



# PT • COMPACT

## Physical Therapy Compact Commission Notice of Proposed Rulemaking

The Physical Therapy Compact Commission is requesting public comment on the proposed amendments to its Rules. Pursuant to Section 9 of the Physical Therapy Compact, the Commission is required to post this Notice at least thirty (30) days in advance of the meeting at which the Rules will be considered and voted upon by the Commission.

### PUBLICATION DATE:

9/25/2019

### SUMMARY OF THE PROPOSED RULES OR AMENDMENT TO EXISTING RULES:

| Rule    | Summary of Changes  |
|---------|---|
| 1.1     | Clarifies the rules by adding new definitions for key words and reorders accordingly based on alphabetical order      |
| 3.3/3.5 | Moves paragraph C in Rule 3.5 to paragraph E in Rule 3.3  |
| 3.3     | Clarifies the eligibility of someone who has a denied license by adding a new paragraph and reorders other paragraphs |

### TEXT OF THE PROPOSED AMENDMENTS:

A copy of the proposed amendments is attached to this Notice.

### MEETING DATE, TIME, AND LOCATION:

The Physical Therapy Compact Commission will consider and vote on the adoption of the attached amendments to its Rules at its public meeting on October 27, 2019. The meeting will take place at 9:30 AM, CDT, at the Renaissance Oklahoma City Convention Center Hotel, 10 North Broadway Avenue, Oklahoma City, Oklahoma 73102.

### DEADLINE AND PROCESS TO SUBMIT WRITTEN COMMENTS:

Written comments must be received by 5:00 PM, EDT, on October 18, 2019. All comments or intentions to attend the Commission meeting should be submitted electronically by the deadline to [info@ptcompact.org](mailto:info@ptcompact.org). All comments must be provided in a single file and must include the name of the submitter, any organization the submitter represents, and the rule number(s) the comments address. If electronic submission of comments is not feasible, please contact the PT Compact Commission using the contact information below for special instructions.

### REQUESTS FOR PUBLIC HEARING:

Pursuant to Section 9 of the Physical Therapy Compact, the PT Compact Commission shall hold a public hearing on the proposed rules changes if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

If one of the three standards above is met, the Commission will hold a hearing on the proposed rules at its public meeting on October 27, 2019. The meeting will take place at 9:30 AM, CDT, at the Renaissance Oklahoma City Convention Center Hotel, 10 North Broadway Avenue, Oklahoma City, Oklahoma.

All requests for a public hearing must be submitted electronically to [info@ptcompact.org](mailto:info@ptcompact.org) by 5:00 PM, EDT, on October 18, 2019.

**FOR FURTHER INFORMATION CONTACT:**

T.J. Cantwell, Compact Administrator, by email at [administrator@ptcompact.org](mailto:administrator@ptcompact.org) or by telephone at 703-299-3100 ext. 261 or at 124 West Street South, Suite 300, Alexandria, VA 22314-2825.

## 2019 Physical Therapy Compact Commission Draft Rules Amendments Recommended by the PT Compact Executive Board for Public Comment

Please note that additions are indicated by red underlined text. Deletions are indicated by ~~red strikethrough~~ text. Black text is existing unchanged text.

### 1) Rule 1.1 – Definitions

**Reason: To improve clarity of the rules by adding new definitions for key words and reorder accordingly based on alphabetical order.**

#### Proposed Change:

Add new paragraph to Rule 1.1

(NOTE: Adoption of proposed amendment would reorder other definitions based on alphabetical order)

#### Rule 1.1 – Definitions

For the purpose of the rules adopted by the Physical Therapy Compact Commission, the following definitions shall apply:

- (A) “Adverse action” means a publicly available disciplinary action taken against a license or compact privilege by a Licensing Board. Adverse action does not include non-disciplinary remediation required by the Licensing Board.
- (B) “Alternative program” means any non-disciplinary monitoring program intended to remediate the licensee that is not a matter of public record and to which a Licensing Board refers a licensee, or of which the Licensing Board is aware of the licensee’s participation.
- (C) “Applying for a license” means the individual has submitted an application for licensure to the Licensing Board or requested that the Federation of State Boards of Physical Therapy transfer the individual’s National Physical Therapy Examination score to the Licensing Board.
- (D) “Commission” means the Physical Therapy Compact Commission.
- (E) “Compact” or “Physical Therapy Compact” means the Physical Therapy Licensure Compact.
- (F) “Compact Administrator” shall be synonymous with “executive director” referenced in Section 7.G. of the Compact.
- (G) “Denied” means a decision of a licensing board to refuse to issue, reinstate, or renew a physical therapist or physical therapist assistant license that is reported to the National Practitioner Data Bank (NPDB).
- (H) “Encumbrance” means any action taken by the Licensing Board that limits the practice or work of the physical therapist or physical therapist assistant. An encumbrance may be disciplinary or non-disciplinary in nature.
- (I) “FSBPT ID” means the identification number assigned by the Federation of State Boards of Physical Therapy to all individuals in the Exam, Licensure, and Disciplinary Database.
- (J) “Home state” means a person’s true, fixed, and permanent home and is the place where the person intends to remain indefinitely, and to which the person expects to return if absent without intending to establish a new domicile elsewhere.

- (K) "License" means the authorization from the state to practice as a physical therapist or to work as a physical therapist assistant. For purposes of the Compact, a certification for a physical therapist assistant is synonymous with "license."
- (L) "Licensing Board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.
- (M) "Member state" means a state that has enacted the Compact.
- (N) "Non-member state" means a state that has not enacted the Compact.
- (O) "Party state" means any member state where the individual currently holds, or has ever held a physical therapist or physical therapist assistant license or compact privilege or is applying for a license or compact privilege.
- (P) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

**2) Rule 3.3 and 3.5 – Eligibility for Compact Privileges after an Adverse Action or Encumbrance and Explanation or Termination of a Compact Privilege**

**Reason: To move paragraph C in Rule 3.5 to a more appropriate section in rule 3.3, reorder the current paragraphs, and to clarify the eligibility of someone who has a denied license.**

Proposed Change #1:

Move Rule 3.5 (C) to Rule 3.3 (E)

Proposed Change #2:

Add new paragraph (F) to Rule 3.3

(NOTE: Adoption of proposed amendments would reorder paragraphs making current paragraph 3.3(E) the new 3.3(G))

Rule 3.3 – Eligibility for Compact Privilege after an Adverse Action or Encumbrance

- (A) An individual immediately loses any and all compact privilege(s) upon the effective date of either of the following actions taken by a Licensing Board:
  - a. Adverse action taken against a license or compact privilege; or
  - b. Encumbrance placed upon the individual's license or compact privilege.
- (B) Following an adverse action or encumbrance, an individual regains eligibility for compact privilege(s):
  - a. Immediately after the removal of all non-disciplinary encumbrance(s), provided there are no current adverse actions against the license or compact privilege; or
  - b. Two (2) years from the effective date of the adverse action as specified in the Board Order.
    - i. If the timeframe imposed by the Licensing Board is greater than two years, the individual will not regain eligibility until the greater timeframe has elapsed; or
    - ii. If the timeframe when all disciplinary encumbrances have passed and all fines are paid is greater than two (2) years, the individual will not regain eligibility until that timeframe has elapsed.
- (C) The two (2) year waiting period is from the effective date of the most recent adverse action and restarts if subsequent adverse action is taken by a Licensing Board.

- (D) If a remote state removes an individual's compact privilege in the remote state for a period of more than two years, the individual remains subject to the removal even if the individual does not renew the compact privilege.
- (E) If an individual's license is revoked, the individual is deemed to have an encumbrance until the revoked license is reinstated/restored without restrictions, conditions, or terms.
- (F) If an individual is denied a license, as defined in Rule 1.1, the individual is deemed to have an encumbrance until the license is approved without restrictions, conditions, or terms.
- (G) As used in Section 4.D. of the Compact, the word "removed" does not mean lapsed or voluntarily not renewed.

Rule 3.5 – Expiration or Termination of a Compact Privilege

- (A) All compact privileges shall expire on the actual expiration date of the home state license even if the home state allows practice beyond the license expiration date.
- (B) Impact of changing the primary state of residence.
  - a. Moving to another member state.
    - i. The compact privilege holder must hold an active license in the new home state prior to changing the primary state of residence or all current compact privileges will be terminated.
    - ii. When a compact privilege holder obtains the license in the new home state and changes the primary state of residence, the expiration date of all current compact privileges will be updated to match the expiration date of the new home state license.
  - b. Moving to a non-member state.
    - i. If the compact privilege holder's new primary state of residence is a non-member state, all current compact privileges will be immediately terminated.
- ~~(C) If an individual's license is revoked, the individual is deemed to have an encumbrance until the revoked license is reinstated/restored without restrictions, conditions or terms.~~