

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 556
SENATE BILL 500

1 AN ACT TO REVISE THE PHYSICAL THERAPY PRACTICE ACT.

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3 The General Assembly of North Carolina do enact:
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5 **Section 1.** Article 18 of the General Statutes of North Carolina is hereby rewritten
6 to read as follows:

7 **"G.S. 90-256. Definitions.** In this Article, unless the context otherwise requires, the following
8 definitions shall apply:

9 (a) 'Examining committee' means the North Carolina State Examining
10 Committee of Physical Therapy.

11 (b) 'Physical therapy' means the evaluation or treatment of any person by the
12 employment of the effective properties of physical measures and the use of
13 therapeutic exercises and rehabilitative procedures, with or without assistive
14 devices, for the purposes of preventing, correcting, or alleviating a physical
15 or mental disability. Physical therapy includes the performance of
16 specialized tests of neuromuscular function, administration of specialized
17 therapeutic procedures, interpretation of referrals from medical doctors and
18 dentists, and establishment and modification of physical therapy programs
19 for patients.

20 (c) 'Physical therapist' means any person who practices physical therapy.

21 (d) 'Physical therapy assistant' means any person who assists and works under
22 the supervision of a physical therapist by performing such patient-related
23 activities as assigned to him by a physical therapist which are commensurate
24 with his education and training, including simple physical therapy
25 procedures, but not the interpretation of physicians' or dentists' referrals,
26 performance of evaluation procedures, or determination and modification of
27 patients' programs.

28 **G.S. 90-257. Examining committee.** The North Carolina State Examining Committee of
29 Physical Therapy is hereby created. The examining committee shall consist of seven members,
30 including at least one licensed medical doctor, four physical therapists and two physical therapy
31 assistants, who shall be appointed by the Governor from a list submitted to him by the North
32 Carolina Physical Therapy Association, Inc., for terms as provided in this Article. Each
33 physical therapy member of the examining committee shall be licensed and a resident of this
34 State; he shall have not less than three years' experience in the practice of physical therapy
35 immediately preceding his appointment and shall be actively engaged in the practice of
36 physical therapy during his incumbency. Each physical therapy assistant member shall be
37 licensed and a resident of this State, provided that the members first appointed on January 1,
38 1970, shall be deemed to be eligible and shall be licensed immediately upon their appointment
39 to the examining committee.

40 Members shall be appointed to serve three-year terms, or until their successors are
41 appointed, to commence on January 1 in respective years, provided that members of the
42 examining committee on the effective date of this Act shall continue to serve for the remainder
43 of their terms, respectively, or until their successors are appointed. The physical therapy

1 assistant members shall be first appointed on January 1, 1970; one such member shall serve a
2 two-year term and the other a three-year term, but thereafter, all appointments shall be for three
3 years. In the event that a member of the examining committee for any reason cannot complete
4 his term of office, another appointment shall be made by the Governor in accordance with the
5 procedure stated above to fill the remainder of the term. No member may serve for more than
6 two successive three-year terms.

7 The examining committee each year shall designate one of its members as chairman and
8 one as secretary-treasurer. The examining committee shall have the power to make such rules
9 and regulations not inconsistent with law which may be necessary for the performance of its
10 duties and shall employ such clerical and other assistance as it may require. It is authorized to
11 prescribe reasonable fees for applications for examination and for certificates of licensure but
12 not to exceed seventy-five dollars (\$75.00), and for renewals of licensure but not to exceed
13 twenty-five dollars (\$25.00). It shall be the duty of the examining committee to pass upon the
14 qualifications of applicants for licensure, approve and be responsible for administering the
15 examination to be given, and determine the applicants who successfully pass the examination.
16 The two physical therapy assistants shall exercise this duty with the other members only as to
17 applicants for licensure as physical therapy assistants.

18 Each member of the examining committee shall receive such per diem compensation and
19 reimbursement for travel and subsistence as shall be set for State boards generally.

20 **"G.S. 90-258. Records to be kept; copies of record.** The examining committee shall keep a
21 record of proceedings under this Article and a record of all persons licensed under it. The
22 record shall show the name of every living licensee, his last known place of business and last
23 known place of residence and the date and number of his licensure certificate as a physical
24 therapist or physical therapy assistant. Any interested person in the State is entitled to obtain a
25 copy of that record on application to the examining committee and payment of such reasonable
26 charge as may be fixed by them based on the costs involved.

27 **"G.S. 90-259. Disposition of funds.** All fees and other moneys collected and received by the
28 examining committee shall be used for the purposes of implementing this Article. The financial
29 records of the examining committee shall be subjected to an annual audit and paid for out of the
30 funds of the examining committee.

31 **"G.S. 90-260. Qualifications of applicants for examination; application; subjects of
32 examination; fee.** Any person who desires to be licensed under this Article and who

- 33 (1) is of good moral character;
- 34 (2) has obtained a high school education or its equivalent as determined by the
35 examining committee;
- 36 (3) if an applicant for physical therapy licensure, has been graduated by a school
37 of physical therapy approved by the American Medical Association and the
38 American Physical Therapy Association at the time of his graduation; and
- 39 (4) if an applicant for physical therapy assistant licensure, has been graduated
40 from a program for physical therapy assistants which has been approved by
41 the examining committee, or has had training or experience deemed
42 equivalent to such program by the examining committee; may make
43 application on a form furnished by the examining committee for examination
44 for licensure as a physical therapist or physical therapy assistant by the
45 examining committee. The physical therapy examination shall embrace the
46 following subjects: The applied sciences of anatomy, neuroanatomy,
47 kinesiology, physiology, pathology, psychology, physics; physical therapy
48 as applied to medicine, neurology, orthopedics, pediatrics, psychiatry',
49 surgery; medical ethics; and technical procedures in the practice of physical
50 therapy as denned in this Article. The physical therapy assistant examination
51 shall embrace the following subjects: the applied sciences of anatomy,

1 kinesiology, physics, pathology, physiology; medical ethics; simple physical
2 therapy procedures which include massage, electrotherapy, hydrotherapy,
3 thermotherapy, therapeutic exercise and rehabilitative procedures.

4 At the time of making such application, the applicant shall pay to the secretary treasurer of
5 the committee the fee prescribed by the committee, no portion of which shall be returned.

6 **"G.S. 90-261. Certificates of licensure for successful examinees.** The examining committee
7 shall furnish a certificate of licensure to each applicant who successfully passes the
8 examination for licensure as a physical therapist or physical therapy assistant, respectively.

9 **"G.S. 90-262. Certificates of licensure for persons registered in other states or territories.**
10 The examining committee shall furnish a certificate of licensure to any person who is a
11 physical therapist or physical therapy assistant registered or licensed under the laws of another
12 state or territory, if the applicable requirements were at the date of his registration or licensure
13 substantially equal to the requirements under this Article. At the time of making such
14 application, the applicant shall pay to the secretary-treasurer of the committee the fee
15 prescribed by the committee.

16 **"G.S. 90-263. Graduate students exempt from licensure; licensure of foreign trained
17 physical therapists.** (a) Physical therapists, including foreign-trained physical therapists, who
18 are graduate students in special physical therapy courses receiving a small stipend rather than
19 the usual staff salary for practicing their profession as part of their training, shall not be
20 required to be licensed as physical therapists in North Carolina. Any such physical therapist
21 shall furnish sufficient information to the examining committee for it to determine such
22 person's status. At the end of one year, should the student wish to continue his education in this
23 State, he must apply to the examining committee for evaluation of this status as of that time.

24 (b) A temporary certificate of licensure, limited to six months, may be issued to a
25 foreign-trained physical therapist who

- 26 (1) makes the usual application for licensure and pays the required fee,
- 27 (2) holds a diploma from an approved school of physical therapy in his own
28 country, and
- 29 (3) is a member of a professional association belonging to the World
30 Confederation of Physical Therapists whose credentials are acceptable to the
31 American Physical Therapy Association and to the North Carolina State
32 Examining Committee of Physical Therapy.

33 (c) A regular certificate of licensure may be issued to a foreign-trained physical
34 therapist who fulfills the above requirements in subsection (b) of this Section and who passes
35 the next North Carolina State examination for licensure or who has passed the American
36 Physical Therapy Association's examination for foreign-trained physical therapists.

37 **"G.S. 90-264. Renewal of license; lapse; revival.** Every licensed physical therapist or
38 physical therapy assistant shall, during the month of January, 1970, and during the month of
39 January every year thereafter, apply to the examining committee for a renewal of licensure and
40 pay to the secretary-treasurer the prescribed fee. Licenses that are not so renewed shall
41 automatically lapse, provided that any licenses in effect on the effective date of this Act shall
42 remain in effect until February 1, 1970, unless revoked or suspended in accordance with the
43 provisions of this Article. The examining committee shall revive and extend a lapsed license on
44 the payment of current fees provided the requirements for securing an original certificate have
45 not been changed so as to have become more stringent than the requirements at the time the
46 certificate lapsed, but the examining committee may refuse to grant any such extension on the
47 same grounds as are set forth in this Article for refusing to grant or for revoking the license of a
48 physical therapist or physical therapy assistant.

49 **"G.S. 90-265. Grounds for refusing licensure; revocation.** The examining committee shall
50 refuse to grant licensure to any person or shall revoke or suspend the license of any physical
51 therapist or physical therapy assistant if he

- 1 (1) is habitually drunk or is addicted to the use of narcotic drugs;
- 2 (2) has been convicted of violating any State or Federal narcotic law;
- 3 (3) has obtained or attempted to obtain licensure by fraud or material
- 4 misrepresentation;
- 5 (4) is guilty of any act derogatory to the standing and morals of the profession of
- 6 physical therapy, including the treatment or undertaking to treat ailments of
- 7 human beings otherwise than by physical therapy and undertaking to
- 8 practice independent of the referral or prescription from a licensed medical
- 9 doctor or dentist.

10 The procedure for revocation shall be that set forth in Chapter 150 of the General Statutes
11 relating to uniform revocation of licenses.

12 **"G.S. 90-266. Unlawful practice.** (a) No person shall practice or hold himself out as being
13 able to practice physical therapy in this State, unless he is licensed in accordance with this
14 Article.

15 (b) No person shall consult, teach or supervise, or hold himself out as being able to do
16 so, in physical therapy in this State, unless he is licensed in accordance with this Article.

17 (c) No person shall represent himself as being a licensed or registered physical therapist
18 or physical therapy assistant, or use in connection with his name any letters, words, or insignia
19 indicating or implying that he is a licensed or registered physical therapist or a physical therapy
20 assistant, unless he is licensed in accordance with this Article.

21 (d) No person shall practice physical therapy except by referral, prescription or orders
22 of a licensed medical doctor or dentist.

23 (e) Nothing in this Article shall be construed in any way to prohibit the following acts
24 or practices:

- 25 (1) any act in the practice of his profession by a person duly licensed in this
- 26 State;
- 27 (2) the practice of physical therapy in the discharge of their official duties by
- 28 physical therapists in the United States Armed services. Public Health
- 29 Service, Veterans' Administration or other federal agency;
- 30 (3) the rendering of physical therapy by any person in a medical emergency
- 31 under the direct supervision of a licensed medical doctor;
- 32 (4) participation in special physical therapy education projects, demonstrations
- 33 or courses by physical therapists qualified in other jurisdictions;
- 34 (5) the administration of simple massages and the operation of health clubs so
- 35 long as not intended to constitute or represent the practice of physical
- 36 therapy;
- 37 (6) the performance by any person of simple mechanical or machine-assisted
- 38 acts in the physical care of a patient, not requiring the knowledge and skill of
- 39 a physical therapist, under orders or directions of a licensed medical doctor
- 40 or dentist.

41 (f) Nothing in this Article shall be construed to authorize persons licensed under this
42 Article to use radiology for diagnostic and therapeutic purposes, or to use electricity for
43 surgical or cauterization purposes, or to make diagnoses of human conditions, or to prescribe
44 therapeutic measures.

45 **"G.S. 90-267. Fraudulently obtaining, etc., licensure a misdemeanor.** No person shall
46 obtain or attempt to obtain licensure as a physical therapist or physical therapy assistant by a
47 willful misrepresentation or any fraudulent representation.

48 **"G.S. 90-268. Violation a misdemeanor.** Any person who violates any of the provisions of
49 this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned
50 at the discretion of the court.

51 **"G.S. 90-269. Title.** This Article may be cited as the 'Physical Therapy Practice Act'."

1 **"G.S. 90-270. Osteopaths, chiropractors and podiatrists not restricted.** Nothing in this
2 Article shall restrict the practice of physical therapy by licensed osteopaths, chiropractors, or
3 podiatrists."

4 **Sec. 2.** If any provision of this Act or the application thereof to any person or
5 circumstances is held invalid, such invalidity shall not affect other provisions or application of
6 the Act which can be given effect without the invalid provisions or application, and to this end
7 the provisions of this Act are declared to be severable.

8 **Sec. 3.** All laws and clauses of laws in conflict with this Act are hereby repealed.

9 **Sec. 4.** This Act shall become effective upon its ratification.

10 In the General Assembly read three times and ratified, this the 22nd day of May,
11 1969.