

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 608, Page 4,
2 Section 208.800, Line 3, by inserting after all of said section and line the following:

3
4 "334.1200. PURPOSE

5 The purpose of this compact is to facilitate interstate practice of physical therapy with the
6 goal of improving public access to physical therapy services. The practice of physical therapy
7 occurs in the state where the patient/client is located at the time of the patient/client encounter. The
8 compact preserves the regulatory authority of states to protect public health and safety through the
9 current system of state licensure.

10 This compact is designed to achieve the following objectives:

11 1. Increase public access to physical therapy services by providing for the mutual
12 recognition of other member state licenses;

13 2. Enhance the states' ability to protect the public's health and safety;

14 3. Encourage the cooperation of member states in regulating multistate physical therapy
15 practice;

16 4. Support spouses of relocating military members;

17 5. Enhance the exchange of licensure, investigative, and disciplinary information between
18 member states; and

19 6. Allow a remote state to hold a provider of services with a compact privilege in that state
20 accountable to that state's practice standards.

21 334.1203. DEFINITIONS

22 As used in this compact, and except as otherwise provided, the following definitions shall
23 apply:

24 1. "Active Duty Military" means full-time duty status in the active uniformed service of the
25 United States, including members of the National Guard and Reserve on active duty orders pursuant
26 to 10 U.S.C. Section 1209 and 1211.

27 2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board
28 based upon misconduct, unacceptable performance, or a combination of both.

29 3. "Alternative Program" means a nondisciplinary monitoring or practice remediation
30 process approved by a physical therapy licensing board. This includes, but is not limited to,
31 substance abuse issues.

32 4. "Compact privilege" means the authorization granted by a remote state to allow a licensee
33 from another member state to practice as a physical therapist or work as a physical therapist
34 assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the
35 member state where the patient/client is located at the time of the patient/client encounter.

36 5. "Continuing competence" means a requirement, as a condition of license renewal, to

Standing Action Taken _____ Date _____

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1 provide evidence of participation in, and/or completion of, educational and professional activities
 2 relevant to practice or area of work.

3 6. "Data system" means a repository of information about licensees, including examination,
 4 licensure, investigative, compact privilege, and adverse action.

5 7. "Encumbered license" means a license that a physical therapy licensing board has limited
 6 in any way.

7 8. "Executive Board" means a group of directors elected or appointed to act on behalf of,
 8 and within the powers granted to them by, the commission.

9 9. "Home state" means the member state that is the licensee's primary state of residence.

10 10. "Investigative information" means information, records, and documents received or
 11 generated by a physical therapy licensing board pursuant to an investigation.

12 11. "Jurisprudence requirement" means the assessment of an individual's knowledge of the
 13 laws and rules governing the practice of physical therapy in a state.

14 12. "Licensee" means an individual who currently holds an authorization from the state to
 15 practice as a physical therapist or to work as a physical therapist assistant.

16 13. "Member state" means a state that has enacted the compact.

17 14. "Party state" means any member state in which a licensee holds a current license or
 18 compact privilege or is applying for a license or compact privilege.

19 15. "Physical therapist" means an individual who is licensed by a state to practice physical
 20 therapy.

21 16. "Physical therapist assistant" means an individual who is licensed/certified by a state and
 22 who assists the physical therapist in selected components of physical therapy.

23 17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy"
 24 mean the care and services provided by or under the direction and supervision of a licensed physical
 25 therapist.

26 18. "Physical therapy compact commission" or "commission" means the national
 27 administrative body whose membership consists of all states that have enacted the compact.

28 19. "Physical therapy licensing board" or "licensing board" means the agency of a state that
 29 is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

30 20. "Remote state" means a member state other than the home state, where a licensee is
 31 exercising or seeking to exercise the compact privilege.

32 21. "Rule" means a regulation, principle, or directive promulgated by the commission that
 33 has the force of law.

34 22. "State" means any state, commonwealth, district, or territory of the United States of
 35 America that regulates the practice of physical therapy.

36 334.1206. STATE PARTICIPATION IN THE COMPACT

37 A. To participate in the compact, a state must:

38 1. Participate fully in the commission's data system, including using the commission's
 39 unique identifier as defined in rules;

40 2. Have a mechanism in place for receiving and investigating complaints about licensees;

41 3. Notify the commission, in compliance with the terms of the compact and rules, of any
 42 adverse action or the availability of investigative information regarding a licensee;

43 4. Fully implement a criminal background check requirement, within a time frame
 44 established by rule, by receiving the results of the Federal Bureau of Investigation record search on
 45 criminal background checks and use the results in making licensure decisions in accordance with
 46 section 334.1206.B.;

47 5. Comply with the rules of the commission;

48 6. Utilize a recognized national examination as a requirement for licensure pursuant to the

1 rules of the commission; and

2 7. Have continuing competence requirements as a condition for license renewal.

3 B. Upon adoption of sections 334.1200 to 334.1233, the member state shall have the
4 authority to obtain biometric-based information from each physical therapy licensure applicant and
5 submit this information to the Federal Bureau of Investigation for a criminal background check in
6 accordance with 28 U.S.C. Section 534 and 42 U.S.C. Section 14616.

7 C. A member state shall grant the compact privilege to a licensee holding a valid
8 unencumbered license in another member state in accordance with the terms of the compact and
9 rules.

10 D. Member states may charge a fee for granting a compact privilege.

11 334.1209. COMPACT PRIVILEGE

12 A. To exercise the compact privilege under the terms and provisions of the compact, the
13 licensee shall:

14 1. Hold a license in the home state;

15 2. Have no encumbrance on any state license;

16 3. Be eligible for a compact privilege in any member state in accordance with section
17 334.1209D, G and H;

18 4. Have not had any adverse action against any license or compact privilege within the
19 previous 2 years;

20 5. Notify the commission that the licensee is seeking the compact privilege within a remote
21 state(s);

22 6. Pay any applicable fees, including any state fee, for the compact privilege;

23 7. Meet any jurisprudence requirements established by the remote state(s) in which the
24 licensee is seeking a compact privilege; and

25 8. Report to the commission adverse action taken by any nonmember state within thirty
26 days from the date the adverse action is taken.

27 B. The compact privilege is valid until the expiration date of the home license. The licensee
28 must comply with the requirements of section 334.1209.A. to maintain the compact privilege in the
29 remote state.

30 C. A licensee providing physical therapy in a remote state under the compact privilege shall
31 function within the laws and regulations of the remote state.

32 D. A licensee providing physical therapy in a remote state is subject to that state's
33 regulatory authority. A remote state may, in accordance with due process and that state's laws,
34 remove a licensee's compact privilege in the remote state for a specific period of time, impose fines,
35 and/or take any other necessary actions to protect the health and safety of its citizens. The licensee
36 is not eligible for a compact privilege in any state until the specific time for removal has passed and
37 all fines are paid.

38 E. If a home state license is encumbered, the licensee shall lose the compact privilege in any
39 remote state until the following occur:

40 1. The home state license is no longer encumbered; and

41 2. Two years have elapsed from the date of the adverse action.

42 F. Once an encumbered license in the home state is restored to good standing, the licensee
43 must meet the requirements of section 334.1209A to obtain a compact privilege in any remote state.

44 G. If a licensee's compact privilege in any remote state is removed, the individual shall lose
45 the compact privilege in any remote state until the following occur:

46 1. The specific period of time for which the compact privilege was removed has ended;

47 2. All fines have been paid; and

48 3. Two years have elapsed from the date of the adverse action.

1 H. Once the requirements of section 334.1209G have been met, the license must meet the
2 requirements in section 334.1209A to obtain a compact privilege in a remote state.

3 334.1212. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

4 A licensee who is active duty military or is the spouse of an individual who is active duty
5 military may designate one of the following as the home state:

6 A. Home of record;

7 B. Permanent change of station (PCS); or

8 C. State of current residence if it is different than the PCS state or home of record.

9 334.1215. ADVERSE ACTIONS

10 A. A home state shall have exclusive power to impose adverse action against a license
11 issued by the home state.

12 B. A home state may take adverse action based on the investigative information of a remote
13 state, so long as the home state follows its own procedures for imposing adverse action.

14 C. Nothing in this compact shall override a member state's decision that participation in an
15 alternative program may be used in lieu of adverse action and that such participation shall remain
16 nonpublic if required by the member state's laws. Member states must require licensees who enter
17 any alternative programs in lieu of discipline to agree not to practice in any other member state
18 during the term of the alternative program without prior authorization from such other member
19 state.

20 D. Any member state may investigate actual or alleged violations of the statutes and rules
21 authorizing the practice of physical therapy in any other member state in which a physical therapist
22 or physical therapist assistant holds a license or compact privilege.

23 E. A remote state shall have the authority to:

24 1. Take adverse actions as set forth in section 334.1209.D. against a licensee's compact
25 privilege in the state;

26 2. Issue subpoenas for both hearings and investigations that require the attendance and
27 testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy
28 licensing board in a party state for the attendance and testimony of witnesses, and/or the production
29 of evidence from another party state, shall be enforced in the latter state by any court of competent
30 jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in
31 proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses,
32 mileage, and other fees required by the service statutes of the state where the witnesses and/or
33 evidence are located; and

34 3. If otherwise permitted by state law, recover from the licensee the costs of investigations
35 and disposition of cases resulting from any adverse action taken against that licensee.

36 F. Joint Investigations

37 1. In addition to the authority granted to a member state by its respective physical therapy
38 practice act or other applicable state law, a member state may participate with other member states
39 in joint investigations of licensees.

40 2. Member states shall share any investigative, litigation, or compliance materials in
41 furtherance of any joint or individual investigation initiated under the compact.

42 334.1218. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT
43 COMMISSION.

44 A. The compact member states hereby create and establish a joint public agency known as
45 the physical therapy compact commission:

46 1. The commission is an instrumentality of the compact states.

47 2. Venue is proper and judicial proceedings by or against the commission shall be brought
48 solely and exclusively in a court of competent jurisdiction where the principal office of the

1 commission is located. The commission may waive venue and jurisdictional defenses to the extent
 2 it adopts or consents to participate in alternative dispute resolution proceedings.

3 3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

4 B. Membership, Voting, and Meetings

5 1. Each member state shall have and be limited to one delegate selected by that member
 6 state's licensing board.

7 2. The delegate shall be a current member of the licensing board, who is a physical
 8 therapist, physical therapist assistant, public member, or the board administrator.

9 3. Any delegate may be removed or suspended from office as provided by the law of the
 10 state from which the delegate is appointed.

11 4. The member state board shall fill any vacancy occurring in the commission.

12 5. Each delegate shall be entitled to one vote with regard to the promulgation of rules and
 13 creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs
 14 of the commission.

15 6. A delegate shall vote in person or by such other means as provided in the bylaws. The
 16 bylaws may provide for delegates' participation in meetings by telephone or other means of
 17 communication.

18 7. The commission shall meet at least once during each calendar year. Additional meetings
 19 shall be held as set forth in the bylaws.

20 C. The commission shall have the following powers and duties:

21 1. Establish the fiscal year of the commission;

22 2. Establish bylaws;

23 3. Maintain its financial records in accordance with the bylaws;

24 4. Meet and take such actions as are consistent with the provisions of this compact and the
 25 bylaws;

26 5. Promulgate uniform rules to facilitate and coordinate implementation and administration
 27 of this compact. The rules shall have the force and effect of law and shall be binding in all member
 28 states;

29 6. Bring and prosecute legal proceedings or actions in the name of the commission,
 30 provided that the standing of any state physical therapy licensing board to sue or be sued under
 31 applicable law shall not be affected;

32 7. Purchase and maintain insurance and bonds;

33 8. Borrow, accept, or contract for services of personnel, including, but not limited to,
 34 employees of a member state;

35 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
 36 individuals appropriate authority to carry out the purposes of the compact, and to establish the
 37 commission's personnel policies and programs relating to conflicts of interest, qualifications of
 38 personnel, and other related personnel matters;

39 10. Accept any and all appropriate donations and grants of money, equipment, supplies,
 40 materials and services, and to receive, utilize and dispose of the same; provided that at all times the
 41 commission shall avoid any appearance of impropriety and/or conflict of interest;

42 11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
 43 improve or use, any property, real, personal or mixed; provided that at all times the commission
 44 shall avoid any appearance of impropriety;

45 12. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any
 46 property real, personal, or mixed;

47 13. Establish a budget and make expenditures;

48 14. Borrow money;

- 1 15. Appoint committees, including standing committees comprised of members, state
2 regulators, state legislators or their representatives, and consumer representatives, and such other
3 interested persons as may be designated in this compact and the bylaws;
4 16. Provide and receive information from, and cooperate with, law enforcement agencies;
5 17. Establish and elect an executive board; and
6 18. Perform such other functions as may be necessary or appropriate to achieve the purposes
7 of this compact consistent with the state regulation of physical therapy licensure and practice.
8 D. The Executive Board
9 The executive board shall have the power to act on behalf of the commission according to
10 the terms of this compact.
11 1. The executive board shall be comprised of nine members:
12 a. Seven voting members who are elected by the commission from the current membership
13 of the commission;
14 b. One ex officio, nonvoting member from the recognized national physical therapy
15 professional association; and
16 c. One ex officio, nonvoting member from the recognized membership organization of the
17 physical therapy licensing boards.
18 2. The ex officio members will be selected by their respective organizations.
19 3. The commission may remove any member of the executive board as provided in bylaws.
20 4. The executive board shall meet at least annually.
21 5. The executive board shall have the following duties and responsibilities:
22 a. Recommend to the entire commission changes to the rules or bylaws, changes to this
23 compact legislation, fees paid by compact member states such as annual dues, and any commission
24 compact fee charged to licensees for the compact privilege;
25 b. Ensure compact administration services are appropriately provided, contractual or
26 otherwise;
27 c. Prepare and recommend the budget;
28 d. Maintain financial records on behalf of the commission;
29 e. Monitor compact compliance of member states and provide compliance reports to the
30 commission;
31 f. Establish additional committees as necessary; and
32 g. Other duties as provided in rules or bylaws.
33 E. Meetings of the Commission
34 1. All meetings shall be open to the public, and public notice of meetings shall be given in
35 the same manner as required under the rulemaking provisions in section 334.1224.
36 2. The commission or the executive board or other committees of the commission may
37 convene in a closed, nonpublic meeting if the commission or executive board or other committees
38 of the commission must discuss:
39 a. Noncompliance of a member state with its obligations under the compact;
40 b. The employment, compensation, discipline or other matters, practices or procedures
41 related to specific employees or other matters related to the commission's internal personnel
42 practices and procedures;
43 c. Current, threatened, or reasonably anticipated litigation;
44 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
45 e. Accusing any person of a crime or formally censuring any person;
46 f. Disclosure of trade secrets or commercial or financial information that is privileged or
47 confidential;
48 g. Disclosure of information of a personal nature where disclosure would constitute a

1 clearly unwarranted invasion of personal privacy;

2 h. Disclosure of investigative records compiled for law enforcement purposes;

3 i. Disclosure of information related to any investigative reports prepared by or on behalf of
4 or for use of the commission or other committee charged with responsibility of investigation or
5 determination of compliance issues pursuant to the compact; or j. Matters specifically exempted
6 from disclosure by federal or member state statute.

7 3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
8 commission's legal counsel or designee shall certify that the meeting may be closed and shall
9 reference each relevant exempting provision.

10 4. The commission shall keep minutes that fully and clearly describe all matters discussed in
11 a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore,
12 including a description of the views expressed. All documents considered in connection with an
13 action shall be identified in such minutes. All minutes and documents of a closed meeting shall
14 remain under seal, subject to release by a majority vote of the commission or order of a court of
15 competent jurisdiction.

16 F. Financing of the Commission

17 1. The commission shall pay, or provide for the payment of, the reasonable expenses of its
18 establishment, organization, and ongoing activities.

19 2. The commission may accept any and all appropriate revenue sources, donations, and
20 grants of money, equipment, supplies, materials, and services.

21 3. The commission may levy on and collect an annual assessment from each member state
22 or impose fees on other parties to cover the cost of the operations and activities of the commission
23 and its staff, which must be in a total amount sufficient to cover its annual budget as approved each
24 year for which revenue is not provided by other sources. The aggregate annual assessment amount
25 shall be allocated based upon a formula to be determined by the commission, which shall
26 promulgate a rule binding upon all member states.

27 4. The commission shall not incur obligations of any kind prior to securing the funds
28 adequate to meet the same; nor shall the commission pledge the credit of any of the member states,
29 except by and with the authority of the member state.

30 5. The commission shall keep accurate accounts of all receipts and disbursements. The
31 receipts and disbursements of the commission shall be subject to the audit and accounting
32 procedures established under its bylaws. However, all receipts and disbursements of funds handled
33 by the commission shall be audited yearly by a certified or licensed public accountant, and the
34 report of the audit shall be included in and become part of the annual report of the commission.

35 G. Qualified Immunity, Defense, and Indemnification

36 1. The members, officers, executive director, employees and representatives of the
37 commission shall be immune from suit and liability, either personally or in their official capacity,
38 for any claim for damage to or loss of property or personal injury or other civil liability caused by
39 or arising out of any actual or alleged act, error or omission that occurred, or that the person against
40 whom the claim is made had a reasonable basis for believing occurred within the scope of
41 commission employment, duties or responsibilities; provided that nothing in this paragraph shall be
42 construed to protect any such person from suit and/or liability for any damage, loss, injury, or
43 liability caused by the intentional or willful or wanton misconduct of that person.

44 2. The commission shall defend any member, officer, executive director, employee or
45 representative of the commission in any civil action seeking to impose liability arising out of any
46 actual or alleged act, error, or omission that occurred within the scope of commission employment,
47 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
48 for believing occurred within the scope of commission employment, duties, or responsibilities;

provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

334.1221. DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege; 4. Nonconfidential information related to alternative program participation;

5. Any denial of application for licensure, and the reason(s) for such denial; and

6. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state. F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

334.1224. RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

1. On the website of the commission or other publicly accessible platform; and

2. On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

1 E. The notice of proposed rulemaking shall include:

2 1. The proposed time, date, and location of the meeting in which the rule will be considered
3 and voted upon;

4 2. The text of the proposed rule or amendment and the reason for the proposed rule;

5 3. A request for comments on the proposed rule from any interested person; and

6 4. The manner in which interested persons may submit notice to the commission of their
7 intention to attend the public hearing and any written comments.

8 F. Prior to adoption of a proposed rule, the commission shall allow persons to submit
9 written data, facts, opinions, and arguments, which shall be made available to the public.

10 G. The commission shall grant an opportunity for a public hearing before it adopts a rule or
11 amendment if a hearing is requested by:

12 1. At least twenty-five persons;

13 2. A state or federal governmental subdivision or agency; or

14 3. An association having at least twenty-five members.

15 H. If a hearing is held on the proposed rule or amendment, the commission shall publish the
16 place, time, and date of the scheduled public hearing. If the hearing is held via electronic means,
17 the commission shall publish the mechanism for access to the electronic hearing.

18 1. All persons wishing to be heard at the hearing shall notify the executive director of the
19 commission or other designated member in writing of their desire to appear and testify at the
20 hearing not less than five business days before the scheduled date of the hearing.

21 2. Hearings shall be conducted in a manner providing each person who wishes to comment
22 a fair and reasonable opportunity to comment orally or in writing.

23 3. All hearings will be recorded. A copy of the recording will be made available on request.

24 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
25 Rules may be grouped for the convenience of the commission at hearings required by this section.

26 I. Following the scheduled hearing date, or by the close of business on the scheduled
27 hearing date if the hearing was not held, the commission shall consider all written and oral
28 comments received.

29 J. If no written notice of intent to attend the public hearing by interested parties is received,
30 the commission may proceed with promulgation of the proposed rule without a public hearing.

31 K. The commission shall, by majority vote of all members, take final action on the proposed
32 rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the
33 full text of the rule.

34 L. Upon determination that an emergency exists, the commission may consider and adopt an
35 emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual
36 rulemaking procedures provided in the compact and in this section shall be retroactively applied to
37 the rule as soon as reasonably possible, in no event later than ninety days after the effective date of
38 the rule. For the purposes of this provision, an emergency rule is one that must be adopted
39 immediately in order to:

40 1. Meet an imminent threat to public health, safety, or welfare;

41 2. Prevent a loss of commission or member state funds;

42 3. Meet a deadline for the promulgation of an administrative rule that is established by
43 federal law or rule; or

44 4. Protect public health and safety.

45 M. The commission or an authorized committee of the commission may direct revisions to a
46 previously adopted rule or amendment for purposes of correcting typographical errors, errors in
47 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
48 on the website of the commission. The revision shall be subject to challenge by any person for a

period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

334.1227. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

3. The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

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

6. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

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

2. The commission shall promulgate a rule providing for both mediation and binding

1 dispute resolution for disputes as appropriate.

2 D. Enforcement

3 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions
4 and rules of this compact.

5 2. By majority vote, the commission may initiate legal action in the United States District
6 Court for the District of Columbia or the federal district where the commission has its principal
7 offices against a member state in default to enforce compliance with the provisions of the compact
8 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
9 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all
10 costs of such litigation, including reasonable attorney's fees.

11 3. The remedies herein shall not be the exclusive remedies of the commission. The
12 commission may pursue any other remedies available under federal or state law.

13 334.1230. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
14 PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
15 AMENDMENT

16 A. The compact shall come into effect on the date on which the compact statute is enacted
17 into law in the tenth member state. The provisions, which become effective at that time, shall be
18 limited to the powers granted to the commission relating to assembly and the promulgation of rules.
19 Thereafter, the commission shall meet and exercise rulemaking powers necessary to the
20 implementation and administration of the compact.

21 B. Any state that joins the compact subsequent to the commission's initial adoption of the
22 rules shall be subject to the rules as they exist on the date on which the compact becomes law in that
23 state. Any rule that has been previously adopted by the commission shall have the full force and
24 effect of law on the day the compact becomes law in that state.

25 C. Any member state may withdraw from this compact by enacting a statute repealing the
26 same.

27 1. A member state's withdrawal shall not take effect until six months after enactment of the
28 repealing statute.

29 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
30 physical therapy licensing board to comply with the investigative and adverse action reporting
31 requirements of this act prior to the effective date of withdrawal.

32 D. Nothing contained in this compact shall be construed to invalidate or prevent any
33 physical therapy licensure agreement or other cooperative arrangement between a member state and
34 a nonmember state that does not conflict with the provisions of this compact.

35 E. This compact may be amended by the member states. No amendment to this compact
36 shall become effective and binding upon any member state until it is enacted into the laws of all
37 member states.

38 334.1233. CONSTRUCTION AND SEVERABILITY

39 This compact shall be liberally construed so as to effectuate the purposes thereof. The
40 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this
41 compact is declared to be contrary to the constitution of any party state or of the United States or the
42 applicability thereof to any government, agency, person or circumstance is held invalid, the validity
43 of the remainder of this compact and the applicability thereof to any government, agency, person or
44 circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution
45 of any party state, the compact shall remain in full force and effect as to the remaining party states
46 and in full force and effect as to the party state affected as to all severable matters."; and

47
48 Further amend said bill by amending the title, enacting clause, and intersectional references

1 accordingly.
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