



Physical Therapy Compact Commission Executive Board Meeting

Minutes

April 24, 2018

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
Michael Sobowale, Tennessee, Executive Board At Large
David Relling, PT, FSBPT, Ex Officio (joined at 10:06)
- MEMBERS ABSENT:** Connie Clarkston, Missouri, Executive Board At Large
Joseph Shanley, PTA, New Hampshire, Executive Board At Large
Angela Shuman, APTA, Ex Officio
- LEGAL COUNSEL PRESENT:** Rick Masters
- COMMISSION STAFF PRESENT:** T.J. Cantwell, Compact Administrator
- FSBPT STAFF PRESENT:** William Hatherill, CEO
Susan Layton, COO
Linda Michelsen, CFO
Jeffrey Rosa, Managing Director, Post Licensure Services
- PUBLIC ATTENDEES:** Karen Gordon, Texas PT Board
Jessica Buning, CompHealth

Call to Order

The meeting was called to Order at 10:05 AM, ET.

Approval of Minutes from March 28, 2018 Meeting

Motion: Kathy Arney moved to approve the March 28, 2018, Executive Board meeting minutes as submitted. Michael Sobowale seconded the motion. The motion carried without objection.

Public Comment

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

Discussion of FBI Criminal Background Check Rule

T.J. Cantwell provided background on process and information considered by the Rules and Bylaws Committee during their review and discussion of the FBI criminal records check requirement under the statute and current rule. Vice Chair Kathy Arney explained the reasoning for proposing two options for amending Rule 2.1 for Executive Board consideration. **(OPTIONS ATTACHED)**

Chair Costales opened the floor to the Executive Board for discussion and questions.

The Executive Board agreed that paragraphs (A)(1) and (A)(2) of Rule 2.1 were unnecessary given the proposed addition of paragraph (C). Members of the Executive Board agreed that with the additional change option one was preferable to option two.

Motion: Michael Sobowale moved that the Executive Board recommend to the full Commission the adoption of the amendments to Rule 2.1 as drafted in option one by the Rules and Bylaws Committee and subsequently amended by the Executive Board to delete existing paragraphs (A)(1) and (A)(2), to be posted for public comment no later than May 1, 2018, prior to a vote on promulgation and adoption by the full Commission in a special meeting pursuant to Section 9.D of the Compact. Kathy Arney seconded the motion. T.J. Cantwell called the roll.

Troy Costales	Yes
Kathy Arney	Yes
Jeanne DeKrey	Yes
Harvey Aikman	Yes
Connie Clarkston	Absent
Joseph Shanley	Absent
Michael Sobowale	Yes

The motion carried.

State of the Compact – Legislative and Implementation Status Update

T.J. Cantwell provided an update. Iowa and Nebraska are officially the 16th and 17th states respectively to join the PT Compact. Louisiana, Oklahoma, and South Carolina all have Compact legislation through one chamber. The Commission is still working with states on implementation of the Compact and anticipates several states will be ready to issue compact privileges in July with several others to follow in subsequent months. The West Virginia Board of Physical Therapy was contacted by the representatives from the Governor’s office interested in potentially adding the requested WV PT Compact bill changes to a special legislative session in May.

Outreach and Communication Update

T.J. Cantwell provided an update on several activities that are planned to announce the availability of compact privileges leading up to and once officially launched. Activities include direct outreach through email distribution lists, webinars for staffing agencies and member states, news releases to physical therapy focused media, and coordination on educational efforts with APTA, FSBPT and others.

Planning for Next Meetings

T.J. Cantwell will set up a meeting of the Executive Board for mid to late May and a special meeting of the full Commission for June.

Adjournment

The April 24, 2018, meeting of the Executive Board adjourned at 11:25 PM, ET.

Draft Rules Options for PT Compact Rules and Bylaws Committee Consideration

Option #1 – FBI CBC Information being actively used in new licensee decisions

Rule 2.1 – Criminal Background Check

(A) **To avoid default**, member states must have completed all required processes, requirements, and applications necessary to **request** ~~receive an Originating Agency Identification (ORI) Number~~ **the ability to receive the results of the Federal Bureau of Investigation record search on criminal background checks**, as required by the Compact.

(1) States that were members of the Compact as of November 5, 2017, shall complete the requirements specified in paragraph (A) of this rule within six (6) months of the adoption of this rule.

(2) States that join the Compact after November 5, 2017, shall complete the requirements specified in Physical Therapy Compact Commission Rules As of November 5, 2017 paragraph (A) of this rule within six (6) months of the effective date of the legislation to implement the Compact in that state.

(B) Results of the criminal background check shall be reviewed solely by the member state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states or the Commission.

(C) A member state cannot participate in issuing compact privileges until such member state has completed the requirements to fully implement the Federal Bureau of Investigation (FBI) Criminal Background Check requirement established in Section 3 of the Compact.

As used in Section 3.A.4 of the Compact, full implementation of the Federal Bureau of Investigation Criminal Background Check requirement means that the member state's licensing board is using the results of the Federal Bureau of Investigation record search on criminal background checks in making licensure decisions for all applicants seeking an initial license to practice as a physical therapist or work as a physical therapist assistant in the member state.

Option #2 – FBI CBC requirement in place through Rule but not actively in use

Rule 2.1 – Criminal Background Check

(A) **To avoid default**, member states must have completed all required processes, requirements, and applications necessary to **request** ~~receive an Originating Agency Identification (ORI) Number~~ **the ability to receive the results of the Federal Bureau of Investigation record search on criminal background checks**, as required by the Compact.

(1) States that were members of the Compact as of November 5, 2017, shall complete the requirements specified in paragraph (A) of this rule within six (6) months of the adoption of this rule.

(2) States that join the Compact after November 5, 2017, shall complete the requirements specified in Physical Therapy Compact Commission Rules As of November 5, 2017 paragraph (A) of this rule within six (6) months of the effective date of the legislation to implement the Compact in that state.

(B) Results of the criminal background check shall be reviewed solely by the member state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states or the Commission.

(C) A member state cannot participate in issuing compact privileges until such member state has completed the requirements to fully implement the Federal Bureau of Investigation (FBI) Criminal Background Check requirement established in Section 3 of the Compact.

(1) As used in Section 3.A.4 of the Compact, full implementation of the Federal Bureau of Investigation Criminal Background Check requirement means that the member state's licensing board is using the results of the Federal Bureau of Investigation record search on criminal background checks in making licensure decisions for all applicants seeking an initial license to practice as a physical therapist or work as a physical therapist assistant in the member state.

(2) Notwithstanding paragraph (C)(1) of this rule, after a member state has received approval from the FBI to receive the FBI criminal background check results and has adopted any required state rules regarding the FBI criminal background check requirement, a member state may issue compact privileges prior to complying with paragraph (C)(1) of this rule provided that the member state must retroactively review the results of a criminal background check for anyone issued an initial license during the elapsed time period within three (3) months or be subject to disciplinary action as provided for in rule 8.