

## **CHAPTER 61.5-02-02 LICENSURE**

### **Section**

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### **61.5-02-02-01. General licensure requirements for graduates of approved curricula.**

The following requirements apply to all applicants for licensure who are graduates of physical therapy or physical therapist assistant curricula approved by the board:

1. United States-educated applicants:
  - a. A completed application form.
  - b. Payment of the fees set by the board.
  - c. An official transcript or electronic confirmation giving evidence of graduation from a curricula approved by the board.
  - d. Passing scores on the national examination approved by the board.
  - e. Completion of the juris prudence examination.
  - f. Completion of other educational requirements as set by the board.
  - g. At the board's discretion, an interview with the board or its designees.
  - h. Completion of a criminal history background check.
2. Foreign-educated applicants:
  - a. A completed application form.
  - b. Payment of the appropriate fees set by the board.
  - c. Verification of documents by an agency recognized by the board.
  - d. Satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists or physical therapist assistants educated in physical therapist or physical therapist assistant education programs approved by the board. Substantially equivalent means an applicant for licensure educated outside of the United States shall have:
    - (1) Graduated from a physical therapist or physical therapist assistant education program that prepares the applicant to engage without restrictions in the practice of physical therapy.
    - (2) Proof that the applicant's school of physical therapist or physical therapist assistant education is recognized by its own ministry of education.

- (3) Pass the board-approved English proficiency examination if the applicant's native language is not English.
  - (4) For initial licensure, satisfactory completion of the federation of state boards of physical therapy coursework tools in effect in 2017.
  - (5) For licensure by endorsement, satisfactory completion of the federation of state boards of physical therapy 2017 coursework tools, or a prior version in effect at the time of graduation from the physical therapist or physical therapist assistant education program.
- e. Passing scores on the national examination approved by the board.
  - f. Completion of juris prudence examination.
  - g. At the board's discretion, an interview with the board or its designees.
  - h. At the board's discretion, successful completion of a supervised clinical practice, including one thousand hours of a preceptorship under the onsite supervision of a physical therapist licensed and actively practicing in North Dakota.
  - i. Completion of a criminal history background check.

**History:** Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006; January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-26.1-03(5)

**Law Implemented:** NDCC 43-26.1-03, 43-26.1-04

#### **61.5-02-02-02. Types of licensure.**

- 1. For licensure by examination, all general licensure requirements must be met.
- 2. For licensure by endorsement from another United States jurisdiction:
  - a. All general licensure requirements must be met.
  - b. Verification of licensure from all jurisdictions in which the applicant is currently licensed.
  - c. Copy of scores on the examination transmitted by a score transfer service approved by the board.
  - d. At the board's discretion, an interview with the board or its designees.
  - e. If the applicant has not practiced physical therapy for three or more years, the applicant shall demonstrate to the board's satisfaction competence to practice physical therapy by one or more of the following as determined by the board:
    - (1) Practice for a specified time under a restricted license.
    - (2) Complete prescribed remedial courses.
    - (3) Complete continuing competence or similar requirements for the period of the expired license.
    - (4) Pass an examination approved by the board.
- 3. For compact privileges, all general requirements set forth in the physical therapy licensure compact in North Dakota Century Code chapter 43-26.2.

**History:** Effective December 1, 1980; amended effective April 1, 1992; December 1, 1994; July 1, 2004; April 1, 2006; January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-26.1-03(5)

**Law Implemented:** NDCC 43-26.1-04, 43-26.1-05

**61.5-02-02-03. Registration requirements for graduates of foreign curricula.**

Repealed effective July 1, 2004.

**61.5-02-02-04. Types of registration.**

Repealed effective July 1, 2004.

**61.5-02-02-05. Renewal of licensure.**

1. Licenses not renewed annually by January thirty-first will expire.
2. If a licensee fails to receive the renewal notice, it is the licensee's responsibility to contact the board before the January thirty-first deadline.
3. A licensee who fails to renew the license on or before the expiration date shall not practice as a physical therapist or physical therapist assistant in this state, and may be subject to a late renewal fee.
4. Complete other competence requirements as prescribed by the board.
5. Each licensee is responsible for reporting to the board changes in contact information within thirty days of the change.

**History:** Effective December 1, 1980; amended effective April 1, 1992; December 1, 1994; July 1, 2004; April 1, 2006; January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-26.1-03(5)

**Law Implemented:** NDCC 43-26.1-08, 43-26.1-09

**61.5-02-02-05.1. Reinstatement of licenses.**

1. The board may reinstate an expired license upon payment of a renewal fee and reinstatement fee.
2. If a license has expired for more than one year, the licensee is not eligible for renewal, but must submit application for licensure.
3. Licensees whose licenses have lapsed and who have been unlicensed for more than one year but less than three years from the last renewal must reapply for licensure and provide evidence that the cumulative continuing education requirements have been met for the unlicensed period.
4. Licensees whose licenses have lapsed for more than three consecutive years must reapply for licensure and shall demonstrate to the board's satisfaction competence to practice physical therapy, by one or more of the following as determined by the board:
  - a. Practice for a specified time under a restricted license.
  - b. Complete prescribed remedial courses.
  - c. Complete continuing competency or similar requirements for the period of the expired license.

- d. Pass an examination approved by the board.

**History:** Effective April 1, 2006; amended effective January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-26.1-03(5)

**Law Implemented:** NDCC 43-26.1-09

#### **61.5-02-02-06. Exceptions to licensure.**

The following persons are exempt from North Dakota physical therapy licensure requirements when engaged in the following activities:

1. A person in a professional education program approved by the board who is pursuing a course of study leading to a degree as a physical therapist or a physical therapist assistant and who is satisfying supervised clinical education requirements related to the person's physical therapy education while under onsite supervision of a licensed physical therapist.
2. A physical therapist or a physical therapist assistant who is practicing in the United States armed services, United States public health service, or veterans administration pursuant to federal regulation for state licensure of health care providers.
3. A physical therapist or a physical therapist assistant who is licensed in another United States jurisdiction or a foreign-educated physical therapist credentialed in another country if that person is performing physical therapy in connection with teaching or participating in an educational seminar of no more than sixty days in a calendar year.
4. A military spouse, as defined in North Dakota Century Code section 43-51-01 is immediately eligible to work as a physical therapist or physical therapist assistant if the military spouse has an active unencumbered license to practice in another jurisdiction. This practice privilege is good for ninety days as long as progress is being made with the spouse's application process in North Dakota. If the spouse is unable to complete the application process within ninety days, the board may grant an extension on a case-by-case basis as provided under North Dakota Century Code section 43-51-11.1. The board shall provide for identification as a military spouse on any license application or renewal form.

**History:** Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006; January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-51

**Law Implemented:** NDCC 43-26.1-07, 43-51-01, 43-51-11.1, 43-51-11.2

#### **61.5-02-02-07. Grounds for disciplinary actions.**

The board may refuse to license any physical therapist or physical therapist assistant, may discipline, or may suspend or revoke the license of any physical therapist or physical therapist assistant for any of the following grounds:

1. Violating any provision of this chapter, board rules, or a written order of the board.
2. Practicing or offering to practice beyond the scope of the practice of physical therapy.
3. Failing to refer a patient or client to an appropriate practitioner if the diagnostic process reveals findings that are outside the scope of the physical therapist's knowledge, experience, or expertise.
4. Obtaining or attempting to obtain a license by fraud or misrepresentation.
5. Engaging in the performance of substandard physical therapy care due to a deliberate or negligent act or failure to act, regardless of whether actual injury to the patient is established.

6. Engaging in the performance of substandard care by a physical therapist assistant, including exceeding the authority to perform components of intervention selected by the supervising physical therapist regardless of whether actual injury to the patient is established.
7. Failing to supervise physical therapist assistants or physical therapy aides in accordance with this chapter and board rules.
8. A determination by the board that a licensee's conviction of an offense has a direct bearing on the licensee's ability to serve the public as a physical therapist or physical therapist assistant or that, following conviction of any offense, the holder is not sufficiently rehabilitated as provided under North Dakota Century Code section 12.1-33-02.1.
9. Practicing as a physical therapist or working as a physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances or other habit-forming drugs, chemicals, alcohol, or by other causes.
10. Having had a license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country.
11. Engaging in sexual misconduct. For the purpose of this subsection, sexual misconduct includes:
  - a. Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant-patient relationship exists.
  - b. Making sexual advances, requesting sexual favors, or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients.
  - c. Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.
12. Failing to adhere to the standards of ethics adopted in 2010 by the American physical therapy association and adopted by rule by the board.
13. Charging unreasonable or fraudulent fees for services performed or not performed.
14. Making misleading, deceptive, untrue, or fraudulent representations in violation of this chapter or in the practice of the profession.
15. Having been adjudged mentally incompetent by a court.
16. Aiding and abetting a person who is not licensed in this state in the performance of activities requiring a license.
17. Failing to report to the board, when there is direct knowledge, any unprofessional, incompetent, or illegal acts that appear to be in violation of this chapter or any rules established by the board.
18. Interfering with an investigation or disciplinary proceeding by failure to cooperate, by willful misrepresentation of facts, or by the use of threats or harassment against any patient or witness to prevent that patient or witness from providing evidence in a disciplinary proceeding or any legal action.
19. Failing to maintain adequate patient records. For the purposes of this subsection, "adequate patient records" means legible records that contain at a minimum sufficient information to

identify the patient, an evaluation of objective findings, a diagnosis, a plan of care, a treatment record, and a discharge plan.

20. Failing to maintain patient confidentiality without the written authorization of the patient or unless otherwise permitted by law. All records used or resulting from a consultation under North Dakota Century Code section 43-51-03 are part of a patient's records and are subject to applicable confidentiality requirements.
21. Promoting any unnecessary device, treatment intervention, or service resulting in the financial gain of the practitioner or of a third party.
22. Providing treatment intervention unwarranted by the condition of the patient or continuing treatment beyond the point of reasonable benefit.
23. Participating in underutilization or overutilization of physical therapy services for personal or institutional financial gain.
24. Attempting to engage in conduct that subverts or undermines the integrity of the examination or the examination process, including a violation of security and copyright provisions related to the national licensure examination, utilizing recalled or memorized examination questions from or with any individual, communicating or attempting to communicate with other examinees during the examination, or copying or sharing examination questions or portions of questions.

**History:** Effective December 1, 1980; amended effective July 1, 2004; April 1, 2006; January 1, 2016; April 1, 2020.

**General Authority:** NDCC 43-26.1-03(5)

**Law Implemented:** NDCC 43-26.1-13