

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 17-0351.01 Kip Kolkmeier x4510 & Yelana Love x2295

HOUSE BILL 17-1057

HOUSE SPONSORSHIP

Winter and Liston,

SENATE SPONSORSHIP

Kerr and Gardner,

House Committees
Health, Insurance, & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF AN INTERSTATE COMPACT TO ALLOW**
102 **PERSONS AUTHORIZED TO PRACTICE PHYSICAL THERAPY IN A**
103 **STATE TO OBTAIN THE PRIVILEGE TO PRACTICE PHYSICAL**
104 **THERAPY IN OTHER MEMBER STATES, AND, IN CONNECTION**
105 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

The bill enacts the "Interstate Physical Therapy Licensure Compact Act" that allows physical therapists and physical therapist

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
April 3, 2017

HOUSE
Amended 2nd Reading
March 31, 2017

assistants licensed or certified in a compact member state to obtain a license or certificate to practice physical therapy in Colorado. The bill authorizes the physical therapy board to obtain fingerprints from applicants for a license or certification for the purposes of a fingerprint-based criminal history record check. The compact requires that the physical therapy board participate in the compact's data system and notify the compact commission of any adverse action taken by the board. The board may charge a fee for licensure or certification pursuant to the compact.

Physical therapists and physical therapy assistants are subject to the requirements of the "Michael Skolnik Medical Transparency Act of 2010".

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 37 to article
3 60 of title 24 as follows:

PART 37

INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT

24-60-3701. Short title. THE SHORT TITLE OF THIS PART 37 IS THE
"INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT ACT".

8 **24-60-3702. Compact approved and ratified.** THE GENERAL
9 ASSEMBLY HEREBY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL
10 ENTER INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO WITH
11 ANY OF THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING
12 THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

PHYSICAL THERAPY LICENSURE COMPACT

SECTION 1. PURPOSE

15 THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE PRACTICE
16 OF PHYSICAL THERAPY WITH THE GOAL OF IMPROVING PUBLIC ACCESS TO
17 PHYSICAL THERAPY SERVICES. THE PRACTICE OF PHYSICAL THERAPY
18 OCCURS IN THE STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE
19 TIME OF THE PATIENT/CLIENT ENCOUNTER. THE COMPACT PRESERVES THE

1 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND
2 SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE.

3 THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING
4 OBJECTIVES:

5 1. INCREASE PUBLIC ACCESS TO PHYSICAL THERAPY SERVICES BY
6 PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE
7 LICENSES;

8 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S
9 HEALTH AND SAFETY;

10 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN
11 REGULATING MULTI-STATE PHYSICAL THERAPY PRACTICE;

12 4. SUPPORT SPOUSES OF RELOCATING MILITARY MEMBERS;

13 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE, AND
14 DISCIPLINARY INFORMATION BETWEEN MEMBER STATES; AND

15 6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES
16 WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT
17 STATE'S PRACTICE STANDARDS.

18 SECTION 2. DEFINITIONS

19 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE
20 FOLLOWING DEFINITIONS SHALL APPLY:

21 1. "**ACTIVE DUTY MILITARY**" MEANS FULL-TIME DUTY STATUS
22 IN THE ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING
23 MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY
24 ORDERS PURSUANT TO 10 U.S.C. SECTION 1209 AND 1211.

25 2. "**ADVERSE ACTION**" MEANS DISCIPLINARY ACTION TAKEN BY
26 A PHYSICAL THERAPY LICENSING BOARD BASED UPON MISCONDUCT,
27 UNACCEPTABLE PERFORMANCE, OR A COMBINATION OF BOTH.

1 3. "**ALTERNATIVE PROGRAM**" MEANS A NON-DISCIPLINARY
2 MONITORING OR PRACTICE REMEDIATION PROCESS APPROVED BY A
3 PHYSICAL THERAPY LICENSING BOARD. THIS INCLUDES, BUT IS NOT
4 LIMITED TO, SUBSTANCE ABUSE ISSUES.

5 4. "**COMPACT PRIVILEGE**" MEANS THE AUTHORIZATION GRANTED
6 BY A REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER
7 STATE TO PRACTICE AS A PHYSICAL THERAPIST OR WORK AS A PHYSICAL
8 THERAPIST ASSISTANT IN THE REMOTE STATE UNDER ITS LAWS AND RULES.
9 THE PRACTICE OF PHYSICAL THERAPY OCCURS IN THE MEMBER STATE
10 WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE
11 PATIENT/CLIENT ENCOUNTER.

12 5. "**CONTINUING COMPETENCE**" MEANS A REQUIREMENT, AS A
13 CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF
14 PARTICIPATION IN, AND/OR COMPLETION OF, EDUCATIONAL AND
15 PROFESSIONAL ACTIVITIES RELEVANT TO PRACTICE OR AREA OF WORK.

16 6. "**DATA SYSTEM**" MEANS A REPOSITORY OF INFORMATION
17 ABOUT LICENSEES, INCLUDING EXAMINATION, LICENSURE, INVESTIGATIVE,
18 COMPACT PRIVILEGE, AND ADVERSE ACTION.

19 7. "**ENCUMBERED LICENSE**" MEANS A LICENSE THAT A PHYSICAL
20 THERAPY LICENSING BOARD HAS LIMITED IN ANY WAY.

21 8. "**EXECUTIVE BOARD**" MEANS A GROUP OF DIRECTORS ELECTED
22 OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED
23 TO THEM BY, THE COMMISSION.

24 9. "**HOME STATE**" MEANS THE MEMBER STATE THAT IS THE
25 LICENSEE'S PRIMARY STATE OF RESIDENCE.

26 10. "**INVESTIGATIVE INFORMATION**" MEANS INFORMATION,
27 RECORDS, AND DOCUMENTS RECEIVED OR GENERATED BY A PHYSICAL

1 THERAPY LICENSING BOARD PURSUANT TO AN INVESTIGATION.

2 **11. "JURISPRUDENCE REQUIREMENT"** MEANS THE ASSESSMENT
3 OF AN INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING
4 THE PRACTICE OF PHYSICAL THERAPY IN A STATE.

5 **12. "LICENSEE"** MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS
6 AN AUTHORIZATION FROM THE STATE TO PRACTICE AS A PHYSICAL
7 THERAPIST OR TO WORK AS A PHYSICAL THERAPIST ASSISTANT.

8 **13. "MEMBER STATE"** MEANS A STATE THAT HAS ENACTED THE
9 COMPACT.

10 **14. "PARTY STATE"** MEANS ANY MEMBER STATE IN WHICH A
11 LICENSEE HOLDS A CURRENT LICENSE OR COMPACT PRIVILEGE OR IS
12 APPLYING FOR A LICENSE OR COMPACT PRIVILEGE.

13 **15. "PHYSICAL THERAPIST"** MEANS AN INDIVIDUAL WHO IS
14 LICENSED BY A STATE TO PRACTICE PHYSICAL THERAPY.

15 **16. "PHYSICAL THERAPIST ASSISTANT"** MEANS AN INDIVIDUAL
16 WHO IS LICENSED/CERTIFIED BY A STATE AND WHO ASSISTS THE PHYSICAL
17 THERAPIST IN SELECTED COMPONENTS OF PHYSICAL THERAPY.

18 **17. "PHYSICAL THERAPY," "PHYSICAL THERAPY PRACTICE,"**
19 **AND "THE PRACTICE OF PHYSICAL THERAPY"** MEAN THE CARE AND
20 SERVICES PROVIDED BY OR UNDER THE DIRECTION AND SUPERVISION OF A
21 LICENSED PHYSICAL THERAPIST.

22 **18. "PHYSICAL THERAPY COMPACT COMMISSION" OR**
23 **"COMMISSION"** MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE
24 MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THE
25 COMPACT.

26 **19. "PHYSICAL THERAPY LICENSING BOARD" OR "LICENSING**
27 **BOARD"** MEANS THE AGENCY OF A STATE THAT IS RESPONSIBLE FOR THE

1 LICENSING AND REGULATION OF PHYSICAL THERAPISTS AND PHYSICAL
2 THERAPIST ASSISTANTS.

3 **20. "REMOTE STATE"** MEANS A MEMBER STATE OTHER THAN THE
4 HOME STATE, WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE
5 THE COMPACT PRIVILEGE.

6 **21. "RULE"** MEANS A REGULATION, PRINCIPLE, OR DIRECTIVE
7 PROMULGATED BY THE COMMISSION THAT HAS THE FORCE OF LAW.

8 **22. "STATE"** MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR
9 TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES THE
10 PRACTICE OF PHYSICAL THERAPY.

11 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

12 A. TO PARTICIPATE IN THE COMPACT, A STATE MUST:

13 1. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM,
14 INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN
15 RULES;

16 2. HAVE A MECHANISM IN PLACE FOR RECEIVING AND
17 INVESTIGATING COMPLAINTS ABOUT LICENSEES;

18 3. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF
19 THE COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE
20 AVAILABILITY OF INVESTIGATIVE INFORMATION REGARDING A LICENSEE;

21 4. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK
22 REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY RULE, BY
23 RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION
24 RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE
25 RESULTS IN MAKING LICENSURE DECISIONS IN ACCORDANCE WITH SECTION
26 3.B.;

27 5. COMPLY WITH THE RULES OF THE COMMISSION;

1 6. UTILIZE A RECOGNIZED NATIONAL EXAMINATION AS A
2 REQUIREMENT FOR LICENSURE PURSUANT TO THE RULES OF THE
3 COMMISSION; AND

4 7. HAVE CONTINUING COMPETENCE REQUIREMENTS AS A
5 CONDITION FOR LICENSE RENEWAL.

6 B. UPON ADOPTION OF THIS STATUTE, THE MEMBER STATE SHALL
7 HAVE THE AUTHORITY TO OBTAIN BIOMETRIC-BASED INFORMATION FROM
8 EACH PHYSICAL THERAPY LICENSURE APPLICANT AND SUBMIT THIS
9 INFORMATION TO THE FEDERAL BUREAU OF INVESTIGATION FOR A
10 CRIMINAL BACKGROUND CHECK IN ACCORDANCE WITH 28 U.S.C. §534
11 AND 42 U.S.C. §14616.

12 C. A MEMBER STATE SHALL GRANT THE COMPACT PRIVILEGE TO A
13 LICENSEE HOLDING A VALID UNENCUMBERED LICENSE IN ANOTHER
14 MEMBER STATE IN ACCORDANCE WITH THE TERMS OF THE COMPACT AND
15 RULES.

16 D. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A
17 COMPACT PRIVILEGE.

18 **SECTION 4. COMPACT PRIVILEGE**

19 A. TO EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND
20 PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:

- 21 1. HOLD A LICENSE IN THE HOME STATE;
- 22 2. HAVE NO ENCUMBRANCE ON ANY STATE LICENSE;
- 23 3. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE
24 IN ACCORDANCE WITH SECTION 4D, G AND H;
- 25 4. HAVE NOT HAD ANY ADVERSE ACTION AGAINST ANY LICENSE OR
26 COMPACT PRIVILEGE WITHIN THE PREVIOUS 2 YEARS;
- 27 5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE

1 COMPACT PRIVILEGE WITHIN A REMOTE STATE(S);

2 6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
3 COMPACT PRIVILEGE;

4 7. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY
5 THE REMOTE STATE(S) IN WHICH THE LICENSEE IS SEEKING A COMPACT
6 PRIVILEGE; AND

7 8. REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY ANY
8 NON-MEMBER STATE WITHIN 30 DAYS FROM THE DATE THE ADVERSE
9 ACTION IS TAKEN.

10 B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE
11 OF THE HOME LICENSE. THE LICENSEE MUST COMPLY WITH THE
12 REQUIREMENTS OF SECTION 4.A. TO MAINTAIN THE COMPACT PRIVILEGE
13 IN THE REMOTE STATE.

14 C. A LICENSEE PROVIDING PHYSICAL THERAPY IN A REMOTE STATE
15 UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND
16 REGULATIONS OF THE REMOTE STATE.

17 D. A LICENSEE PROVIDING PHYSICAL THERAPY IN A REMOTE STATE
18 IS SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE STATE
19 MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT STATE'S LAWS,
20 REMOVE A LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE FOR A
21 SPECIFIC PERIOD OF TIME, IMPOSE FINES, AND/OR TAKE ANY OTHER
22 NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS
23 CITIZENS. THE LICENSEE IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN
24 ANY STATE UNTIL THE SPECIFIC TIME FOR REMOVAL HAS PASSED AND ALL
25 FINES ARE PAID.

26 E. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL
27 LOSE THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE

1 FOLLOWING OCCUR:

2 1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND
3 2. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE
4 ACTION.

5 F. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS
6 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE
7 REQUIREMENTS OF SECTION 4A TO OBTAIN A COMPACT PRIVILEGE IN ANY
8 REMOTE STATE.

9 G. IF A LICENSEE'S COMPACT PRIVILEGE IN ANY REMOTE STATE IS
10 REMOVED, THE INDIVIDUAL SHALL LOSE THE COMPACT PRIVILEGE IN ANY
11 REMOTE STATE UNTIL THE FOLLOWING OCCUR:

12 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT
13 PRIVILEGE WAS REMOVED HAS ENDED;
14 2. ALL FINES HAVE BEEN PAID; AND
15 3. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE
16 ACTION.

17 H. ONCE THE REQUIREMENTS OF SECTION 4G HAVE BEEN MET, THE
18 LICENSE MUST MEET THE REQUIREMENTS IN SECTION 4A TO OBTAIN A
19 COMPACT PRIVILEGE IN A REMOTE STATE.

20 **SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR**
21 **THEIR SPOUSES**

22 A LICENSEE WHO IS ACTIVE DUTY MILITARY OR IS THE SPOUSE OF
23 AN INDIVIDUAL WHO IS ACTIVE DUTY MILITARY MAY DESIGNATE ONE OF
24 THE FOLLOWING AS THE HOME STATE:

25 A. HOME OF RECORD;
26 B. PERMANENT CHANGE OF STATION (PCS); OR
27 C. STATE OF CURRENT RESIDENCE IF IT IS DIFFERENT THAN THE

1 PCS STATE OR HOME OF RECORD.

2 **SECTION 6. ADVERSE ACTIONS**

3 A. A HOME STATE SHALL HAVE EXCLUSIVE POWER TO IMPOSE
4 ADVERSE ACTION AGAINST A LICENSE ISSUED BY THE HOME STATE.

5 B. A HOME STATE MAY TAKE ADVERSE ACTION BASED ON THE
6 INVESTIGATIVE INFORMATION OF A REMOTE STATE, SO LONG AS THE HOME
7 STATE FOLLOWS ITS OWN PROCEDURES FOR IMPOSING ADVERSE ACTION.

8 C. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER
9 STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM
10 MAY BE USED IN LIEU OF ADVERSE ACTION AND THAT SUCH PARTICIPATION
11 SHALL REMAIN NON-PUBLIC IF REQUIRED BY THE MEMBER STATE'S LAWS.

12 MEMBER STATES MUST REQUIRE LICENSEES WHO ENTER ANY
13 ALTERNATIVE PROGRAMS IN LIEU OF DISCIPLINE TO AGREE NOT TO
14 PRACTICE IN ANY OTHER MEMBER STATE DURING THE TERM OF THE
15 ALTERNATIVE PROGRAM WITHOUT PRIOR AUTHORIZATION FROM SUCH
16 OTHER MEMBER STATE.

17 D. ANY MEMBER STATE MAY INVESTIGATE ACTUAL OR ALLEGED
18 VIOLATIONS OF THE STATUTES AND RULES AUTHORIZING THE PRACTICE OF
19 PHYSICAL THERAPY IN ANY OTHER MEMBER STATE IN WHICH A PHYSICAL
20 THERAPIST OR PHYSICAL THERAPIST ASSISTANT HOLDS A LICENSE OR
21 COMPACT PRIVILEGE.

22 E. A REMOTE STATE SHALL HAVE THE AUTHORITY TO:

23 1. TAKE ADVERSE ACTIONS AS SET FORTH IN SECTION 4.D.
24 AGAINST A LICENSEE'S COMPACT PRIVILEGE IN THE STATE;
25 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS
26 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES, AND THE
27 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A PHYSICAL THERAPY

1 LICENSING BOARD IN A PARTY STATE FOR THE ATTENDANCE AND
2 TESTIMONY OF WITNESSES, AND/OR THE PRODUCTION OF EVIDENCE FROM
3 ANOTHER PARTY STATE, SHALL BE ENFORCED IN THE LATTER STATE BY
4 ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
5 AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN
6 PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY
7 ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES
8 REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE THE
9 WITNESSES AND/OR EVIDENCE ARE LOCATED; AND

10 3. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM THE
11 LICENSEE THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES
12 RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT LICENSEE.

13 F. JOINT INVESTIGATIONS

14 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE
15 BY ITS RESPECTIVE PHYSICAL THERAPY PRACTICE ACT OR OTHER
16 APPLICABLE STATE LAW, A MEMBER STATE MAY PARTICIPATE WITH OTHER
17 MEMBER STATES IN JOINT INVESTIGATIONS OF LICENSEES.

18 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,
19 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT
20 OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

21 **SECTION 7. ESTABLISHMENT OF THE PHYSICAL
22 THERAPY COMPACT COMMISSION.**

23 A. THE COMPACT MEMBER STATES HEREBY CREATE AND
24 ESTABLISH A JOINT PUBLIC AGENCY KNOWN AS THE PHYSICAL THERAPY
25 COMPACT COMMISSION:

26 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT
27 STATES.

1 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST
2 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A
3 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE
4 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
5 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
6 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

7 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
8 WAIVER OF SOVEREIGN IMMUNITY.

9 B. MEMBERSHIP, VOTING, AND MEETINGS

10 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE (1)
11 DELEGATE SELECTED BY THAT MEMBER STATE'S LICENSING BOARD.

12 2. THE DELEGATE SHALL BE A CURRENT MEMBER OF THE LICENSING
13 BOARD, WHO IS A PHYSICAL THERAPIST, PHYSICAL THERAPIST ASSISTANT,
14 PUBLIC MEMBER, OR THE BOARD ADMINISTRATOR.

15 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE
16 AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS
17 APPOINTED.

18 4. THE MEMBER STATE BOARD SHALL FILL ANY VACANCY
19 OCCURRING IN THE COMMISSION.

20 5. EACH DELEGATE SHALL BE ENTITLED TO ONE (1) VOTE WITH
21 REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND
22 SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE
23 BUSINESS AND AFFAIRS OF THE COMMISSION.

24 6. A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS
25 AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'
26 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
27 COMMUNICATION.

1 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
2 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN
3 THE BYLAWS.

4 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND
5 DUTIES:

6 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
7 2. ESTABLISH BYLAWS;
8 3. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE
9 BYLAWS;
10 4. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THE
11 PROVISIONS OF THIS COMPACT AND THE BYLAWS;

12 5. PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
13 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES
14 SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN
15 ALL MEMBER STATES;

16 6. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE
17 NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE
18 PHYSICAL THERAPY LICENSING BOARD TO SUE OR BE SUED UNDER
19 APPLICABLE LAW SHALL NOT BE AFFECTED;

20 7. PURCHASE AND MAINTAIN INSURANCE AND BONDS;

21 8. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,
22 INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER STATE;

23 9. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
24 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE
25 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND TO
26 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
27 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,

1 AND OTHER RELATED PERSONNEL MATTERS;

2 10. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS
3 OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO
4 RECEIVE, UTILIZE AND DISPOSE OF THE SAME; PROVIDED THAT AT ALL
5 TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY
6 AND/OR CONFLICT OF INTEREST;

7 11. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS
8 OF, OR OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL,
9 PERSONAL OR MIXED; PROVIDED THAT AT ALL TIMES THE COMMISSION
10 SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

11 12. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
12 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR
13 MIXED;

14 13. ESTABLISH A BUDGET AND MAKE EXPENDITURES;

15 14. BORROW MONEY;

16 15. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES
17 COMPRISED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR
18 THEIR REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH
19 OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT
20 AND THE BYLAWS;

21 16. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE
22 WITH, LAW ENFORCEMENT AGENCIES;

23 17. ESTABLISH AND ELECT AN EXECUTIVE BOARD; AND

24 18. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR
25 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT
26 WITH THE STATE REGULATION OF PHYSICAL THERAPY LICENSURE AND
27 PRACTICE.

1 D. THE EXECUTIVE BOARD

2 THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON
3 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS
4 COMPACT.

5 1. THE EXECUTIVE BOARD SHALL BE COMPRISED OF NINE
6 MEMBERS:

7 a. SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE
8 COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION;

9 b. ONE EX-OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED
10 NATIONAL PHYSICAL THERAPY PROFESSIONAL ASSOCIATION; AND

11 c. ONE EX-OFFICIO, NONVOTING MEMBER FROM THE RECOGNIZED
12 MEMBERSHIP ORGANIZATION OF THE PHYSICAL THERAPY LICENSING
13 BOARDS.

14 2. THE EX-OFFICIO MEMBERS WILL BE SELECTED BY THEIR
15 RESPECTIVE ORGANIZATIONS.

16 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
17 EXECUTIVE BOARD AS PROVIDED IN BYLAWS.

18 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.

19 5. THE EXECUTIVE BOARD SHALL HAVE THE FOLLOWING DUTIES
20 AND RESPONSIBILITIES:

21 a. RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE
22 RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID
23 BY COMPACT MEMBER STATES SUCH AS ANNUAL DUES, AND ANY
24 COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE COMPACT
25 PRIVILEGE;

26 b. ENSURE COMPACT ADMINISTRATION SERVICES ARE
27 APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;

1 c. PREPARE AND RECOMMEND THE BUDGET;
2 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
3 COMMISSION;

4 e. MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
5 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

6 f. ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND
7 g. OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

8 E. MEETINGS OF THE COMMISSION

9 1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC
10 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED
11 UNDER THE RULEMAKING PROVISIONS IN SECTION 9.

12 2. THE COMMISSION OR THE EXECUTIVE BOARD OR OTHER
13 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED,
14 NON-PUBLIC MEETING IF THE COMMISSION OR EXECUTIVE BOARD OR
15 OTHER COMMITTEES OF THE COMMISSION MUST DISCUSS:

16 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS
17 UNDER THE COMPACT;

18 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER
19 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES
20 OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL
21 PERSONNEL PRACTICES AND PROCEDURES;

22 c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
23 LITIGATION;

24 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR
25 SALE OF GOODS, SERVICES, OR REAL ESTATE;

26 e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING
27 ANY PERSON;

1 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
2 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

3 g. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
4 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
5 PERSONAL PRIVACY;

6 h. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
7 ENFORCEMENT PURPOSES;

8 i. DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE
9 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION
10 OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION
11 OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THE COMPACT;
12 OR

13 j. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
14 FEDERAL OR MEMBER STATE STATUTE.

15 3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT
16 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE
17 SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL
18 REFERENCE EACH RELEVANT EXEMPTING PROVISION.

19 4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
20 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
21 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE
22 REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
23 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
24 ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
25 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
26 TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A
27 COURT OF COMPETENT JURISDICTION.

1 F. FINANCING OF THE COMMISSION

2 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
3 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
4 AND ONGOING ACTIVITIES.

5 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
6 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT,
7 SUPPLIES, MATERIALS, AND SERVICES.

8 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
9 ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER
10 PARTIES TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE
11 COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT
12 SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
13 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
14 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A
15 FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL
16 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

17 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
18 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
19 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
20 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
23 THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING
24 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
25 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE
26 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND
27 THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF

1 THE ANNUAL REPORT OF THE COMMISSION.

2 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

3 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES
4 AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT
5 AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR
6 ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY
7 OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR
8 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT THE PERSON
9 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
10 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
11 DUTIES OR RESPONSIBILITIES; PROVIDED THAT NOTHING IN THIS
12 PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM
13 SUIT AND/OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY
14 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
15 THAT PERSON.

16 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
17 EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE
18 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
19 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
20 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
21 RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
22 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
23 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
24 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT
25 PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED
26 FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID
27 NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON

1 MISCONDUCT.

2 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
3 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE
4 OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT
5 OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR
6 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
7 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT SUCH
8 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
9 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
10 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID
11 NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR WANTON
12 MISCONDUCT OF THAT PERSON.

13 **SECTION 8. DATA SYSTEM**

14 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
15 MAINTENANCE, AND UTILIZATION OF A COORDINATED DATABASE AND
16 REPORTING SYSTEM CONTAINING LICENSURE, ADVERSE ACTION, AND
17 INVESTIGATIVE INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER
18 STATES.

19 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO
20 THE CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO
21 THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS
22 APPLICABLE AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

23 1. IDENTIFYING INFORMATION;
24 2. LICENSURE DATA;
25 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE;
26 4. NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
27 PROGRAM PARTICIPATION;

1 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
2 REASON(S) FOR SUCH DENIAL; AND

3 6. OTHER INFORMATION THAT MAY FACILITATE THE
4 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF
5 THE COMMISSION.

6 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN
7 ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER PARTY STATES.

8 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER
9 STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN
10 INDIVIDUAL APPLYING FOR A LICENSE. ADVERSE ACTION INFORMATION
11 PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE TO
12 ANY OTHER MEMBER STATE.

13 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA
14 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
15 THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING
16 STATE.

17 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
18 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER
19 STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE
20 DATA SYSTEM.

21 **SECTION 9. RULEMAKING**

22 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
23 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES
24 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME
25 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

26 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
27 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE

1 SAME MANNER USED TO ADOPT THE COMPACT WITHIN 4 YEARS OF THE
2 DATE OF ADOPTION OF THE RULE, THEN SUCH RULE SHALL HAVE NO
3 FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

4 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT
5 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

6 D. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
7 RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN ADVANCE
8 OF THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED
9 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED
10 RULEMAKING:

11 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
12 ACCESSIBLE PLATFORM; AND

13 2. ON THE WEBSITE OF EACH MEMBER STATE PHYSICAL THERAPY
14 LICENSING BOARD OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE
15 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH
16 PROPOSED RULES.

17 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

18 1. THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
19 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

20 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
21 REASON FOR THE PROPOSED RULE;

22 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
23 INTERESTED PERSON; AND

24 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
25 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
26 HEARING AND ANY WRITTEN COMMENTS.

27 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION

1 SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
2 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

3 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
4 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS
5 REQUESTED BY:

6 1. AT LEAST TWENTY-FIVE (25) PERSONS;
7 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY;
8 OR
9 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE (25)
10 MEMBERS.

11 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT,
12 THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE
13 SCHEDULED PUBLIC HEARING. IF THE HEARING IS HELD VIA ELECTRONIC
14 MEANS, THE COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO
15 THE ELECTRONIC HEARING.

16 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL
17 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER
18 DESIGNATED MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND
19 TESTIFY AT THE HEARING NOT LESS THAN FIVE (5) BUSINESS DAYS BEFORE
20 THE SCHEDULED DATE OF THE HEARING.

21 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
22 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE
23 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING.

24 3. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
25 WILL BE MADE AVAILABLE ON REQUEST.

26 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING
27 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE

1 CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS
2 SECTION.

3 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE
4 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT
5 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL
6 COMMENTS RECEIVED.

7 J. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC
8 HEARING BY INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY
9 PROCEED WITH PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC
10 HEARING.

11 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
12 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE
13 EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING
14 RECORD AND THE FULL TEXT OF THE RULE.

15 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
16 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT
17 PRIOR NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT
18 THE USUAL RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND
19 IN THIS SECTION SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON
20 AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY (90) DAYS
21 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
22 PROVISION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
23 IMMEDIATELY IN ORDER TO:

24 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR
25 WELFARE;
26 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;
27 3. MEET A DEADLINE FOR THE PROMULGATION OF AN

1 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE;

2 OR

3 4. PROTECT PUBLIC HEALTH AND SAFETY.

4 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
5 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
6 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
7 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS.
8 PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF
9 THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
10 ANY PERSON FOR A PERIOD OF THIRTY (30) DAYS AFTER POSTING. THE
11 REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION
12 RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE
13 MADE IN WRITING, AND DELIVERED TO THE CHAIR OF THE COMMISSION
14 PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE
15 REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION
16 IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
17 APPROVAL OF THE COMMISSION.

18 **SECTION 10. OVERSIGHT, DISPUTE RESOLUTION,
19 AND ENFORCEMENT**

20 A. OVERSIGHT

21 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
22 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
23 COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO
24 EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF
25 THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE
26 STANDING AS STATUTORY LAW.

27 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT

1 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
2 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT
3 WHICH MAY AFFECT THE POWERS, RESPONSIBILITIES OR ACTIONS OF THE
4 COMMISSION.

5 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
6 PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO
7 INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO
8 PROVIDE SERVICE OF PROCESS TO THE COMMISSION SHALL RENDER A
9 JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT, OR
10 PROMULGATED RULES.

11 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

12 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
13 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR
14 RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,
15 THE COMMISSION SHALL:

16 a. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND
17 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED
18 MEANS OF CURING THE DEFAULT AND/OR ANY OTHER ACTION TO BE TAKEN
19 BY THE COMMISSION; AND

20 b. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
21 ASSISTANCE REGARDING THE DEFAULT.

22 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
23 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN
24 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES, AND ALL
25 RIGHTS, PRIVILEGES AND BENEFITS CONFERRED BY THIS COMPACT MAY BE
26 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE
27 DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR

1 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

2 3. TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
3 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE
4 BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL
5 BE GIVEN BY THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND
6 MINORITY LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH
7 OF THE MEMBER STATES.

8 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
9 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE
10 EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND
11 BEYOND THE EFFECTIVE DATE OF TERMINATION.

12 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
13 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED
14 FROM THE COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE
15 COMMISSION AND THE DEFAULTING STATE.

16 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
17 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE
18 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
19 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING MEMBER SHALL
20 BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
21 ATTORNEY'S FEES.

22 C. DISPUTE RESOLUTION

23 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
24 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
25 AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
26 STATES.

27 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR

1 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS
2 APPROPRIATE.

3 **D. ENFORCEMENT**

4 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
5 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
6 COMPACT.

7 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
8 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
9 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
10 PRINCIPAL OFFICES AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE
11 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
12 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE
13 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL
14 ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL BE
15 AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
16 ATTORNEY'S FEES.

17 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
18 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
19 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

20 **SECTION 11. DATE OF IMPLEMENTATION OF THE
21 INTERSTATE COMMISSION FOR PHYSICAL THERAPY
22 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
23 AMENDMENT**

24 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON
25 WHICH THE COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH
26 MEMBER STATE. THE PROVISIONS, WHICH BECOME EFFECTIVE AT THAT
27 TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE COMMISSION

1 RELATING TO ASSEMBLY AND THE PROMULGATION OF RULES.
2 THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
3 POWERS NECESSARY TO THE IMPLEMENTATION AND ADMINISTRATION OF
4 THE COMPACT.

5 B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
6 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE
7 RULES AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES
8 LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY
9 THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON
10 THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

11 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY
12 ENACTING A STATUTE REPEALING THE SAME.

13 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
14 UNTIL SIX (6) MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

15 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
16 REQUIREMENT OF THE WITHDRAWING STATE'S PHYSICAL THERAPY
17 LICENSING BOARD TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE
18 ACTION REPORTING REQUIREMENTS OF THIS ACT PRIOR TO THE EFFECTIVE
19 DATE OF WITHDRAWAL.

20 D. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED
21 TO INVALIDATE OR PREVENT ANY PHYSICAL THERAPY LICENSURE
22 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER
23 STATE AND A NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE
24 PROVISIONS OF THIS COMPACT.

25 E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
26 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING
27 UPON ANY MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL

1 MEMBER STATES.

2 **SECTION 12. CONSTRUCTION AND SEVERABILITY**

3 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
4 EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT
5 SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE OR
6 PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE
7 CONSTITUTION OF ANY PARTY STATE OR OF THE UNITED STATES OR THE
8 APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
9 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF
10 THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
11 AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
12 IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
13 ANY PARTY STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND
14 EFFECT AS TO THE REMAINING PARTY STATES AND IN FULL FORCE AND
15 EFFECT AS TO THE PARTY STATE AFFECTED AS TO ALL SEVERABLE
16 MATTERS.

17 **SECTION 2.** In Colorado Revised Statutes, 12-41-103, **amend**
18 the introductory portion; and **add** (1.3) and (7) as follows:

19 **12-41-103. Definitions.** As used in this ~~article~~ ARTICLE 41, unless
20 the context otherwise requires:

21 (1.3) "ADVERSE ACTION" MEANS DISCIPLINARY ACTION TAKEN BY
22 THE BOARD BASED UPON MISCONDUCT, UNACCEPTABLE PERFORMANCE, OR
23 A COMBINATION OF BOTH, AND INCLUDES ANY ACTION TAKEN PURSUANT
24 TO THE FOLLOWING:

25 (a) SECTION 12-41-116, EXCEPT FOR ANY ACTION TAKEN PURSUANT
26 TO SUBSECTION (3.5) OF THAT SECTION;

27 (b) SECTION 12-41-122;

- 1 (c) SECTION 12-41-123;
- 2 (d) SECTION 12-41-211, EXCEPT FOR ANY ACTION TAKEN
- 3 PURSUANT TO SUBSECTION (4) OF THAT SECTION;
- 4 (e) SECTION 12-41-217; AND
- 5 (f) SECTION 12-41-218.

11 **SECTION 3.** In Colorado Revised Statutes, 12-41-103.6, **amend**
12 (2) introductory portion and (2)(d); and **add** (2)(f) and (2)(g) as follows:

13 **12-41-103.6. Powers and duties of board - reports -**
14 **publications - rules - interstate compact.** (2) In addition to any other
15 powers and duties given the board by this ~~article~~ ARTICLE 41, the board
16 has the following powers and duties:

20 (f) TO FACILITATE COLORADO'S PARTICIPATION IN THE
21 "INTERSTATE PHYSICAL THERAPY LICENSURE COMPACT ACT", PART 37
22 OF ARTICLE 60 OF TITLE 24, AS FOLLOWS:

23 (I) APPOINT A QUALIFIED DELEGATE TO SERVE ON THE PHYSICAL
24 THERAPY COMPACT COMMISSION;

25 (II) PARTICIPATE FULLY IN THE PHYSICAL THERAPY COMPACT
26 COMMISSION DATA SYSTEM;

27 (III) OBTAIN A SET OF FINGERPRINTS FROM AN APPLICANT FOR

1 INITIAL LICENSURE OR CERTIFICATION [REDACTED] AND FORWARD THE
2 FINGERPRINTS TO THE COLORADO BUREAU OF INVESTIGATION FOR THE
3 PURPOSE OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD
4 CHECK. UPON RECEIPT OF FINGERPRINTS AND PAYMENT FOR THE COSTS,
5 THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
6 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
7 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE FEDERAL
8 BUREAU OF INVESTIGATION, OR OTHER APPROPRIATE FEDERAL AGENCY.
9 THE BOARD IS THE AUTHORIZED AGENCY TO RECEIVE INFORMATION
10 REGARDING THE RESULT OF A NATIONAL CRIMINAL HISTORY RECORD
11 CHECK. THE APPLICANT WHOSE FINGERPRINTS ARE CHECKED SHALL PAY
12 THE ACTUAL COSTS OF THE STATE AND NATIONAL FINGERPRINT-BASED
13 CRIMINAL HISTORY RECORD CHECK.

14 [REDACTED]
15 (IV) NOTIFY THE PHYSICAL THERAPY COMPACT COMMISSION OF
16 ANY ADVERSE ACTION TAKEN BY THE BOARD; AND
17 (V) APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE PHYSICAL
18 THERAPY COMPACT COMMISSION TO COVER THE COST OF THE OPERATIONS
19 AND ACTIVITIES OF THE COMMISSION AND ITS STAFF.

20 [REDACTED]
21 **SECTION 4.** In Colorado Revised Statutes, 24-34-110, amend
22 (3)(a)(XIII) as follows:

23 **24-34-110. Medical transparency act of 2010 - disclosure of**
24 **information about health care licensees - fines - rules - short title -**
25 **legislative declaration - repeal.** (3) (a) As used in this section,
26 "applicant" means a person applying for a new, active license,
27 certification, or registration or to renew, reinstate, or reactivate an active

1 license, certification, or registration to practice:

2 (XIII) Physical therapy pursuant to article 41 of title 12 C.R.S. OR

3 PART 37 OF ARTICLE 60 OF THIS TITLE 24;

4 **SECTION 5. Appropriation.** For the 2017-18 state fiscal year,

5 \$12,386 is appropriated to the department of regulatory agencies for use

6 by the division of professions and occupations. This appropriation is from

7 the division of professions and occupations cash fund created in section

8 24-34-105 (2)(b)(I), C.R.S., and is based on an assumption that the

9 division will require an additional 0.1 FTE. To implement this act, the

10 division may use this appropriation as follows:

11 (a) \$8,386 for personal services, which is based on an assumption

12 that the division will require an additional 0.1 FTE; and

13 (b) \$4,000 for operating expenses.

14 **SECTION 6. Act subject to petition - effective date.** This act

15 takes effect at 12:01 a.m. on the day following the expiration of the

16 ninety-day period after final adjournment of the general assembly (August

17 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a

18 referendum petition is filed pursuant to section 1 (3) of article V of the

19 state constitution against this act or an item, section, or part of this act

20 within such period, then the act, item, section, or part will not take effect

21 unless approved by the people at the general election to be held in

22 November 2018 and, in such case, will take effect on the date of the

23 official declaration of the vote thereon by the governor.