

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS35244-NBf-142

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

Sponsors: Senator Sawrey (Primary Sponsor).

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

6 "Article 18E.

7 "Physical Therapy.

8 "§ 90-270.90. Definitions.

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

10 ...

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

28"

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

30 "§ 90-270.91. Board of Examiners.

31 The North Carolina Board of Physical Therapy Examiners is hereby created. The Board shall
32 consist of eight members, including one medical doctor licensed and residing in North Carolina,
33 four physical therapists, two physical therapist assistants, and one public member. The public
34 member shall be appointed by the Governor and shall be a person who is not licensed under
35 Chapter 90 who shall represent the interest of the public at large. The medical doctor, physical
36 therapists, and physical therapists assistants shall be appointed by the Governor from a list



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1 compiled by the ~~North Carolina Physical Therapy Association, Inc.,~~ American Physical Therapy
2 Association North Carolina (APTANC), following the use of a nomination procedure made
3 available to all physical therapists and physical therapist assistants licensed and residing in North
4 Carolina. In soliciting nominations and compiling its list, the Association will give consideration
5 to geographic distribution, practice setting (institution, independent, academic, etc.), and other
6 factors that will promote representation of all aspects of physical therapy practice on the Board.
7 The records of the operation of the nomination procedure shall be filed with the Board, to be
8 available for a period of six months following nomination, for reasonable inspection by any
9 licensed practitioner. Each physical therapist member of the Board shall be licensed and reside
10 in this State; provided that the physical therapist shall have not less than three years' experience
11 as a physical therapist immediately preceding appointment and shall be actively engaged in the
12 practice of physical therapy in North Carolina during incumbency. Each physical therapist
13 assistant member shall be licensed and reside in this State; provided that the physical therapist
14 assistant shall have not less than three years' experience as a physical therapist assistant
15 immediately preceding appointment and shall be actively engaged in practice as a physical
16 therapist assistant in North Carolina during incumbency.

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

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

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

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

34 "**§ 90-270.92. Powers of the Board.**

35 The Board shall have the following general powers and duties:

- 36 (1) Examine and determine the qualifications and fitness of applicants for a
37 license to practice physical therapy in this State.
- 38 (2) Issue, renew, deny, ~~restrict~~, suspend, or revoke licenses to practice physical
39 therapy in this State, ~~or reprimand and encumber~~ or otherwise discipline licensed
40 physical therapists and physical therapist ~~assistants~~ assistants who
41 demonstrate unprofessional conduct, including departure from, or failure to
42 conform to the standards commensurate with acceptable and prevailing
43 physical therapy practice, or the ethics of the physical therapy profession as
44 defined by the American Physical Therapy Association, Code of Ethics for
45 the Physical Therapist, and Standards of Ethical Conduct for the Physical
46 Therapist Assistant.
- 47 (3) Conduct confidential investigations for the purpose of determining whether
48 violations of this Article or grounds for disciplining licensed physical
49 therapists or physical therapist assistants exist. Investigation records shall not
50 be considered public records under Chapter 132 of the General Statutes. These
51 records are privileged and are not subject to discovery, subpoena, or other

1 means of legal compulsion for release to any person other than the Board or
2 its employees or consultants, except as provided in this section. However, any
3 Board decisions rendered, hearing notices and statements of charges, and any
4 material received and admitted into evidence at Board hearings shall be public
5 records, regardless of whether the notices, statements, or materials are
6 developed or compiled as a result of an investigation; provided that identifying
7 information concerning the treatment or delivery of professional services to a
8 patient who has not consented to its public disclosure ~~may~~shall be deleted or
9 redacted.

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

48 The powers and duties enumerated above are granted for the purpose of enabling the Board
49 to safeguard the public health, safety and welfare against unqualified or incompetent practitioners
50 of physical therapy, and are to be liberally construed to accomplish this objective. In instances
51 where the Board makes a decision to discipline physical therapists or physical therapist assistants

1 under powers set out by any of ~~subsections~~ subdivisions (2) through (4) and (6) of this section, it
 2 may as part of its decision charge the reasonable costs of investigation and hearing to the person
 3 disciplined."

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

5 "**§ 90-270.93. Records to be kept; copies of record.**

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

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

13 "**§ 90-270.95. Qualifications of applicants for ~~examination~~; licensure; application; fee.**

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

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

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

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

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

40 "**§ 90-270.97. Licensure of ~~foreign-trained~~ non-CAPTE educated physical**
 41 **therapists, therapists and physical therapist assistants.**

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

- 45 (1) Is of good moral ~~character~~; character.
- 46 (2) ~~Holds a diploma~~ Has a diploma from an educational program for physical
 47 therapists or physical therapist assistants approved by the ~~Board~~; Board.
- 48 (3) Submits documentary evidence to the Board of completion of a course of
 49 instruction substantially equivalent to that obtained by an applicant for
 50 licensure under ~~G.S. 90-270.95~~; and G.S. 90-270.95.

1 (4) Demonstrates satisfactory proof of proficiency in the English
 2 ~~language; language.~~
 3 ~~may~~ The person shall make application on a form furnished by to the Board for examination
 4 licensure as a foreign-trained non-CAPTE educated physical therapist or physical therapist
 5 assistant. At the time of making such application, the applicant shall pay to the secretary-treasurer
 6 of the Board the fee prescribed by the Board, no portion of which shall be returned."

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

8 **"§ 90-270.98. Certificates of licensure.**

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

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

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

33 **"§ 90-270.99. Renewal of license; lapse; revival.**

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

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

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

44 **"§ 90-270.100. Fees.**

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

47 (1) Each application for licensure	\$150.00
48 <u>(1a) Continuing competence course approvals.....</u>	<u>\$150.00</u>
49 (2) License renewal.....	\$120.00
50 (3) Transfer/verification/replace certificate	\$30.00
51 (4) Examination retake.....	\$60.00

- 1 (5) ~~Late renewal~~.....\$20.00
- 2 (6) Licensure revival (in addition to renewal)\$30.00
- 3 (7) ~~Directory~~\$10.00
- 4 (8) Licensee lists or labels60.00

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

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

9 "**§ 90-270.101. Exemptions from licensure; certain practices exempted.**

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

13 ...
14 (6) ~~Persons authorized to perform as physical therapists or physical therapist~~
15 ~~assistants under the provision of G.S. 90-270.98;~~

16 ...
17 (10) Physical therapist or physical therapist assistant applicants seeking licensure
18 or revival while completing the clinical practice requirements required by this
19 Article and licensees performing remediation. Completing the clinical
20 practice requirement without a license under this subdivision and performing
21 remediation shall be performed under a Board-approved plan and supervision
22 of a licensed physical therapist.

23 "

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

25 "**§ 90-270.102. Unlawful practice.**

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

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

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

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

47 "**§ 90-270.103. Grounds for disciplinary action.**

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

- 49 (1) The employment of fraud, deceit or misrepresentation in obtaining or
- 50 attempting to obtain a license, or the renewal ~~thereof;~~ thereof.

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

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

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