



**Physical Therapy Compact Commission Rules and Bylaws Committee Meeting Minutes  
April 19, 2018**

WebEx

**COMMITTEE MEMBERS PRESENT:** Kathy Arney, North Carolina  
Scott Majors, Kentucky  
Joe Shanley, New Hampshire  
Andrew Wodka, Washington

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

**FSBPT STAFF PRESENT:** Jeffrey Rosa, Managing Director, Post Licensure Services

Call to Order

The meeting was called to order at 12:02 PM, ET. T.J. Cantwell called roll and determined a quorum was present.

Discussion of FBI Criminal Background Check Requirement Draft Rules (Action Required)

The Rules and Bylaws Committee reviewed and discussed potential draft amendments to Rule 2.1 regarding FBI Criminal Background checks that would clarify what must be done by a state in order to fully implement the requirement.

Consensus was reached to recommend that two draft amendment options be sent to the Executive Board for consideration. (Attached)

Next Meeting

The Rules and Bylaws Committee will schedule a meeting to start the annual review of the Rules and Bylaws.

Adjournment

The meeting was adjourned at 12:54 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.