



Physical Therapy Compact Commission Special Meeting

Minutes

June 17, 2024

Virtual

DELEGATES PRESENT:

Kathy Arney, North Carolina, Chair
David Harris, Tennessee, Vice Chair
Charlotte Martin, Louisiana, Secretary/Treasurer
Jennifer Aglubat, Washington, Member-at-Large
Laurie Kendall-Ellis, Maryland, Member-at-Large
Karen McIntyre, Ohio, Member-at-Large
Corie Tillman Wolf, Virginia, Member-at-Large
Kathy Miller, Alabama
Joshua Greer, Arizona
Rob Jordan, Arkansas
Kristin Schweizer, Connecticut
Yukon Morford, Colorado
Alison Warren, Delaware
Tim Vidale, District of Columbia
Heather Freeman, Indiana
Venus Vendoures-Walsh, Iowa
Stephen Curley, Kentucky
Cooper Lewis, Mississippi
Jimmy Leggett, Missouri
Bridget Menie, Montana
Claire Covert-ByBee, Nebraska
Nicole Lavoie, New Hampshire
Justin Berry, North Dakota
Kelly Berry, Oklahoma
Erin Crawford, Oregon
Geraldine Gryzbek, Pennsylvania
Harvey Aikman, Texas
Jeff Busjahn, Utah

DELEGATES ABSENT:

Destiny Gaddis, Georgia
Susan Gile, Kansas
Richard Stoneking, New Jersey
Brad Thuringer, South Dakota
Nonnie Holcomb, West Virginia

Brad Bulkow, Wisconsin

EX OFFICIO DELEGATES PRESENT: Michele Thorman, FSBPT

EX OFFICIO DELEGATES PRESENT: Taj Franklin, APTA

LEGAL COUNSEL PRESENT: Doug Wolfberg

STAFF PRESENT: Jeffrey M. Rosa, Compact Administrator
Susan Newman, COO
Richard Woolf, CPO
Linda Michelson, CFO

Call to Order

Chair Kathy Arney called the meeting to Order at 1:31 pm ET.

Roll Call

Secretary/Treasurer Charlotte Martin called the roll. A total of 29 delegates were present. One non-voting ex officio member was present. Six delegates and one non-voting ex officio member were absent.

Appointment of the Minutes Approval Committee

Chair Arney appointed the following delegates to approve the June 17, 2024, Physical Therapy Compact Commission meeting minutes.

- Justin Berry, North Dakota
- Heather Freeman, Indiana
- Kristin Schweizer, Connecticut

Review and Adopt Rule Amendments

No comments or requests were made for a formal hearing therefore the Commission was permitted to make a final decision without a formal hearing.

Various Delegates expressed concerns with the proposed amendments to rules 1.1 and 6.7 dealing with significant investigatory information.

Motion: Amend the proposed Rules amendments recommended by the Executive Board by deleting the proposed addition of paragraph (S) in rule 1.1 and by deleting all proposed amendments to rule 6.7. The motion passed.

Motion: Adopt the proposed Rules amendments recommended by the Executive Board as modified by the Commission. The motion passed.

Review and Adopt Bylaws Amendments

There were no questions on the proposed Bylaws amendments from Delegates or the public.

Motion: Adopt the proposed Bylaws amendments as submitted. The motion passed.

Review and Adopt Policy and Procedures Amendments

There were no questions on the proposed Policy and Procedures amendments from Delegates or the public.

Motion: Adopt the proposed Policy and Procedures amendments as submitted. The motion passed.

Appeal from Florida of Determination of Material Deviations in SB 7016

Chair Arney provided some background regarding this agenda item. In accordance with the provisions of Policy 2.1, at the Board's May 5, 2024, meeting, the Executive board determined that SB 7016 contained material deviations from the model statute and that Florida would not be seated as a member of the Physical Therapy Compact Commission.

Florida was notified of the Board's decision and given 30 days to submit an appeal to the full PT Compact Commission.

No appeal was received within the 30-day timeframe. As a result, no action was needed on this item.

Adjournment

The June 17, 2024, special meeting of the Physical Therapy Compact Commission was adjourned by Chair Arney at 2:17 pm ET.

Proposed 2024 Draft Amendments to PT Compact Commission Rules

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

Rule 1.1 – Definitions

Reason: To create equivalency between “expired” and “lapsed” so that jurisdictions that have rules relating to “practicing on a lapsed license [certificate/privilege]” clearly apply

Proposed Amendment:

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) “Board administrator” means an individual serving as administrative staff to a member state’s physical therapy licensing board.

(E) “Commission” means the Physical Therapy Compact Commission.

(F) “Compact” or “Physical Therapy Compact” means the Physical Therapy Licensure Compact.

(G) “Compact Administrator” shall be synonymous with “executive director” referenced in Section 7.G. of the Compact.

(H) “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).

(I) “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.

(J) “Expired” means the status of a license or compact privilege that is not active and includes a license with a status of “lapsed” or “non-renewed.” A compact privilege that is not renewed before the expiration date shall automatically expire on that date and not after any grace period ends.

(J) “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.

(K) “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.

(L) “Initial” means each and every new Compact Privilege issued to an individual, even if a prior Compact Privilege was held in the same state.

(M) "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."

(N) "Licensing Board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(O) "Member state" means a state that has enacted the Compact.

(P) "Non-member state" means a state that has not enacted the Compact.

(Q) "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.

(R) "Recognized National Exam" as referenced in Section 3.A.6 of the Compact means the National Physical Therapy Examination (NPTE).

(S) "Significant investigatory information" means investigative information that a Licensing Board, after an inquiry or investigation that includes notification and an opportunity for the licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or investigative information that indicates that the physical therapist or physical therapist assistant represents an immediate threat to public health and safety regardless of whether the physical therapist or physical therapist assistant has been notified and had an opportunity to respond.

~~(S)~~ (T) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

Rule 2.3 – Compact Privilege Fee and Expiration Date

Reason: To clarify the expiration date of an initial compact privilege as well as how renewal of the home state license impacts the expiration date of a compact privilege

Proposed Amendment:

Any compact privilege held by the individual shall expire on the same date as the individual's home state license. The expiration date of the home state license shall be the expiration date that was in effect on the date the individual purchased the compact privilege. The fee paid to the member state for a compact privilege shall cover the period of time the individual has remaining on the home state license. Any renewal of the home state license does not automatically extend the expiration date of the compact privilege.

Rule 3.1 – Home State License

Reason: To change the timeframe of a how long a compact privilege holder must report a change in home state

Proposed Amendment:

- (A) Compact privilege holders may be audited at any time by the Commission to verify compliance with home state residency requirements.
- (B) An individual holding a temporary permit, temporary license, or temporary authorization to practice shall not be eligible for a Compact Privilege.
- (C) In addition to complying with reporting name and address change as required by the home state, compact privilege holders must also notify the Commission of a change of name and/or home state address within ~~thirty (30)~~ sixty (60) business days of the change.

- (D) Member states may require compact privilege holders to notify the licensing board of the physical location(s) where the individual is providing physical therapy services within that remote state.
- (E) An individual holding a home state license issued without the requirement of passing the National Physical Therapy Examination (NPTE) shall not be eligible for a Compact Privilege, unless said license was issued prior to the member state enacting the Physical Therapy Compact model statute.

Rule 3.5 – Expiration or Termination of a Compact Privilege

Reason: To clarify the expiration date of an initial compact privilege, as well as how renewal of the home state license impacts the expiration date of a compact privilege; To change the timeframe of a how long a compact privilege holder must report a change in home state

Proposed Amendment:

- (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. The expiration date of the home state license shall be the expiration date that was in effect on the date the individual purchased the compact privilege. Any renewal of the home state license does not automatically extend the expiration date of the compact privilege.
- (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. ~~Thirty (30)~~ **Sixty (60)** business days after the date of legal change of permanent address is considered the date of change in home state.
 - 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. The expiration date of the home state license shall be the expiration date that was in effect on the date the primary state of residence is changed.
 - b. Moving to a non-member state.

If the compact privilege holder's new primary state of residence is a non-member state, all current compact privileges will be immediately.

Rule 6.7 – Indicating Availability of Significant Investigative Information

Reason: To clarify what qualifies as investigative information significant enough to warrant notification to the Commission

Proposed Amendment:

A member state shall notify the Commission that significant investigatory information is available to party states when a member state has determined probable cause exists that the allegations against the licensee may constitute a violation that is an offense of action of that member's state statute or regulations. The actual investigative information shall be shared directly with the party state and not through the Commission.

Proposed 2024 Draft Amendments to PT Compact Commission Bylaws

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

Article V. Membership

Section 1. Member State Representation.

Reason: To add an alternate delegate role

Proposed Amendment:

- A. The Commission Membership shall be comprised as provided by the Compact. Each Member State shall have and be limited to one (1) voting representative, selected by the physical therapy licensing board ("Member Board") in the Member State, who shall be the Delegate of the Member State. ~~A member state may also identify an Alternate Delegate to serve when the Delegate is unable to fulfill the duties required.~~
- B. Each Member State shall forward the name of its Delegate ~~and Alternate Delegate~~ to the Commission staff within ten (10) business days of selecting a Delegate ~~and Alternate Delegate~~. Member States should consider whether any real or potential Conflict of Interest exists when selecting their Delegate ~~or Alternate Delegate~~.
- C. The Member Board of the Member State shall provide notice to the Commission staff within ten (10) business days whenever a vacancy occurs.
- D. Commission staff shall promptly advise the Member Board of the Member State of the need to appoint a new Delegate whenever a vacancy occurs.

E. Delegate contingency form.

1. A Member State shall submit a Delegate Contingency Form to identify, in order, which individual is selected by the Member State in the event the originally selected Delegate is unable to fulfill the duties of Delegate.
2. The form shall contain a list of at least one contingent delegate who will serve as the Member State's Delegate if the originally appointed delegate is unable to serve.
3. The information will be maintained by Commission staff and must be reviewed annually by the Member Board.

Article VII. Committees and Task Forces

Section 2. Standing Committees of the Executive Board.

Reason: To establish the Education and Outreach Committee as a new standing committee of the Executive Board.

Proposed Amendment:

The Executive Board may establish Standing Committees from time to time as the Executive Board deems necessary to carry on the work of the Executive Board. The specific functions of any standing committees established by the Executive Board are described in the Policies.

Membership of Standing Committees of the Executive Board shall be appointed by the Executive Board for terms outlined in the Policies or Bylaws. The Executive Board may appoint individuals other than the Member State's Delegate to serve on Standing Committees of the Executive Board.

A. Finance Committee

The Committee will consist of at least three members, who will serve two-year terms. The Secretary/Treasurer shall serve as Chair of the Committee.

B. Rules and Bylaws Committee

The Committee will consist of at least three members, who will serve two-year terms.

C. Compliance Committee

The Committee will consist of at least three members, who will serve two-year terms. The Committee will have at least one representative from a jurisdiction with an autonomous licensing board and at least one representative from a jurisdiction with a system that is run by an agency director, commission or council, with or without the assistance of a board and if the board does exist, it is strictly advisory.

D. Education and Outreach Committee

The Committee will consist of at least three members, who will serve two-year terms.

Article X. Finance

Section 5. Accounting and Audit.

Reason: To clarify the process of reporting on the Commission's financial records

Proposed Amendment:

The financial records of the Commission will be audited annually by an independent certified public accountant. The audit report will be presented to the Executive Board when the report is received and to the full Commission at the Commission's annual meeting. The report shall also be made available to the public and shall be included in and become part of the annual report ~~to the Governors, legislatures, and judiciary of the Member States.~~

The Commission's internal accounts, any workpapers related to any internal audit, and any workpapers related the independent audit shall be confidential; provided, that such materials shall be made available: (1) in compliance with the order of any court of competent jurisdiction; (2) pursuant to such reasonable Rules as the Commission shall promulgate; and (3) to any Delegate of a Member State, or their duly authorized representatives.

Proposed 2024 Draft Amendments to PT Compact Commission Policies and Procedures

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POLICY NUMBER: 1.15

Reason: To establish the role and duties of the Physical Therapy Compact Commission (PTCC) Education and Outreach Committee.

Proposed Adoption:

AREA: Administration

AUTHORITY: PT Compact Bylaws – Article VII. Section 2

PURPOSE: To establish the role and duties of the Physical Therapy Compact Commission (PTCC) Education and Outreach Committee.

DATE APPROVED:

Policy:

The Education and Outreach Committee shall ensure educational and outreach materials, including presentations, online resources, and handouts, are accurate, up-to-date, and address the needs of the intended stakeholder. Stakeholders include, but are not limited to, state licensing boards, state professional chapters, employers, potential compact privilege holders, and PT/PTA program educators.

Procedure:

- In consultation with the Executive Board for prioritization of initiatives, committee members will develop educational and outreach materials for the various stakeholders, subject materials to peer review for accuracy and relevance, and incorporate feedback into the developed materials.
- The Committee will identify relevant topics for an educational activity or event, secure speakers or subject matter experts, promote the activity or event through appropriate channels, and stay within budgetary constraints when applicable. Committee members will collect feedback from activity/event participants for continuous improvement.

POLICY NUMBER: 2.3

Reason: to change the timeframe of a how long a compact privilege holder has to report a change in home state

Proposed Amendment:

AREA: Implementation

AUTHORITY: PT Compact – Section 4.A and PT Compact Rule 3.1

PURPOSE: To establish the process by which compact privilege holders must notify the Physical Therapy Compact Commission (PTCC) of a change in home state.

DATE APPROVED: October 28, 2018

Policy:

Compact privilege holders must notify the PTCC of a change of home state address within ~~thirty (30)~~ sixty (60) days per Rule 3.1.

Procedure:

1. If a compact privilege holder changes home state, as defined in Rules, the individual must update their profile in the PT Compact system by logging into their personal profile at ptcompact.org and submitting the associated change of address and driver's license or state identification information for the new home state.
2. Address changes other than those that affect an individual's home state, such as in the case of temporary relocation, do not need to be made in the PT Compact system as it may incorrectly adversely impact the status of compact privileges.

POLICY NUMBER: 2.1

Reason: Amend Policy 2.1 to address the process of reviewing any newly enacted legislation that varies from the model statutory language

Proposed Amendment:

AREA: Implementation

AUTHORITY: PT Compact – Section 7.C

PURPOSE: To assure that states prepare/adopt language consistent with the model Physical Therapy Compact language.

DATE APPROVED: October 28, 2018

Policy:

1. Any Compact or enabling statute provisions that require a physical therapist (PT) or physical therapist assistant (PTA) to meet additional requirements to obtain or maintain a compact privilege will be deemed to impose material limitations and conditions on the exercise of the compact privilege and to constitute a material variation from the Compact enacted by the existing member states.
2. Compact or enabling statute provisions that require a PT or PTA, directly or through the employer, to notify the state board of physical therapy that the PT or PTA is practicing in the state so that the state may determine the availability of PTs or PTAs or practice patterns within its jurisdiction, etc. are not deemed to impose a material limitation or condition on the exercise of the compact privilege or to constitute a material variation from the Compact enacted by the existing party states so long as the state does not require registration (other than to access a jurisprudence exam), payment of a fee, and/or satisfaction of background checks or either condition as a precondition to practice on a compact privilege in the state.

Procedure:

1. If PTCC staff or PTCC delegate becomes aware of proposed compact legislation or when the Physical Therapy Compact is enacted by a new state, the Compact Administrator will review the statute adopting the Compact to determine whether the statute imposes material limitations

and conditions on the ability to practice in the state pursuant to a compact privilege and whether the Compact, as enacted, contains other material variations from the Compact as enacted by existing member states. All reasonable efforts will be made to notify a state which introduces proposed compact legislation, prior to the enactment of said statute.

2. Upon enactment by a jurisdiction of a law intended as that jurisdiction's adoption of the Compact, Where the PTCC Executive Board, in consultation with legal counsel, shall review the enacted law to determine whether it contains any provisions that materially deviate or conflict with the model statute. If the Executive Board determines that the Compact statute as enacted by a new state is materially different from the enactments of the other member states, the Compact Administrator will notify the new state that the PTCC will not recognize it as effectively adopting the Compact and identify the reasons therefore.
 - a. To the extent possible and practicable, this determination shall be made by the Executive Board after the date of enactment but before the effective date of such law. If the timeframe between enactment and effective date is insufficient to allow for this determination to be made by the Executive Board prior to the law's effective date, the Executive Board shall make the determination required by this paragraph as soon as practicable after the law's effective date. The fact that such a review may occur subsequent to the law's effective date shall not impair or prevent the application of the procedure set forth in this policy.
 - b. In the event the enacted law contains one or more provisions that the Executive Board determines materially conflicts or deviates from the model statute, the jurisdiction shall be ineligible for membership in the PTCC or to become a party to the Compact, and the jurisdiction shall be so notified within fifteen (15) days of the Executive Board's decision.
 - c. A jurisdiction deemed ineligible for Compact membership and PTCC participation pursuant to this policy shall not be entitled to any of the rights, privileges, or benefits of a Member State as set forth in the model statute and the rules, bylaws, and policies and procedures adopted by the PTCC. Without limiting the foregoing, a jurisdiction deemed ineligible for membership and participation shall not be entitled to appoint a Delegate.
3. A jurisdiction determined to be ineligible for Compact membership and PTCC participation pursuant to this policy may, within thirty (30) days of the date of the decision, appeal the Executive Board's decision to the full Commission. An appeal received by the Commission shall be deemed filed on the date it is sent to the Commission. If there is an appeal to the Commission, the Commission shall review de novo whether the jurisdiction's enacted law materially conflicts with the model statute. The provision of paragraph 2.c. of this policy shall apply during the pendency of any such appeal. The Commission's decision may be appealed within thirty (30) days of the date of its decision to a court of competent jurisdiction identified in Section 7.A.2. of the model statute.
4. Subsequent to the determination that a jurisdiction's enacted law contains provision(s) that materially conflict with or deviate from the model statute, the jurisdiction may enact new legislation to remove the conflict or deviation. The new legislation shall be reviewed as set forth in this policy.
5. In the event a Member State, subsequent to its enactment of the Compact, enacts amendment(s) to its Compact law, or enacts another law or laws that may in any way alter or impact any provision or application of the Member State's enacted Compact law, the Member State shall so inform the PTCC within fifteen (15) days of the enactment of such amendment(s) or law(s). After being so informed by the Member State, or learning of such amendment(s) or law(s) from any other source, the Executive Board shall review the amendment(s) or law(s) in

accordance with the steps outlined in this policy. In the event the Executive Board determines such amendment(s) or law(s) materially conflict with or deviate from the model statute, the PTCC shall determine if the amendment(s) or law(s) constitute a condition of default pursuant to Section 10 of the model statute and, if so, proceed according to the process established in Section 10 and the rules, bylaws, and policies and procedures adopted by the Commission.

6. For the purpose of determining whether a provision of any enacted law or amendment materially deviates from or conflicts with the model statute, the Executive Board and the PTCC shall consider the following, among other factors:
 - a. Whether the provision constitutes a material alteration of the rights and obligations of the enacting jurisdiction or of Member States.
 - b. Whether the provision enlarges the liability or compromises the immunity of the Commission or any authorized agent of the Commission.
 - c. Whether the provision modifies venue in proceedings involving the Commission.
 - d. Whether the provision restricts the privileges or authorizations to practice as set forth in the model statute.
 - e. Whether the provision would allow the jurisdiction to negate or delay the applicability of a duly promulgated Commission rule in the jurisdiction.
 - f. Whether the provision would result in the reduction or elimination of fees, levies, or assessments payable by the jurisdiction and/or physical therapists or physical therapist assistants seeking a compact privilege in the jurisdiction.
 - g. Whether the provision fundamentally alters the nature of the agreement entered into by Member States that have adopted the Compact.
 - h. Whether there is a remedial mechanism satisfactory to the Executive Board and/or Commission, whereby the effect of such law or amendment can be mitigated so as to minimize or eliminate the practical effect of any material conflict or deviation.
 - i. Whether the provision strikes or amends model statutory language based upon a provision of the model statute being contrary to the Constitution of that jurisdiction, and the Executive Board and/or Commission determines that the remainder of the Compact can be implemented effectively, and without compromising the rights of the Commission and the Member States, without such unconstitutional provision
7. States enacting compact legislation that are determined to be materially equivalent by the Compact Administrator will automatically be deemed a member of the PTCC. Subsequently, the Compact Administrator will send electronic notification to the Executive Board, Delegates, and the board administrator of the new member state physical therapy board.