

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 536

Short Title: Physical Therapy Practice Act Mods. (Public)

Sponsors: Representatives Rhyne, Campbell, Lambeth, and Chesser (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the
House

March 27, 2025

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAWS REGULATING THE PRACTICE OF PHYSICAL
THERAPY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-270.90 reads as rewritten:

"Article 18E.

"Physical Therapy.

"§ 90-270.90. Definitions.

In this Article, unless the context otherwise requires, the following definitions shall apply:

...

(4) "Physical therapy" means the evaluation or treatment of any person by the use of physical, chemical, or other properties of heat, light, water, electricity, sound, massage, or therapeutic exercise, or other rehabilitative procedures, with or without assistive devices, for the purposes of preventing, correcting, or alleviating a physical or mental disability. Physical therapy includes the performance of specialized tests of neuromuscular function, administration of specialized therapeutic procedures, interpretation and implementation of referrals from licensed medical doctors or dentists, and establishment and modification of physical therapy programs for patients. Evaluation and treatment of patients may involve physical measures, methods, or procedures as are (i) found commensurate with physical therapy education and ~~training~~ training, (ii) the standards of acceptable and prevailing physical therapy practice, and (iii) generally or specifically authorized by regulations of the Board. Physical therapy education and training shall include study of the skeletal manifestations of systemic disease. Physical therapy does not include the application of roentgen rays or radioactive materials, surgery, the practice of chiropractic, as defined by G.S. 90-143, or medical diagnosis of disease.

...."

SECTION 2. G.S. 90-270.91 reads as rewritten:

"§ 90-270.91. Board of Examiners.

The North Carolina Board of Physical Therapy Examiners is hereby created. The Board shall consist of eight members, including one medical doctor licensed and residing in North Carolina, four physical therapists, two physical therapist assistants, and one public member. The public member shall be appointed by the Governor and shall be a person who is not licensed under



Chapter 90 who shall represent the interest of the public at large. The medical doctor, physical therapists, and physical therapists assistants shall be appointed by the Governor from a list compiled by the ~~North Carolina Physical Therapy Association, Inc., American Physical Therapy Association North Carolina (APTANC),~~ following the use of a nomination procedure made available to all physical therapists and physical therapist assistants licensed and residing in North Carolina. In soliciting nominations and compiling its list, the Association will give consideration to geographic distribution, practice setting (institution, independent, academic, etc.), and other factors that will promote representation of all aspects of physical therapy practice on the Board. The records of the operation of the nomination procedure shall be filed with the Board, to be available for a period of six months following nomination, for reasonable inspection by any licensed practitioner. Each physical therapist member of the Board shall be licensed and reside in this State; provided that the physical therapist shall have not less than three years' experience as a physical therapist immediately preceding appointment and shall be actively engaged in the practice of physical therapy in North Carolina during incumbency. Each physical therapist assistant member shall be licensed and reside in this State; provided that the physical therapist assistant shall have not less than three years' experience as a physical therapist assistant immediately preceding appointment and shall be actively engaged in practice as a physical therapist assistant in North Carolina during incumbency.

Members shall be appointed to serve three-year terms, or until their successors are appointed, to commence on January 1 in respective years. In the event that a member of the Board for any reason shall become ineligible to or cannot complete a term of office, another appointment shall be made by the Governor, in accordance with the procedure stated above, to fill the remainder of the term. No member ~~may~~ shall serve for more than two successive three-year terms.

The Board may immediately remove a member from the Board if the member is found by the remainder of the Board to have (i) ceased to meet the qualifications specified in this section, (ii) failed to attend three ~~successive~~ Board meetings without just cause, (iii) violated any of the provisions of this Article or rules adopted by the Board, or (iv) otherwise engaged in immoral, dishonorable, unprofessional, or unethical conduct. Before removing a Board member for immoral, dishonorable, unprofessional, or unethical conduct, the Board shall further find that the relevant conduct has compromised the integrity of the Board.

The Board each year shall designate one of its physical therapist members as chairman and one member as secretary-treasurer. Each member of the Board shall receive such per diem compensation and reimbursement for travel and subsistence as shall be set for licensing boards generally."

SECTION 3. G.S. 90-270.92 reads as rewritten:

"§ 90-270.92. Powers of the Board.

The Board shall have the following general powers and duties:

- (1) Examine and determine the qualifications and fitness of applicants for a license to practice physical therapy in this State.
- (2) Issue, renew, deny, restrict, suspend, or revoke licenses to practice physical therapy in this State, or reprimand and encumber or otherwise discipline licensed physical therapists and physical therapist ~~assistants~~ assistants who demonstrate unprofessional conduct, including departure from, or failure to conform to the standards commensurate with acceptable and prevailing physical therapy practice, or the ethics of the physical therapy profession as defined by the American Physical Therapy Association, Code of Ethics for the Physical Therapist, and Standards of Ethical Conduct for the Physical Therapist Assistant.
- (3) Conduct confidential investigations for the purpose of determining whether violations of this Article or grounds for disciplining licensed physical therapists or physical therapist assistants exist. Investigation records shall not

be considered public records under Chapter 132 of the General Statutes. These records are privileged and are not subject to discovery, subpoena, or other means of legal compulsion for release to any person other than the Board or its employees or consultants, except as provided in this section. However, any Board decisions rendered, hearing notices and statements of charges, and any material received and admitted into evidence at Board hearings shall be public records, regardless of whether the notices, statements, or materials are developed or compiled as a result of an investigation; provided that identifying information concerning the treatment or delivery of professional services to a patient who has not consented to its public disclosure ~~may~~shall be deleted or redacted.

- (4) Establish mechanisms for assessing the continuing competence of licensed physical therapists or physical therapist assistants to engage in the practice of physical therapy, including approving rules requiring licensees to periodically, or in response to complaints or incident reports, submit to the Board: (i) evidence of continuing education experiences; (ii) evidence of minimum standard accomplishments; or (iii) evidence of compliance with other Board-approved measures, audits, or evaluations; and specify remedial actions if necessary or desirable to obtain license renewal or reinstatement.
- (5) Employ ~~such or contract~~ professional, clerical or special personnel necessary to carry out the provisions of this Article, and may purchase or rent necessary office space, equipment and supplies.
- (6) Conduct administrative hearings in accordance with Chapter 150B of the General Statutes when a "contested case" as defined in G.S. 150B-2(2) arises under this Article.
- (7) Appoint from its own membership one or more members to act as representatives of the Board at any meeting where such representation is deemed desirable.
- (8) Establish reasonable fees for applications for ~~examination, licensure,~~ certificates of licensure and renewal, and other services provided by the Board.
- (9) Adopt, amend, or repeal any rules or regulations necessary to carry out the purposes of this Article and the duties and responsibilities of the Board.
- (10) Request the Department of Public Safety to provide criminal history record checks pursuant to G.S. 90-270.96 in connection with licensure.
- (11) Issue subpoenas, on signature of the Board Chair or Executive Director, to compel the attendance of any witness or the production of any documents relative to investigations or Board proceedings. Upon written request, the Board shall revoke a subpoena if, upon a hearing, it finds that the evidence sought does not relate to a matter in issue, the subpoena does not describe with sufficient particularity the evidence sought, or for any other reason in law the subpoena is invalid.
- (12) Establish or participate in programs for aiding in the recovery and rehabilitation of physical therapists and physical therapist assistants who experience chemical or alcohol addiction or abuse or mental health problems.
- (13) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and the Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

The powers and duties enumerated above are granted for the purpose of enabling the Board to safeguard the public health, safety and welfare against unqualified or incompetent practitioners

of physical therapy, and are to be liberally construed to accomplish this objective. In instances where the Board makes a decision to discipline physical therapists or physical therapist assistants under powers set out by any of ~~subsections-subdivisions~~ (2) through (4) and (6) of this section, it may as part of its decision charge the reasonable costs of investigation and hearing to the person disciplined."

SECTION 4. G.S. 90-270.93 reads as rewritten:

"§ 90-270.93. Records to be kept; copies of record.

The Board shall keep a record of proceedings under this Article and a record of all persons licensed under it. The record shall show the name, email, last known place of business and last known place of residence, and date and number of licensure certificate as a physical therapist or physical therapist assistant, for every living licensee. Any interested person in the State is entitled to obtain a copy of that record on application to the Board and payment of such reasonable charge as may be fixed by it based on the costs involved."

SECTION 5. G.S. 90-270.95 reads as rewritten:

"§ 90-270.95. Qualifications of applicants for examination; licensure; application; fee.

Any person who desires to be licensed under this Article and ~~who~~who meets all of the following:

- (1) Is of good moral ~~character;~~character.
- (2) If an applicant for physical ~~therapy-therapist~~ licensure, has been graduated from a physical ~~therapy-therapist~~ program accredited by an agency recognized by either the U.S. Office of Education or the Council ~~on Postsecondary Accreditation; and~~for Higher Education Accreditation.
- (3) If an applicant for physical therapist assistant ~~licensure;~~licensure has been graduated from a physical therapist assistant educational program accredited by an agency recognized by either the U.S. Office of Education or the Council ~~on Postsecondary Accreditation; for Higher Education Accreditation, then the applicant may make application on a form furnished by~~shall apply to the Board for examination for licensure as a physical therapist or physical therapist assistant. At the time of making ~~such that~~ application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned."

SECTION 6. G.S. 90-270.96(a) reads as rewritten:

"(a) All applicants for licensure shall consent to a criminal history record check. Refusal to consent to a criminal history record check ~~may~~shall constitute grounds for the Board to deny licensure to an applicant. The Board shall be responsible for providing to the State Bureau of Investigation the fingerprints of the applicant to be checked, a form signed by the applicant consenting to the criminal history record check and the use of fingerprints and other identifying information required by the State or National Repositories, and any additional information required by the State Bureau of Investigation. The Board shall keep all information obtained pursuant to this section confidential."

SECTION 7. G.S. 90-270.97 reads as rewritten:

"§ 90-270.97. Licensure of ~~foreign-trained—non-CAPTE~~ educated physical therapists, therapists and physical therapist assistants.

Any person who has been trained as a physical therapist or physical therapist assistant in a ~~foreign country—non-CAPTE educational program~~ and desires to be licensed under this Article and ~~who~~who satisfies all of the following:

- (1) Is of good moral ~~character;~~character.
- (2) ~~Holds a diploma~~Has a diploma from an educational program for physical therapists or physical therapist assistants approved by the ~~Board;~~Board.

(3) Submits documentary evidence to the Board of completion of a course of instruction substantially equivalent to that obtained by an applicant for licensure under ~~G.S. 90-270.95; and~~ G.S. 90-270.95.

(4) Demonstrates satisfactory proof of proficiency in the English ~~language;~~ language.

~~may. The person shall make application on a form furnished by to the Board for examination licensure as a foreign-trained non-CAPTE educated physical therapist or physical therapist assistant. At the time of making such application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned."~~

SECTION 8. G.S. 90-270.98 reads as rewritten:

"§ 90-270.98. Certificates of licensure.

(a) The Board shall furnish a certificate of licensure to each applicant successfully passing the examination for licensure as a physical therapist or physical therapist assistant, ~~respectively. Upon receipt of satisfactory evidence that an applicant has graduated, within six months prior to application, from a physical therapy or physical therapy assistant program accredited as required under G.S. 90-270.95, the Board may authorize the applicant to perform as a physical therapist or physical therapist assistant in this State, but only under the immediate supervision of a physical therapist licensed in this State, until a formal decision by the Board on the application for license. If a new graduate applicant that has been authorized to perform under supervision by a licensed physical therapist fails (without due cause as determined in the Board's discretion) to take the next succeeding examination, or if the applicant fails to pass the examination, and consequently does not become licensed, the authorization for the applicant to perform under supervision shall expire. Applicants approved by the Board for performance as physical therapists or physical therapist assistants while their applications are pending under circumstances described in this subsection shall be referred to as Physical Therapist Graduate or Physical Therapist Assistant Graduate, respectively, and who satisfies the requirements of G.S. 90-270.95.~~

(b) The Board shall furnish a certificate of licensure to any person who is a physical therapist or physical therapist assistant ~~registered or~~ licensed under the laws of another state or territory, if the individual's qualifications were at the date of his or her registration or licensure substantially equal to the requirements under this ~~Article.~~ Article and if the individual satisfies the requirements of G.S. 90-270.95. When making such application, the applicant shall pay to the secretary-treasurer of the Board the fee prescribed by the Board, no portion of which shall be returned."

SECTION 9. G.S. 90-270.99 reads as rewritten:

"§ 90-270.99. Renewal of license; lapse; revival.

(a) Every licensed physical therapist or physical therapist assistant shall, ~~during the month of January~~ from November 1 through January 31 at close of business of every year, apply to the Board for a renewal of licensure and pay to the secretary-treasurer the prescribed fee. If January 31 is not a business day, the renewal deadline shall be the next succeeding business day. Licenses that are not so renewed shall automatically lapse. The Board may decline to renew licenses of physical therapists or physical therapist assistants for failure to comply with any required continuing competency measures.

(b) The manner in which lapsed licenses shall be revived, reinstated, or extended shall be established by the Board in its discretion."

SECTION 10. G.S. 90-270.100 reads as rewritten:

"§ 90-270.100. Fees.

The Board may collect fees established by its rules, but those fees shall not exceed the following schedule for the specified items:

- | | | |
|------|---|----------|
| (1) | Each application for licensure..... | \$150.00 |
| (1a) | Continuing competence course approvals..... | \$150.00 |

1	(2)	License renewal.....	\$120.00
2	(3)	Transfer/verification/replace certificate	\$30.00
3	(4)	Examination retake.....	\$60.00
4	(5)	Late renewal.....	\$20.00
5	(6)	Licensure revival (in addition to renewal)	\$30.00
6	(7)	Directory	\$10.00
7	(8)	Licensee lists or labels	60.00

8 ~~In all instances where the Board uses the services of a national testing service for preparation,~~
9 ~~administration, or grading of examinations, the Board may charge the applicant the actual cost~~
10 ~~of the examination services, in addition to its other fees."~~

11 **SECTION 11.** G.S. 90-270.101 reads as rewritten:

12 **"§ 90-270.101. Exemptions from licensure; certain practices exempted.**

13 (a) The following persons shall be permitted to practice physical therapy or assist in the
14 practice in this State without obtaining a license under this Article upon the terms and conditions
15 specified herein:

16 ...

17 ~~(6) Persons authorized to perform as physical therapists or physical therapist~~
18 ~~assistants under the provision of G.S. 90-270.98;~~

19 ...

20 (10) Physical therapist or physical therapist assistant applicants seeking licensure
21 or revival while completing the clinical practice requirements required by this
22 Article and licensees performing remediation. Completing the clinical
23 practice requirement without a license under this subdivision and performing
24 remediation shall be performed under a Board-approved plan and supervision
25 of a licensed physical therapist.

26"

27 **SECTION 12.** G.S. 90-270.102 reads as rewritten:

28 **"§ 90-270.102. Unlawful practice.**

29 Except as otherwise authorized in this Article, if any person, firm, or corporation shall:

- 30 (1) Practice, attempt to practice, teach, consult, or supervise in physical therapy,
31 or hold out any person as being able to do any of these things in this State,
32 without first having obtained a license or authorization from the Board for the
33 person performing services or being so held out;
- 34 (2) Use in connection with any person's name any letters, words, numerical codes,
35 or insignia indicating or implying that the person is a physical therapist or
36 physical therapist assistant, ~~or applicant with "Graduate" status,~~ unless the
37 person is licensed or authorized in accordance with this Article;
- 38 (3) Practice or attempt to practice physical therapy with a revoked, lapsed, or
39 suspended license;
- 40 (4) Practice physical therapy and fail to refer to a licensed medical doctor or
41 ~~dentist~~ appropriate healthcare professional any patient whose medical
42 condition should have, at the time of evaluation or treatment, been determined
43 to be beyond the scope of practice of a physical therapist;
- 44 (5) Aid, abet, or assist any unlicensed person to practice physical therapy in
45 violation of this Article; or
- 46 (6) Violate any of the provisions of this Article;

47 said person, firm, or corporation shall be guilty of a Class 1 misdemeanor. Each act of such
48 unlawful practice shall constitute a distinct and separate offense."

49 **SECTION 13.** G.S. 90-270.103 reads as rewritten:

50 **"§ 90-270.103. Grounds for disciplinary action.**

51 Grounds for disciplinary action shall include ~~but not be limited to~~ the following:

- (1) The employment of fraud, deceit or misrepresentation in obtaining or attempting to obtain a license, or the renewal ~~thereof;~~thereof.
- (2) The use of drugs or intoxicating liquors to an extent which affects professional ~~competency;~~competency.
- (3) Conviction of an offense under any municipal, State, or federal narcotic or controlled substance law, until proof of rehabilitation can be ~~established;~~established.
- (4) ~~Conviction~~ Subject to G.S. 93B-8.1, conviction of a felony or ~~other public offense involving moral turpitude, until proof of rehabilitation can be established;~~or a misdemeanor.
- (5) An adjudication of insanity or incompetency, until proof of recovery from the condition can be ~~established;~~established.
- (6) Engaging in any act or practice violative of any of the provisions of this Article or of any of the rules and regulations adopted by the Board, or aiding, abetting or assisting any other person in the violation of the ~~same;~~same.
- (7) The commission of an act or acts of malpractice, gross negligence or incompetence in the practice of physical ~~therapy;~~therapy.
- (8) Practice as a licensed physical therapist or physical therapist assistant without a valid certificate of ~~renewal;~~renewal.
- (9) Engaging in conduct that could result in harm or injury to the public.
- (10) Violation of recognized standards of ethics of the physical therapy profession established under the rules adopted by the Board."

SECTION 14. The North Carolina Board of Physical Therapy Examiners may adopt rules to implement this act.

SECTION 15. This act becomes effective October 1, 2025.