

By Senator Grimsley

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1 A bill to be entitled
2 An act relating to the Physical Therapy Licensure
3 Compact; amending s. 486.021, F.S.; revising a
4 definition; amending s. 486.025, F.S.; requiring the
5 executive director of the Board of Physical Therapy or
6 her or his designee to serve as state delegate of the
7 Physical Therapy Licensure Compact; revising a cross-
8 reference; amending ss. 486.031 and 486.106, F.S.;
9 providing eligibility criteria for a multistate
10 license; requiring that multistate licenses be
11 distinguished from single-state licenses; exempting
12 certain persons from physical therapy and physical
13 therapist assistant licensure requirements,
14 respectively; amending s. 486.0715, F.S.; conforming a
15 cross-reference; creating s. 486.113, F.S.; creating
16 the Physical Therapy Licensure Compact; providing
17 findings and purpose; providing definitions; requiring
18 party states to perform criminal background checks of
19 licensure applicants; providing requirements for
20 multistate licensure; providing for the recognition of
21 physical therapy licenses in member states; requiring
22 licensees on active duty in the United States military
23 to designate a home state; authorizing member states
24 to take adverse action against a physical therapist's
25 multistate licensure privilege; authorizing
26 participation in an alternative program in lieu of
27 adverse action against a license; requiring
28 notification to the home licensing state of an adverse
29 action against a licensee; establishing the Physical

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30 Therapy Licensure Compact Commission; providing
31 membership and duties; authorizing the commission to
32 adopt rules; providing for jurisdiction and venue for
33 court proceedings; requiring all member states to
34 participate in a coordinated licensure information
35 system; providing requirements for reporting and
36 exchanging information between member states;
37 providing rulemaking procedures; providing for state
38 enforcement of the compact; providing for the
39 termination of compact membership; providing
40 procedures for dispute resolution; providing
41 construction and severability; amending s. 486.151,
42 F.S.; conforming provisions to changes made by the
43 act; providing a contingent effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Subsection (5) of section 486.021, Florida
48 Statutes, is amended to read:

49 486.021 Definitions.—In this chapter, unless the context
50 otherwise requires, the term:

51 (5) "Physical therapist" means a person who is licensed and
52 who practices physical therapy in accordance with the provisions
53 of this chapter or who holds an active multistate license under
54 s. 486.113.

55 Section 2. Section 486.025, Florida Statutes, is amended to
56 read:

57 486.025 Powers and duties of the Board of Physical Therapy
58 Practice.—The board may administer oaths, summon witnesses, take

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59 testimony in all matters relating to its duties under this
 60 chapter, establish or modify minimum standards of practice, and
 61 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement
 62 the provisions of this chapter. The board may also review the
 63 standing and reputability of any school or college offering
 64 courses in physical therapy and whether the courses of such
 65 school or college in physical therapy meet the standards
 66 established by the appropriate accrediting agency referred to in
 67 s. 486.031(1)(c)1. ~~486.031(3)(a).~~ In determining the standing
 68 and reputability of any such school and whether the school and
 69 courses meet such standards, the board may investigate and make
 70 personal inspection of the same. The executive director of the
 71 board appointed pursuant to s. 456.004(2) or her or his designee
 72 shall serve as the state delegate of the Physical Therapy
 73 Licensure Compact as required under s. 486.113.

74 Section 3. Section 486.031, Florida Statutes, is amended to
 75 read:

76 486.031 Physical therapist; licensing requirements.—

77 (1) To be eligible for licensing as a physical therapist,
 78 an applicant must:

79 (a) ~~(1)~~ Be at least 18 years old. ~~†~~

80 (b) ~~(2)~~ Be of good moral character. ~~†~~ ~~and~~

81 (c)1. ~~(3)(a)~~ Have been graduated from a school of physical
 82 therapy which has been approved for the educational preparation
 83 of physical therapists by the appropriate accrediting agency
 84 recognized by the Commission on Recognition of Postsecondary
 85 Accreditation or the United States Department of Education at
 86 the time of her or his graduation and have passed, to the
 87 satisfaction of the board, the American Registry Examination

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88 prior to 1971 or a national examination approved by the board to
89 determine her or his fitness for practice as a physical
90 therapist as hereinafter provided;

91 2.~~(b)~~ Have received a diploma from a program in physical
92 therapy in a foreign country and have educational credentials
93 deemed equivalent to those required for the educational
94 preparation of physical therapists in this country, as
95 recognized by the appropriate agency as identified by the board,
96 and have passed to the satisfaction of the board an examination
97 to determine her or his fitness for practice as a physical
98 therapist as hereinafter provided; or

99 3.~~(e)~~ Be entitled to licensure without examination as
100 provided in s. 486.081.

101 (2) (a) An applicant who resides in this state, who meets
102 the licensure requirements of this section, and who meets the
103 criteria for multistate licensure under s. 486.113 may request
104 the issuance of a license from the department.

105 (b) A physical therapist who is licensed in this state and
106 who applies to the department for a multistate license must meet
107 the eligibility criteria for a multistate license under s.
108 486.113 and must pay an application and licensure fee to change
109 her or his licensure status to multistate.

110 (c) The department shall conspicuously distinguish a
111 multistate license from a single-state license.

112 (d) A person holding an active multistate license in
113 another state pursuant to s. 486.113 is exempt from the
114 licensure requirements of this section.

115 Section 4. Section 486.106, Florida Statutes, is amended to
116 read:

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117 486.106 Physical therapist assistant; issuance of license.-

118 (1) The board shall issue a license to each applicant who
119 successfully establishes eligibility under the terms of this
120 chapter and remits the initial license fee set by the board, not
121 to exceed \$100. Any person who holds a license pursuant to this
122 section may use the words "physical therapist assistant," or the
123 letters "P.T.A.," in connection with her or his name to denote
124 licensure hereunder.

125 (2) (a) An applicant who resides in this state, who meets
126 the licensure requirements of this section, and who meets the
127 criteria for multistate licensure under s. 486.113 may request
128 the issuance of a license from the department.

129 (b) A physical therapist assistant who is licensed in this
130 state and who applies to the department for a multistate license
131 must meet the eligibility criteria for a multistate license
132 under s. 486.113 and must pay an application and licensure fee
133 to change her or his licensure status to multistate.

134 (c) The department shall conspicuously distinguish a
135 multistate license from a single-state license.

136 (d) A person holding an active multistate license in
137 another state pursuant to s. 486.113 is exempt from the
138 licensure requirements of this section.

139 Section 5. Paragraph (b) of subsection (1) of section
140 486.0715, Florida Statutes, is amended to read:

141 486.0715 Physical therapist; issuance of temporary permit.-

142 (1) The board shall issue a temporary physical therapist
143 permit to an applicant who meets the following requirements:

144 (b) Is a graduate of an approved United States physical
145 therapy educational program and meets all the eligibility

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146 requirements for licensure under ch. 456, s. 486.031(1)(a)-(c)1.
147 ~~486.031(1)-(3)(a)~~, and related rules, except passage of a
148 national examination approved by the board is not required.

149 Section 6. Section 486.113, Florida Statutes, is created to
150 read:

151 486.113 Physical Therapy Licensure Compact.—The Physical
152 Therapy Licensure Compact is enacted into law and entered into
153 by this state with all other jurisdictions legally joining
154 therein in the form substantially as provided in this section.

156 ARTICLE I

157 DECLARATION OF PURPOSE

158
159 The general purposes of this compact are to:

160 (1) Facilitate the states' responsibility and enhance the
161 states' ability to protect public health and safety.

162 (2) Facilitate the multistate practice of physical therapy
163 with the goal of improving public access to physical therapy
164 services.

165 (3) Increase public access to physical therapy services by
166 providing for mutual recognition of other member state
167 licensees.

168 (4) Encourage the cooperation of member states in
169 regulating multistate physical therapy practice.

170 (5) Support spouses of relocating military members.

171 (6) Enhance the exchange of licensure, investigative, and
172 disciplinary information between member states.

173 (7) Authorize a remote state to hold a physical therapist
174 with a compact privilege accountable to the practice standards

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175 in the state in which a patient is located at the time care is
176 rendered.

178 ARTICLE II
179 DEFINITIONS

181 As used in this compact, the term:

182 (1) "Active duty" means full-time duty status in active
183 military service of the United States, including members of the
184 National Guard and Reserve on active duty orders pursuant to 10
185 U.S.C. s. 1209 and 1211.

186 (2) "Adverse action" means disciplinary action taken by a
187 physical therapy licensing board based upon misconduct or
188 unacceptable performance.

189 (3) "Alternative program" means a nondisciplinary
190 monitoring or practice remediation program approved by a
191 physical therapy licensing board. The term includes, but is not
192 limited to, a program for substance abuse issues.

193 (4) "Commission" means the Physical Therapy Compact
194 Commission, or a national administrative body whose membership
195 consists of all states that have enacted the compact.

196 (5) "Compact privilege" means the authorization granted by
197 a remote state to allow a licensee from another member state to
198 practice as a physical therapist or work as a physical therapist
199 assistant under the remote state's laws and rules. The practice
200 of physical therapy occurs in the member state where the patient
201 is located at the time care is rendered.

202 (6) "Continuing competence" means a condition of license
203 renewal to provide evidence of participation in or completion of

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204 educational and professional activities relevant to practice.

205 (7) "Coordinated licensure information system" means a
206 repository of information about licensees, including information
207 related to examination, licensure, investigation, compact
208 privilege, and adverse action.

209 (8) "Encumbered license" means a license that has been
210 limited by a physical therapy licensing board.

211 (9) "Executive board" means a group of directors elected or
212 appointed to act on behalf of, and within the powers granted to
213 them by, the commission.

214 (10) "Home state" means the member state that is a
215 licensee's primary state of residence.

216 (11) "Investigative information" means information,
217 records, and documents received or generated by a physical
218 therapy licensing board pursuant to an investigation.

219 (12) "Licensee" means an individual who is currently
220 licensed in her or his home state to practice as a physical
221 therapist or work as a physical therapist assistant.

222 (13) "Licensing board" means the agency of a state that is
223 responsible for the licensing and regulation of physical
224 therapists and physical therapist assistants.

225 (14) "Member state" means a state that has enacted the
226 compact.

227 (15) "Physical therapist" means an individual who is
228 licensed by a state to practice physical therapy.

229 (16) "Physical therapist assistant" means an individual who
230 is licensed or certified by a state as a physical therapist
231 assistant and who assists the physical therapist in selected
232 components of physical therapy.

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233 (17) "Physical therapy" means the care and services
234 provided by or under the direction and supervision of a licensed
235 physical therapist.

236 (18) "Remote state" means a member state other than the
237 home state, where a licensee is exercising or seeking to
238 exercise the compact privilege.

239 (19) "Rule" means a regulation, principle, or directive
240 promulgated by the commission that has the force of law.

241 (20) "State" means any state, territory, or possession of
242 the United States or the District of Columbia that regulates the
243 practice of physical therapy.

244
245 ARTICLE III

246 GENERAL PROVISIONS

247
248 (1) To participate in the compact, a state must:

249 (a) Participate fully in the commission's coordinated
250 licensure information system.

251 (b) Have a mechanism in place for receiving and
252 investigating complaints about a licensee.

253 (c) Notify the commission, in accordance with the terms of
254 the compact and rules, of any adverse action or investigative
255 information regarding a licensee.

256 (d) Implement a criminal background check requirement as
257 part of licensure using information obtained from a Federal
258 Bureau of Investigation record search.

259 (e) Comply with the rules of the commission.

260 (f) Utilize a recognized national examination as a
261 licensure requirement pursuant to the commission's rules.

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262 (g) Require continuing competence as a condition for
263 licensure renewal.

264 (2) Upon adoption of this compact, a member state may
265 obtain biometric-based information from each applicant for
266 licensure and may submit this information to the Federal Bureau
267 of Investigation for a criminal background check in accordance
268 with 28 U.S.C. s. 534 and 42 U.S.C. s. 14616.

269 (3) A member state shall grant the compact privilege, and
270 may charge a fee for the privilege, to a licensee holding a
271 valid unencumbered license in another member state in accordance
272 with the terms of the compact and commission's rules.

273
274 ARTICLE IV

275 COMPACT PRIVILEGE

276
277 (1) To exercise the compact privilege, the licensee shall:

278 (a) Hold a license in her or his home state.

279 (b) Have an unencumbered state license.

280 (c) Be eligible for compact privilege in a member state in
281 accordance with subsections (4), (7), and (8).

282 (d) Have had no adverse action against her or his license
283 or compact privilege within the previous 2 years.

284 (e) Notify the commission that the licensee is seeking the
285 compact privilege within a remote state.

286 (f) Pay any applicable fees, including state fees, for the
287 compact privilege.

288 (g) Comply with any laws and regulations established by the
289 remote state in which the licensee is seeking the compact
290 privilege.

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291 (h) Report to the commission adverse action taken by a
292 nonmember state within 30 days after the date of the adverse
293 action.

294 (2) The compact privilege is valid until the expiration
295 date of a licensee's home state license. The licensee must
296 comply with the requirements of subsection (1) to maintain the
297 compact privilege in a remote state.

298 (3) A licensee who practices physical therapy in a remote
299 state under the compact privilege shall function within the laws
300 and regulations of the remote state.

301 (4) A remote state may, in accordance with due process and
302 that state's laws, remove a licensee's compact privilege in the
303 remote state for a specific period of time, impose fines, or
304 take any other necessary actions to protect the health and
305 safety of its citizens. A licensee is not eligible for the
306 compact privilege in a state until the specific time for removal
307 has passed and all fines are paid.

308 (5) If a home state license is encumbered, the licensee
309 shall lose the compact privilege in the remote state until:

310 (a) The home state license is no longer encumbered.

311 (b) Two years have elapsed from the date of the adverse
312 action.

313 (6) After an encumbered license in the home state is
314 restored to good standing, a licensee must meet the requirements
315 of subsection (1) to obtain a compact privilege in a remote
316 state.

317 (7) If a licensee's compact privilege in a remote state is
318 removed, she or he shall lose the compact privilege in any other
319 remote state until:

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320 (a) The specific period of time for which the compact
321 privilege was removed has ended.

322 (b) All applicable fines have been paid.

323 (c) Two years have elapsed from the date of the adverse
324 action.

325 (8) After the requirements of subsection (7) have been met,
326 a licensee must meet the requirements in subsection (1) to
327 obtain the compact privilege in a remote state.

328

329 ARTICLE V

330 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

331

332 A licensee who is active duty military or is the spouse of
333 an individual who is active duty military may designate one of
334 the following as her or his home state:

335 (1) The state of home of record;

336 (2) The state of permanent change of station; or

337 (3) The state of current residence if it is different than
338 the permanent change of station or home of record state.

339

340 ARTICLE VI

341 ADVERSE ACTIONS

342

343 (1) A home state shall have exclusive power to impose
344 adverse action against a license issued by the home state.

345 (2) A home state may take adverse action against a license
346 based on investigative information from a member state other
347 than the home state, provided that the home state follows its
348 own procedures for imposing adverse action.

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349 (3) This compact does not override a member state's
350 decision to require participation in an alternative program in
351 lieu of adverse action and any member state's law that requires
352 such participation to remain nonpublic. Member states shall
353 require licensees who enter such alternative programs to agree
354 not to practice in any other member state while participating in
355 an alternative program without prior authorization from the
356 other member state.

357 (4) A member state may investigate an actual or alleged
358 violation of a statute or rule authorizing the practice of
359 physical therapy in another member state in which a physical
360 therapist or physical therapist assistant holds a license or
361 compact privilege.

362 (5) A remote state may:

363 (a) Take adverse action as set forth in this article
364 against a licensee's compact privilege in the state.

365 (b) Issue subpoenas for hearings and investigations that
366 require the attendance and testimony of witnesses and the
367 production of evidence. Subpoenas issued for the attendance and
368 testimony of witnesses or the production of evidence by a
369 physical therapy licensing board in a state in which a licensee
370 holds a current license or compact privilege or is applying for
371 a license or compact privilege in another state shall be
372 enforced in the latter state by a court of competent
373 jurisdiction, according to the practice and procedure of that
374 court. The issuing authority shall pay any witness fees, travel
375 expenses, mileage, and other fees required by the service
376 statutes of the state where the witnesses or evidence are
377 located.

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378 (c) If otherwise permitted by state law, recover from the
379 licensee the costs of investigation and disposition of cases
380 resulting from any adverse action taken against a license.

381 (6) In addition to the authority granted to a member state
382 by its respective physical therapy practice act or other
383 applicable state law, a member state may participate with other
384 member states in a joint investigation of a licensee. Member
385 states shall share any investigative, litigation, or compliance
386 materials in furtherance of any joint or individual
387 investigation initiated under the compact.

388 ARTICLE VII

389 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

391
392 (1) The member states hereby create and establish a joint
393 public entity known as the Physical Therapy Compact Commission.

394 (2) (a) Each member state shall have and be limited to one
395 delegate selected by that member state's licensing board.

396 (b) The delegate shall be a current member of the licensing
397 board, who is a physical therapist, physical therapist
398 assistant, public member, or board administrator.

399 (c) A delegate may be removed or suspended from the
400 commission as provided by the law of the state from which the
401 delegate is appointed.

402 (d) The member state board shall fill any vacancy that
403 occurs in the commission for the member state.

404 (e) Each delegate shall be entitled to one vote with regard
405 to the adoption of rules and creation of bylaws and shall be
406 entitled to participate in the business and affairs of the

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407 commission.

408 (f) A delegate shall vote in person or by such other means
409 as set forth in the bylaws. The bylaws may provide for a
410 delegate's participation in meetings by telephone or other means
411 of communication.

412 (g) The commission shall meet at least annually. Additional
413 meetings shall be held as set forth in the bylaws.

414 (3) The commission shall:

415 (a) Establish the period of the commission's fiscal year.

416 (b) Establish bylaws.

417 (c) Maintain the commission's financial records.

418 (d) Meet and take actions consistent with the provisions of
419 the compact and bylaws.

420 (e) Promulgate uniform rules to facilitate and coordinate
421 implementation and administration of this compact, which rules
422 shall have the force and effect of law and shall be binding in
423 all member states.

424 (f) Bring and prosecute legal proceedings or actions in the
425 name of the commission.

426 (g) Purchase and maintain insurance and bonds.

427 (h) Borrow, accept, or contract for services of personnel,
428 including, but not limited to, personnel from a member state.

429 (i) Hire employees, elect or appoint officers, fix
430 compensation, define duties, grant authority, and establish the
431 personnel policies and programs relating to conflicts of
432 interest, qualifications of personnel, and other related
433 personnel matters.

434 (j) Accept appropriate donations and grants of money,
435 equipment, supplies, materials and services, and receive,

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436 utilize, and dispose of such donations and grants; provided that
437 the commission avoids any appearance of impropriety or conflict
438 of interest.

439 (k) Lease, purchase, or accept appropriate gifts or
440 donations of, or own, hold, improve, or use any property, real,
441 personal, or mixed; provided that the commission avoids any
442 appearance of impropriety or conflict of interest.

443 (l) Sell, convey, mortgage, pledge, lease, exchange,
444 abandon, or dispose of any property, real, personal, or mixed.

445 (m) Establish a budget and make expenditures.

446 (n) Borrow money.

447 (o) Appoint committees comprised of members, state
448 regulators, state legislators or their representatives, and
449 consumer representatives, and such other interested persons as
450 may be designated in this compact and the bylaws.

451 (p) Provide and receive information from, and cooperate
452 with, law enforcement agencies.

453 (q) Establish and elect an executive board.

454 (r) Perform such other functions as may be necessary or
455 appropriate to achieve the purposes of this compact consistent
456 with the state regulation of physical therapy licensure and
457 practice.

458 (4) The executive board shall have the power to act on
459 behalf of the commission pursuant to the terms of this compact.

460 (a) The executive board shall be comprised of nine members:

461 1. Seven voting members who are elected by the commission
462 from the commission's current membership.

463 2. One ex officio nonvoting member from a recognized
464 national physical therapy professional association.

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465 3. One ex officio nonvoting member from a recognized
466 membership organization of the physical therapy licensing
467 boards.

468 (b) The ex officio members will be selected by their
469 respective organizations.

470 (c) The commission may remove any member of the executive
471 board as provided in the bylaws.

472 (d) The executive board shall meet at least annually.

473 (e) The executive board shall have the following duties and
474 responsibilities:

475 1. Recommend changes to the commission's rules or bylaws,
476 compact legislation, fees paid by member states, and any
477 commission fee charged to licensees for the compact privilege.

478 2. Ensure compact administration services are appropriately
479 provided, contractual or otherwise.

480 3. Prepare and recommend the budget.

481 4. Maintain financial records on behalf of the commission.

482 5. Monitor compact compliance of member states and provide
483 compliance reports to the commission.

484 6. Establish additional committees as necessary.

485 7. Other duties as provided in rules or bylaws.

486 (5) (a) All commission meetings shall be open to the public
487 and notice of meetings shall be given in the same manner as
488 required under the rulemaking provisions in Article IX.

489 (b) The commission or executive board, or other committees
490 of the commission, may convene in a closed, nonpublic meeting if
491 the commission or executive board discusses, or other committees
492 of the commission discuss:

493 1. Noncompliance of a member state with its compact

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494 obligations.

495 2. The employment, compensation, discipline, practices, and
496 procedures related to specific employees, or other matters
497 related to the commission's internal personnel practices and
498 procedures.

499 3. Current, threatened, or reasonably anticipated
500 litigation.

501 4. Negotiation of contracts for the purchase, lease, or
502 sale of goods, services, or real estate.

503 5. Accusing a person of a crime or formally censuring a
504 person.

505 6. Disclosure of trade secrets or commercial or financial
506 information that is privileged or confidential.

507 7. Disclosure of information of a personal nature where
508 disclosure would constitute a clearly unwarranted invasion of
509 personal privacy.

510 8. Disclosure of investigative records compiled for law
511 enforcement purposes.

512 9. Disclosure of information related to an investigative
513 report prepared by or on behalf of or for use of the commission
514 or other committee charged with the responsibility of
515 investigating or determining compliance pursuant to the compact.

516 10. Matters specifically exempted from disclosure by
517 federal or member state law.

518 (c) If a meeting, or portion of a meeting, is closed
519 pursuant to this article, the commission's legal counsel or
520 designee shall certify that the meeting may be closed and shall
521 reference each relevant exempted provision.

522 (d) The commission shall keep minutes that fully and

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523 clearly describe all matters discussed in a meeting and shall
524 provide a full and accurate summary of any actions taken,
525 including the reasons therefor. All documents considered in
526 connection with an action shall be identified in the meeting
527 minutes. All minutes and documents of a closed meeting shall
528 remain under seal, subject to release by a majority vote of the
529 commission or order by a court of competent jurisdiction.

530 (6) (a) The commission shall pay, or provide for the payment
531 of, the reasonable expenses of its establishment and
532 administration.

533 (b) The commission may accept appropriate revenue sources,
534 donations, and grants of money, equipment, supplies, materials,
535 and services.

536 (c) The commission may levy and collect an annual
537 assessment or impose fees on each member state to cover the cost
538 of the operations and activities of the commission and its
539 staff. Such assessment or fees must be sufficient to cover the
540 commission's annual budget as approved each year for which
541 revenue is not provided by other sources. The aggregate annual
542 assessment shall be allocated based upon a formula to be
543 determined by the commission, which shall promulgate a rule
544 binding upon all member states.

545 (d) The commission shall not incur any obligations before
546 securing funds adequate to meet the obligation, nor shall the
547 commission pledge the credit of any member states, except by and
548 with the authority of the member state.

549 (e) The commission shall keep accurate accounts of all
550 receipts and disbursements, which shall be subject to audit and
551 accounting procedures established under its bylaws. However, all

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552 receipts and disbursements of funds handled by the commission
553 shall be audited annually by a certified or licensed public
554 accountant, and the audit report shall be included in and become
555 part of the commission's annual report.

556 (7) (a) The members, officers, executive director,
557 employees, and representatives of the commission shall be immune
558 from suit and liability, either personally or in their official
559 capacity, for any claim for damage to or loss of property or
560 personal injury or other civil liability caused by or arising
561 out of any actual or alleged act, error, or omission that
562 occurred, or that the person against whom the claim is made had
563 a reasonable basis for believing occurred within the scope of
564 commission employment, duties, or responsibilities. This
565 paragraph does not protect any such person from suit or
566 liability for damage, loss, injury, or liability caused by the
567 intentional or willful or wanton misconduct of that person.

568 (b) The commission shall defend any member, officer,
569 executive director, employee, or representative of the
570 commission in a civil action seeking to impose liability arising
571 out of an actual or alleged act, error, or omission that
572 occurred within the scope of commission employment, duties, or
573 responsibilities, or that the person against whom the claim is
574 made had a reasonable basis for believing occurred within the
575 scope of commission employment, duties, or responsibilities;
576 provided that the actual or alleged act, error, or omission did
577 not result from that person's intentional, willful, or wanton
578 misconduct. This paragraph does not prohibit a person from
579 retaining her or his own counsel in addition to the commission's
580 counsel.

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581 (c) The commission shall indemnify and hold harmless any
582 member, officer, executive director, employee, or representative
583 of the commission for the amount of any settlement or judgment
584 obtained against such person that arises out of an actual or
585 alleged act, error, or omission that occurred within the scope
586 of commission employment, duties, or responsibilities, or that
587 such person had a reasonable basis for believing occurred within
588 the scope of commission employment, duties, or responsibilities,
589 provided that the actual or alleged act, error, or omission did
590 not result from the intentional, willful, or wanton misconduct
591 of that person.

592 (8) (a) In judicial proceedings by or against the
593 commission, venue is proper in a court of competent jurisdiction
594 where the commission's principal office is located. The
595 commission may waive venue and jurisdictional defenses to the
596 extent it adopts or consents to participate in alternative
597 dispute resolution proceedings.

598 (b) This compact does not waive sovereign immunity.

600 ARTICLE VIII

601 COORDINATED LICENSURE INFORMATION SYSTEM

602
603 (1) The commission shall provide for the development,
604 maintenance, and utilization of a coordinated licensure
605 information system.

606 (2) Notwithstanding any other provision of state law to the
607 contrary, a member state shall submit a uniform data set to the
608 coordinated licensure information system on all individuals to
609 whom this compact is applicable as required by the rules of the

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610 commission, including:

611 (a) Identifying information.

612 (b) Licensure data.

613 (c) Adverse action against a license or compact privilege.

614 (d) Nonconfidential information related to alternative
615 program participation.

616 (e) Denial of an application for licensure and the reasons
617 for such denial.

618 (f) Any other information that may facilitate the
619 administration of this compact, as determined by the rules of
620 the commission.

621 (3) Investigative information pertaining to a licensee in a
622 member state may only be available to other member states.

623 (4) The commission shall promptly notify all member states
624 of any adverse action taken against a license or an individual
625 applying for a license. Adverse action information pertaining to
626 a licensee in any member state will be available to any other
627 member state.

628 (5) A member state that submits information to the
629 coordinated licensure information system may designate
630 information that may not be shared with the public without the
631 express permission of the state.

632 (6) Information submitted to the coordinated licensure
633 information system that is subsequently required to be expunged
634 by the laws of the member state that submits the information
635 shall be removed from the coordinated licensure information
636 system.

637

638

ARTICLE IX

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RULEMAKING

639
640
641 (1) The commission shall exercise its rulemaking powers
642 pursuant to the criteria set forth in this article and the rules
643 adopted thereunder. Rules and amendments are binding as of the
644 date specified in each rule or amendment.

645 (2) If a majority of the legislatures of the member states
646 reject a rule, by enactment of a statute or resolution within 4
647 years after the date of adoption of the rule, such rule shall
648 have no further force and effect in any member state.

649 (3) Rules or amendments to the rules shall be adopted at a
650 regular or special meeting of the commission.

651 (4) Before adoption of a final rule by the commission, and
652 at least 30 days before the meeting at which the rule will be
653 considered and voted upon, the commission shall file a Notice of
654 Proposed Rulemaking:

655 (a) On the website of the commission or other publicly
656 accessible platform; and

657 (b) On the website of each member state physical therapy
658 licensing board or other publicly accessible platform or the
659 publication in which each state would otherwise publish proposed
660 rules.

661 (5) The Notice of Proposed Rulemaking shall include:

662 (a) The proposed time, date, and location of the meeting in
663 which the rule will be considered and voted upon.

664 (b) The text of the proposed rule or amendment and the
665 reason for the proposed rule.

666 (c) A request for comment on the proposed rule from any
667 interested person.

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668 (d) The manner in which interested persons may submit
669 notice to the commission of their intention to attend the public
670 hearing and any written comments.

671 (6) Before adoption of a proposed rule, the commission
672 shall allow persons to submit written data, facts, opinions, and
673 arguments, which shall be made available to the public.

674 (7) The commission shall grant an opportunity for a public
675 hearing before it adopts a rule or amendment if a hearing is
676 requested by:

677 (a) At least 25 persons;

678 (b) A state or federal governmental subdivision or agency;

679 or

680 (c) An association having at least 25 members.

681 (8) (a) If a hearing is held on the proposed rule or
682 amendment, the commission shall publish the place, time, and
683 date of the scheduled public hearing. If an electronic hearing
684 is held, the commission shall publish the mechanism for access
685 to the electronic hearing.

686 (b) All persons wishing to be heard at the hearing shall
687 notify the executive director of the commission or other
688 designated member in writing of their desire to appear and
689 testify at the hearing not less than 5 business days before the
690 scheduled date of the hearing.

691 (c) Hearings shall be conducted in a manner that provides
692 each person who wishes to comment a fair and reasonable
693 opportunity to comment orally or in writing.

694 (d) All hearings shall be recorded. A copy of the recording
695 shall be made available on request.

696 (e) Nothing in this section shall be construed as requiring

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697 a separate hearing for each rule. Rules may be grouped and heard
698 in a single hearing for the convenience of the commission.

699 (9) Following the scheduled hearing date, or by the close
700 of business on the scheduled hearing date if the hearing was not
701 held, the commission shall consider all written and oral
702 comments received.

703 (10) If no written notice of intent to attend the public
704 hearing by interested parties is received, the commission may
705 proceed with adoption of the proposed rule without a public
706 hearing.

707 (11) The commission shall, by majority vote of all members,
708 take final action on the proposed rule and shall determine the
709 effective date of the rule, if any, based on the rulemaking
710 record and the full text of the rule.

711 (12) The commission may consider and adopt an emergency
712 rule without prior notice, opportunity for comment, or hearing,
713 provided that the usual rulemaking procedures provided in the
714 compact and in this article shall be retroactively applied to
715 the rule as soon as reasonably possible, in no event later than
716 90 days after the effective date of the rule. For the purposes
717 of this provision, an emergency rule is one that must be adopted
718 immediately in order to:

719 (a) Meet an imminent threat to public health, safety, or
720 welfare;

721 (b) Prevent a loss of commission or member state funds; or

722 (c) Meet a deadline for the adoption of an administrative
723 rule that is established by federal law or rule.

724 (13) The commission or an authorized committee of the
725 commission may direct revisions to a previously adopted rule or

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726 amendment for purposes of correcting typographical errors,
727 errors in format, errors in consistency, or grammatical errors.
728 Public notice of any revisions shall be posted on the website of
729 the commission. The revision shall be subject to challenge by
730 any person for a period of 30 days after posting. The revision
731 may be challenged only on the grounds that the revision results
732 in a material change to a rule. A challenge shall be made in
733 writing, and delivered to the chair of the commission before the
734 end of the notice period. If no challenge is made, the revision
735 will take effect without further action. If the revision is
736 challenged, the revision may not take effect without the
737 approval by the commission.

738
739 ARTICLE X

740 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

741
742 (1) OVERSIGHT.—

743 (a) The executive, legislative, and judicial branches of
744 state government in each member state shall enforce this compact
745 and take all actions necessary and appropriate to effectuate the
746 compact's purposes and intent. The provisions of this compact
747 and the rules promulgated hereunder shall have standing as
748 statutory law.

749 (b) All courts in each member state shall take judicial
750 notice of the compact and the rules in any judicial or
751 administrative proceeding in a member state pertaining to the
752 subject matter of this compact which may affect the powers,
753 responsibilities, or actions of the commission.

754 (c) The commission shall receive service of process in any

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755 such proceeding and shall have standing to intervene in such a
756 proceeding for any purpose. Failure to provide service of
757 process to the commission shall render a judgment or order void
758 as to the commission, the compact, or adopted rules.

759 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

760 (a) If the commission determines that a member state has
761 defaulted in the performance of its obligations or
762 responsibilities under this compact or the adopted rules, the
763 commission shall:

764 1. Provide written notice to the state in default and other
765 member states of the nature of the default, the proposed means
766 of curing the default, and any other action to be taken by the
767 commission.

768 2. Provide remedial training and specific technical
769 assistance regarding the default.

770 (b) If a state in default fails to cure the default, the
771 state in default may be terminated from the compact upon an
772 affirmative vote of a majority of member states, and all rights,
773 privileges, and benefits conferred by the compact may be
774 terminated. A cure of the default does not relieve the offending
775 state of obligations or liabilities incurred during the period
776 of default.

777 (c) Membership in the compact shall be terminated only
778 after all other means of securing compliance have been
779 exhausted. Notice of intent to suspend or terminate shall be
780 given by the commission to the Governor, the majority and
781 minority leaders of the defaulting state's legislature, and each
782 of the member states.

783 (d) A state that has been terminated is responsible for all

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784 assessments, obligations, and liabilities incurred through the
785 effective date of termination, including obligations that extend
786 beyond the effective date of termination.

787 (e) The commission shall not bear any costs related to a
788 state that is found to be in default or that has been terminated
789 from the compact, unless agreed upon in writing between the
790 commission and the defaulting state.

791 (f) The defaulting state may appeal the action of the
792 commission by petitioning the United States District Court for
793 the District of Columbia or the federal district in which the
794 commission has its principal offices. The prevailing member
795 shall be awarded all litigation costs, including reasonable
796 attorney fees.

797 (3) DISPUTE RESOLUTION.—

798 (a) Upon request by a member state, the commission shall
799 attempt to resolve disputes related to the compact that arise
800 among member states and between member and nonmember states.

801 (b) The commission shall promulgate a rule providing for
802 both mediation and binding dispute resolution for disputes as
803 appropriate.

804 (4) ENFORCEMENT.—

805 (a) The commission, in the reasonable exercise of its
806 discretion, shall enforce the provisions and rules of the
807 compact.

808 (b) By majority vote, the commission may initiate legal
809 action in the United States District Court for the District of
810 Columbia or the federal district where the commission has its
811 principal offices against a member state in default to enforce
812 compliance with the provisions of the compact and its adopted

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813 rules and bylaws. The relief sought may include both injunctive
814 relief and damages. In the event judicial enforcement is
815 necessary, the prevailing member shall be awarded all litigation
816 costs, including reasonable attorney fees.

817 (c) The commission may pursue any other remedies available
818 under federal or state law.

819

820 ARTICLE XI

821 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL
822 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

823

824 (1) The compact shall come into effect on the date on which
825 the compact statute is enacted into law in the tenth member
826 state. The provisions, which become effective at that time,
827 shall be limited to the powers granted to the commission
828 relating to assembly and adoption of rules. Thereafter, the
829 commission shall meet and exercise rulemaking powers necessary
830 for the implementation and administration of the compact.

831 (2) A state that joins the compact subsequent to the
832 commission's initial adoption of the rules shall be subject to
833 the rules as they exist on the date on which the compact becomes
834 law in that state. Any rule that has been previously adopted by
835 the commission shall have the full force and effect of law on
836 the day the compact becomes law in that state.

837 (3) A member state may withdraw from this compact by
838 enacting a statute repealing the same.

839 (a) A member state's withdrawal shall not take effect until
840 6 months after enactment of the repealing statute.

841 (b) Withdrawal shall not affect the continuing requirement

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842 of the withdrawing state's physical therapy licensing board to
843 comply with reporting requirements under the compact before the
844 effective date of withdrawal.

845 (4) Nothing contained in this compact shall be construed to
846 invalidate or prevent any physical therapy licensure agreement
847 or other cooperative arrangement between a member state and a
848 nonmember state that does not conflict with the provisions of
849 this compact.

850 (5) This compact may be amended by the member states. An
851 amendment to this compact shall become effective and binding
852 after it is enacted into the laws of all member states.

854 ARTICLE XII

855 CONSTRUCTION AND SEVERABILITY

856
857 This compact shall be liberally construed so as to
858 effectuate the purposes thereof. The provisions of this compact
859 shall be severable and if any phrase, clause, sentence, or
860 provision of this compact is declared to be contrary to the
861 constitution of any member state or of the United States or the
862 applicability thereof to any government, agency, person, or
863 circumstance is held invalid, the validity of the remainder of
864 this compact and the applicability thereof to any government,
865 agency, person, or circumstance shall not be affected thereby.
866 If this compact is held contrary to the constitution of any
867 member state, the compact shall remain in full force and effect
868 as to the remaining member states and in full force and effect
869 as to the member state affected as to all severable matters.

870 Section 7. Paragraphs (a) through (d) of subsection (1) of

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871 section 486.151, Florida Statutes, are amended to read:

872 486.151 Prohibited acts; penalty.—

873 (1) It is unlawful for any person to:

874 (a) Practice physical therapy or attempt to practice
875 physical therapy without an active license, multistate license,
876 or temporary permit.

877 (b) Use or attempt to use a license, multistate license, or
878 temporary permit to practice physical therapy which is
879 suspended, revoked, or void.

880 (c) Obtain or attempt to obtain a license, multistate
881 license, or temporary permit to practice physical therapy by
882 fraudulent misrepresentation.

883 (d) Use the name or title "Physical Therapist" or "Physical
884 Therapist Assistant" or any other name or title which would lead
885 the public to believe that the person using the name or title is
886 licensed to practice physical therapy, unless such person holds
887 a valid license or multistate license, or use the letters
888 "D.P.T.," unless such person holds a valid license under this
889 chapter or multistate license and a doctoral degree in physical
890 therapy.

891 Section 8. This act shall take effect July 1, 2017, or upon
892 enactment of the Physical Therapy Licensure Compact into law by
893 nine other states, whichever occurs later.