(2) For Physical Therapist Assistants. Only those physical therapist assistants licensed in another state by a PTA exam shall be considered for endorsement. The examination score shall meet the North Carolina passing level. If not, the applicant shall be required to take the PTA exam and pay the cost of the examination.

(c) Active License. Evidence shall be presented by the licensing Board in the other state that the applicant's license in that state was in effect on the date the application for North Carolina licensure was filed with the executive director or that it has been activated since that date, if it was not in effect on the date the application was submitted. This shall be done in accordance with Rule .0105 of Subchapter E of this Chapter.

(d) Furnish proof of competition of Jurisprudence Exercise I.

*History Note: Authority G.S. 90-270.92; 90-270.98(b); 90-270.100;*

*Eff. February 1, 1976;*

*Readopted Eff. September 30, 1977;*

*Amended Eff. August 1, 1998; February 1, 1996; November 1, 1991; December 1, 1990;*

*October 1, 1989; April 1, 1989;*

1                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*  
2                    ~~2018.~~ 2018;  
3                    Amended Eff. May 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48B .0103

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE:** *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*In (a), you've said "acceptance", in (b) you've said "approved" Please be consistent where you can.*

*I assume the intent of (b) is that they essentially have to start over? Is there a cross-reference available that sets forth this process?*

*In (c), what are "all other requirements"? Do you mean "all other requirements set forth in this Chapter and the Physical Therapy Practice Act"?*

*What is the difference in (c) and .0102? I read .0102 to require an applicant by endorsement to have taken an exam with "adequate scores" which I assume are equivalent to NC's. Is (c) of this Rule applicable when they haven't actually obtained licensure for whatever reason from another State's board (as appears to be required by (c) of .0102)? I'm not sure a change is needed, I just want to be sure that I understand.*

*In (d), do you want to add an introductory phrase as you have elsewhere throughout this Rule (in (a) "Applicants."; (b) "Timing of examination."; (c) "Examination taken in another state."*

*What is the intent of (d)? It appears to be missing something. Here, do you mean something like "All applicants shall furnish proof of..."?*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

1   **21 NCAC 48B .0103 is amended as published in 34:10 NCR 874 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 acceptance 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.

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

14   (d) Furnish proof of completion of Jurisprudence Exercise 1.

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

17                   *Eff. February 1, 1976;*

18                   *Readopted Eff. September 30, 1977;*

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

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

23                   *Amended Eff. May 1, 2020.*

1   **21 NCAC 48D .0102 is amended as published in 34:10 NCR 875 as follows:**

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3   **21 NCAC 48D .0102       SCHEDULE AND LOCATION OF EXAMINATION**

4   Examinations may be scheduled by the applicant ~~throughout the year~~ at sites designated by the testing agency  
5   recognized by the Federation.

6  
7   *History Note:     Authority G.S. 90-270.92;*

8                   *Eff. February 1, 1976;*

9                   *Readopted Eff. September 30, 1977;*

10                  *Amended Eff. August 1, 1998; December 30, 1985; October 28, 1979;*

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

12                  ~~2018.~~ 2018;

13                  Amended Eff. May 1, 2020.

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0101

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE:** *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Overall, what is the intent of (a) and (b)? Here, do you mean something like "In order to be included in a desired examination date, an applicant shall submit all application requirements as set forth in this Subchapter to the Executive Director at least 60 days prior to the examination date"? Please see additional notes on this suggestion below.*

*In (a), what is meant by "the applicant shall ascertain that his or her credentials"? Here, do you mean "shall ensure"? Also, what is meant by "credentials"? A lot of this Subchapter has been repealed, so I'm wondering if this is the correct terminology. It very well may be.*

*In (b), delete "be certain an applicant will" so that it simply reads "To be considered for a desired examination date" (note that I also changed "the" to "a")*

*In (b), what are the "application requirements"? Are the substantive requirements of the applications set forth elsewhere in Rule or Statute? If not, please provide the substantive requirements here.*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020



1   **21 NCAC 48E .0101 is amended as published in 34:10 NCR 875 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 ascertain that his or her credentials are filed with the executive director in  
9   accordance with the rules of this Subchapter.

10   (b) To be certain an applicant will be considered for the desired examination date, ~~the application shall be submitted~~  
11   the applicant shall submit all application requirements to the executive director at least ~~30~~ 60 days prior to the  
12   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, 2018:*

24                   *Amended Eff. May 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0110

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*I assume that (e) is in addition to other documentation?*

*Is (e)(3) formatted correctly? Is the requirement for a criminal background check an option? Can they choose to do a TOEFL in lieu of the criminal background check as indicated by the "or" at the end of (e)(2)? How does this go with G.S. 90-270.96 and 143B-964. I note that both of those statutes speak to a background check from DPS which includes criminal history record from State and national repositories and is a requirement ("the applicant shall consent...") This Rule speaks to an FBI criminal record check. Please compare this to .0510 which does not include the "or" language at the end of (e)(2).*

*If (e)(3) is formatted correctly, please begin this Subparagraph with a lower case letter.*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 48E .0110 is amended as published in 34:10 NCR 875 as follows:

**21 NCAC 48E .0110 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY  
EXAMINATION**

(a) This Rule shall apply to a physical therapist who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. 90-270.95(2), and does not hold an active license in another state or territory of the United States.

(b) All application forms and supporting documents shall be completed in English or accompanied by an English translation.

(c) For the applicant's educational credential background to be determined substantially equivalent to that obtained by an applicant for licensure pursuant to G.S. 90-270.95(2), the applicant shall meet the standards of the Federation's most recent Coursework Tool (CWT) for Physical Therapists at [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) ~~https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx~~ and ~~for Physical Therapist Assistants at https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx~~. These coursework tools are incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. Copies of the coursework tools are on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and are available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapists referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

(1) proof that the applicant has demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language (TOEFL) score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments and editions. Individuals wishing to register for the TOEFL shall contact Examination Testing Service (<http://www.ets.org/toefl/>). The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review;

~~(2) proof that coursework was taught in the English language; or~~

~~(2)~~ (2) documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy at no cost may call the United States Citizenship and Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR

212.15 is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business ~~hours.~~ hours; or

(3) An applicant for licensure shall consent to an FBI criminal history record check by furnishing a complete set of fingerprints at the applicant's expense.

*History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 150B-21.6(2); 143B-964;  
Eff. December 30, 1985;  
Amended Eff. November 1, 1991; August 1, 1991;  
Temporary Amendment Eff. July 21, 1995, for a period of 180 days or until the permanent Rule becomes effective, whichever is sooner;  
Amended Eff. February 1, 2015; December 1, 2006; November 1, 2004; August 1, 2002; August 1, 1998; February 1, 1996; October 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018;  
Amended Eff. May 1, 2020; September 1, 2019; November 1, 2018.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0111

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

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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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*I assume that (e) is in addition to other documentation?*

*Is (e)(3) formatted correctly? Is the requirement for a criminal background check an option? Can they choose to do a TOEFL in lieu of the criminal background check as indicated by the "or" at the end of (e)(2)? How does this go with G.S. 90-270.96 and 143B-964. I note that both of those statutes speak to a background check from DPS which includes criminal history record from State and national repositories and is a requirement ("the applicant shall consent...") This Rule speaks to an FBI criminal record background check.*

*If (e)(3) is formatted correctly, please begin this Subparagraph with a lower case letter.*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 48E .0111 is amended as published in 34:10 NCR 875-876 as follows:

**21 NCAC 48E .0111 FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY  
ENDORSEMENT**

(a) This Rule shall apply to a physical therapist who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. ~~90-270.92(2)~~, 90-270.95(2), and holds an active physical therapist license in another state or territory of the United States.

(b) All application forms and supporting documents shall be completed in English or accompanied by an English translation.

(c) For the applicant's educational credentials ~~background~~ to be determined substantially equivalent to an educational program accredited pursuant to G.S. 90-270.95(2), the applicant shall meet the standards of the Federation's Coursework Tool (CWT) [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) for the applicant's year of graduation. This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of the coursework tool is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapists referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

~~(1) for examinations administered prior to August 1, 1998, proof that a score of 210 on the TSE (Test of Spoken English) or the SPEAK (Speaking Proficiency English Assessment Kit) examination was obtained ([www.ets.org/toefl/ibt/](http://www.ets.org/toefl/ibt/));~~

~~(2) for examinations administered on or after August 1, 1998, and prior to January 1, 2007, the following proof shall be provided:~~

~~(A) minimum score of 50 on the TSE examination or the SPEAK examination;~~

~~(B) minimum score on the Test of Written English (TWE) of 4.5; and~~

~~(C) minimum score of 560 on the Test of English as a Foreign Language (TOEFL);~~

~~(3) for examinations administered on or after January 1, 2007, proof shall be provided that the applicant obtained the following minimum standard scale scores in each of the four scoring domains (Listening, Reading, Writing, and Speaking), and the total score of the iBT/Next Generation TOEFL:~~

~~(A) Writing: 24;~~

~~(B) Speaking: 26;~~



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0112

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*I assume that (e) is in addition to other documentation?*

*Is (e)(3) formatted correctly? Is the requirement for a criminal background check an option? Can they choose to do a TOEFL in lieu of the criminal background check as indicated by the "or" at the end of (e)(2)? How does this go with G.S. 90-270.96 and 143B-964. I note that both of those statutes speak to a background check from DPS which includes criminal history record from State and national repositories and is a requirement ("the applicant shall consent...") This Rule speaks to an FBI criminal background check.*

*If (e)(3) is formatted correctly, please begin this Subparagraph with a lower case letter.*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020



21 NCAC 48E .0112 is amended as published in 34:10 NCR 876-877 as follows:

**21 NCAC 48E .0112 FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT ENDORSEMENT  
APPLICANT**

(a) This Rule shall apply to a physical therapist assistant who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. ~~90-270.95(3)~~, 90-270.95(3), and holds an active physical therapist assistant license in another state or territory of the United States.

(b) All application forms and supporting documents shall be completed in English or accompanied by an English translation.

(c) For the applicant's educational credentials to be determined substantially equivalent to that obtained by an applicant for licensure pursuant to G.S. 90-270.95(3), the applicant shall meet the standards of the Federation's most recent Coursework Tool (CWT) for Physical Therapist Assistants [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx) for the applicant's year of graduation. This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of the coursework tool is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours. ~~If the applicant does not meet the requirements of G.S. 90-270.95(3), the Board shall examine the applicant's educational background to determine if the general and professional education is substantially equivalent to an educational program accredited pursuant to G.S. 90-270.95(2) and meets the requirements of the Federation's most recent Coursework Tool (CWT) for Physical Therapist Assistants at [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx). This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of this instrument is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.~~

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapist assistants referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

- (1) proof that the applicant has demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language TOEFL score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments and editions. Individuals wishing to register for the TOEFL shall contact Examination Testing Service (<http://www.ets.org/toefl/>). The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review;

1       ~~(2)~~     ~~proof that coursework was taught in the English language; or~~

2       ~~(3)~~ (2)     documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is  
3       incorporated by reference, including subsequent amendments and editions. Individuals wishing to  
4       obtain a copy at no cost may call the United States Citizenship and Immigration Service National  
5       Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR  
6       212.15 is on file at the 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public  
7       inspection during regular business ~~hours~~, hours; or

8       (3)     An applicant for licensure shall consent to an FBI criminal history record check by furnishing a  
9       complete set of fingerprints at the applicant's expense.

10  
11     *History Note:*     *Authority G.S. 90-270.92; ~~90-270.92(2)~~; 90-270.95; 90-270.97; 90-270.98; ~~143B-964~~; 150B-*  
12                         *21.6(2);*  
13                         *Eff. February 1, 2015;*  
14                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*  
15                         *2018;*  
16                         *Amended Eff. May 1, 2020; September 1, 2019; November 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48E .0510

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE:** *This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*How does (e)(3) go with G.S. 90-270.96 and 143B-964. I note that both of those statutes speak to a background check from DPS which includes criminal history record from State and national repositories and is a requirement ("the applicant shall consent..." This Rule speaks to an FBI criminal record check.*

*Please make (e)(3) Paragraph (f). The formatting here doesn't go with the "or" at the end of (e)(1).*

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

Amber May  
Commission Counsel  
Date submitted to agency: Thursday, March 26, 2020

21 NCAC 48E .0510 is adopted as published in 34:10 NCR 877 as follows:

**21 NCAC 48E .0510      FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT EXAM**  
**APPLICANT**

(a) This Rule shall apply to a physical therapist assistant who has graduated from a program located outside the United States that has not been accredited by the Commission of Accreditation of Physical Therapy Education (CAPTE) or its successor, in accordance with G.S. 90-270.95(3).

(b) All application forms and supporting documents shall be completed in English or accompanied by an English translation.

(c) For the applicant's educational credentials to be determined substantially equivalent to that obtained by an applicant for licensure pursuant to G.S. 90-270.95(3), the applicant shall meet the standards of the most recent Federation's Coursework Tool (CWT) for Physical Therapist Assistants [https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools\(CWT\).aspx](https://www.fsbpt.org/FreeResources/RegulatoryResources/CourseworkTools(CWT).aspx). This coursework tool is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website at no cost. A copy of the coursework tool is on file at the Division located at 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by the Foreign Credentialing Commission on Physical Therapy or a service that has a physical therapist consultant on staff and that is authorized to use the Federation's CWTs for physical therapist assistants referred to in Paragraph (c) of this Rule. The Board shall review an applicant's educational program and shall consider the findings of the credentialing service.

(e) The applicant shall provide the following information to the Board:

- (1) proof that the applicant has demonstrated English language proficiency by meeting the most recent Test of English as a Foreign Language TOEFL score requirement as defined by the Federation. This test is incorporated by reference, including subsequent amendments and editions. Individuals wishing to register for the TOEFL shall contact Examination Testing Service (<http://www.ets.org/toefl/>). The cost of this examination is posted on the ETS website. The TOEFL is an examination that is owned by ETS and is not available for public review; or
- (2) documentation for exemption pursuant to 8 CFR 212.15 (<http://www.uscis.gov/>). 8 CFR 212.15 is incorporated by reference, including subsequent amendments and editions. Individuals wishing to obtain a copy at no cost may call the United States Citizenship and Immigration Service National Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. A copy of 8 CFR 212.15 is on file at the 8300 Health Park Suite 233, Raleigh, NC 27615 and is available for public inspection during regular business hours.
- (3) An applicant for licensure shall consent to an FBI criminal history record check by furnishing a complete set of fingerprints at the applicant's expense.

- 1 History Note: Authority G.S. 90-270.92; 90-270.95; 90-270.97; 90-270.98; 143B-964; 150B-21.6(2);
- 2 Eff. May 1, 2020.

1   **21 NCAC 48G .0109 is amended with changes as published in 34:10 NCR 877-881 as follows:**

2  
3   **21 NCAC 48G .0109       CONTINUING COMPETENCE ACTIVITIES**

4   (a) Continuing Education activities are eligible for points as follows:

- 5       (1)     A registered attendee at courses or conferences offered live in real time by approved providers  
6               earns one point for each contact hour. The maximum number of points allowed during any  
7               reporting period shall be 29. The maximum number of points allowed during any reporting period  
8               for an interactive course offered through electronic media shall be 15. Credit shall not be given for  
9               the same course or conference more than once during any reporting period. The licensee shall  
10              ~~retain~~ ~~submit~~ the Certificate of Attendance issued by the approved provider.
- 11       (2)     For registered participation in an academic course related to physical therapy offered for credit in  
12               a post-baccalaureate program unless the course is required for licensure, one semester hour earns  
13               15 points, and the maximum number of points allowed during any reporting period shall be 29.  
14               The licensee shall obtain a letter grade of "C" or better, or "P" if offered on a pass/fail basis. Credit  
15               shall not be given for the same course more than one time. The licensee shall ~~retain~~ ~~submit~~ a  
16               transcript published by the approved provider or furnished by the academic institution.
- 17       (3)     For attendance or participation in an activity related to physical therapy for which no assessment is  
18               received, two contact hours earns one point. The maximum number of points allowed during any  
19               reporting period shall be five. Credit shall not be given for the same activity more than one time.  
20               The licensee shall ~~retain~~ ~~submit~~ a certificate of completion, or if that is not available, a summary  
21               of the objectives of the activity and the time spent in the activity.
- 22       (4)     For registered participation in a non-interactive course offered by an approved provider by  
23               videotape, satellite transmission, webcast, DVD, or other electronic media, one hour of  
24               participation earns one point. The maximum number of points allowed during any reporting period  
25               shall be 10. Credit shall not be given for the same course more than once during a reporting  
26               period. The licensee shall ~~retain~~ ~~submit~~ a certificate of completion provided by the course  
27               provider.
- 28       (5)     For participation in a study group consisting of at least three licensees conducted either live or in  
29               real time through electronic media, whose purpose is to advance the knowledge and skills of the  
30               participants related to the practice of physical therapy, two hours of participation in the study  
31               group earns one point. The maximum number of points allowed during any reporting period shall  
32               be 10. The licensee shall ~~retain~~ ~~submit~~ a biography of each participant, a statement of the goals of  
33               the study group, attendance records for each participant, assignments for each participant and an  
34               analysis by each participant specifying the knowledge and skills enhanced by participating in the  
35               study group.
- 36       (6)     For participation in a self-designed home study program for the purpose of advancing the  
37               knowledge and skill of the participant related to the practice of physical therapy, three hours of

home study earns one point. The maximum number of points allowed for home study during any reporting period shall be five. The licensee shall retain ~~submit~~ a description of the plans and objectives of the me study, an analysis of the manner in which the plans and objectives were met, and a certification of the time spent on the project.

(7) For participation in continuing education required by credentialed residencies and fellowships, one point shall be granted for each contact hour. The maximum number of points for each reporting period shall be 29. The licensee shall retain ~~submit~~ the certificate of attendance issued by the American Physical Therapy Association ("APTA") credentialed residency or fellowship.

(8) For completion of a home study physical therapy program furnished by an approved provider, one hour of home study earns one point. The maximum number of points during any one reporting period allowed shall be 10. The licensee shall retain ~~submit~~ a certificate of completion issued by the approved provider.

(b) Points are awarded for advanced training as follows:

(1) For fellowships conferred by organizations credentialed by the APTA in a specialty area of the practice of physical therapy, 10 points shall be awarded for each full year of clinical participation, up to a maximum of 20 points per reporting period for this activity. The licensee shall retain ~~submit~~ the certificate conferred on the licensee or evidence that all requirements of the fellowship program have been met.

(2) For completion of a residency program in physical therapy offered by an APTA credentialed organization, 10 points shall be awarded for each full year of clinical participation, up to a maximum of 20 points per reporting period for this activity. The licensee shall retain ~~submit~~ the certificate conferred on the licensee or evidence that all requirements of the residency program have been met.

(3) For specialty certification or specialty recertification by the American Board of Physical Therapy Specialization ("ABPTS"), 20 points shall be awarded upon receipt of such certification or recertification during any reporting period. The licensee shall retain ~~submit~~ evidence from ABPTS that the certification or recertification has been granted.

(4) For a physical therapist assistant, Advanced Proficiency designation by the APTA for the PTA earns 19 points per reporting period. The licensee shall retain ~~submit~~ evidence from APTA that the designation has been awarded.

(c) Achieving a passing score on the Federation's Practice Review Tool ("PRT") earns 10 points. Taking the PRT without achieving a passing score earns five points. The licensee shall retain ~~submit~~ the certificate of completion and performance report. Points shall be awarded only one time for any specific practice area.

(d) Clinical Education activities are eligible for points as follows:

(1) For completion of a course offered by an approved provider for a licensee to become a Credentialed Clinical Instructor recognized by APTA, one course hour earns one point, and the maximum number of points awarded during any reporting period shall be 29. The licensee shall

- 1           ~~retain~~ ~~submit~~ a credential certificate issued by the approved provider. Credit for completing the  
2           same course shall be given only once.
- 3           (2)     For enrollment in a course offered by APTA for a licensee to become a Credentialed Clinical  
4           Instructor Trainer, one course hour earns one point, and the maximum number of points awarded  
5           during any reporting period shall be 29. The licensee shall ~~retain~~ ~~submit~~ a Trainer certificate  
6           issued by APTA. Credit for completing the same course shall be given only once.
- 7           (3)     For serving as a Clinical Instructor for a physical therapist or physical therapist assistant student,  
8           resident, or fellow for a period of at least 80 hours, 40 hours of direct on-site supervision earns one  
9           point, and the maximum number of points awarded during any reporting period shall be eight. The  
10          licensee shall ~~retain~~ ~~submit~~ verification of the clinical affiliation agreement with the accredited  
11          educational program for the student supervised and a log showing the number of hours spent  
12          supervising the student.
- 13       (e) Presenting or teaching for an accredited physical therapy educational program; a transitional Doctor of Physical  
14       Therapy ("DPT") program; an accredited program for health care practitioners licensed under the provisions of  
15       Chapter 90 of the North Carolina General Statutes; or a state, national, or international workshop, seminar or  
16       professional health care conference earns two points for each hour of presentation or teaching. The licensee shall  
17       ~~retain~~ ~~submit~~ written materials advertising the presentation or teaching, or other evidence of the date, subject, goals  
18       and objectives of the presentation, and any written materials prepared by the licensee. A maximum of six points  
19       shall be allowed during any reporting period, and credit shall not be given for teaching or presenting the same  
20       subject matter more than one time during any reporting period.
- 21       (f) Research and published books or articles shall be eligible to accumulate up to a maximum of 15 points as  
22       follows:
- 23           (1)     Submission of a request to a funding agency for a research grant as a Principal or Co-Principal  
24           Investigator earns 10 points. The licensee shall ~~retain~~ ~~submit~~ a copy of the research grant that shall  
25           include the title, an abstract, the funding agency, and the grant period. Points shall be awarded  
26           only one time during any reporting period.
- 27           (2)     Having a research grant funded as a Principal Investigator or Co-Principal Investigator earns 10  
28           points. The licensee shall ~~retain~~ ~~submit~~ a copy of the research grant that shall include the title, an  
29           abstract, the funding agency, the grant period and documentation of the funding received in a  
30           given period. Points shall be awarded only one time during a reporting period.
- 31           (3)     Service as a Grants Reviewer earns one point for each two hours of grant review and a maximum  
32           of five points shall be allowed. The licensee shall ~~retain~~ ~~submit~~ a description of all grants reviewed  
33           and any reports generated in connection with the reviews, including the dates of service, the  
34           agency for whom the review was performed, and the hours spent on the grant review. Points shall  
35           be awarded only once for each grant reviewed during the reporting period.
- 36           (4)     The author or editor of a book published by a third party entity dealing with a subject related to the  
37           practice of physical therapy earns 10 points. The licensee shall ~~retain~~ ~~submit~~ a copy of the



- published book and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (5) The author or editor of a chapter in a book published by a third party entity dealing with a subject related to the practice of physical therapy earns five points. The licensee shall retain ~~submit~~ a copy of the published book and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (6) The author of a published peer-reviewed article relating to the practice of physical therapy earns 10 points. The licensee shall retain ~~submit~~ the article, names and employers of the reviewers, and a list of consulted resources. Points shall be awarded only one time during any reporting period.
- (7) The author of a published non peer-reviewed article or book-review or abstract relating to the practice of physical therapy earns four points. The licensee shall retain ~~submit~~ the article and a list of consulted resources. Each article, book-review, or abstract shall count one time only. A maximum of four points shall be awarded during any reporting period.
- (8) The author of a published peer-reviewed abstract, book review, or peer-reviewed abstract for a poster or presentation related to the practice of physical therapy to a professional health care group earns five points for a presentation, up to a maximum of 15 points during any reporting period, and credit for the same poster or presentation shall not be awarded more than one time. The licensee shall retain ~~submit~~ a copy of the poster or presentation and a list of consulted resources.
- (g) Clinical practice shall be eligible for points as follows:
- (1) For each year during the reporting period that a licensee is engaged in clinical practice for 1,750 hours or more, three points shall be awarded. The licensee shall retain ~~submit~~ certification from the employer(s) for whom the services were performed including year and hours worked or document practice hours as the owner of a practice.
- (2) For each year during the reporting period that a licensee is engaged in clinical practice for at least 1,000 hours but less than 1,750 hours, two points shall be awarded. The licensee shall retain ~~submit~~ a certification from the employer(s) for whom the services were performed including year and hours worked or document practice hours as the owner of a practice.
- (3) For each year during the reporting period that a licensee is engaged in clinical practice for at least 200 hours but less than 1,000 hours, one point shall be awarded. The licensee shall retain ~~submit~~ a certification from the employer(s) for whom the services were performed including year and hours worked or document practice hours as the owner of a practice.
- (h) Professional Self-Assessment earns five points for completion of an approved Reflective Practice Exercise. This exercise shall be approved if it is a process for a licensee to evaluate current professional practice abilities, to establish goals to improve those abilities, to develop a plan to meet those goals, and to document that the objectives are being accomplished. The licensee shall retain ~~submit~~ evidence of completion of all elements of the Reflective Practice Exercise. Points shall be awarded only one time during any reporting period.
- (i) Workplace Education shall be eligible for points as follows:

- 1 (1) Presentation or attendance at an in-service session related to the practice of physical therapy,  
2 including health care issues related to the practice of physical therapy, shall be allowed. The  
3 licensee shall retain ~~submit~~ a roster or certificate of attendance signed by a representative of the  
4 employer. Two hours of attendance earns one point. One hour of presentation earns one point. A  
5 maximum of five points may be earned during any one reporting period. Credit for the same in-  
6 service shall not be granted more than one time.
- 7 (2) Presentation or attendance at an in-service session devoted to general patient safety, emergency  
8 procedures, or governmental regulatory requirements shall be allowed. The licensee shall retain  
9 ~~submit~~ a roster or certificate of attendance signed by a representative of the employer. Two contact  
10 hours of in-service are equivalent to one point, which shall be the maximum credit granted during  
11 any reporting period. Credit for the same in-service shall not be granted more than one time during  
12 any reporting period.
- 13 (j) Professional Service shall be eligible for points as follows:
- 14 (1) Participation in a national physical therapy or interdisciplinary (including physical therapy)  
15 organization as an officer or chair of a physical therapy services committee, physical therapy  
16 services task force member, or delegate to a national assembly earns five points for each full year  
17 of participation, up to a maximum of 10 points during any reporting period. The licensee shall  
18 retain ~~submit~~ organizational materials listing the licensee's participation, a statement of the  
19 responsibilities of the position, and a summary of the activities of the licensee.
- 20 (2) Participation in a state physical therapy or interdisciplinary (including physical therapy)  
21 organization as an officer or chair of a physical therapy services committee earns four points for  
22 each full year of participation, up to a maximum of eight points during any reporting period. The  
23 licensee shall retain ~~submit~~ organizational materials listing the licensee's participation, a statement  
24 of the responsibilities of the position, and a summary of the activities of the licensee.
- 25 (3) Participation in a local or regional physical therapy or interdisciplinary (including physical  
26 therapy) organization as an officer or chair of a physical therapy service committee earns two  
27 points for each full year of participation, up to a maximum of four points during any reporting  
28 period. The licensee shall retain ~~submit~~ organizational materials listing the licensee's participation,  
29 a statement of the responsibilities of the position, and a summary of the activities of the licensee.
- 30 (4) Participation as a member of a physical therapy professional organization committee involved  
31 with physical therapy services earns one point for each full year of participation, up to a maximum  
32 of two points during any reporting period. The licensee shall retain ~~submit~~ organizational  
33 materials listing the licensee's participation, a statement of the responsibilities of the committee,  
34 and a summary of the work of the committee.
- 35 (5) Participation in unpaid volunteer service to the general public and healthcare professionals related  
36 to physical therapy earns one point for at least 20 hours spent on service activities during each

- 1 year, up to a maximum of two points during any reporting period. The licensee shall retain ~~submit~~  
2 published materials describing the service activity.
- 3 (6) Membership in the APTA for one year earns one point. A point may be earned for each year of  
4 membership during the reporting period. The licensee shall retain ~~submit~~ proof of membership in  
5 the APTA.
- 6 (7) Membership in an APTA Section for one year earns one-half point. The licensee shall retain  
7 ~~submit~~ proof of membership in the APTA Section. Points shall not be awarded for membership in  
8 more than one Section.
- 9 (8) Selection by the Federation for participation as an item writer of exam questions for the National  
10 Physical Therapy Examination (NPTE) or by the American Board of Physical Therapy Specialties  
11 (ABPTS) earns five points for each year of participation. The licensee shall retain ~~submit~~  
12 documentation of participation by the Federation or ABPTS.
- 13 (9) Participation in clinical research, clinical trials, or research projects related to the practice of  
14 physical therapy earns 1 point for each hour of participation, up to a maximum of 10 hours per  
15 reporting period. The licensee shall retain ~~submit~~ a log of hours of participation including date,  
16 activity performed, location of the research, and primary investigator.
- 17 (k) During each reporting period, every licensee shall complete a jurisprudence exercise provided by the Board. The  
18 jurisprudence exercise shall be available online at the Board's website, at <http://www.ncptboard.org> and a certificate  
19 of completion shall be issued to a licensee at the conclusion of the exercise, at which time one point shall be  
20 awarded to the licensee. The maximum number of points allowed during a reporting period is three.

21  
22 *History Note: Authority G.S. 90-270.92;*

23 *Eff. January 1, 2009;*

24 *Amended Eff. April 1, 2015; February 1, 2015; January 1, 2014;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*  
26 *~~2018- 2018;~~*

27 *Amended Eff. May 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Physical Therapy Examiners

RULE CITATION: 21 NCAC 48G .0202

**DEADLINE FOR RECEIPT: Thursday, April 9, 2020**

**PLEASE NOTE: This request may extend to 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 our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

*Overall, what is the intent of this Rule? Is it intended to direct the licensee to do something or the Board? Currently, as written, I read this Rule to only require the Board to notify folks (not require folks to renew.) I assume here, you mean something like "A licensee shall renew his or her license by February 1 of each year. Any license not renewed by February 1 shall lapse and the Board shall notify the licensee by written communication at the last known mailing or email address on record with the Board. Any person with a lapsed license shall notify his or her employer"? I just want to be sure that the intent is clear.*

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

Amber May  
Commission Counsel

Date submitted to agency: Thursday, March 26, 2020

1   **21 NCAC 48G .0202 is amended as published in 34:10 NCR 881 as follows:**

2  
3   **21 NCAC 48G .0202       NOTIFICATION**

4   A person who has not renewed the license by February 1 shall be advised that the license has lapsed by written  
5   communication to the last known mailing address or email address on record with the Board. Unless the person has  
6   advised the Board that he or she does not intend to renew the license, then a similar notification shall be sent to the  
7   person's last known employer in North Carolina. If the person continues to work in North Carolina, his or her  
8   employer shall be notified of the lapsed license.

9  
10   *History Note:     Authority G.S. 90-270.92; 90-270.99;*

11                   *Eff. February 1, 1976;*

12                   *Readopted Eff. September 30, 1977;*

13                   *Amended Eff. August 1, 2002; August 1, 1998; April 1, 1989; December 30, 1985; October 28,*  
14                   *1979;*

15                   *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1,*  
16                   *~~2018.~~ 2018;*

17                   *Amended Eff. May 1, 2020.*

21 NCAC 48G .0504 is amended as published in 34:10 NCR 881-882 as follows:

**21 NCAC 48G .0504 COMPLAINTS AND INVESTIGATIONS**

(a) In order to file a complaint with the Board, the following information shall be submitted to the Board in ~~writing;~~  
writing, or by filing a complaint online at the Board's website [www.ncptboard.org](http://www.ncptboard.org).

(1) the name and address of person alleged to have violated the Physical Therapy Practice Act;

(2) a statement of conduct that is the basis of the complaint; and

(3) the name, address, and telephone number of complainant.

(b) Upon receipt of a written complaint alleging misconduct that may subject a licensee to disciplinary action, or upon the receipt of the information that a violation of the Physical Therapy Practice Act may have occurred, the Board shall investigate the matter to determine whether probable cause exists to institute disciplinary proceedings.

(c) The Executive Director of the Board and a member appointed by the Chair shall serve as an investigative committee. This investigative committee may be assisted by:

(1) the Board's attorney;

(2) an investigator; or

~~(3) a former member of the Board; or~~

~~(4)~~ (3) a consultant consultant, who is not a NC PT/PTA licensee, retained by the investigative committee who possesses expertise that will assist the investigative committee in its investigation.

(d) The investigative committee shall investigate the complaint or information set forth in Paragraphs (a) and (b) of this Rule. In conducting its investigation, the Board Chair (or Executive Director, if designated by the Chair) may issue subpoenas in the investigative committee's name for the production of documents pursuant to the provisions of Rule .0512 of this Section. The investigative committee shall determine whether there is probable cause to believe that the licensee has violated any statute or Board rule that justifies a disciplinary hearing. If the investigative committee determines probable cause does not exist, the complaint shall be dismissed, and the complainant shall be notified of the investigative committee's action and its reasons. If the investigative committee determines that probable cause exists, the investigative committee shall offer to confer with the licensee in an attempt to settle the matter through informal means. If the investigative committee and the licensee reach an agreement on the disposition of the matter under investigation, the investigative committee shall cause to be drafted a proposed settlement agreement that shall include findings of fact, conclusions of law, and a consent order for presentation to and consideration by the Board. The settlement agreement shall be presented to and approved by the licensee before it is presented to the Board for consideration and approval.

(e) Prior to a decision rendered by the Board, any materials generated or obtained by the Board in conducting an investigation shall be considered confidential investigation records not subject to the Public Records Act, G.S. 132. However, copies of the materials may be provided to a licensee subject to disciplinary action, or to the licensee's attorney, so long as identifying information concerning the treatment or delivery of professional services to a patient who has not consented to its public disclosure shall be redacted.

1 (f) If the investigative committee and the licensee are not able to settle the matter under investigation by informal  
2 means, the licensee may request a contested case hearing pursuant to Rule .0502 of this Section or the Board shall  
3 give notice of a disciplinary or contested case hearing.

4 (g) If probable cause is found, but it is determined that license suspension or revocation is not warranted, the  
5 investigative committee shall recommend that the Board place the licensee on probation, or issue a warning to the  
6 licensee. In making this determination, the investigative committee shall consider such factors as harm to the public;  
7 nature of the conduct; and prior record of discipline. The investigative committee shall mail or email a copy of its  
8 recommendation to the ~~licensee~~ licensee or the licensee's attorney.

9 (h) Within 20 days after receipt of the recommendation, the licensee may refuse the probation or warning and  
10 request a contested case hearing pursuant to this Rule. The refusal and request shall be filed with the Board. The  
11 legal counsel for the Board shall thereafter prepare, file, and serve a Notice of Hearing.

12 (i) In the alternative, within 20 days after receipt of the recommendation, the licensee may request an informal  
13 meeting with the Board to discuss the basis of the investigative committee's recommendation and present reasons  
14 why the Board should not follow the investigative committee's recommendation. There shall be no sworn testimony  
15 presented, nor shall there be a formal record of the proceedings.

16 (j) If the licensee does not request a contested case hearing or an informal meeting with the Board, the Board shall  
17 still determine whether to accept the investigative committee's recommendation.

18 (k) Participation by a current Board member in the investigation of a complaint shall disqualify that Board member  
19 from participating in the decision making process of a contested case hearing.

20 (l) Subsequent to the issuance of a notice of hearing, the attorney prosecuting the contested case for the Board may  
21 not communicate, directly or indirectly, in connection with any issue of fact or question of law, with any party,  
22 including the members of the Board assigned to make a decision or to make findings of fact and conclusions of law  
23 in the contested case, except on notice and opportunity for all parties to participate. However, the attorney  
24 prosecuting the matter for the Board may continue to communicate concerning the contested case with the members  
25 of the investigative committee who investigated the matter, with persons not parties to the contested case who may  
26 be called as witnesses including the person who filed the complaint, and with the Board members about other  
27 matters.

28  
29 *History Note: Authority G.S. 90-270.92; 150B-38; 150B-39; 150B-40;*

30 *Eff. October 1, 1995;*

31 *Amended Eff. February 1, 2015; July 1, 2013; August 1, 2002; August 1, 1998; February 1, 1996;*

32 *Readopted Eff. May 1, ~~2019~~ 2019;*

33 *Amended Eff. May 1, 2020.*