



**Physical Therapy Compact Commission Executive Board Meeting  
Minutes**

September 16, 2019

Via WebEx

**MEMBERS PRESENT:** Troy Costales, Oregon, Chair  
Kathy Arney, PT, North Carolina, Vice Chair  
Jeanne DeKrey, PT, North Dakota, Secretary/Treasurer  
Harvey Aikman, PT, Texas, Executive Board At Large  
Connie Clarkston, Missouri, Executive Board At Large  
Scott Majors, Kentucky, Executive Board At Large  
Katy Neas, APTA, Ex Officio  
David Relling, PT, FSBPT, Ex Officio

**LEGAL COUNSEL PRESENT:** Rick Masters (Joined at 4:10 PM)

**COMMISSION STAFF PRESENT:** T.J. Cantwell, Compact Administrator

**FSBPT STAFF PRESENT:** William A. Hatherill, CEO  
Linda Michelsen, CFO  
Richard Woolf, VP  
Jeffrey Rosa, Managing Director, Post Licensure Services

Call to Order

The meeting was called to Order at 4:02 PM, ET by Chair Costales.

Approval of Minutes from July 30, 2019 Meeting

**Motion:** Harvey Aikman moved to approve the July 30, 2019, Executive Board meeting minutes as drafted. Kathy Arney seconded the motion. The motion carried without objection.

Public Comment

Chair Costales opened the floor to guests for public comment. There were none.

Discuss and Vote on Draft Rules Amendments

Ms. Arney reviewed some minor edits made to the draft Rules as reviewed during the July 30 Executive Board meeting. The edits were based on informal comments from the member state Delegates and Administrators. There were no questions or concerns from the Executive Board. (Attached)

**Motion:** Harvey Aikman moved that the Executive Board approve as submitted the draft Rules amendments, submitted by the Rules and Bylaws Committee, to be posted no later than September 25, 2019 for public comment prior to their promulgation and adoption by the full Commission as required by Section 9.D of the Compact. Jeanne DeKrey seconded the motion. The motion carried without objection.

#### Discuss and Vote on Draft Policy and Procedures Amendments

Ms. Arney noted that there were no additional edits to the draft reviewed by the Executive Board at its July 30 meeting. She also noted that there were no amendments to the Bylaws to consider this year. An additional conforming edit was made to the draft Policies and Procedures by Executive Board. There were no further questions or concerns from the Executive Board. (Attached)

**Motion:** Scott Majors moved that the Executive Board approve as amended the draft Policy and Procedures amendments, submitted by the Rules and Bylaws Committee, for review and adoption by the full Commission at the annual meeting October 27, 2019. Connie Clarkston seconded the motion. The motion carried without objection.

#### Review Annual Commission Meeting Agenda

T.J. Cantwell reviewed the draft agenda for the 2019 Annual Commission Meeting scheduled for October 27, 2019 at the Renaissance Oklahoma City Convention Center Hotel, Oklahoma City, Oklahoma at 9:30 AM CDT.

#### PT Compact Updates

Compact Privileges in August - T.J. Cantwell stated that a record number of 127 compact privileges were purchased in the month of August.

Election Nominations - Mr. Cantwell informed that Executive Board that seven nominations were received to run for the Executive Board seats up for election at the annual meeting. A slate will be sent to all Commission Delegates in the coming weeks.

Compact State Implementation – Mr. Cantwell noted Delaware enacted Compact legislation on July 30, making it the 26th state of the PT Compact. Wisconsin introduced Compact legislation on September 5 and Washington was expected to begin actively issuing and accepting compact privileges on September 23, 2019.

Military Fees Policy Change Update – Mr. Cantwell provided an update to an issue that was brought to the attention of the Executive Board at the July 30 meeting. Staff of the Federation of State Boards of Physical Therapy (FSBPT) researched the issue and determined that, while it may impact the use of waivers for regular licenses, it should not impact waivers for compact privileges since an individual must hold a home state license in order to be eligible for compact privileges. Further information regarding the issue was distributed by the FSBPT to state physical therapy boards.

Webinar and Discussion for Active Member States – Mr. Cantwell discussed a webinar held for staff and Delegates of states actively issuing and accepting compact privileges. The purpose of the

meeting was to provide an update on lessons learned during the past year of issuing compact privileges and share information between states on possible struggles and solutions. In the future, a similar meeting will be planned quarterly with a similar format.

#### Next Meeting

The next Executive Board meeting will be October 18, 2019. The PT Compact Commission annual meeting will be October 27, 2019 at the Renaissance Oklahoma City Convention Center Hotel, Oklahoma City, Oklahoma at 9:30 AM CDT.

#### Adjournment

The September 16 2019, meeting of the Executive Board adjourned at 4:34 PM, ET.

## 2019 Physical Therapy Compact Commission Draft Rules, Bylaws, and Policy and Procedures Amendments Recommended by the PT Compact Executive Board

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

### Recommended Bylaws Changes

NONE

### Recommended Rules Changes

- 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

(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).

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

- 2) Rule 3.3 and 3.5 – Eligibility for Compact Privileges after an Adverse Action or Encumbrance  
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)

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.

#### Proposed Change #2:

Add new paragraph to Rule 3.3

(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.

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

### Recommended Procedures and Policy Changes

- 1) Policy Number 1.3 – To facilitate an effective and efficient system for communications within the compact, to state boards, and to other groups.

Reason: To address how the Commission should handle request for information from the public, outside entities, and member states.

Proposed Change:

Add new paragraph to Section 1.3

3. All requests for information regarding the PTCC from the public, an agency, an organization, governmental entity, or other body will be evaluated based on their merit, rules and laws governing the PTCC.

(NOTE: Adoption of proposed amendment would reorder the paragraphs making current paragraph 3, 4, and 5, new paragraphs 4, 5, and 6)

- 2) Policy number 1.6 – To establish a process by which member states can submit and change state fees required to purchase compact privileges.

Reason: To correct a grammatical error.

Proposed Change:

Amend bullet 1

1. A member state may set the state fee to purchase a compact privilege ~~fee~~ in that state at any amount.

- 3) Policy Number 1.16 – To establish financial processes of the Physical Therapy Compact Commission (PTCC).

Reason: To clarify that fees remitted to states are the net of the total fees charged after the processing fee is deducted.

Proposed Change:

Amend bullet 1 under Remittal of State Compact Privilege Fees

1. No later than fourteen (14) business days following the conclusion of each month, the CFO will remit back to the appropriate state, in the form of a check, the ~~total amount of compact privilege fees collected on behalf of each state, less 3.5% in banking and processing fees, net of the gross compact privilege fees collected on behalf of the state minus a 3.5% processing charge for each compact privilege purchased rounded up to the nearest dollar.~~

- 4) Policy Number 3.1 – To assist party state in obtaining evidence for investigative and disciplinary purposes when an incident occurs in another party state

Reason: To clarify the process by which Compact member states should request and share investigatory information

Proposed Change:

Add new paragraph 1 and reorder as necessary

1. The party state requesting investigatory information shall communicate directly with the physical therapy licensing authority of the state making the notification of available

investigatory information. The designated staff of each state shall come to a mutual agreement on what information will then be formally requested in writing and shared between the states based on their respective state laws.

- 5) Policy Number 3.5 – To establish the process by which compact privileges will be terminated.  
Reason: To further clarify the process for termination.

Proposed Change #1:

Edit Policy language

The Physical Therapy Compact Commission (PTCC) will terminate compact privileges, ~~as required by law, if an individual is found to have violated PT Compact Law, Rules, Bylaws, or Policies or if~~ when notified by a party state that in accordance with due process the state has taken an adverse action against an individual's license or compact privilege. ~~and that state's laws an individual has violated the state's laws, rules, bylaws or policies.~~

Proposed Change #2:

Add new paragraph 1 and reorder as necessary

1. The Compact Administrator will report any possible violation of PT Compact Law, Rules, Bylaws, or Policies by a compact privilege holder to the appropriate state board(s) to determine what adverse action should be taken, if any.