

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

**CHAPTER 299**  
**HOUSE BILL 2504**

AN ACT

AMENDING TITLE 32, CHAPTER 19, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-2053, 32-2054, 32-2055 AND 32-2056; 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 sections 32-2053, 32-2054, 32-2055 and 32-2056, 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  
45 STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT  
46 ENCOUNTER.

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

SECTION 3

STATE PARTICIPATION IN THE COMPACT

A. TO PARTICIPATE IN THE COMPACT, A STATE MUST DO ALL OF THE FOLLOWING:

1. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES.

2. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING COMPLAINTS ABOUT LICENSEES.

3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF INVESTIGATIVE INFORMATION REGARDING A LICENSEE.

4. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY RULE, BY RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS IN MAKING LICENSURE DECISIONS.

5. COMPLY WITH THE RULES OF THE COMMISSION.

6. UTILIZE A RECOGNIZED NATIONAL EXAMINATION AS A REQUIREMENT FOR LICENSURE PURSUANT TO THE RULES OF THE COMMISSION.

7. HAVE CONTINUING COMPETENCE REQUIREMENTS AS A CONDITION FOR LICENSE RENEWAL.

B. ON ADOPTION OF THIS COMPACT, THE MEMBER STATE SHALL HAVE THE AUTHORITY TO OBTAIN BIOMETRIC-BASED INFORMATION FROM EACH PHYSICAL THERAPY LICENSURE APPLICANT AND SUBMIT THIS INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK IN ACCORDANCE WITH 28 UNITED STATES CODE SECTION 534 AND 42 UNITED STATES CODE SECTION 14616.

C. A MEMBER STATE SHALL GRANT THE COMPACT PRIVILEGE TO A LICENSEE HOLDING A VALID UNENCUMBERED LICENSE IN ANOTHER MEMBER STATE IN ACCORDANCE WITH THE TERMS OF THE COMPACT AND RULES.

D. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A COMPACT PRIVILEGE.

SECTION 4

COMPACT PRIVILEGE

A. TO EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND PROVISIONS OF THE COMPACT, THE LICENSEE SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

1. HOLD A LICENSE IN THE HOME STATE.

2. HAVE NO ENCUMBRANCE ON ANY STATE LICENSE.

3. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE IN ACCORDANCE WITH SUBSECTIONS D, G AND H OF THIS SECTION.

4. NOT HAVE HAD ANY ADVERSE ACTION TAKEN AGAINST ANY LICENSE OR COMPACT PRIVILEGE WITHIN THE PREVIOUS TWO YEARS.

5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE COMPACT PRIVILEGE WITHIN A REMOTE STATE OR STATES.

6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE COMPACT PRIVILEGE.

7. MEET ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY THE REMOTE STATE OR STATES IN WHICH THE LICENSEE IS SEEKING A COMPACT PRIVILEGE.

1           8. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN BY ANY NONMEMBER  
2 STATE WITHIN THIRTY DAYS AFTER THE DATE THE ADVERSE ACTION IS TAKEN.

3           B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE OF THE  
4 HOME LICENSE. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF SUBSECTION A  
5 OF THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN THE REMOTE STATE.

6           C. A LICENSEE PROVIDING PHYSICAL THERAPY IN A REMOTE STATE UNDER THE  
7 COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND REGULATIONS OF THE  
8 REMOTE STATE.

9           D. A LICENSEE PROVIDING PHYSICAL THERAPY IN A REMOTE STATE IS SUBJECT  
10 TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE STATE, IN ACCORDANCE WITH DUE  
11 PROCESS AND THAT STATE'S LAWS, MAY REMOVE A LICENSEE'S COMPACT PRIVILEGE IN  
12 THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES OR TAKE ANY  
13 OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS  
14 CITIZENS. THE LICENSEE IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY STATE  
15 UNTIL THE SPECIFIC TIME FOR REMOVAL HAS PASSED AND ALL FINES ARE PAID.

16           E. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE THE  
17 COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL BOTH OF THE FOLLOWING OCCUR:

- 18           1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED.
- 19           2. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

20           F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO GOOD  
21 STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS  
22 SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.

23           G. IF A LICENSEE'S COMPACT PRIVILEGE IN ANY REMOTE STATE IS REMOVED,  
24 THE INDIVIDUAL SHALL LOSE THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL ALL  
25 OF THE FOLLOWING OCCUR:

- 26           1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT PRIVILEGE WAS  
27 REMOVED HAS ENDED.
- 28           2. ALL FINES HAVE BEEN PAID.
- 29           3. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

30           H. ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION HAVE BEEN  
31 MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION A OF THIS SECTION  
32 TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

### SECTION 5

#### ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

33           A LICENSEE WHO IS ACTIVE DUTY MILITARY OR IS THE SPOUSE OF AN  
34 INDIVIDUAL WHO IS ACTIVE DUTY MILITARY MAY DESIGNATE ONE OF THE FOLLOWING AS  
35 THE HOME STATE:

- 36           1. THE HOME OF RECORD.
- 37           2. THE PERMANENT CHANGE OF STATION.
- 38           3. THE STATE OF CURRENT RESIDENCE IF IT IS DIFFERENT THAN THE  
39 PERMANENT CHANGE OF STATION STATE OR HOME OF RECORD.

### SECTION 6

#### ADVERSE ACTIONS

40           A. A HOME STATE SHALL HAVE EXCLUSIVE POWER TO IMPOSE AN ADVERSE ACTION  
41 AGAINST A LICENSE ISSUED BY THE HOME STATE.  
42

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

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

11 D. ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF  
12 THE STATUTES AND RULES AUTHORIZING THE PRACTICE OF PHYSICAL THERAPY IN ANY  
13 OTHER MEMBER STATE IN WHICH A PHYSICAL THERAPIST OR PHYSICAL THERAPIST  
14 ASSISTANT HOLDS A LICENSE OR COMPACT PRIVILEGE.

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

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

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

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

31 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

32 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS  
33 RESPECTIVE PHYSICAL THERAPY PRACTICE ACT OR OTHER APPLICABLE STATE LAW, A  
34 MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS  
35 OF LICENSEES.

36 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR  
37 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION  
38 INITIATED UNDER THE COMPACT.

39 SECTION 7

40 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

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

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

45 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE  
46 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT

1 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE  
2 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT  
3 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION  
4 PROCEEDINGS.

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

7 B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

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

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

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

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

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

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

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

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

26 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

27 2. ESTABLISH BYLAWS.

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

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

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

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

37 7. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

38 8. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING  
39 EMPLOYEES OF A MEMBER STATE.

40 9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION, DEFINE  
41 DUTIES AND GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE  
42 PURPOSES OF THE COMPACT AND TO ESTABLISH THE COMMISSION'S PERSONNEL POLICIES  
43 AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,  
44 AND OTHER RELATED PERSONNEL MATTERS.

45 10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY,  
46 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND RECEIVE, UTILIZE AND DISPOSE

1 OF THE SAME, IF AT ALL TIMES THE COMMISSION AVOIDS ANY APPEARANCE OF  
2 IMPROPRIETY OR CONFLICT OF INTEREST.

3 11. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF OR  
4 OTHERWISE OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL OR MIXED.  
5 AT ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY.

6 12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR  
7 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

8 13. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

9 14. BORROW MONEY.

10 15. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF  
11 MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES AND  
12 CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE  
13 DESIGNATED IN THIS COMPACT AND THE BYLAWS.

14 16. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW  
15 ENFORCEMENT AGENCIES.

16 17. ESTABLISH AND ELECT AN EXECUTIVE BOARD.

17 18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO  
18 ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION OF  
19 PHYSICAL THERAPY LICENSURE AND PRACTICE.

20 D. PROVISION FOR THE EXECUTIVE BOARD IS AS FOLLOWS:

21 1. THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON BEHALF OF THE  
22 COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT AND SHALL BE COMPOSED OF  
23 THE FOLLOWING NINE MEMBERS:

24 (a) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE  
25 CURRENT MEMBERSHIP OF THE COMMISSION.

26 (b) ONE EX OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED NATIONAL  
27 PHYSICAL THERAPY PROFESSIONAL ASSOCIATION.

28 (c) ONE EX OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED MEMBERSHIP  
29 ORGANIZATION OF THE PHYSICAL THERAPY LICENSING BOARDS.

30 2. THE EX OFFICIO MEMBERS WILL BE SELECTED BY THEIR RESPECTIVE  
31 ORGANIZATIONS.

32 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE BOARD AS  
33 PROVIDED IN BYLAWS.

34 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.

35 5. THE EXECUTIVE BOARD SHALL HAVE THE FOLLOWING DUTIES AND  
36 RESPONSIBILITIES:

37 (a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR BYLAWS,  
38 TO THIS COMPACT LEGISLATION, TO FEES PAID BY COMPACT MEMBER STATES SUCH AS  
39 ANNUAL DUES AND TO ANY COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE  
40 COMPACT PRIVILEGE.

41 (b) ENSURE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY PROVIDED,  
42 CONTRACTUAL OR OTHERWISE.

43 (c) PREPARE AND RECOMMEND THE BUDGET.

44 (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

45 (e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE COMPLIANCE  
46 REPORTS TO THE COMMISSION.



1 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.  
2 (g) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.  
3 E. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:  
4 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF  
5 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING  
6 PROVISIONS IN SECTION 9 OF THIS COMPACT.  
7 2. THE COMMISSION OR THE EXECUTIVE BOARD OR OTHER COMMITTEES OF THE  
8 COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE COMMISSION OR  
9 EXECUTIVE BOARD OR OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS ANY OF THE  
10 FOLLOWING:  
11 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE  
12 COMPACT.  
13 (b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OF OR OTHER MATTERS,  
14 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES, OR OTHER MATTERS  
15 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.  
16 (c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.  
17 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF  
18 GOODS, SERVICES OR REAL ESTATE.  
19 (e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.  
20 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
21 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.  
22 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE FOR WHICH  
23 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL  
24 PRIVACY.  
25 (h) THE DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW  
26 ENFORCEMENT PURPOSES.  
27 (i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORT  
28 PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE  
29 CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR DETERMINING COMPLIANCE  
30 ISSUES PURSUANT TO THIS COMPACT.  
31 (j) MATTERS SPECIFICALLY EXEMPT FROM DISCLOSURE BY FEDERAL OR MEMBER  
32 STATE STATUTE.  
33 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO THIS  
34 SECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE  
35 MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.  
36 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE  
37 ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE  
38 SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A DESCRIPTION  
39 OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN  
40 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND DOCUMENTS OF A  
41 CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE  
42 OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION.  
43 F. FINANCING OF THE COMMISSION IS AS FOLLOWS:  
44 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE  
45 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING  
46 ACTIVITIES.

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

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

11           4. THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND BEFORE  
12 SECURING THE MONIES ADEQUATE TO MEET THOSE OBLIGATIONS, AND THE COMMISSION  
13 MAY NOT PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE  
14 AUTHORITY OF THE MEMBER STATE.

15           5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL OF ITS RECEIPTS  
16 AND DISBURSEMENTS, WHICH ARE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES  
17 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES  
18 HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED  
19 PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND  
20 BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

21           G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION PROVISIONS ARE AS  
22 FOLLOWS:

23           1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND  
24 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, EITHER  
25 PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS  
26 OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING  
27 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT  
28 THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR  
29 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR  
30 RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY SUCH PERSON FROM SUIT  
31 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE  
32 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

33           2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE  
34 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION  
35 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR  
36 OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES  
37 OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A  
38 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION  
39 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROHIBIT  
40 THAT PERSON FROM RETAINING THE PERSON'S OWN COUNSEL IF THE ACTUAL OR ALLEGED  
41 ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR  
42 WILFUL OR WANTON MISCONDUCT.

43           3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,  
44 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION FOR  
45 THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING  
46 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE

1 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH  
2 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
3 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL OR ALLEGED  
4 ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILFUL OR  
5 WANTON MISCONDUCT OF THAT PERSON.

6 SECTION 8  
7 DATA SYSTEM

8 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE AND  
9 UTILIZATION OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING  
10 LICENSURE, ADVERSE ACTION AND INVESTIGATIVE INFORMATION ON ALL LICENSED  
11 INDIVIDUALS IN MEMBER STATES.

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

16 1. IDENTIFYING INFORMATION.  
17 2. LICENSURE DATA.  
18 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE.  
19 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM  
20 PARTICIPATION.

21 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR  
22 REASONS FOR SUCH DENIAL.

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

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

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

31 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY  
32 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE  
33 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

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

37 SECTION 9  
38 RULEMAKING

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

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

- 1 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR OR  
2 SPECIAL MEETING OF THE COMMISSION.
- 3 D. BEFORE THE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND  
4 AT LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE RULE WILL BE CONSIDERED  
5 AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING ON  
6 BOTH:
- 7 1. THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE  
8 PLATFORM.
- 9 2. THE WEBSITE OF EACH MEMBER STATE'S PHYSICAL THERAPY LICENSING BOARD  
10 OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE PUBLICATION IN WHICH EACH STATE  
11 WOULD OTHERWISE PUBLISH PROPOSED RULES.
- 12 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE  
13 FOLLOWING:
- 14 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE  
15 RULE WILL BE CONSIDERED AND VOTED ON.
- 16 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR THE  
17 PROPOSED RULE.
- 18 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED  
19 PERSON.
- 20 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE  
21 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING, AND ANY WRITTEN  
22 COMMENTS.
- 23 F. BEFORE THE ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL ALLOW  
24 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL BE  
25 MADE AVAILABLE TO THE PUBLIC.
- 26 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING  
27 BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED BY ANY OF THE  
28 FOLLOWING:
- 29 1. AT LEAST TWENTY-FIVE PERSONS.
- 30 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY.
- 31 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.
- 32 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE  
33 COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE SCHEDULED PUBLIC  
34 HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS, THE COMMISSION SHALL  
35 PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC HEARING. ADDITIONALLY:
- 36 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE  
37 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING OF  
38 THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING AT LEAST FIVE BUSINESS DAYS  
39 BEFORE THE SCHEDULED DATE OF THE HEARING.
- 40 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON WHO  
41 WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY OR IN  
42 WRITING.
- 43 3. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING WILL BE  
44 MADE AVAILABLE ON REQUEST.

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

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

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

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

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

- 20           1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 21           2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS.
- 22           3. MEET A DEADLINE FOR THE ADOPTION OF AN ADMINISTRATIVE RULE THAT IS  
23 ESTABLISHED BY FEDERAL LAW OR RULE.
- 24           4. PROTECT THE PUBLIC HEALTH AND SAFETY.

25          M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY  
26 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF  
27 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR  
28 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE  
29 WEBSITE OF THE COMMISSION. THE REVISION IS SUBJECT TO CHALLENGE BY ANY  
30 PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE  
31 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO  
32 A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE  
33 CHAIRPERSON OF THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO  
34 CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF  
35 THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE  
36 APPROVAL OF THE COMMISSION.

37                                   SECTION 10

38                   OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

39           A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

40           1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE  
41 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL  
42 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT'S PURPOSES AND  
43 INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES ADOPTED UNDER THIS  
44 COMPACT HAVE STANDING AS STATUTORY LAW.

45           2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES  
46 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO

1 THE SUBJECT MATTER OF THIS COMPACT THAT MAY AFFECT THE POWERS,  
2 RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

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

8 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION PROVISIONS ARE AS  
9 FOLLOWS:

10 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED IN  
11 THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT OR  
12 RULES ADOPTED UNDER THIS COMPACT, THE COMMISSION SHALL DO BOTH OF THE  
13 FOLLOWING:

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

17 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE  
18 REGARDING THE DEFAULT.

19 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING  
20 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A MAJORITY  
21 OF THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY  
22 THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE  
23 OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR  
24 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

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

30 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL  
31 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE DATE  
32 OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE EFFECTIVE DATE  
33 OF TERMINATION.

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

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

42 C. DISPUTE RESOLUTION PROVISIONS ARE AS FOLLOWS:

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

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

3           D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

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

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

14           3. THE REMEDIES IN THIS COMPACT ARE NOT THE EXCLUSIVE REMEDIES OF THE  
15 COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER  
16 FEDERAL OR STATE LAW.

17                                   SECTION 11

18           DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION  
19                                   FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED  
20                                   RULES, WITHDRAWAL AND AMENDMENT

21           A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT STATUTE  
22 IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS, WHICH BECOME  
23 EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE  
24 COMMISSION RELATING TO ASSEMBLY AND THE ADOPTION OF RULES. THEREAFTER, THE  
25 COMMISSION SHALL MEET AND EXERCISE RULEMAKING POWERS NECESSARY TO THE  
26 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.

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

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

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

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

40           D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY PHYSICAL THERAPY  
41 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE  
42 AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF THIS  
43 COMPACT.

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

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SECTION 12

CONSTRUCTION AND SEVERABILITY

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

32-2054. Participation in compact as condition of employment; prohibition

AN EMPLOYER MAY NOT REQUIRE A PHYSICAL THERAPIST TO SEEK LICENSURE THROUGH THE PHYSICAL THERAPY LICENSURE COMPACT ENACTED BY SECTION 32-2053 AS A CONDITION OF INITIAL OR CONTINUED EMPLOYMENT AS A PHYSICAL THERAPIST IN THIS STATE. AN EMPLOYER MAY REQUIRE THAT A PHYSICAL THERAPIST OBTAIN AND MAINTAIN A LICENSE TO PRACTICE PHYSICAL THERAPY IN MULTIPLE STATES, IF THE PHYSICAL THERAPIST IS FREE TO OBTAIN AND MAINTAIN THE LICENSES BY ANY MEANS AUTHORIZED BY THE LAWS OF THE RESPECTIVE STATES.

32-2055. Open meeting requirements

IF A MEETING, OR A PORTION OF A MEETING, OF THE PHYSICAL THERAPY COMPACT COMMISSION IS CLOSED PURSUANT TO SECTION 32-2053, SECTION 7, SUBSECTION E, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION CONSISTENT WITH TITLE 38, CHAPTER 3, ARTICLE 3.1.

32-2056. Board of physical therapy; notice of commission actions; expenditure of certain monies prohibited

THE BOARD OF PHYSICAL THERAPY:

1. WITHIN THIRTY DAYS AFTER A PHYSICAL THERAPY COMPACT COMMISSION ACTION SHALL POST ON THE BOARD'S PUBLIC WEBSITE NOTICE OF ANY COMMISSION ACTION THAT MAY AFFECT A PHYSICAL THERAPIST'S LICENSE.

2. MAY NOT SPEND ANY MONIES RECEIVED FROM PHYSICAL THERAPISTS OR APPLICANTS FOR LICENSURE WHO ARE NOT APPLYING FOR LICENSURE THROUGH THIS COMPACT ON ANY ACTIVITIES, OBLIGATIONS OR DUTIES REQUIRED BY THIS COMPACT.

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.