Senate Engrossed House Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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)

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

Section 1. Title 32, chapter 19, article 3, Arizona Revised Statutes, is amended by adding sections 32-2053, 32-2054, 32-2055 and 32-2056, to read:

32-2053. Physical therapy licensure compact

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

SECTION 1

PURPOSE

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

1. INCREASE PUBLIC ACCESS TO PHYSICAL THERAPY SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE LICENSES.

2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC HEALTH AND SAFETY.

3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING MULTISTATE PHYSICAL THERAPY PRACTICE.

4. SUPPORT SPOUSES OF RELOCATING MILITARY MEMBERS.

5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND DISCIPLINARY INFORMATION BETWEEN MEMBER STATES.

6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT STATE'S PRACTICE STANDARDS.

SECTION 2

DEFINITIONS

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

1. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE SECTION 1211.

2. "ADVERSE ACTION" MEANS DISCIPLINARY ACTION TAKEN BY A PHYSICAL THERAPY LICENSING BOARD BASED ON MISCONDUCT OR UNACCEPTABLE PERFORMANCE, OR BOTH.

3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A PHYSICAL THERAPY LICENSING BOARD, INCLUDING A PROGRAM RELATING TO SUBSTANCE ABUSE ISSUES.

4. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY A REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER STATE TO PRACTICE AS A PHYSICAL THERAPIST OR WORK AS A PHYSICAL THERAPIST ASSISTANT IN THE REMOTE STATE UNDER ITS LAWS AND RULES. THE PRACTICE OF PHYSICAL THERAPY OCCURS IN THE MEMBER

STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT ENCOUNTER.

5. "CONTINUING COMPETENCE" MEANS A REQUIREMENT, AS A CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF PARTICIPATION IN OR COMPLETION OF EDUCATIONAL AND PROFESSIONAL ACTIVITIES RELEVANT TO THE PRACTICE OR AREA OF WORK.

6. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES, INCLUDING EXAMINATION, LICENSURE, INVESTIGATIVE INFORMATION, COMPACT PRIVILEGE AND ADVERSE ACTION.

7. "ENCUMBERED LICENSE" MEANS A LICENSE THAT A PHYSICAL THERAPY LICENSING BOARD HAS LIMITED IN ANY WAY.

8. "EXECUTIVE BOARD" MEANS A GROUP OF DIRECTORS ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED BY, THE COMMISSION.

9. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE'S PRIMARY STATE OF RESIDENCE.

10. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS AND DOCUMENTS RECEIVED OR GENERATED BY A PHYSICAL THERAPY LICENSING BOARD PURSUANT TO AN INVESTIGATION.

11. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING THE PRACTICE OF PHYSICAL THERAPY IN A STATE.

12. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN AUTHORIZATION FROM THE STATE TO PRACTICE AS A PHYSICAL THERAPIST OR TO WORK AS A PHYSICAL THERAPIST ASSISTANT.

13. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

14. "PARTY STATE" MEANS ANY MEMBER STATE IN WHICH A LICENSEE HOLDS A CURRENT LICENSE OR COMPACT PRIVILEGE OR IS APPLYING FOR A LICENSE OR COMPACT PRIVILEGE.

15. "PHYSICAL THERAPIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE TO PRACTICE PHYSICAL THERAPY.

16. "PHYSICAL THERAPIST ASSISTANT" MEANS AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED BY A STATE AND WHO ASSISTS THE PHYSICAL THERAPIST IN SELECTED COMPONENTS OF PHYSICAL THERAPY.

17. "PHYSICAL THERAPY", "PHYSICAL THERAPY PRACTICE" OR "PRACTICE OF PHYSICAL THERAPY" MEANS THE CARE AND SERVICES PROVIDED BY OR UNDER THE DIRECTION AND SUPERVISION OF A LICENSED PHYSICAL THERAPIST.

18. "PHYSICAL THERAPY COMPACT COMMISSION" OR "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THIS COMPACT.

19. "PHYSICAL THERAPY LICENSING BOARD" OR "LICENSING BOARD" MEANS THE AGENCY OF A STATE THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS.

20. "REMOTE STATE" MEANS A MEMBER STATE, OTHER THAN THE HOME STATE, WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT PRIVILEGE.

21. "RULE" MEANS A REGULATION, PRINCIPLE OR DIRECTIVE ADOPTED BY THE COMMISSION THAT HAS THE FORCE OF LAW.

22. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF 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.

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

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

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

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

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

1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED.

2. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

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

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

1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT PRIVILEGE WAS REMOVED HAS ENDED.

2. ALL FINES HAVE BEEN PAID.

3. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

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

SECTION 5

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

1. THE HOME OF RECORD.

2. THE PERMANENT CHANGE OF STATION.

3. THE STATE OF CURRENT RESIDENCE IF IT IS DIFFERENT THAN THE PERMANENT CHANGE OF STATION STATE OR HOME OF RECORD.

SECTION 6

ADVERSE ACTIONS

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

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

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

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

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

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

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

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

F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

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

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

SECTION 7

ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

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

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

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

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

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

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

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

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

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

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

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

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

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

1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

2. ESTABLISH BYLAWS.

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

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

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

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

7. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND RECEIVE, UTILIZE AND DISPOSE OF THE SAME, IF AT ALL TIMES THE COMMISSION AVOIDS ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST.

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

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

13. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

14. BORROW MONEY.

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

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

17. ESTABLISH AND ELECT AN EXECUTIVE BOARD.

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

D. PROVISION FOR THE EXECUTIVE BOARD IS AS FOLLOWS:

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

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

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

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

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

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

4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.

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

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

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

(c) PREPARE AND RECOMMEND THE BUDGET.

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

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

(f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.

(g) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

E. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE RULEMAKING PROVISIONS IN SECTION 9 OF THIS COMPACT.

2. THE COMMISSION OR THE EXECUTIVE BOARD OR OTHER COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE COMMISSION OR EXECUTIVE BOARD OR OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS ANY OF THE FOLLOWING:

(a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE COMPACT.

(b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OF OR OTHER MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES, OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

(c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

(d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF GOODS, SERVICES OR REAL ESTATE.

(e) ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING ANY PERSON.

(f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

(g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE FOR WHICH DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

(h) THE DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

(i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE REPORT PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER COMMITTEE CHARGED WITH THE RESPONSIBILITY OF INVESTIGATING OR DETERMINING COMPLIANCE ISSUES PURSUANT TO THIS COMPACT.

(j) MATTERS SPECIFICALLY EXEMPT FROM DISCLOSURE BY FEDERAL OR MEMBER STATE STATUTE.

3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO THIS SECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING PROVISION.

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

F. FINANCING OF THE COMMISSION IS AS FOLLOWS:

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

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

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

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

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

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

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

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

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

SECTION 8

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 APPLIES AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING ALL OF THE FOLLOWING:

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 AN APPLICATION FOR LICENSURE AND THE REASON OR REASONS FOR SUCH DENIAL.
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.

SECTION 9

RULEMAKING

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

B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECT A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, THE RULE HAS 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. BEFORE THE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND AT LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING ON BOTH:

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

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

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

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

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

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

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

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

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

1. AT LEAST TWENTY-FIVE PERSONS.

2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY.

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

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

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

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

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

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

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

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

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

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

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

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

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

4. PROTECT THE PUBLIC HEALTH AND SAFETY.

M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE REVISION IS 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

CHAIRPERSON OF THE COMMISSION BEFORE 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.

SECTION 10

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

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 ADOPTED UNDER THIS COMPACT 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 THAT MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

3. THE COMMISSION IS 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 RULES ADOPTED UNDER THIS COMPACT.

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

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

(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 OR ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

(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 ON 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 MAY 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 ON 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 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

C. DISPUTE RESOLUTION PROVISIONS ARE AS FOLLOWS:

1. ON 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 ADOPT A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:

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

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

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

SECTION 11
DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

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

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

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

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

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

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

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

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.

Passed the House February 29, 2016

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Speaker of the House

☑ Pro Tempore

Chief Clerk of the House

Passed the Senate April 25, 2016

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting

President of the Senate

Pro Tempore

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____ M.

Secretary of State

H.B. 2504

HOUSE CONCURS IN SENATE AMENDMENTS AND FINAL PASSAGE

May 7, 2016

by the following vote: 40 Ayes,

15 Nays, 5 Not Voting

Speaker of the House

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2016,

at 3:33 o'clock A. M.

Secretary to the Governor

Approved this 17th day of

May, 2016,

at 1:12 o'clock P. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17th day of May, 2016,

at 4:35 o'clock P M.

Secretary of State

H.B. 2504