

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HOUSE BILL 2504

AN ACT

AMENDING TITLE 32, CHAPTER 19, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2053; RELATING TO PHYSICAL THERAPY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 19, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-2053, to read:

4 32-2053. Physical therapy licensure compact

5 THE PHYSICAL THERAPY LICENSURE COMPACT IS ADOPTED AND ENACTED INTO LAW
6 AS FOLLOWS:

7 SECTION 1

8 PURPOSE

9 THE PURPOSE OF THIS COMPACT IS TO FACILITATE THE INTERSTATE PRACTICE OF
10 PHYSICAL THERAPY WITH THE GOAL OF IMPROVING PUBLIC ACCESS TO PHYSICAL THERAPY
11 SERVICES. THE PRACTICE OF PHYSICAL THERAPY OCCURS IN THE STATE WHERE THE
12 PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT ENCOUNTER. THIS
13 COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES TO PROTECT THE PUBLIC
14 HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE. THIS
15 COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

- 16 1. INCREASE PUBLIC ACCESS TO PHYSICAL THERAPY SERVICES BY PROVIDING
17 FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE LICENSES.
- 18 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC HEALTH AND
19 SAFETY.
- 20 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING MULTISTATE
21 PHYSICAL THERAPY PRACTICE.
- 22 4. SUPPORT SPOUSES OF RELOCATING MILITARY MEMBERS.
- 23 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND DISCIPLINARY
24 INFORMATION BETWEEN MEMBER STATES.
- 25 6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES WITH A COMPACT
26 PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT STATE'S PRACTICE STANDARDS.

27 SECTION 2

28 DEFINITIONS

29 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE
30 FOLLOWING DEFINITIONS SHALL APPLY:

- 31 1. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE
32 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL
33 GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE
34 SECTION 1211.
- 35 2. "ADVERSE ACTION" MEANS DISCIPLINARY ACTION TAKEN BY A PHYSICAL
36 THERAPY LICENSING BOARD BASED ON MISCONDUCT OR UNACCEPTABLE PERFORMANCE, OR
37 BOTH.
- 38 3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR
39 PRACTICE REMEDIATION PROCESS APPROVED BY A PHYSICAL THERAPY LICENSING BOARD,
40 INCLUDING A PROGRAM RELATING TO SUBSTANCE ABUSE ISSUES.
- 41 4. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY A REMOTE
42 STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER STATE TO PRACTICE AS A PHYSICAL
43 THERAPIST OR WORK AS A PHYSICAL THERAPIST ASSISTANT IN THE REMOTE STATE UNDER
44 ITS LAWS AND RULES. THE PRACTICE OF PHYSICAL THERAPY OCCURS IN THE MEMBER

- 1 STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT
2 ENCOUNTER.
- 3 5. "CONTINUING COMPETENCE" MEANS A REQUIREMENT, AS A CONDITION OF
4 LICENSE RENEWAL, TO PROVIDE EVIDENCE OF PARTICIPATION IN OR COMPLETION OF
5 EDUCATIONAL AND PROFESSIONAL ACTIVITIES RELEVANT TO THE PRACTICE OR AREA OF
6 WORK.
- 7 6. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES,
8 INCLUDING EXAMINATION, LICENSURE, INVESTIGATIVE INFORMATION, COMPACT
9 PRIVILEGE AND ADVERSE ACTION.
- 10 7. "ENCUMBERED LICENSE" MEANS A LICENSE THAT A PHYSICAL THERAPY
11 LICENSING BOARD HAS LIMITED IN ANY WAY.
- 12 8. "EXECUTIVE BOARD" MEANS A GROUP OF DIRECTORS ELECTED OR APPOINTED
13 TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED BY, THE COMMISSION.
- 14 9. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE'S PRIMARY
15 STATE OF RESIDENCE.
- 16 10. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS AND
17 DOCUMENTS RECEIVED OR GENERATED BY A PHYSICAL THERAPY LICENSING BOARD
18 PURSUANT TO AN INVESTIGATION.
- 19 11. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN
20 INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING THE PRACTICE OF
21 PHYSICAL THERAPY IN A STATE.
- 22 12. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN
23 AUTHORIZATION FROM THE STATE TO PRACTICE AS A PHYSICAL THERAPIST OR TO WORK
24 AS A PHYSICAL THERAPIST ASSISTANT.
- 25 13. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.
- 26 14. "PARTY STATE" MEANS ANY MEMBER STATE IN WHICH A LICENSEE HOLDS A
27 CURRENT LICENSE OR COMPACT PRIVILEGE OR IS APPLYING FOR A LICENSE OR COMPACT
28 PRIVILEGE.
- 29 15. "PHYSICAL THERAPIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A
30 STATE TO PRACTICE PHYSICAL THERAPY.
- 31 16. "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WHO IS LICENSED
32 OR CERTIFIED BY A STATE AND WHO ASSISTS THE PHYSICAL THERAPIST IN SELECTED
33 COMPONENTS OF PHYSICAL THERAPY.
- 34 17. "PHYSICAL THERAPY", "PHYSICAL THERAPY PRACTICE" OR "PRACTICE OF
35 PHYSICAL THERAPY" MEANS THE CARE AND SERVICES PROVIDED BY OR UNDER THE
36 DIRECTION AND SUPERVISION OF A LICENSED PHYSICAL THERAPIST.
- 37 18. "PHYSICAL THERAPY COMPACT COMMISSION" OR "COMMISSION" MEANS THE
38 NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT
39 HAVE ENACTED THIS COMPACT.
- 40 19. "PHYSICAL THERAPY LICENSING BOARD" OR "LICENSING BOARD" MEANS THE
41 AGENCY OF A STATE THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF
42 PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.
- 43 20. "REMOTE STATE" MEANS A MEMBER STATE, OTHER THAN THE HOME STATE,
44 WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT PRIVILEGE.

SECTION 6
ADVERSE ACTIONS

1
2
3 A. A HOME STATE SHALL HAVE EXCLUSIVE POWER TO IMPOSE AN ADVERSE ACTION
4 AGAINST A LICENSE ISSUED BY THE HOME STATE.

5 B. A HOME STATE MAY TAKE AN ADVERSE ACTION BASED ON THE INVESTIGATIVE
6 INFORMATION OF A REMOTE STATE, SO LONG AS THE HOME STATE FOLLOWS ITS OWN
7 PROCEDURES FOR IMPOSING AN ADVERSE ACTION.

8 C. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S DECISION
9 THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
10 ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF REQUIRED BY THE
11 MEMBER STATE'S LAWS. MEMBER STATES MUST REQUIRE LICENSEES WHO ENTER ANY
12 ALTERNATIVE PROGRAMS IN LIEU OF DISCIPLINE TO AGREE NOT TO PRACTICE IN ANY
13 OTHER MEMBER STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
14 AUTHORIZATION FROM SUCH OTHER MEMBER STATE.

15 D. ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF
16 THE STATUTES AND RULES AUTHORIZING THE PRACTICE OF PHYSICAL THERAPY IN ANY
17 OTHER MEMBER STATE IN WHICH A PHYSICAL THERAPIST OR PHYSICAL THERAPIST
18 ASSISTANT HOLDS A LICENSE OR COMPACT PRIVILEGE.

19 E. A REMOTE STATE SHALL HAVE THE AUTHORITY TO DO ALL OF THE FOLLOWING:

20 1. TAKE ADVERSE ACTIONS AS SET FORTH IN SECTION 4, SUBSECTION D OF
21 THIS COMPACT AGAINST A LICENSEE'S COMPACT PRIVILEGE IN THE STATE.

22 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE
23 THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE.
24 SUBPOENAS ISSUED BY A PHYSICAL THERAPY LICENSING BOARD IN A PARTY STATE FOR
25 THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
26 ANOTHER PARTY STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
27 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT
28 APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING
29 AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES
30 REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE THE WITNESSES OR EVIDENCE
31 ARE LOCATED.

32 3. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE LICENSEE THE
33 COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE
34 ACTION TAKEN AGAINST THAT LICENSEE.

35 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

36 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
37 RESPECTIVE PHYSICAL THERAPY PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A
38 MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS
39 OF LICENSEES.

40 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
41 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION
42 INITIATED UNDER THE COMPACT.

SECTION 7

ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC AGENCY KNOWN AS THE PHYSICAL THERAPY COMPACT COMMISSION TO WHICH THE FOLLOWING APPLY:

1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES.

2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF SOVEREIGN IMMUNITY.

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE SELECTED BY THAT MEMBER STATE'S LICENSING BOARD.

2. THE DELEGATE SHALL BE A CURRENT MEMBER OF THE LICENSING BOARD, WHO IS A PHYSICAL THERAPIST, PHYSICAL THERAPIST ASSISTANT OR PUBLIC MEMBER OR THE BOARD ADMINISTRATOR.

3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.

4. THE MEMBER STATE BOARD SHALL FILL ANY VACANCY OCCURRING IN THE COMMISSION.

5. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE ADOPTION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.

6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR THE DELEGATE'S PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.

C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

2. ESTABLISH BYLAWS.

3. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

4. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THE PROVISIONS OF THIS COMPACT AND THE BYLAWS.

5. ADOPT UNIFORM RULES TO FACILITATE AND COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER STATES.

6. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE PHYSICAL THERAPY LICENSING BOARD TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.

7. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

- 1 8. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
2 EMPLOYEES OF A MEMBER STATE.
- 3 9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION, DEFINE
4 DUTIES AND GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE
5 PURPOSES OF THE COMPACT AND TO ESTABLISH THE COMMISSION'S PERSONNEL POLICIES
6 AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
7 AND OTHER RELATED PERSONNEL MATTERS.
- 8 10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY,
9 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND RECEIVE, UTILIZE AND DISPOSE
10 OF THE SAME, IF AT ALL TIMES THE COMMISSION AVOIDS ANY APPEARANCE OF
11 IMPROPRIETY OR CONFLICT OF INTEREST.
- 12 11. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF OR
13 OTHERWISE OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL OR MIXED.
14 AT ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY.
- 15 12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
16 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.
- 17 13. ESTABLISH A BUDGET AND MAKE EXPENDITURES.
- 18 14. BORROW MONEY.
- 19 15. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF
20 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES AND
21 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE
22 DESIGNATED IN THIS COMPACT AND THE BYLAWS.
- 23 16. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW
24 ENFORCEMENT AGENCIES.
- 25 17. ESTABLISH AND ELECT AN EXECUTIVE BOARD.
- 26 18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
27 ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION OF
28 PHYSICAL THERAPY LICENSURE AND PRACTICE.
- 29 D. PROVISION FOR THE EXECUTIVE BOARD IS AS FOLLOWS:
30 1. THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
31 COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT AND SHALL BE COMPOSED OF
32 THE FOLLOWING NINE MEMBERS:
33 (a) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE
34 CURRENT MEMBERSHIP OF THE COMMISSION.
35 (b) ONE EX OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED NATIONAL
36 PHYSICAL THERAPY PROFESSIONAL ASSOCIATION.
37 (c) ONE EX OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED MEMBERSHIP
38 ORGANIZATION OF THE PHYSICAL THERAPY LICENSING BOARDS.
- 39 2. THE EX OFFICIO MEMBERS WILL BE SELECTED BY THEIR RESPECTIVE
40 ORGANIZATIONS.
- 41 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE BOARD AS
42 PROVIDED IN BYLAWS.
- 43 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.
- 44 5. THE EXECUTIVE BOARD SHALL HAVE THE FOLLOWING DUTIES AND
45 RESPONSIBILITIES:

- 1 (a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR BYLAWS,
2 TO THIS COMPACT LEGISLATION, TO FEES PAID BY COMPACT MEMBER STATES SUCH AS
3 ANNUAL DUES AND TO ANY COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE
4 COMPACT PRIVILEGE.
- 5 (b) ENSURE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY PROVIDED,
6 CONTRACTUAL OR OTHERWISE.
- 7 (c) PREPARE AND RECOMMEND THE BUDGET.
- 8 (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.
- 9 (e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE COMPLIANCE
10 REPORTS TO THE COMMISSION.
- 11 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.
- 12 (g) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.
- 13 E. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:
- 14 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF
15 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING
16 PROVISIONS IN SECTION 9 OF THIS COMPACT.
- 17 2. THE COMMISSION OR THE EXECUTIVE BOARD OR OTHER COMMITTEES OF THE
18 COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE COMMISSION OR
19 EXECUTIVE BOARD OR OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS ANY OF THE
20 FOLLOWING:
- 21 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE
22 COMPACT.
- 23 (b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OF OR OTHER MATTERS,
24 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES, OR OTHER MATTERS
25 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.
- 26 (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.
- 27 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
28 GOODS, SERVICES OR REAL ESTATE.
- 29 (e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.
- 30 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
31 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.
- 32 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE FOR WHICH
33 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
34 PRIVACY.
- 35 (h) THE DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
36 ENFORCEMENT PURPOSES.
- 37 (i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORT
38 PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE
39 CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR DETERMINING COMPLIANCE
40 ISSUES PURSUANT TO THIS COMPACT.
- 41 (j) MATTERS SPECIFICALLY EXEMPT FROM DISCLOSURE BY FEDERAL OR MEMBER
42 STATE STATUTE.
- 43 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO THIS
44 SECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE
45 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.

1 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE
2 ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE
3 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A DESCRIPTION
4 OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
5 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A
6 CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE
7 OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.

8 F. FINANCING OF THE COMMISSION IS AS FOLLOWS:

9 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
10 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
11 ACTIVITIES.

12 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE SOURCES,
13 DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES.

14 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
15 EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
16 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A
17 TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
18 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL
19 ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY
20 THE COMMISSION, WHICH SHALL ADOPT A RULE THAT IS BINDING ON ALL MEMBER
21 STATES.

22 4. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
23 SECURING THE MONIES ADEQUATE TO MEET THOSE OBLIGATIONS, AND THE COMMISSION
24 MAY NOT PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE
25 AUTHORITY OF THE MEMBER STATE.

26 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL OF ITS RECEIPTS
27 AND DISBURSEMENTS, WHICH ARE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
28 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES
29 HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED
30 PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND
31 BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

32 G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION PROVISIONS ARE AS
33 FOLLOWS:

34 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
35 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, EITHER
36 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS
37 OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
38 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT
39 THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
40 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
41 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY SUCH PERSON FROM SUIT
42 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE
43 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

44 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
45 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION

1 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR
2 OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
3 OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
4 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
5 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROHIBIT
6 THAT PERSON FROM RETAINING THE PERSON'S OWN COUNSEL IF THE ACTUAL OR ALLEGED
7 ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
8 WILFUL OR WANTON MISCONDUCT.

9 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
10 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION FOR
11 THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING
12 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE
13 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH
14 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
15 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL OR ALLEGED
16 ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILFUL OR
17 WANTON MISCONDUCT OF THAT PERSON.

18 SECTION 8
19 DATA SYSTEM

20 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE AND
21 UTILIZATION OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING
22 LICENSURE, ADVERSE ACTION AND INVESTIGATIVE INFORMATION ON ALL LICENSED
23 INDIVIDUALS IN MEMBER STATES.

24 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE CONTRARY, A
25 MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA SYSTEM ON ALL
26 INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS REQUIRED BY THE RULES OF THE
27 COMMISSION, INCLUDING ALL OF THE FOLLOWING:

28 1. IDENTIFYING INFORMATION.

29 2. LICENSURE DATA.

30 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE.

31 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
32 PARTICIPATION.

33 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR
34 REASONS FOR SUCH DENIAL.

35 6. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
36 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

37 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER
38 STATE WILL ONLY BE AVAILABLE TO OTHER PARTY STATES.

39 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF ANY
40 ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING FOR A
41 LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER
42 STATE WILL BE AVAILABLE TO ANY OTHER MEMBER STATE.

43 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY
44 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
45 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

1 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS SUBSEQUENTLY
2 REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE CONTRIBUTING THE
3 INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

4 SECTION 9
5 RULEMAKING

6 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO THE
7 CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED UNDER THIS SECTION.
8 RULES AND AMENDMENTS BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR
9 AMENDMENT.

10 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECT A
11 RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
12 THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, THE
13 RULE HAS NO FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

14 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR OR
15 SPECIAL MEETING OF THE COMMISSION.

16 D. BEFORE THE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND
17 AT LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE RULE WILL BE CONSIDERED
18 AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING ON
19 BOTH:

20 1. THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
21 PLATFORM.

22 2. THE WEBSITE OF EACH MEMBER STATE'S PHYSICAL THERAPY LICENSING BOARD
23 OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE PUBLICATION IN WHICH EACH STATE
24 WOULD OTHERWISE PUBLISH PROPOSED RULES.

25 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
26 FOLLOWING:

27 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE
28 RULE WILL BE CONSIDERED AND VOTED ON.

29 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR THE
30 PROPOSED RULE.

31 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
32 PERSON.

33 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
34 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING, AND ANY WRITTEN
35 COMMENTS.

36 F. BEFORE THE ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL ALLOW
37 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL BE
38 MADE AVAILABLE TO THE PUBLIC.

39 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING
40 BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED BY ANY OF THE
41 FOLLOWING:

42 1. AT LEAST TWENTY-FIVE PERSONS.

43 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY.

44 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

1 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE
2 COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE SCHEDULED PUBLIC
3 HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS, THE COMMISSION SHALL
4 PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC HEARING. ADDITIONALLY:

5 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE
6 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING OF
7 THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING AT LEAST FIVE BUSINESS DAYS
8 BEFORE THE SCHEDULED DATE OF THE HEARING.

9 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO
10 WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN
11 WRITING.

12 3. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING WILL BE
13 MADE AVAILABLE ON REQUEST.

14 4. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.
15 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS
16 REQUIRED BY THIS SECTION.

17 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF BUSINESS
18 ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE COMMISSION
19 SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

20 J. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY
21 INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH THE ADOPTION
22 OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

23 K. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE FINAL
24 ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE OF THE
25 RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF THE RULE.

26 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
27 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, AN OPPORTUNITY FOR
28 COMMENT OR A HEARING IF THE USUAL RULEMAKING PROCEDURES PROVIDED IN THE
29 COMPACT AND IN THIS SECTION ARE RETROACTIVELY APPLIED TO THE RULE AS SOON AS
30 REASONABLY POSSIBLE, BUT NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE
31 OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION, AN EMERGENCY RULE IS ONE
32 THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY OF THE FOLLOWING:

33 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

34 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS.

35 3. MEET A DEADLINE FOR THE ADOPTION OF AN ADMINISTRATIVE RULE THAT IS
36 ESTABLISHED BY FEDERAL LAW OR RULE.

37 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

38 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
39 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
40 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
41 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
42 WEBSITE OF THE COMMISSION. THE REVISION IS SUBJECT TO CHALLENGE BY ANY
43 PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE
44 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO
45 A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE

1 CHAIRPERSON OF THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO
2 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF
3 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
4 APPROVAL OF THE COMMISSION.

5 SECTION 10

6 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

7 A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

8 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
9 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL
10 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND
11 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES ADOPTED UNDER THIS
12 COMPACT HAVE STANDING AS STATUTORY LAW.

13 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES
14 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO
15 THE SUBJECT MATTER OF THIS COMPACT THAT MAY AFFECT THE POWERS,
16 RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

17 3. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY
18 SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING FOR
19 ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION SHALL
20 RENDER A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR RULES
21 ADOPTED UNDER THIS COMPACT.

22 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION PROVISIONS ARE AS
23 FOLLOWS:

24 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN
25 THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT OR
26 RULES ADOPTED UNDER THIS COMPACT, THE COMMISSION SHALL DO BOTH OF THE
27 FOLLOWING:

28 (a) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
29 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT
30 OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

31 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
32 REGARDING THE DEFAULT.

33 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING
34 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY
35 OF THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY
36 THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE
37 OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR
38 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

39 3. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE IMPOSED ONLY
40 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF
41 INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE
42 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
43 LEGISLATURE AND EACH OF THE MEMBER STATES.

44 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
45 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE

1 OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE
2 OF TERMINATION.

3 5. THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A STATE THAT IS
4 FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THE COMPACT, UNLESS
5 AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

6 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
7 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR
8 THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES. THE
9 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING
10 REASONABLE ATTORNEY FEES.

11 C. DISPUTE RESOLUTION PROVISIONS ARE AS FOLLOWS:

12 1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO
13 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND
14 BETWEEN MEMBER AND NONMEMBER STATES.

15 2. THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION AND
16 BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

17 D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

18 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL
19 ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

20 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE
21 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL
22 DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A MEMBER
23 STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND
24 ITS ADOPTED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE
25 RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING
26 MEMBER SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
27 ATTORNEY FEES.

28 3. THE REMEDIES IN THIS COMPACT ARE NOT THE EXCLUSIVE REMEDIES OF THE
29 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER
30 FEDERAL OR STATE LAW.

31 SECTION 11

32 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
33 FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED
34 RULES, WITHDRAWAL AND AMENDMENT

35 A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT STATUTE
36 IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS, WHICH BECOME
37 EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE
38 COMMISSION RELATING TO ASSEMBLY AND THE ADOPTION OF RULES. THEREAFTER, THE
39 COMMISSION SHALL MEET AND EXERCISE RULEMAKING POWERS NECESSARY TO THE
40 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.

41 B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE COMMISSION'S
42 INITIAL ADOPTION OF THE RULES IS SUBJECT TO THE RULES AS THEY EXIST ON THE
43 DATE ON WHICH THE COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN
44 PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF
45 LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

1 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
2 STATUTE REPEALING THE SAME:

3 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX MONTHS
4 AFTER ENACTMENT OF THE REPEALING STATUTE.

5 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE
6 WITHDRAWING STATE'S PHYSICAL THERAPY LICENSING BOARD TO COMPLY WITH THE
7 INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS ACT BEFORE
8 THE EFFECTIVE DATE OF WITHDRAWAL.

9 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY PHYSICAL THERAPY
10 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE
11 AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF THIS
12 COMPACT.

13 E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT TO
14 THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE UNTIL
15 IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

16 SECTION 12

17 CONSTRUCTION AND SEVERABILITY

18 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
19 PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND IF
20 ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED TO BE
21 CONTRARY TO THE CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES OR IF
22 THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE
23 IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
24 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL
25 NOT BE AFFECTED THEREBY. IF THIS COMPACT IS HELD CONTRARY TO THE
26 CONSTITUTION OF ANY PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND
27 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND EFFECT AS TO
28 THE PARTY STATE AFFECTED AS TO ALL SEVERABLE MATTERS.