

From: [Kathy Arney](#)
To: [Rep. Jonathan Jordan](#); [Sen. Andy Wells](#); [Sen. Shirley B. Randleman](#); [Rep. Jamie Boles, Jr.](#); [Rep. Ted Davis](#); [Susan L. Sitze \(Legislative Analysis\)](#); [Jeremy Ray \(Legislative Analysis\)](#)
Cc: [Kathy Arney](#)
Subject: re: HB379 Criminal Law Recodification - NCBPTE Submission
Date: Friday, November 30, 2018 03:52:05 PM

To:
Rep. James L. Boles, Jr.
Rep. Ted Davis, Jr.
Sen. Shirley B. Randleman
Rep. Jonathan C. Jordan
Sen. Andy Wells
Susan L Sitze
Jeremy Ray

In response to the requirement for occupational licensing boards in HB379 enacted June 25, 2018, the North Carolina Board of Physical Therapy Examiners is submitting this information to comply with Section 1.

1. There is nothing in the North Carolina Administrative Code in the North Carolina Board of Physical Therapy Examiners rules regarding criminal conduct.
2. Criminal conduct by physical therapy licensees is referred to in the NC PT Practice Act statute and is referenced in the table below. Licensees convicted of a violation of any of the six (6) categories may lead to a misdemeanor.

<p style="text-align:center">G.S. 90-270.24-90-270.39</p> <p style="text-align:center">PHYSICAL THERAPY PRACTICE ACT: NORTH CAROLINA Effective: December 30, 1985 // Fee Schedule Amended: 1999 Continuing Competence Amended: 2006 // Amended: October 1, 2013 (Posted 02-24-14)</p> <p style="text-align:center">Article 18B Physical Therapy</p>
<p>90-270.35. Unlawful practice. Except as otherwise authorized in this act, if any person, firm, or corporation shall:</p> <p>(1) Practice, attempt to practice, teach, consult, or supervise in physical therapy, or hold out any person as being able to do any of these things in this State, without first having obtained a license or authorization from the Board for the person performing services or being so held out;</p> <p>(2) Use in connection with any person's name any letters, words, numerical codes, or insignia indicating or implying that the person is a physical therapist or physical therapist assistant, or applicant with "Graduate" status, unless the person is licensed or authorized in accordance with this Article;</p> <p>(3) Practice or attempt to practice physical therapy with a revoked, lapsed, or suspended license;</p> <p>(4) Practice physical therapy and fail to refer to a licensed medical doctor or dentist any patient whose medical condition should have, at the time of evaluation or treatment, been determined to be beyond the scope of practice of a physical therapist;</p> <p>(5) Aid, abet, or assist any unlicensed person to practice physical therapy in violation of this Article; or</p> <p>(6) Violate any of the provisions of this Article; said person, firm, or corporation shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court. Each act of such unlawful practice shall constitute a distinct and separate offense.</p>

Please let me know if you need additional information or I can be of further assistance to you. Kathy

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