

21 NCAC 48A .0103 has been amended with changes as published in 29:02 NCR 171-172 as follows:

21 NCAC 48A .0103 MEMBERSHIP OF BOARD

(a) Selection of Board Members. Nominations for members of the Board shall be sought from licensees residing in North Carolina. The ballots ~~that are~~ distributed to ~~each licensee~~ licensees in North Carolina shall list each nominee's place and location of employment and practice setting. The completed ballots shall be forwarded to the President of the North Carolina Physical Therapy Association. Association within the 30-day deadline indicated on the ballot.

(b) Qualification of Nominees. Each nominee for a physical therapist or physical therapist assistant position on the Board shall, on a form provided by the Board, attest to meeting the qualifications specified in G.S. 90-270.25.

(c) Actively Engaged in Practice. Each physical therapist and physical therapist assistant member of the Board shall, during incumbency, be employed or otherwise actively engaged in a position that includes at least 1000 hours annually devoted to review, oversight, supervision, administration, teaching, or providing physical therapy services for patients, clients, or the public.

~~(b)~~(d) Decisions. Decisions shall be reached by a majority of the Board Members present and eligible to participate provided that a quorum consists of five Board Members.

History Note: Authority G.S. 90-270.25; 90-270.26;

Eff. February 1, 1976;

Readopted Eff. September 30, 1977;

Amended Eff. February 1, 2015; August 1, 2002; August 1, 1998; April 1, 1989; May 1, 1988;

December 30, 1985; October 28, 1979.

1 21 NCAC 48B .0104 has been adopted with changes as published in 29:02 NCR 171 as follows:

2
3 **21 NCAC 48B .0104 EXEMPTIONS**

4 A person seeking an exemption from licensure requirements pursuant to G.S. 90-270.34(a)(8) or (9) shall submit an
5 ~~application on a~~ the Request for Exemption form approved by the Board (www.ncptboard.org), or a written request
6 that includes license number and contact information. An exemption issued pursuant to G.S. 90-270.34(a)(8) or (9)
7 expires on the next annual renewal ~~date, date, or one year after it is granted, whichever occurs later.~~

8
9 *History Note: Authority G.S. 90-270.34;*

10 *Eff. February 1, 2015.*

21 NCAC 48C .0102 has been amended with changes as published in 29:02 NCR 171-172 as follows:

21 NCAC 48C .0102 RESPONSIBILITIES

(a) A physical therapist ~~must~~ shall determine the patient care plan and the elements of that plan appropriate for delegation.

(b) A physical therapist ~~must~~ shall determine that those persons acting under his or her supervision possess the competence to perform the delegated activities.

(c) A physical therapist may delegate responsibilities to physical therapist assistants, including supervising ~~PT~~ physical therapist or ~~PTA~~ physical therapist assistant students.

(d) A physical therapist ~~must~~ shall enter and review chart documentation, reexamine and reassess the ~~patient~~ patient, and revise the patient care plan if necessary, based on the needs of the patient.

(e) A physical therapist ~~must~~ shall establish a discharge plan that includes a discharge summary or episode of care for each patient.

(f) The physical therapist ~~must~~ shall provide all therapeutic interventions that will require the physical therapist's expertise, and may delegate to a physical therapist assistant or physical therapy aide the delivery of service to the patient when it is safe and effective for the patient.

(g) A physical therapist's responsibility for patient care management includes first-hand knowledge of the health status of each patient and oversight of all documentation for services rendered to each patient, including awareness of fees and reimbursement structures.

(h) A physical therapist ~~must~~ shall be immediately available directly in person or by telecommunication to a physical therapist assistant supervising a physical therapy aide or student engaging in patient care.

(i) A physical therapist who is supervising a physical therapy aide or student ~~must~~ shall be present in the same facility when patient care is provided.

(j) A physical therapist shall clinically supervise only that number of assistive personnel, including physical ~~therapists~~ therapist assistants, physical therapy aides, and students completing clinical requirements, as the physical therapist determines is appropriate for providing safe and effective patient interventions at all times.

(k) ~~A~~ If a physical therapist assistant or physical therapy aide is involved in the patient care plan, a physical therapist ~~must~~ shall reassess a patient every 60 days or 13 visits, whichever occurs first.

(l) A physical therapist ~~must~~ shall document every evaluation and intervention or treatment including the following elements:

- (1) ~~Authentication~~ authentication (signature and designation) by the physical therapist who performed the service;
- (2) ~~Date~~ date of the evaluation or treatment;
- (3) ~~Length~~ length of time of total treatment session or evaluation;
- (4) ~~Patient~~ patient status report;
- (5) ~~Changes~~ changes in clinical status;

- 1 (6) ~~Identification~~ identification of specific elements of each intervention or modality provided.
2 Frequency, intensity, or other details may be included in the plan of care and if so, do not need to
3 be repeated in the daily note;
- 4 (7) ~~Equipment~~ equipment provided to the patient; and
- 5 (8) ~~Interpretation~~ interpretation and analysis of clinical ~~signs and symptoms~~ signs, symptoms, and
6 response to treatment based on subjective and objective findings, including any adverse reactions
7 to an intervention.
- 8 (m) At the time of reassessment the physical therapist ~~must~~ shall document:
- 9 (1) ~~The~~ the patient's response to therapy intervention;
- 10 (2) ~~The~~ the patient's progress toward achieving goals; and
- 11 (3) ~~Justifications~~ justifications for continued treatment.
- 12 (n) A physical therapist shall, upon request by the patient or record, provide ~~the~~ original or copies of the patient's
13 treatment record to the patient, or to the patient's designee. As permitted by G.S. 90-411, a fee may be charged for the
14 cost of reproducing copies. The documents requested shall be provided within 30 days of the request and shall not be
15 contingent upon current, past, or future physical therapy ~~treatment,~~ treatment or payment of services.
- 16
- 17 History Note: Authority G.S. 90-270.24; 90-270.26; 90-270.31; 90-270.34; 90-411;
18 Eff. December 30, 1985;
19 Amended Eff. February 1, 2015; July 1, 2013; December 1, 2006; August 1, 2002; August 1,
20 1998; January 1, 1991.

21 NCAC 48C .0104 has been adopted with changes as published in 29:02 NCR 172 as follows:

21 NCAC 48C .0104 DRY NEEDLING

(a) “Dry Needling,” “Intramuscular Manual Therapy,” ~~“Trigger Point Dry Needling,”~~ “Trigger Point Dry Needling,” and “Intramuscular Needling” are used interchangeably to describe a technique using the insertion of a solid filament needle, without medication, into or through the skin to treat various impairments.

(b) Prior to a physical therapist performing dry needling in North Carolina, the physical therapist shall submit an application to the Board containing proof of completion of a course of study approved by the Board. The course of study shall include:

- (1) a minimum of 54 hours of ~~in-person~~ in-person classroom education;
- (2) instruction in clinical techniques of dry needling;
- (3) instruction in indications and contraindications of dry needling; and
- (4) certification of completion of all program requirements.

(c) Dry needling ~~cannot~~ shall not be delegated to physical therapist assistants or physical therapy aides.

(d) The Board shall maintain a list of programs approved to provide the required dry needling training for physical therapists. This information shall be available on the Board's website (www.ncptboard.org).

*History Note: Authority G.S. 90-270.24; 90-270.26;
Eff. February 1, 2015.*

1 21 NCAC 48D .0109 has been amended with changes as published in 29:02 NCR 172 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, ~~executive~~
5 ~~director~~ and pay the retake fee as specified in Rule 48F .0102 of this Chapter. ~~and the~~ The examination cost at that
6 ~~time.~~ as set forth by the Federation (www.fsbpt.org) is hereby incorporated by reference and includes subsequent
7 amendments and editions. A copy of the retake application may be obtained from the Board's website at no charge.

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

10 (c) Limitations. An applicant ~~is~~ **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:* *Filed as an Emergency Regulation Eff. July 23, 1979, for a period of 120 days to expire on*
14 *November 20, 1979;*

15 *Authority G.S. 90-270.26; 90-270.29; 90-270.30; 90-270.33;*

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

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

21 NCAC 48E .0110 has been amended with changes as published in 29:02 NCR 172-173 as follows:

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

(a) This Rule applies to a physical therapist who has graduated from a program located outside the United States which ~~that~~ has not been accredited in accordance with G.S. 90-270.29 [currently, [currently,] by the Commission on of Accreditation of Physical Therapy Education (~~CAPTE~~), (CAPTE), or its successor, in accordance with G.S. 90-279(2) and does not hold an active license in another State or Territory of the United States.

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

(c) ~~If the applicant does not meet the requirements of G.S. 90-270.29(2), the Board shall examine~~ For the applicant's educational background to be determined ~~determine if the general and professional education is~~ substantially equivalent to that obtained by an applicant for licensure under G.S. ~~90-270.29~~ 90-270.29(2), as follows: the applicant shall meet the standards of the Federation's most recent Coursework Tool (CWT) for Physical Therapists at (http://www.fsbpt.org/Portals/0/documents/free-resources/CWT5_Rev20141101.pdf) and for Physical Therapy Assistants at <http://www.fsbpt.org/Portals/0/documents/free-resources/PTATool2007.pdf> (www.fsbpt.org). This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website noted in this Paragraph. The cost of this document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the Division located at 18 West Colony Place, Suite 140, Durham, NC 27705 and is available for public inspection during regular business hours.

- (1) ~~For candidates graduating prior to December 31, 2002, a minimum of 120 semester hours of college education at the freshman through senior level is required, which includes a minimum of 60 semester hours of professional curriculum, including basic health sciences, clinical sciences and clinical education, and a minimum of 42 semester hours of general education. Up to 21 hours may be substituted for actual course work by obtaining a passing score on College Level Examination Program (CLEP) examinations.~~
- (2) ~~For candidates graduating after December 31, 2002, the applicant's educational background must be substantially equivalent to a Post-Baccalaureate degree from a CAPTE approved physical therapy educational program. In order for a foreign-trained applicant's educational background to be determined substantially equivalent to a post-baccalaureate degree from a CAPTE approved program, the general and professional education must satisfy the requirements for the first professional degree as determined by the course work evaluation tool developed by the Federation of State Boards of Physical Therapy (FSBPT), or its successor organization. Up to one-half (1/2) of the general education credit hours may be substituted for actual course work by obtaining a passing score on CLEP examinations.~~

(d) The applicant ~~must~~ shall make arrangements to have the credentials evaluated by FCCPT (Foreign Credentialing Commission on Physical Therapy, Inc.), or a service with a physical therapist consultant on its staff that is determined by the Board to be equivalent. ~~equivalent, and which must have a physical therapist consultant on its staff.~~ The Board ~~shall~~ may make its own review of an applicant's educational program and is not bound by the findings of the credentialing service.

(e) The applicant ~~must~~ shall provide the following ~~information:~~ 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:
The instrument is incorporated by reference and includes subsequent editions. Individuals wishing to register for the TOEFL should contact Examination Testing Service (<http://www.ets.org/toefl/>).
The cost of this examination in February 2015 is posted on the ETS website and noted in this Paragraph. The TOEFL is an examination that is owned by ETS and is not available for public review.

~~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;~~

- (2) ~~For examinations administered on or after August 1, 1998, and prior to January 1, 2007, proof that a minimum score of 50 on the TSE examination or the SPEAK examination was obtained, a ——— minimum score on the Test of Written English (TWE) of 4.5 was obtained, and a minimum score— of 560 on the Test of English as a Foreign Language (TOEFL) was obtained;~~

- (3) ~~For examinations administered on or after September 25, 2005, proof 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: Writing: 24, Speaking: 26, Reading Comprehension: 21, Listening Comprehension: 18, Total Score: 89; or~~

- (4) (2) ~~Proof proof that coursework was taught in the English language; or English is the applicant's primary language.~~

- (3) documentation for exemption as per USCIS CFR § 212.15 (<http://www.uscis.gov/>). This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy 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. The cost of this document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the Division located at 18 West Colony Place, Suite 140, Durham, NC 27705 and is available for public inspection during regular business hours.

History Note: Authority G.S. 90-270.26; 90-270.29; 90-270.30; 90-270.31; G.S. 150B-21.6(2);
Eff. December 30, 1985;
Amended Eff. November 1, 1991; August 1, 1991;

1 *Temporary Amendment Eff. July 21, 1995, for a period of 180 days or until the permanent Rule*
2 *becomes effective, whichever is sooner;*
3 *Amended Eff. February 1, 2015; December 1, 2006; November 1, 2004; August 1, 2002; August*
4 *1, 1998; February 1, 1996; October 1, 1995.*

21 NCAC 48E .0111 has been adopted with changes as published in 29:02 NCR 173-174 follows:

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

(a) This Rule applies to a physical therapist who has graduated from a program located outside the United States that has not been accredited ~~in accordance with G.S. 90-270.29(2), currently, by~~ the Commission ~~on~~ of Accreditation of Physical Therapy Education (CAPTE), or its successor, in accordance with G.S. 90-279(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 in English or accompanied by an English translation.

(c) For the applicant's educational background to be determined substantially equivalent to an educational program accredited that obtained by an applicant for licensure under G.S. ~~90-270.29(2)~~ 90-270.29(2), the applicant shall meet the standards of the Federation's Coursework Tool (CWT) (www.fsbpt.org) for the applicant's year of graduation. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website noted in the Paragraph. The cost of this document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the Division located at 18 West Colony Place, Suite, 140, Durham NC 27705 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by FCCPT (Foreign Credentialing Commission on Physical Therapy, Inc.), or a service with a physical therapist consultant on its staff that is determined by the Board to be equivalent. The Board may make its own review of an applicant's educational program and is not bound by 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/):
- (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;
 - (c) Reading Comprehension: 21;

1 (d) Listening Comprehension: 18; and

2 (e) Total Score: 89.

3 (4) proof that coursework was taught in the English language; or

4 (5) documentation for exemption as per USCIS CFR § 212.15 (<http://www.uscis.gov/>). This
5 instrument is incorporated by reference and includes subsequent editions. Individuals wishing to
6 purchase a copy may call the United States Citizenship and Immigration Service National
7 Customer Service Center at 1-800-375-5283 or 1-800-767-1833 (TDD) toll free. The cost of this
8 document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the
9 Division located at 18 West Colony Place, Suite, 140, Durham NC 27705 and is available for
10 public inspection during regular business hours.

11
12 *History Note:* *Authority G.S. 90-270.26; 90-270.29; 90-270.29(2); 90-270.30; 90-270.31; 150B-21.6(2);*
13 *Eff. February 1, 2015.*

21 NCAC 48E .0112 has been adopted with changes as published in 29:02 NCR 174 as follows:

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

(a) This Rule applies to a physical therapist assistant who has graduated from a program located outside the United States ~~which that~~ has not been accredited ~~in accordance with~~ G.S. 90-270.29(2), ~~currently, by the Commission on of~~ Accreditation of Physical Therapy Education [~~CAPTE~~], (CAPTE), or its successor, in accordance with G.S. 90-279(2).

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

(c) If the applicant does not meet the requirements of G.S. 90-270.29(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 that obtained by an applicant for licensure under G.S. 90-270.29(2) G.S. 90-270.29(2), who shall satisfy the requirements as determined by the Coursework Tool (CWT) developed by the Federation. This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy may call the Federation at 703-299-3100 or download a copy from the Federation's website noted in this Paragraph. The cost of this document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the Division located at 18 West Colony Place, Suite, 140, Durham NC 27705 and is available for public inspection during regular business hours.

(d) The applicant shall make arrangements to have the credentials evaluated by FCCPT (Foreign Credentialing Commission on Physical Therapy, Inc.), or a service with a physical therapist consultant on its staff that is determined by the Board to be equivalent. The Board ~~shall~~ may make its own review of an applicant's educational program and is not bound by 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 (~~TEOFL~~) TOEFL score requirement as defined by the Federation; The instrument is incorporated by reference and includes subsequent editions. Individuals wishing to register for the TOEFL should contact Examination Testing Service (<http://www.ets.org/toefl>). The cost of this examination in February 2015 is posted on the ETS website and noted in this Paragraph. 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

(3) documentation for exemption as per USCIS CFR § 212.15 (<http://www.uscis.gov/>). This instrument is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a copy 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. The cost of this document in February 2015 is zero dollars (\$0.00). A copy of this instrument is on file at the Division located at 18 West Colony Place, Suite, 140, Durham NC 27705 and is available for public inspection during regular business hours.

38

39 *History Note:* *Authority G.S. 90-270.26; 90-270.26(2); 90-270.29; 90-270.30; 90-270.31; 150B-21.6(2);*
40 *Eff. February 1, 2015.*

1 **21 NCAC 48E .0113 has been adopted with changes as published in 29:02 NCR 174 as follows:**

2
3 **21 NCAC 48E .0113 CRIMINAL HISTORY**

4 (a) At the applicant's expense, an ~~Applicant~~ applicant for licensure shall ~~be required to~~ consent to a criminal history
5 record check, and furnish fingerprints to the Board. ~~Board in a manner approved by the North Carolina Department~~
6 ~~of Justice.~~

7 (b) If an applicant is denied licensure based on the refusal to consent to a criminal history record check or the
8 contents of the criminal history record check, upon written notice delivered to the Board within 15 business days of
9 the Board's denial, applicant shall have the right to appear before the Board at its next regularly scheduled meeting
10 to appeal the Board's decision.

11
12 *History Note: Authority G.S. 90-270.29A; 93B-8.1; 114-19.33;*

13 *Eff. February 1, 2015.*

21 NCAC 48G .0109 has been amended with changes as published in 29:02 NCR 174-178 as follows:

21 NCAC 48G .0109 CONTINUING COMPETENCE ACTIVITIES

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

- (1) A registered attendee at courses or conferences offered live, live in real time by approved providers earns one point for each contact hour. The maximum number of points allowed during any reporting period is shall be 29. The maximum number of points allowed during any reporting period for an interactive course offered through electronic media is shall be 15. Credit shall not be given for the same course or conference more than once during any reporting period. The licensee shall submit the Certificate of Attendance issued by the approved provider.
- (2) For registered participation in an academic course related to physical therapy offered for credit in a post-baccalaureate program unless the course is required for licensure, ~~one class hour earns one point, one semester hour earns 15 points,~~ and the maximum number of points allowed during any reporting period is shall be 29. The licensee ~~must~~ shall obtain a letter grade of "C" or ~~better~~ better, or "P" if offered on a ~~Pass/Fail~~ pass/fail basis. Credit shall not be given for the same course more than one time. The licensee shall submit a transcript the course description published by the approved ~~provider, provider or~~ furnished by the academic institution.
- (3) For attendance or participation in an activity related to physical therapy for which no assessment is received, two contact hours earns one point. The maximum number of points allowed during any reporting period is shall be five. Credit shall not be given for the same activity more than one time. The licensee shall submit a certificate of completion, or if that is not available, a summary of the objectives of the activity and the time spent in the activity.
- (4) For registered participation in a non-interactive course offered by an approved provider by videotape, satellite transmission, webcast, ~~DVD~~ DVD, or other electronic media, one hour of participation earns one point. The maximum number of points allowed during any reporting period is shall be 10. Credit shall not be given for the same course more than once during a reporting period. The licensee shall submit a certificate of completion provided by the course provider.
- (5) For participation in a study group consisting of at least three licensees conducted either live or in real time through electronic media, whose purpose is to advance the knowledge and skills of the participants related to the practice of physical therapy, two hours of participation in the study group earns one point. The maximum number of points allowed during any reporting period is shall be 10. The licensee shall submit a biography of each participant, a statement of the goals of the study group, attendance records for each participant, assignments for each participant and an analysis by each participant specifying the knowledge and skills enhanced by participating in the study group.
- (6) For participation in a self-designed home study program designed to advance for the purpose of advancing the 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 ~~is~~ shall be five. The licensee shall 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 ~~is~~ shall be granted for each contact hour. The maximum number of points for each reporting period ~~is~~ shall be 29. The licensee shall 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 ~~is~~ shall be 10. The licensee shall 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 ~~are~~ 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 submit the certificate conferred on the ~~licensee~~ 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 ~~are~~ 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 submit evidence that all requirements of the residency program have been met.~~ The licensee shall 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"), ~~or its successor organization,~~ 20 points ~~are~~ shall be awarded upon receipt of such certification or recertification during any reporting period. The licensee shall 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~~ points per reporting period. The licensee shall submit evidence from APTA that the designation has been awarded.
- (c) Achieving a passing score on the ~~FBPT's~~ Federation's Practice Review Tool ("PRT") earns 10 points. Taking the PRT without achieving a passing score earns five points. The licensee shall 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 ~~is shall be~~ 29. The licensee shall submit a credential certificate issued by the approved provider. Credit for completing the same course shall be given only once.

(2) For enrollment in a course offered by APTA for a licensee to become a Credentialed Clinical Instructor Trainer, one course hour earns one point, and the maximum number of points awarded during any reporting period ~~is shall be~~ 29. The licensee shall submit a Trainer certificate issued by APTA. Credit for completing the same course shall be given only once.

(3) For serving as a Clinical Instructor for a physical therapist or physical therapist assistant student, ~~resident resident~~, or fellow for a period of at least 80 hours, 40 hours of direct on-site supervision earns one point, and ~~the maximum number of points awarded during any reporting period is shall be eight. a maximum credit of eight points is allowed during any reporting period.~~ The licensee shall submit verification of the clinical affiliation agreement with the accredited educational program for the student supervised and a log showing the number of hours spent supervising the student.

(e) Presenting or teaching for an accredited physical therapy educational ~~program, program;~~ a transitional Doctor of Physical Therapy ("DPT") ~~program, program;~~ an accredited program for health care practitioners licensed under the provisions of Chapter 90 of the North Carolina General ~~Statutes, Statutes;~~ or a state, ~~national national,~~ or international workshop, seminar or professional health care conference earns two points for each hour of presentation or teaching. The licensee shall submit written materials advertising the presentation or teaching, or other evidence of the date, ~~subject subject,~~ and goals and objectives of the ~~presentation presentation,~~ and any written materials prepared by the licensee. A maximum of six points ~~is shall be~~ allowed during any reporting period, and credit shall not be given for teaching or presenting the same subject matter more than one time during any reporting period.

(f) Research and published books or articles ~~are shall be~~ eligible to accumulate up to a maximum of 15 points as follows:

(1) Submission of a request to a funding agency for a research grant as a Principal or Co-Principal Investigator earns 10 points. The licensee shall submit a copy of the research grant that ~~must shall~~ include the title, an abstract, the funding ~~agency agency,~~ and the grant period. Points shall be awarded only one time during any reporting period.

(2) Having a research grant funded as a Principal Investigator or Co-Principal Investigator earns 10 points. The licensee shall submit a copy of the research grant that ~~must shall~~ include the title, an abstract, the funding agency, the grant period and documentation of the funding received ~~and for what in a given~~ period. Points shall be awarded only one time during a reporting period.

(3) Service as a Grants Reviewer earns one point for each two hours of grant review and a maximum of five points ~~may be earned. shall be allowed.~~ The licensee shall submit a description of all grants reviewed and any reports generated in connection with the reviews, including the dates of service,

- the agency for whom the review was ~~performed~~ performed, and the hours spent on the grant review. Points ~~are~~ shall be awarded only once for each grant reviewed during the reporting period.
- (4) The author or editor of a book published by a third party entity dealing with a subject related to the practice of physical therapy earns 10 points. The licensee shall 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 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 submit the article, names and employers of the ~~reviewers~~ 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 submit the article and a list of consulted resources. Each article, ~~review,~~ book-review, or abstract ~~earns four points~~ 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 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 submit a copy of the poster or presentation and a list of consulted resources.
- (g) Clinical practice ~~is~~ shall be eligible for points as follows:
- (1) For each year during the reporting period that a licensee is engaged in ~~full-time clinical practice,~~ practice for 1,750 hours or more, three points shall be awarded. The licensee shall submit certification from the ~~licensee's~~ employer(s) for whom the services were performed including year and hours worked or documentation of document practice hours as ~~the~~ owner of a practice. ~~practice that clinical practice during the [year;] year reached or exceeded 1750 hours.~~
- (2) For each year during the reporting period that a licensee is engaged in ~~part-time clinical practice,~~ practice for at least 1,000 hours but less than 1,750 hours, two points shall be awarded. The licensee shall submit a certification from the ~~licensee's~~ employer(s) for whom the services were performed including year and hours worked or documentation of document practice hours as ~~the~~ owner of a practice. ~~practice that clinical practice during the [year; and] year reached or exceeded 1000 hours.~~
- (3) For each year during the reporting period that a licensee is engaged in clinical practice for at least ~~200 hours,~~ 200 hours but less than 1,000 hours, one point shall be awarded. The licensee shall submit a certification from the employer(s) for whom the services were performed including year

1 and hours worked ~~for whom the services were performed or documentation of~~ or document
2 practice hours as ~~the~~ owner of a practice.

3 (h) Professional Self-Assessment earns five points for completion of an approved Reflective Practice Exercise. This
4 exercise shall be approved if it is a process for a licensee to evaluate current professional practice abilities, to
5 establish goals to improve those abilities, to develop a plan to meet those ~~goals~~ goals, and to document that the
6 objectives are being accomplished. The licensee shall submit evidence of completion of all elements of the
7 Reflective Practice Exercise. Points shall be awarded only one time during any reporting period.

8 (i) Workplace Education ~~is shall be~~ eligible for points as follows:

9 (1) Presentation or attendance at an in-service session related to the practice of physical therapy,
10 including health care issues related to the practice of physical therapy, ~~is shall be~~ allowed. The
11 licensee shall submit a roster or certificate of attendance signed by a representative of the
12 employer. Two hours of attendance earns one point. One hour of presentation earns one point. A
13 maximum of five points may be earned during any one reporting period. Credit for the same in-
14 service shall not be granted more than one time.

15 (2) Presentation or attendance at an in-service session devoted to general patient safety, emergency
16 procedures, or governmental regulatory requirements ~~is shall be~~ allowed. The licensee shall submit
17 a roster or certificate of attendance signed by a representative of the employer. Two contact hours
18 of in-service are equivalent to one point, which ~~is shall be~~ the maximum credit ~~that shall be~~
19 granted during any reporting period. Credit for the same in-service shall not be granted more than
20 one time during any reporting period.

21 (j) Professional Service ~~is shall be~~ eligible for points as follows:

22 (1) Participation in a national physical therapy or interdisciplinary (including physical therapy)
23 organization as an officer or chair of a physical therapy services ~~committee or committee~~, physical
24 therapy services task force ~~member member~~, or delegate to a national assembly earns five points
25 for each full year of participation, up to a maximum of 10 points during any reporting period. The
26 licensee shall submit organizational materials listing the licensee's participation, a statement of the
27 responsibilities of the ~~position~~ position, and a summary of the activities of the licensee.

28 (2) Participation in a state physical therapy or interdisciplinary (including physical therapy)
29 organization as an officer or chair of a physical therapy services committee earns four points for
30 each full year of participation, up to a maximum of eight points during any reporting period. The
31 licensee shall submit organizational materials listing the licensee's participation, a statement of the
32 responsibilities of the ~~position~~ position, and a summary of the activities of the licensee.

33 (3) Participation in a local or regional physical therapy or interdisciplinary (including physical
34 therapy) organization as an officer or chair of a physical therapy service committee earns two
35 points for each full year of participation, up to a maximum of four points during any reporting
36 period. The licensee shall submit organizational materials listing the licensee's participation, a

- 1 statement of the responsibilities of the ~~position~~ position, and a summary of the activities of the
2 licensee.
- 3 (4) Participation as a member of a physical therapy professional organization committee involved
4 with physical therapy services earns one point for each full year of participation, up to a maximum
5 of two points during any reporting period. The licensee shall submit organizational materials
6 listing the licensee's participation, a statement of the responsibilities of the ~~committee~~ committee,
7 and a summary of the work of the committee.
- 8 (5) Participation in unpaid volunteer service to the general public and healthcare professionals related
9 to physical therapy earns one point for at least 20 hours spent on service activities during each
10 year, up to a maximum of two points during any reporting period. The licensee shall submit
11 published materials describing the service activity.
- 12 (6) Membership in the APTA for one year earns one point. A point may be earned for each year of
13 ~~membership.~~ membership during the reporting period. The licensee shall submit proof of
14 membership in the APTA.
- 15 (7) Membership in an APTA Section for one year earns one-half point. The licensee shall submit
16 proof of membership in the APTA Section. Points shall not be awarded for membership in more
17 than one Section.
- 18 (8) Selection by the Federation of State Boards of Physical Therapy (FSBPT) for participation as an
19 item writer of exam questions for the National Physical Therapy Examination (NPTE) or by the
20 American Board of Physical Therapy Specialties (ABPTS) earns five points for each year of
21 participation. The licensee shall submit documentation of participation by the ~~FSBPT~~ Federation
22 or ABPTS.
- 23 (9) Participation in clinical research, clinical ~~trials~~ trials, or research projects related to the practice of
24 physical therapy earns 1 point for each hour of ~~participation~~ participation, up to a maximum of 10
25 hours per reporting period. The licensee shall submit a log of hours of participation including date,
26 activity performed, location of the ~~research~~ research, and primary investigator.
- 27 (k) During each reporting period, every licensee ~~must~~ shall complete a jurisprudence exercise provided by the
28 Board. The jurisprudence exercise shall be available online at the Board's website, at <http://www.ncptboard.org> and
29 a certificate of completion shall be issued to a licensee at the conclusion of the exercise, at which time one point
30 shall be awarded to the licensee. The maximum number of points allowed during a reporting period is three.

31
32 *History Note: Authority G.S. ~~90-270.26(3a)~~; 90-270.26;*
33 *Eff. January 1, 2009;*
34 *Amended Eff. February 1, 2015; January 1, 2014.*

21 NCAC 48G .0110 has been amended with changes as published in 29:02 NCR 178 as follows:

21 NCAC 48G .0110 EVIDENCE OF COMPLIANCE

(a) Each licensee shall submit a completed Continuing Competence Reporting Form with an application for license renewal. The form ~~can~~ may shall be found on the Board's website at <http://www.ncptboard.org>.

(b) Licensees shall retain evidence of compliance with continuing competence requirements for a period of four years following the end of the reporting period for which credit is sought for an activity.

(c) Documentary evidence for ~~Continuing Education~~ continuing education activities shall include the following for each activity:

- (1) ~~Name~~ name of approved provider;
- (2) ~~Name~~ name of accrediting organization;
- (3) ~~Title;~~ title;
- (4) ~~Date;~~ date;
- (5) ~~Hours~~ hours for presentation; and
- (6) ~~Record~~ record of attendance or participation by provider.

(d) The Board shall conduct random audits to ensure continuing competence compliance. Within 30 days from receipt of an Audit Notice from the Board, the licensee ~~must~~ shall furnish the Board with the documentary evidence required by Rule 48G .0109 of this Subchapter ~~the rules in this Subchapter~~ showing completion of the points required for the audited reporting period.

(e) Requests for extensions of time for up to an additional 30 days to respond to the Audit Notice shall be submitted to and granted by the Board's Executive Director. For circumstances beyond the control of the licensee related to physical or medical hardship sustained by the applicant or his or her immediate family, the Board shall grant an additional period of time to respond to the Audit Notice.

(f) If the results of the audit show a licensee has not completed the required points, and the number of additional points needed by the licensee is 10 or fewer, the licensee shall complete the remaining points within 90 days from the date the Board notifies the licensee by ~~certified~~ electronic communication or U.S. Postal Service mail of the deficiency. For circumstances beyond the control of the licensee or for personal hardship, the Board shall grant an additional period of time to respond to the Audit Notice.

(g) Failure to respond to the Board's Audit Notice in a timely fashion, or failure to provide the necessary documentary evidence of compliance pursuant to this Rule shall subject the licensee to disciplinary action pursuant to 21 NCAC 48G .0601(a)(10).

*History Note: Authority G.S. 90-270.26(3a);
Eff. January 1, 2009;
Amended Eff. February 1, 2015; January 1, 2014.*

21 NCAC 48G .0504 has been amended with changes as published in 29:02 NCR 178-179 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:

- (1) ~~The~~ the name and address of person alleged to have violated the Physical Therapy Practice Act;
- (2) ~~A~~ a statement of conduct giving rise to complaint; and
- (3) ~~The~~ the name, ~~address~~ address, and telephone number of complainant.

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

(c) The ~~executive director~~ 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~~ the Board's attorney;
- (2) ~~An~~ an investigator;
- (3) ~~A~~ a former member of the Board; or
- (4) ~~A~~ a consultant 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 ~~Paragraph~~ Paragraphs (a) and (b) of this Rule. In conducting its investigation, the Board Chair (or ~~executive director~~ 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 ~~would justify~~ 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,~~ 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 (Chapter 132 of the General Statutes); however, copies of such 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 ~~[is deleted or]~~ shall be redacted.

1 ~~(e)~~ (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 ~~(f)~~ (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 public; nature of the conduct, conduct; and prior record of discipline. The investigative committee shall mail a copy
8 of its recommendation to the licensee.

9 ~~(g)~~ (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, Section. The refusal and request shall be filed with the Board.
11 The legal counsel for the Board shall thereafter prepare, file, and serve a Notice of Hearing.

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

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

20 ~~(k)~~ (l) Subsequent to the issuance of a notice of hearing, the attorney prosecuting the contested case for the Board
21 may 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 such the contested case with the
25 members of the investigative committee who investigated such the matter, with persons not parties to the contested
26 case who may be called as witnesses including the person who filed the complaint complaint, and with the Board
27 members about other matters.

28
29 *History Note: Authority G.S. 90-270.26; G.S. 90-270.26(10); 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.*

21 NCAC 48G .0512 has been amended with changes as published in 29:02 NCR 179-180 as follows:

21 NCAC 48G .0512 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either pursuant to an investigation, a Board proceeding, at a ~~hearing~~ hearing, or for the purposes of ~~discovery~~, discovery shall be made in writing to the Board, shall identify any document sought with specificity, and shall include the full ~~name~~ name, and home or business address of all persons to be subpoenaed ~~subpoenaed~~, and ~~and, if known~~, the date, time, and place for responding to the subpoena. The Board may deny the issuance of any subpoena that is determined by the Board to have the intent of harassing or intimidating a witness. The Board Chair ~~(or Executive Director, if designated by the Chair)~~ or Executive Director of the Board shall issue the requested subpoenas within three business days of receipt of the request.

(b) Subpoenas shall contain: ~~the caption of the case; the name and address of the person subpoenaed; the date, hour and location of the hearing in which the witness is commanded to appear; a particularized description of the books, papers, records or objects the witness is directed to bring to the hearing, if any; the identity of the party on whose application the subpoena was issued; the date of issue; the signature of the presiding officer or his designee; and a "return of service". The "return of service" form, as filled out, shows the name and capacity of the person serving the subpoena, the date on which the subpoena was delivered to the person directed to make service, the date on which service was made, the person on whom service was made, the manner in which service was made, and the signature of the person making service.~~

(1) the caption of the case or the name of the licensee or matter being investigated;

(2) the name and address of the person subpoenaed;

(3) the date, ~~hour~~ hour, and location of the hearing in which the witness is commanded to appear;

(4) a particularized description of the books, papers, records, or objects the witness is directed to bring to the hearing, if any;

(5) the identity of the party on whose application the subpoena was issued;

(6) the date of issue;

(7) the signature of the presiding officer or his designee; and

~~(7)~~ (8) a "return of service". The "return of service" form, as filled out, shall show ~~shows~~ the name and capacity of the person serving the subpoena, the date on which the subpoena was delivered to the person directed to make service, the date on which service was made, the person on whom service was made, the manner in which service was made, and the signature of the person making service.

(c) Subpoenas for the production of documents for copying or inspection, the subpoena shall contain a particularized description of the books, papers, records or objects to be produced.

~~(e)~~ (d) Subpoenas shall be served as provided by the Rules of Civil Procedure, G.S. ~~1A-1~~, 1A-1, Rule 4. The cost of service, fees, and expenses of any witnesses or any documents subpoenaed shall be paid by the party requesting the subpoena. The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person

1 serving the subpoena shall fill out the "return of service" form for each copy and properly return one copy to the
2 Board with the attached "return of service" form completed.

3 ~~(d)~~ (e) Any person receiving a subpoena from the Board may object ~~thereto~~ by filing a written objection with the
4 Board's office within 10 business days of receipt of ~~to the subpoena.~~ subpoena with the Board's office. ~~Such The~~
5 objection shall include a concise ~~concise, but complete,~~ statement of reasons why the subpoena should be quashed or
6 modified. These reasons may include lack of relevancy of the evidence sought, or any other reason sufficient in law
7 for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be
8 unduly burdensome as determined by the Board ~~so disruptive as to be unreasonable~~ in light of the significance of the
9 evidence sought, or other undue hardship.

10 ~~(e)~~ (f) Any objection to a subpoena ~~must~~ shall be served on the party who requested the subpoena simultaneously
11 with the filing of the objection with the Board.

12 ~~(f)~~ (g) The party who requested the subpoena may file a written response to the objection within ~~such time period~~ 10
13 business days after receipt of the objection. ~~[objection] allowed by the Board.~~ The written response shall be filed
14 with the Board and served by the requesting party on the objecting witness.

15 ~~(g)~~ (h) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who
16 requested the subpoena and the party ~~challenging~~ objecting to the subpoena, and may notify any other party or
17 parties of an open hearing before the presiding officer, to be scheduled as soon as practicable. At the hearing,
18 evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

19 ~~(h)~~ (i) Promptly Within 30 days after the close of such hearing, the presiding officer ~~will~~ shall rule on the challenge
20 and issue a written decision. A copy of the decision will shall be issued to all parties and made a part of the record.

21
22 *History Note:* Authority G.S. 90-270.26; 90-270.26(10); 150B-39; 150B-40;
23 Eff. October 1, 1995;
24 Amended Eff. February 1, 2015; August 1, 2002.

21 NCAC 48G .0601 has been amended with changes as published in 29:02 NCR 180-181 as follows:

21 NCAC 48G .0601 PROHIBITED ACTIONS

(a) Behaviors and activities ~~which~~ that may result in disciplinary action by the Board pursuant to G.S. 90-270.36(1), (6), (7), ~~(8)~~ (8), and (9) and G.S. 90-270.35(4) include the following:

- (1) recording false or misleading data, ~~measurements~~ measurements, or notes regarding a patient;
- (2) delegating responsibilities to a person when the licensee delegating knows or has reason to know that the competency of that person is impaired by physical or psychological ailments, or by alcohol or other pharmacological agents, prescribed or not;
- (3) practicing or offering to practice beyond the scope permitted by law;
- (4) accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform;
- (5) performing, without adequate supervision as described in the rules in this Chapter, professional services that the licensee is authorized to perform only under the supervision of a licensed professional, except in an emergency situation where a person's life or health is in danger;
- (6) harassing, abusing, inappropriately touching, as defined in Rule 48A .0105(7) of this Chapter or intimidating a patient either physically or verbally;
- (7) failure to exercise supervision over persons who are authorized to practice only under the supervision of the licensed professional;
- (8) promoting an unnecessary device, treatment intervention, nutritional supplement, ~~product~~ product, or service for the financial gain of the practitioner or of a third party as determined by the investigative committee;
- (9) offering, giving, soliciting, ~~or receiving~~ receiving, or agreeing to ~~receive~~, receive any fee or other consideration to or from a third party for the referral of a client;
- (10) failure to file a report, filing a false ~~report~~ report, or failure to respond to an inquiry ~~from the Board~~ within 30 days from the date of issuance, required by ~~law or~~ the rules in this Subchapter, or impeding or obstructing such filing or inducing another person to do so;
- (11) revealing identifiable data, or information obtained in a professional capacity, without prior consent of the patient, except as authorized or required by law;
- (12) guaranteeing that a patient will benefit from the performance of professional services;
- (13) altering a license or renewal card by changing any information appearing thereon;
- (14) using a license or renewal card ~~which~~ that has been altered;
- (15) permitting or allowing another person to use his or her license or renewal card for the practice of physical therapy;
- (16) delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such a person is not qualified by training, by experience, or by licensure to perform such responsibilities;

- (17) violating any term of probation, condition, or limitation imposed on the licensee by the Board;
- (18) soliciting or engaging in any activities of a sexual nature, including kissing, ~~fondling~~ fondling, or touching any person while the person is under the care of a physical therapist or physical therapist assistant;
- (19) billing or charging for services or treatment not performed;
- (20) making treatment recommendations or basing a patient's continued treatment on the extent of third party benefits instead of the patient's condition;
- (21) willfully or intentionally communicating false or misleading information regarding a patient;
- (22) harassing, abusing, or intimidating any person, either physically or verbally, while engaged in the practice of physical therapy;
- (23) using a form of a license or renewal card that was not issued by the Board or is not current;
- (24) failing to record patient data within a reasonable period of time following evaluation, ~~assessment~~ assessment, or intervention;
- (25) failing to pay the costs of investigation or otherwise to comply with an order of discipline;
- (26) failing to maintain legible patient records that contain an evaluation of objective findings, a diagnosis, a plan of care including desired outcomes, the treatment record including all elements of 21 NCAC 48C .0102(l) or 21 NCAC 48C .0201(f), a discharge summary or episode of care including the results of the intervention, and sufficient information to identify the patient and the printed name and title of each person making an entry in the patient record;
- (27) charging fees not supported by documentation in the patient record;
- (28) furnishing false or misleading information on an application for licensure and licensure renewal; and
- (29) engaging in misrepresentation or ~~deceit~~ deceit, or exercising undue influence over a patient or former patient for the financial gain of the licensee.
- (b) When a person licensed to practice physical therapy in North Carolina is also licensed in another jurisdiction and that other jurisdiction takes disciplinary action against the licensee, the North Carolina Board of Physical Therapy Examiners ~~will~~ shall determine whether the conduct found by the other jurisdiction also violates the North Carolina Physical Therapy Practice Act. The Board may impose the same or lesser disciplinary action upon receipt of the other jurisdiction's actions. The licensee may request a hearing. At the hearing hearing, the issues shall be limited to:
- (1) whether the person against whom action was taken by the other jurisdiction and the North Carolina licensee are the same person;
 - (2) whether the conduct found by the other jurisdiction also violates the North Carolina Physical Therapy Practice Act; and
 - (3) whether the sanction imposed by the other jurisdiction is lawful under North Carolina law.
- (c) In accordance with G.S. 150B-3(c) a license may be summarily suspended if the Board determines the public health, safety, or welfare requires emergency action.

1 (d) When the Board receives a notice from a Clerk of Superior Court that the license of a physical therapist or a
2 physical therapist assistant has been forfeited pursuant to G.S. 15A-1331A, the licensee shall surrender the license to
3 the Board within 24 hours and shall not engage in the practice of physical therapy during the period of forfeiture.
4 Forfeiture under this Section shall not limit the Board's authority to take further disciplinary action against the
5 licensee in accordance with the Board's rules.

6
7 *History Note:* Authority G.S. 15A-1331A; 90-270.24; 90-270.26; 90-270.35(4); 90-270.36; 150B-3;
8 Eff. October 1, 1995;
9 Amended Eff. February 1, 2015; July 1, 2013; December 1, 2006; August 1, 2002; August 1,
10 1998; February 1, 1996.

1 **21 NCAC 48G .0702 has been adopted with changes as published in 29:02 NCR 181 as follows:**

2
3 **21 NCAC 48G .0702 PROGRAMS**

4 (a) Before participating in a Program, a licensee shall be referred to the Program by the Board.

5 (b) If the Board does not offer a Program, it may make arrangements for licensees with impairments to participate
6 in Programs administered by other North Carolina health care licensing boards or by other physical therapy
7 licensing boards that are members of the Federation. Such Programs shall provide for:

8 (1) investigation, ~~review~~ review, and evaluation of records, reports, complaints, litigation, and other
9 information about the practice and practice patterns of licensed physical therapists and physical
10 therapist assistants as may relate to impaired physical therapists and physical therapist assistants;

11 (2) identification, intervention, treatment, referral, and follow up care of impaired physical therapists
12 and physical therapist assistants; and

13 (3) due process rights for any subject physical therapist or physical therapist assistant.

14 (c) Any licensee enrolled in a Program shall comply with its requirements. Any licensee terminated by a Program
15 before successfully completing the Program may be subject to disciplinary action.

16
17 *History Note: Authority G.S. 90-270.26(11);*

18 *Eff. February 1, 2015.*

1 21 NCAC 48G .0703 has been adopted as published in 29:02 NCR 181-182 as follows:

2
3 **21 NCAC 48G .0703** **INFORMATION OF IMPAIRMENT**

4 (a) When information of suspected impairment of a licensee is received by the Board, the Board shall conduct an
5 investigation and routine inquiries to determine the validity of the report prior to referring the licensee to a Program.

6 (b) Licensees suspected of impairment may be required to submit to personal interviews if the investigation and
7 inquiries indicate the report of impairment may be valid.

8
9 *History Note:* *Authority G.S. 90-270.26(11);*

10 *Eff. February 1, 2015.*

21 NCAC 48G .0704 has been adopted as published in 29:02 NCR 182 as follows:

21 NCAC 48G .0704 **CONFIDENTIALITY**

Information received by the Program shall remain confidential in accordance with the Program's policies and procedures. However, information received as a result of a Board referral shall be freely exchanged with the Board or its authorized agents.

History Note: Authority G.S. 90-270.26(11);
Eff. February 1, 2015.

1 21 NCAC 48G .0705 has been adopted with changes as published in 29:02 NCR 182 as follows:

2
3 **21 NCAC 48G .0705 REPORTS**

4 Following an investigation, intervention, treatment, or upon receipt of a complaint or other information, a program
5 participating with the Board pursuant to Rule .0702(b) of this Section shall report to the Board detailed information
6 about any physical therapist or physical therapist assistant licensed by the Board, if it is determined that:

7 (a) ~~The~~ the physical therapist or physical therapist assistant constitutes an imminent danger to the public
8 or to himself or herself; or

9 (b) ~~The~~ the physical therapist or physical therapist assistant refuses to cooperate with the Program, refuses
10 to submit to treatment, or is still impaired after treatment and exhibits professional incompetence; or

11 (c) ~~It reasonably~~ it appears that there are other grounds for disciplinary action.

12
13 *History Note: Authority G.S. 90-270.26(11);*

14 *Eff. February 1, 2015.*

1 21 NCAC 48G .0706 has been adopted with changes as published in 29:02 NCR 182 as follows:

2
3 **21 NCAC 48G .0706 PROGRAM STANDARDS**

4 Any Program receiving referrals of licensees from the Board shall be ~~regularly~~ monitored on an annual basis to
5 determine its ability to provide:

- 6 (1) ~~Adequate~~ adequate staffing to supervise participants in the Program;
7 (2) ~~Appropriate appropriate~~ referrals for treatment to professionals, group counseling and facilities; and
8 (3) ~~Appropriate appropriate~~ post-treatment support.

9
10 *History Note: Authority G.S. 90-2701.26(11);*

11 *Eff. February 1, 2015.*