



NOTICE OF TEXT
[Authority G.S. 150B-21.2(c)]

OAH USE ONLY
VOLUME:
ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume, issue, and date of previous publication, as well as blocks 1 - 5 and 8 - 14. If a hearing is scheduled, complete block 6.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: NC BOARD OF PHYSICAL THERAPY EXAMINERS
2. Agency obtained G.S. 150B-19.1 certification: <input checked="" type="checkbox"/> OSBM certified on: April 4, 2014 <input type="checkbox"/> RRC certified on: <input type="checkbox"/> Not Required
3. Agency website postings: <ul style="list-style-type: none"> • Text of proposed rule posted at: http://www.ncptboard.org • Explanation and reason for proposed rule posted at: http://www.ncptboard.org • Federal Certification posted at: N/A • Instructions for oral and written comments posted at: http://www.ncptboard.org • Fiscal Note if prepared posted at: http://www.ncptboard.org
4. Proposed Action – Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 21 NCAC 4B .0104, 48C .0104, 48E .0111, 48E .0112, 48E .0113, 48G .0701, 48G .0702, 48G .0703, 48G .0704, 48G .0705 and 48G .0706 <input checked="" type="checkbox"/> AMENDMENT: 21 NCAC 48A .0103, 48C .0102, 48D .0108, 48E .0110, 48G .0109, 48G .0110, 48G .0504, 48G .0512, 48G .0601. <input type="checkbox"/> REPEAL:
5. Proposed effective date: February 1, 2015
6. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: September 11, 2014 Public Hearing time: 2:30 p.m. - 3:30 p.m. Public Hearing Location: Siena Hotel, 1505 E. Franklin St., Chapel Hill, NC 27514
7. If no public hearing is scheduled, provide instructions on how to demand a public hearing:
8. Explain Reason For Proposed Rule(s): See Attached

Reason For Proposed Rule(s) cont.:

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

9. The person to whom written comments may be submitted on the proposed rule:

Name: Ben F. Massey, Jr.

Address:
18 West Colony Place, Suite 140
Durham, NC 27705

Phone (optional): 919-490-6393 / 800-800-8982

Fax (optional): 919-490-5106

E-Mail (optional): benmassey@ncptboard.org

10. Comment Period Ends: September 15, 2014

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- No fiscal note required by G.S. 150B-21.4

12. Rule-making Coordinator:

Ben F. Massey, Jr.

Address:
18 West Colony Place, Suite 140
Durham, NC 27705

Phone: 919-490-6393 / 800-800-8982

E-Mail: benmassey@ncptboard.org

Agency contact, if any:
SAME AS ABOVE

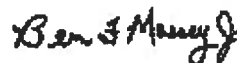
Phone: SAME AS ABOVE

E-mail: SAME AS ABOVE

13. The Agency formally proposed the text of this rule(s) on

Date: June 23, 2014

14. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Ben F. Massey, Jr., Executive Director

Title: Rulemaking Coordinator

Attachment

8. Explain Reasons For Proposed Rule(s):

In response to legislative changes in the North Carolina Physical Therapy Practice Act and recommendations from the general public and licensees, the Board of Physical Therapy Examiners is proposing the following adoptions and amendments for the following rules in Title 21 NCAC 48:

- 48A .0103 - Paragraph (b) requires nominees for the physical therapist and physical therapist assistant positions to attest that they meet the qualifications specified in G.S. 90-270.25 and Paragraph (c) clarifies that each physical therapist and physical therapist assistant shall be employed in a physical therapy related position for at least 1,000 hours annually.
- 48B .0104 - This rule requires physical therapists or physical therapist assistants who would like to practice in NC due to a disaster or emergency in NC or would like to obtain a license in NC secondary to a disaster or emergency in their home state complete an application for exemption that has been approved by the Board.
- 48C .0102 - The amendment in Paragraph (k) clarifies that the current rule only applies to patients who are being treated by a physical therapist assistant or physical therapy aide. Paragraph (n) clarifies that a physical therapist must provide copies of a patient's treatment records upon request by the patient or the patient's designee. Other amendments in the rule are technical and grammatical.
- 48C .0104 - Paragraph (a) identifies terms that are used interchangeably with dry needling and defines the technique of dry needling; Paragraph (b) states educational requirements for a physical therapist to practice dry needling in NC; Paragraph (c) clarifies that dry needling cannot be performed by a physical therapist assistant or physical therapy aide; Paragraph(d) requires the Board to maintain a list of programs that have been approved to provide dry needling education.
- 48D .0109 - Paragraph (c) clarifies that there is a limit of the number of times an applicant is allowed to take the exam and that number will be determined by the administrator of the exam (Federation of State Boards of Physical Therapy).
- 48E .0110 - Paragraphs (c) (1) & (2) clarifies the requirements that a Foreign Trained Physical Therapist (FTPT) applicant by examination must meet the standards of the Federation's current Coursework Tool (CWT). Paragraph (d)(1) clarifies that the FTPT applicant must meet the English language proficiency requirements as demonstrated by a passing score on the Test of English as a Foreign Language (TOEFL) as defined by the Federation. Other amendments are technical for clarification and/or grammatical.

- 48E .0111 - This rule clarifies the requirements for a FTPT applicant by endorsement of licensure in another state. The requirements are essentially the same requirements that were previously adopted in 1985 for the Foreign Trained Physical Therapist.
- 48E .0112 - Paragraph (a) defines a physical therapist assistant program located outside of the United States. Paragraph (b) will clarify that all documents must be provided in English or accompanied by an English translation. Paragraph (c) clarifies the education requirements of a Foreign Trained Physical Therapist Assistant must be substantially equivalent to the education of a Physical Therapy Assistant graduate from an accredited program in the United States. Paragraph (d) requires the applicant's education to be evaluated by a credentialing agency approved by the Board and Paragraph (e) clarifies the English language requirements.
- 48E .0113 - Paragraph (a) clarifies that an applicant shall be required to consent to a criminal history record check and will be responsible for paying for it and Paragraph (b) authorizes an appeals process if an applicant is denied licensure for failing to consent to a criminal history check.
- 48G .0109 - Amendments to sub-paragraph (a)(2) clarifies that, for a graduate course, one-semester hour earns fifteen (15) points and that a transcript from the academic institution is required as proof; sub-paragraph (a)(5) allows for study groups to meet electronically; (g)(1) defines full-time clinical practice as 1,750 hours and (g)(2) defines part-time clinical practice at least 1,000 hours, but less than 1,750 hours.
- 48G .0110 - Paragraphs (c)(1) & (2) clarifies the requirements that a Foreign Trained Physical Therapist (FTPT) applicant by examination must meet the standards of the Federation's current Coursework Tool (CWT). Paragraph (d)(1) clarifies that the FTPT applicant must meet the English language proficiency requirements as demonstrated by a passing score on the Test of English as a Foreign Language (TOEFL) as defined by the Federation. Other amendments are technical for clarification and/or grammatical.
- 48G .0504 - Paragraph (e) clarifies that materials obtained by the Board during the course of an investigation are considered confidential; however, copies may be provided to the licensee's attorney with conditions.
- 48G .0512 - Paragraph (a) expands the subpoena power of the Board to include investigations and Board proceedings. Additionally, it gives the Board the discretion to deny the issuance of any subpoena that could be construed as harassment or intimidation of a witness and Paragraph (b) clarifies that subpoenas for production of documents must provide a particularized description. Other amendments are technical and provide clarification of the rule.
- 48G .0601 - Amendments to sub-paragraph (a)(26) clarifies that it also includes the episode of care. Other amendments are technical and provide clarification of the rule.

- 48G .0701 - The adoption of this rule defines the following: Paragraph (a) defines "impairment"; Paragraph (b) defines "participant"; and Paragraph (c) defines "program".
- 48G .0702 - Paragraph (a) clarifies that a licensee must be referred by the Board before he/she may participate in a Program; Paragraph (b) provides authority for the Board to contract with other health care licensing Boards to provide Programs; and Paragraph (c) clarifies that a licensee who is enrolled in the Program must comply with its requirements and may be subject to disciplinary for failing to do so.
- 48G .0703 - This rule sets the standards when information is received by the Board suspecting the impairment of a licensee.
- 48G .0704 - This rule sets the standards for confidentiality.
- 48G .0705 - The rule sets the standards for when reports are to be given to the Board when a licensee is investigated.
- 48G .0706 - This rule sets the program standards for when referrals of licensees are received from the Board.