Hammond, Abigail M

From:	Kathy Arney <karney@ncptboard.org></karney@ncptboard.org>
Sent:	Thursday, January 04, 2018 1:51 PM
То:	Rules, Oah
Cc:	Kathy Arney; Deborah J. Ragan
Subject:	[External] FW: re: NCBPTE submission to RRC for Periodic Review Date change - with attachments
Attachments:	21 NCAC Review of Existing Rules Final Determination - for RRC as of 1 4 18.xlsx; Request of
	Rulemaking coordinator change effective 12-1-17.pdf; form for RRC submission requesting change
	to date of Periodic Review 12-22-17.pdf

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to report.spam@nc.gov.

Dear Mr. Dunklin:

Pursuant to 26 NCAC 05.0205, the North Carolina Board of Physical Therapy Examiners (NCBPTE) is respectfully requesting that its Periodic Review of Existing Rules Report for Title 21, Chapter 48 of the North Carolina Administrative Code be considered for an earlier review. Pursuant to 26 NCAC 05 .0211, this Report is currently scheduled for Rules Review Commission (RRC) review in August of 2018.

Our Board's initial determination of its rules was approved on June 14, 2017, and the Report was posted for public comment from June 23- October 2, 2017, which was an extended time period due to a technical correction needed in Rule 21 NCAC 48D .0102 as noted in early July, 2017. The only relevant public comment received was a positive comment with regard to NCAC 48F .0102 Fees, and this rule was already considered "necessary, with substantive public interest".

The Board approved the final determination of its rules at the NCBPTE Board meeting on January 4, 2017 and voted to inquire if the Rules Review Commission would consider an earlier review of its Existing Rules. The Board is in the process of changing Rulemaking Coordinators, and would like to have its rules review completed prior to this change. In addition, the lease for the current NCBPTE office expires August 2018, so we are preparing for a possible office move at the same time our Periodic Review is currently scheduled. Finally, we are in the implementation phase of PT Licensure Compact privileges in NC, a nationwide program to increase physical therapy license portability, which will begin in early 2018.

The NCBPTE Periodic Review of Existing Rules Report is attached for your review and consideration. The NCBPTE respectfully requests that the RRC review its report at its March 2018 meeting, or as soon as thereafter as is feasible for the RRC. (A hard copy of these materials will also be hand-delivered to the OAH offices in Raleigh, NC.)

Sincerely,

Kathy O'Dwyer Arney, PT, MA Executive Director North Carolina Board of Physical Therapy Examiners 18 West Colony Place, Suite 140 Durham, North Carolina 27705 Phone: (919)490-6393;(800)800-8982 Fax: (919)490-5106 email: karney@neptboard.org Web address: www.neptboard.org Web address: www.neptboard.org *E-Mail correspondence to and from this address may be subject to the North Carolina Public Records Law "NCGS. Ch.132" and may be disclosed to third parties*

G.S. 150B-21.3	A Report for 21	NCAC 48, BOARD C	F PHYSICAL THERAPY	Y EXAMINERS					
Agency - Board of F	Physical Therapy Ex								
Comment Period -		P.C							
Date Submitted to	APO - Filled in by R	RC staff	Ì						
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B- 21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B- 21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SUBCHAPTER 48A - ORGANIZATION		21 NCAC 48A .0103	MEMBERSHIP OF BOARD	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48A .0105	DEFINITIONS	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48A .0106	SUSPENSION OF AUTHORITY TO EXPEND FUNDS	Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48A .0107	IDENTIFICATION REQUIREMENTS	Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48B - TYPES OF LICENSES		21 NCAC 48B .0102	LICENSES BY ENDORSEMENT	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48B .0103	LICENSES BY EXAMINATION	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48B .0104	EXEMPTIONS	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48C - SCOPE OF PHYSICAL THERAPY PRACTICE	SECTION .0100 - PHYSICAL THERAPISTS	21 NCAC 48C .0101	PERMITTED PRACTICE	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48C .0102	RESPONSIBILITIES	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48C .0103	PROHIBITED PRACTICE	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 – PHYSICAL THERAPIS ASSISTANTS	21 NCAC 48C .0201	SUPERVISION BY PHYSICAL THERAPIST	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48C .0202	PROHIBITED PRACTICE	Eff. December 30, 1985	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - PHYSICAL THERAPY AIDES	21 NCAC 48C .0401	DEFINITION	Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest

	Physical Therapy Exa		OF PHYSICAL THERAPY						
	Filled in by Agency	anniners							
	APO - Filled in by RF	RC staff							
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B- 21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B- 21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1
		21 NCAC 48C .0402	FUNCTION	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0500 - PHYSICAL THERAPY STUDENTS	21 NCAC 48C .0501	EXEMPTION FOR STUDENTS	Amended Eff. January 1, 1991	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 – OTHER ASSISTIVE PERSONNEL	21 NCAC 48C .0601	RESPONSIBILITIES	Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0102	SCHEDULE AND LOCATION OF EXAMINATION	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48D - EXAMINATIONS		21 NCAC 48D .0105	EXAMINATION SCORES	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0106	NOTIFICATION OF EXAMINATION RESULTS	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0107	PERSONS REFUSED EXAMINATION PERMISSION	Amended Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0109	RETAKING EXAMINATION	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0110	ADMINISTRATION OF EXAMINATION	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0111	APPLICANTS WITH SPECIAL NEEDS	Amended Eff. February 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48D .0112	COMPUTER EXAMINATION	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48E - APPLICATION FOR LICENSURE	SECTION .0100 - REQUIREMENTS	21 NCAC 48E .0101	FILING APPLICATION	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48E .0103	REFERENCES	Amended Eff. December 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48E .0104	EXAMINATION SCORES	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48E .0105	VERIFICATION OF LICENSURE	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

Agency - Board of Physical Therapy Examiners

Comment Period -	Filled in by Agency								
Date Submitted to	APO - Filled in by RR	RC staff							
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B- 21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B- 21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		21 NCAC 48E .0110	FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY EXAMINATION	Amended Eff. February 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	USCIS CFR § 212.15	No	Necessary without substantive public interest
		21 NCAC 48E .0111	FOREIGN-TRAINED PHYSICAL THERAPIST APPLICANT BY ENDORSEMENT	Eff. February 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	USCIS CFR § 212.15	No	Necessary without substantive public interest
		21 NCAC 48E .0112	FOREIGN-TRAINED PHYSICAL THERAPIST ASSISTANT APPLICANT	Eff. February 1, 2015	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	USCIS CFR § 212.15	No	Necessary without substantive public interest
		21 NCAC 48E .0113	CRIMINAL HISTORY	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF RECORD OF RECORD OF	SECTION .0100 - CERTIFICATES: FEES: INVESTIGATIONS: RECORD OF LICENSEES	21 NCAC 48F .0101	LICENSURE CERTIFICATE	Amended Eff. May 1, 1988	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48F .0102	FEES	Amended Eff. July 1, 2013	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		21 NCAC 48F .0103	INVESTIGATIONS	Amended Eff. December 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		21 NCAC 48F .0105	CHANGE OF NAME AND ADDRESS	Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48G - RETENTION OF LICENSE	SECTION .0100 - LICENSURE RENEWAL	21 NCAC 48G .0103	RENEWAL FEE	Amended Eff. April 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0104	RENEWAL	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0105	DEFINITIONS	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0106	CONTINUING COMPETENCE REQUIREMENT	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0107	STANDARDS FOR CONTINUING COMPETENCE ACTIVITIES	Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0108	APPROVAL OF PROVIDERS AND ACTIVITIES	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0109	CONTINUING COMPETENCE ACTIVITIES	Amended Eff. April 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0110	EVIDENCE OF COMPLIANCE	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0111	EXEMPTIONS	Amended Eff. January 1, 2014	Necessary without substantive	No		No	Necessary without substantive public interest
		21 NCAC 48G .0112	COSTS	Amended Eff. January 1, 2014	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0200 - LAPSED LICENSES	21 NCAC 48G .0201	DATE LICENSE LAPSES	Amended Eff. October 28, 1979	Necessary without substantive public interest	No		No	Necessary without substantive public interest

G.S. 150B-21.3A Report for 21 NCAC 48, BOARD OF PHYSICAL THERAPY EXAMINERS

Agency - Board of Physical Therapy Examiners Comment Period - Filled in by Agency

te Submitted to /	APO - Filled in by RR	C staff							
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B- 21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B- 21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)
		21 NCAC 48G .0202	NOTIFICATION	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0203	REVIVAL OF LAPSED LICENSE	Amended Eff. January 1, 2009	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0204	RESTRICTED LICENSE	Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 - REFUSAL TO RENEW OR GRANT LICENSE: SUSPENSION OR REVOCATION	21 NCAC 48G .0306	CONDITIONS ON RENEWAL	Eff. December 1, 2006	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0400 - PROBATION OR WARNING	21 NCAC 48G .0401	GROUNDS FOR PROBATION	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0402	GROUNDS FOR WARNING	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0403	CONDITIONS FOR PROBATION OR WARNING	Amended Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0404	NOTIFICATION AND HEARING	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0500 - CONTESTED CASE HEARINGS	21 NCAC 48G .0501	RIGHT TO HEARING	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0502	REQUEST FOR HEARING	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0503	GRANTING OR DENYING HEARING REQUEST	Eff. October 1, 1995	Necessary without substantive public interest	No		Select One	Necessary without substantive public interest
		21 NCAC 48G .0504	COMPLAINTS AND INVESTIGATIONS	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary with substantive publi interest
		21 NCAC 48G .0505	NOTICE OF HEARING	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0506	WRITTEN RESPONSE TO THE NOTICE OF HEARING	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0507	WHO SHALL HEAR CONTESTED CASES	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0508	PRE-HEARING CONFERENCE	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0509	PETITION FOR INTERVENTION	Amended Eff. February 1, 1996	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0510	TYPES OF INTERVENTION	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0511	DISQUALIFICATION OF BOARD MEMBERS	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0512	SUBPOENAS	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0513	WITNESSES	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest

G.S. 150B-21.3A Report for 21 NCAC 48, BOARD OF PHYSICAL THERAPY EXAMINERS

Agency - Board of Physical Therapy Examiners

Comment Period - Filled in by Agency

Date Submitted to	APO - Filled in by RR	C staff							
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B- 21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B- 21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
		21 NCAC 48G .0514	CONTINUANCES	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0515	FINAL DECISION	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0516	PROPOSALS FOR DECISION	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0517	MODIFICATION OF DECISION	Eff. August 1, 2002	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 - DISCIPLINARY ACTION	21 NCAC 48G .0601	PROHIBITED ACTIONS	Amended Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0602	SANCTIONS; REAPPLICATION	Amended Eff. July 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 – IMPAIRED LICENSEE	21 NCAC 48G .0701	DEFINITIONS	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0702	PROGRAMS	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0703	INFORMATION OF IMPAIRMENT	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0704	CONFIDENTIALITY	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0705	REPORTS	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48G .0706	PROGRAM STANDARDS	Eff. February 1, 2015	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SUBCHAPTER 48H - RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES	SECTION .0700 - ADOPTION OF RULES	21 NCAC 48H .0701	PETITIONS	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48H .0702	MAILING LIST	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48H .0703	HEARINGS	Eff. October 1, 1995	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		21 NCAC 48H .0704	DECLARATORY RULINGS	Amended Eff. August 1, 1998	Necessary without substantive public interest	No		No	Necessary without substantive public interest

PM This rule was determined as Necessary with Substantive Public Interest w ased onal of I fees, spriate.
PM Public Interest w ased onal of
onal of I fees,
PM It is a notification required by law regarding the Board's rules. v of rection
this email, Board. Thank you for your comments. Related to your wish
AM below for Medicare and DME, I need to direct you to share your concerns with NCPTA or APTA as they are the entities that can advocate for these concerns. Payment and reimbursement policy fall outside the jurisdiction of the Board.
n. I wish n matters id LOVE te DME ment the
fering tration
erapy@hotmail.com] Thank you for your comments and I will share them with the Board. In terms of legislation, the Board does not introduce legislation and I would refer you to the NCPTA, contact Nancy J. Garland, JD, Executive Director, 919-841- 0258, ncpta@ncpt.org.
further assistance ation to protect with the APTA's thcare and out onsumer, it is

important to avoid misrepresentation. Is this something I initiate with your office?