

1                   A bill to be entitled  
2           An act relating to the Physical Therapy Licensure  
3           Compact; amending s. 486.021, F.S.; revising a  
4           definition; amending s. 486.025, F.S.; requiring the  
5           executive director of the Board of Physical Therapy or  
6           his or her designee to serve as state delegate of the  
7           Physical Therapy Licensure Compact; amending ss.  
8           486.031 and 486.106, F.S.; providing eligibility  
9           criteria for a multistate license; requiring that  
10          multistate licenses be distinguished from single-state  
11          licenses; exempting certain persons from physical  
12          therapy and physical therapist assistant licensure  
13          requirements, respectively; amending s. 486.0715,  
14          F.S.; conforming a cross-reference; creating s.  
15          486.113, F.S.; creating the Physical Therapy Licensure  
16          Compact; providing findings and purpose; providing  
17          definitions; providing for the recognition of physical  
18          therapy licenses in member states; requiring party  
19          states to perform criminal history checks of licensure  
20          applicants; providing requirements for multistate  
21          licensure; requiring licensees on active duty in the  
22          United States military to designate a home state;  
23          authorizing member states to take adverse action  
24          against a physical therapist's multistate licensure  
25          privilege; requiring notification to the home

26 |       licensing state of an adverse action against a  
27 |       licensee; authorizing participation in an alternative  
28 |       program in lieu of adverse action against a license;  
29 |       establishing the Physical Therapy Licensure Compact  
30 |       Commission; providing membership and duties;  
31 |       authorizing the commission to adopt rules; providing  
32 |       for jurisdiction and venue for court proceedings;  
33 |       requiring all member states to participate in a  
34 |       coordinated licensure information system; providing  
35 |       requirements for reporting and exchanging information  
36 |       between member states; providing rulemaking  
37 |       procedures; providing for state enforcement of the  
38 |       compact; providing for the termination of compact  
39 |       membership; providing procedures for the dispute  
40 |       resolution; providing construction and severability;  
41 |       amending s. 486.151, F.S.; conforming provisions;  
42 |       providing an effective date.

43 |  
44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
46 |       Section 1. Subsection (5) of section 486.021, Florida  
47 |       Statutes, is amended to read:

48 |       486.021 Definitions.—In this chapter, unless the context  
49 |       otherwise requires, the term:

50 |       (5) "Physical therapist" means a person who is licensed

51 and who practices physical therapy in accordance with the  
 52 provisions of this chapter or who holds an active multistate  
 53 license under s. 486.113.

54 Section 2. Section 486.025, Florida Statutes, is amended  
 55 to read:

56 486.025 Powers and duties of the Board of Physical Therapy  
 57 Practice.—The board may administer oaths, summon witnesses, take  
 58 testimony in all matters relating to its duties under this  
 59 chapter, establish or modify minimum standards of practice, and  
 60 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 61 the provisions of this chapter. The board may also review the  
 62 standing and reputability of any school or college offering  
 63 courses in physical therapy and whether the courses of such  
 64 school or college in physical therapy meet the standards  
 65 established by the appropriate accrediting agency referred to in  
 66 s. 486.031(1)(c)1. ~~486.031(3)(a).~~ In determining the standing  
 67 and reputability of any such school and whether the school and  
 68 courses meet such standards, the board may investigate and make  
 69 personal inspection of the same. The executive director of the  
 70 board appointed pursuant to 456.004(2) or her or his designee  
 71 shall serve as the state delegate of the Physical Therapy  
 72 Licensure Compact as required under s. 486.113.

73 Section 3. Section 486.031, Florida Statutes, is amended  
 74 to read:

75 486.031 Physical therapist; licensing requirements.—

76           (1) To be eligible for licensing as a physical therapist,  
 77 an applicant must:

78           (a)~~(1)~~ Be at least 18 years old.~~;~~

79           (b)~~(2)~~ Be of good moral character.~~;~~ ~~and~~

80           (c)~~1.~~~~(3)~~~~(a)~~ Have been graduated from a school of physical  
 81 therapy which has been approved for the educational preparation  
 82 of physical therapists by the appropriate accrediting agency  
 83 recognized by the Commission on Recognition of Postsecondary  
 84 Accreditation or the United States Department of Education at  
 85 the time of her or his graduation and have passed, to the  
 86 satisfaction of the board, the American Registry Examination  
 87 prior to 1971 or a national examination approved by the board to  
 88 determine her or his fitness for practice as a physical  
 89 therapist as hereinafter provided;

90           2.~~(b)~~ Have received a diploma from a program in physical  
 91 therapy in a foreign country and have educational credentials  
 92 deemed equivalent to those required for the educational  
 93 preparation of physical therapists in this country, as  
 94 recognized by the appropriate agency as identified by the board,  
 95 and have passed to the satisfaction of the board an examination  
 96 to determine her or his fitness for practice as a physical  
 97 therapist as hereinafter provided; or

98           3.~~(e)~~ Be entitled to licensure without examination as  
 99 provided in s. 486.081.

100           (2) (a) An applicant who resides in this state, meets the

101 licensure requirements of this section, and meets the criteria  
 102 for multistate licensure under s. 486.113 may request the  
 103 issuance of a license from the department.

104 (b) A physical therapist who is licensed in this state and  
 105 applies to the department for a multistate license must meet the  
 106 eligibility criteria for a multistate license under s. 486.113  
 107 and must pay an application and licensure fee to change her or  
 108 his licensure status to multistate.

109 (c) The department shall conspicuously distinguish a  
 110 multistate license from a single-state license.

111 (d) A person holding an active multistate license in  
 112 another state pursuant to s. 486.113 is exempt from the  
 113 licensure requirements of this section.

114 Section 4. Paragraph (b) of subsection (1) of section  
 115 486.0715, Florida Statutes, is amended to read:

116 486.0715 Physical therapist; issuance of temporary  
 117 permit.—

118 (1) The board shall issue a temporary physical therapist  
 119 permit to an applicant who meets the following requirements:

120 (b) Is a graduate of an approved United States physical  
 121 therapy educational program and meets all the eligibility  
 122 requirements for licensure under ch. 456, s. 486.031(1)(a)-  
 123 (c)1. ~~486.031(1)-(3)(a)~~, and related rules, except passage of a  
 124 national examination approved by the board is not required.

125 Section 5. Section 486.106, Florida Statutes, is amended

126 to read:

127 486.106 Physical therapist assistant; issuance of  
128 license.—

129 (1) The board shall issue a license to each applicant who  
130 successfully establishes eligibility under the terms of this  
131 chapter and remits the initial license fee set by the board, not  
132 to exceed \$100. Any person who holds a license pursuant to this  
133 section may use the words "physical therapist assistant," or the  
134 letters "P.T.A.," in connection with her or his name to denote  
135 licensure hereunder.

136 (2) (a) An applicant who resides in this state, meets the  
137 licensure requirements of this section, and meets the criteria  
138 for multistate licensure under s. 486.113 may request the  
139 issuance of a license from the department.

140 (b) A physical therapist assistant who is licensed in this  
141 state and applies to the department for a multistate license  
142 must meet the eligibility criteria for a multistate license  
143 under s. 486.113 and must pay an application and licensure fee  
144 to change her or his licensure status to multistate.

145 (c) The department shall conspicuously distinguish a  
146 multistate license from a single-state license.

147 (d) A person holding an active multistate license in  
148 another state pursuant to s. 486.113 is exempt from the  
149 licensure requirements of this section.

150 Section 6. Section 486.113, Florida Statutes, is created

151 to read:

152 486.113 Physical Therapy Licensure Compact.—The Physical  
 153 Therapy Licensure Compact is enacted into law and entered into  
 154 by this state with all other jurisdictions legally joining  
 155 therein in the form substantially as provided in this section.

157 ARTICLE I

158 DECLARATION OF PURPOSE

160 The general purposes of this compact are to:

161 (1) Facilitate the states' responsibility and enhance the  
 162 states' ability to protect public health and safety.

163 (2) Facilitate the multistate practice of physical therapy  
 164 with the goal of improving public access to physical therapy  
 165 services.

166 (3) Increase public access to physical therapy services by  
 167 providing for mutual recognition of other member state  
 168 licensees.

169 (4) Encourage the cooperation of member states in  
 170 regulating multistate physical therapy practice.

171 (5) Support spouses of relocating military members.

172 (6) Enhance the exchange of licensure, investigative, and  
 173 disciplinary information between member states.

174 (7) Authorize a remote state to hold a physical therapist  
 175 with a compact privilege accountable to the practice standards

176 in the state in which a patient is located at the time care is  
177 rendered.

178  
179 ARTICLE II

180 DEFINITIONS

181  
182 As used in this compact, the term:

183 (1) "Active duty" means full-time duty status in active  
184 military service of the United States, including members of the  
185 National Guard and Reserve on active duty orders pursuant to 10  
186 U.S.C. s. 1209 and 1211.

187 (2) "Adverse action" means disciplinary action taken by a  
188 physical therapy licensing board based upon misconduct or  
189 unacceptable performance.

190 (3) "Alternative program" means a nondisciplinary  
191 monitoring or practice remediation program approved by a  
192 physical therapy licensing board. The term includes, but is not  
193 limited to, a program for substance abuse issues.

194 (4) "Commission" means the Physical Therapy Compact  
195 Commission, or a national administrative body whose membership  
196 consists of all states that have enacted the compact.

197 (5) "Compact privilege" means the authorization granted by  
198 a remote state to allow a licensee from another member state to  
199 practice as a physical therapist or work as a physical therapist  
200 assistant under the remote state's laws and rules. The practice

201 of physical therapy occurs in the member state where the patient  
202 is located at the time care is rendered.

203 (6) "Continuing competence" means a condition of license  
204 renewal to provide evidence of participation in or completion of  
205 educational and professional activities relevant to practice.

206 (7) "Coordinated licensure information system" means a  
207 repository of information about licensees, including information  
208 related to examination, licensure, investigation, compact  
209 privilege, and adverse action.

210 (8) "Encumbered license" means a license that has been  
211 limited by a physical therapy licensing board.

212 (9) "Executive board" means a group of directors elected  
213 or appointed to act on behalf of, and within the powers granted  
214 to them by, the commission.

215 (10) "Home state" means the member state that is a  
216 licensee's primary state of residence.

217 (12) "Investigative information" means information,  
218 records, and documents received or generated by a physical  
219 therapy licensing board pursuant to an investigation.

220 (13) "Licensee" means an individual who is currently  
221 licensed in her or his home state to practice as a physical  
222 therapist or work as a physical therapist assistant.

223 (14) "Licensing board" means the agency of a state that is  
224 responsible for the licensing and regulation of physical  
225 therapists and physical therapist assistants.



251 licensure information system.

252 (b) Have a mechanism in place for receiving and  
253 investigating complaints about a licensee.

254 (c) Notify the commission, in accordance with the terms of  
255 the compact and rules, of any adverse action or investigative  
256 information regarding a licensee.

257 (d) Implement a criminal background check requirement as  
258 part of licensure using information obtained from a Federal  
259 Bureau of Investigation record search.

260 (e) Comply with the rules of the commission.

261 (f) Utilize a recognized national examination as a  
262 licensure requirement pursuant to the commission's rules.

263 (g) Require continuing competence as a condition for  
264 licensure renewal.

265 (2) Upon adoption of this compact, a member state may  
266 obtain biometric-based information from each applicant for  
267 licensure and may submit this information to the Federal Bureau  
268 of Investigation for a criminal background check in accordance  
269 with 28 U.S.C. s. 534 and 42 U.S.C. s. 14616.

270 (3) A member state shall grant the compact privilege, and  
271 may charge a fee for the privilege, to a licensee holding a  
272 valid unencumbered license in another member state in accordance  
273 with the terms of the compact and commission's rules.

274

275

ARTICLE IV

COMPACT PRIVILEGE

276 (1) To exercise the compact privilege, the licensee shall:

277 (a) Hold a license in her or his home state.

278 (b) Have an unencumbered state license.

279 (c) Be eligible for compact privilege in a member state in  
280 accordance with subsections (4), (7) and (8).

281 (d) Have had no adverse action against her or his license  
282 or compact privilege within the previous 2 years.

283 (e) Notify the commission that the licensee is seeking the  
284 compact privilege within a remote state.

285 (f) Pay any applicable fees, including state fees, for the  
286 compact privilege.

287 (g) Comply with any laws and regulations established by  
288 the remote state in which the licensee is seeking the compact  
289 privilege.

290 (h) Report to the commission adverse action taken by a  
291 nonmember state within 30 days after the date of the adverse  
292 action.

293 (2) The compact privilege is valid until the expiration  
294 date of a licensee's home state license. The licensee must  
295 comply with the requirements of subsection (1) to maintain the  
296 compact privilege in a remote state.

297 (3) A licensee that practices physical therapy in a remote  
298 state under the compact privilege shall function within the laws  
299 of the remote state.

301 and regulations of the remote state.

302 (4) A remote state may, in accordance with due process and  
303 that state's laws, remove a licensee's compact privilege in the  
304 remote state for a specific period of time, impose fines, or  
305 take any other necessary actions to protect the health and  
306 safety of its citizens. A licensee is not eligible for the  
307 compact privilege in a state until the specific time for removal  
308 has passed and all fines are paid.

309 (5) If a home state license is encumbered, the licensee  
310 shall lose the compact privilege in the remote state until:

311 (a) The home state license is no longer encumbered.

312 (b) Two years have elapsed from the date of the adverse  
313 action.

314 (6) After an encumbered license in the home state is  
315 restored to good standing, a licensee must meet the requirements  
316 of subsection (1) to obtain a compact privilege in a remote  
317 state.

318 (7) If a licensee's compact privilege in a remote state is  
319 removed, she or he shall lose the compact privilege in any other  
320 remote state until:

321 (a) The specific period of time for which the compact  
322 privilege was removed has ended.

323 (b) All applicable fines have been paid.

324 (c) Two years have elapsed from the date of the adverse  
325 action.

326 (8) After the requirements of subsection (7) have been  
 327 met, a licensee must meet the requirements in subsection (1) to  
 328 obtain the compact privilege in a remote state.

330 ARTICLE V

331 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

332  
 333 A licensee who is active duty military or is the spouse of  
 334 an individual who is active duty military may designate one of  
 335 the following as her or his home state:

- 336 (1) The state of home of record;  
 337 (2) The state of permanent change of station; or  
 338 (3) The state of current residence if it is different than  
 339 the permanent change of station or home of record state.

341 ARTICLE VI

342 ADVERSE ACTIONS

343  
 344 (1) A home state shall have exclusive power to impose  
 345 adverse action against a license issued by the home state.

346 (2) A home state may take adverse action against a license  
 347 based on investigative information from a member state other  
 348 than the home state, provided that the home state follows its  
 349 own procedures for imposing adverse action.

350 (3) This compact does not override a member state's

351 decision to require participation in an alternative program in  
352 lieu of adverse action and any member state's law that requires  
353 such participation to remain nonpublic. Member states shall  
354 require licensees who enter such alternative programs to agree  
355 not to practice in any other member state while participating in  
356 an alternative program without prior authorization from the  
357 other member state.

358 (4) A member state may investigate an actual or alleged  
359 violation of a statute or rule authorizing the practice of  
360 physical therapy in another member state in which a physical  
361 therapist or physical therapist assistant holds a license or  
362 compact privilege.

363 (5) A remote state may:

364 (a) Take adverse action as set forth in this article  
365 against a licensee's compact privilege in the state.

366 (b) Issue subpoenas for hearings and investigations that  
367 require the attendance and testimony of witnesses and the  
368 production of evidence. Subpoenas issued for the attendance and  
369 testimony of witnesses or the production of evidence by a  
370 physical therapy licensing board in a state in which a licensee  
371 holds a current license or compact privilege or is applying for  
372 a license or compact privilege in another state shall be  
373 enforced in the latter state by a court of competent  
374 jurisdiction, according to the practice and procedure of that  
375 court. The issuing authority shall pay any witness fees, travel

376 expenses, mileage, and other fees required by the service  
377 statutes of the state where the witnesses or evidence are  
378 located.

379 (c) If otherwise permitted by state law, recover from the  
380 licensee the costs of investigation and disposition of cases  
381 resulting from any adverse action taken against a license.

382 (6) In addition to the authority granted to a member state  
383 by its respective physical therapy practice act or other  
384 applicable state law, a member state may participate with other  
385 member states in a joint investigation of a licensee. Member  
386 states shall share any investigative, litigation, or compliance  
387 materials in furtherance of any joint or individual  
388 investigation initiated under the compact.

389  
390 ARTICLE VII

391 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

392  
393 (1) The member states hereby create and establish a joint  
394 public entity known as the Physical Therapy Compact Commission.

395 (2) (a) Each member state shall have and be limited to one  
396 delegate selected by that member state's licensing board.

397 (b) The delegate shall be a current member of the  
398 licensing board, who is a physical therapist, physical therapist  
399 assistant, public member, or board administrator.

400 (c) A delegate may be removed or suspended from the

401 commission as provided by the law of the state from which the  
402 delegate is appointed.

403 (d) The member state board shall fill any vacancy that  
404 occurs in the commission for the member state.

405 (e) Each delegate shall be entitled to one vote with  
406 regard to the adoption of rules and creation of bylaws and shall  
407 to participate in the business and affairs of the commission.

408 (f) A delegate shall vote in person or by such other means  
409 as set forth in the bylaws. The bylaws may provide for a  
410 delegate's participation in meetings by telephone or other means  
411 of communication.

412 (g) The commission shall meet at least annually.  
413 Additional meetings shall be held as set forth in the bylaws.

414 (3) The commission shall:

415 (a) Establish the period of the commission's fiscal year.

416 (b) Establish bylaws.

417 (c) Maintain the commission's financial records.

418 (d) Meet and take actions consistent with the provisions  
419 of the compact and bylaws.

420 (e) Promulgate uniform rules to facilitate and coordinate  
421 implementation and administration of this compact, which rules  
422 shall have the force and effect of law and shall be binding in  
423 all member states.

424 (f) Bring and prosecute legal proceedings or actions in  
425 the name of the commission.

- 426        (g) Purchase and maintain insurance and bonds.
- 427        (h) Borrow, accept, or contract for services of personnel,  
428 including, but not limited to, personnel from a member state.
- 429        (i) Hire employees, elect or appoint officers, fix  
430 compensation, define duties, grant authority, and establish the  
431 personnel policies and programs relating to conflicts of  
432 interest, qualifications of personnel, and other related  
433 personnel matters.
- 434        (j) Accept appropriate donations and grants of money,  
435 equipment, supplies, materials and services, and receive,  
436 utilize, and dispose of such donations and grants; provided that  
437 the commission avoids any appearance of impropriety or conflict  
438 of interest.
- 439        (k) Lease, purchase, or accept appropriate gifts or  
440 donations of, or own, hold, improve, or use any property, real,  
441 personal, or mixed; provided that the commission avoids any  
442 appearance of impropriety or conflict of interest.
- 443        (l) Sell, convey, mortgage, pledge, lease, exchange,  
444 abandon, or dispose of any property, real, personal, or mixed.
- 445        (m) Establish a budget and make expenditures.
- 446        (n) Borrow money.
- 447        (o) Appoint committees comprised of members, state  
448 regulators, state legislators or their representatives, and  
449 consumer representatives, and such other interested persons as  
450 may be designated in this compact and the bylaws.

451 (p) Provide and receive information from, and cooperate  
452 with, law enforcement agencies.

453 (q) Establish and elect an executive board.

454 (r) Perform such other functions as may be necessary or  
455 appropriate to achieve the purposes of this compact consistent  
456 with the state regulation of physical therapy licensure and  
457 practice.

458 (4) The executive board shall have the power to act on  
459 behalf of the commission pursuant to the terms of this compact.

460 (a) The executive board shall be comprised of nine  
461 members:

462 1. Seven voting members who are elected by the commission  
463 from the commission's current membership.

464 2. One ex officio nonvoting member from a recognized  
465 national physical therapy professional association.

466 3. One ex officio nonvoting member from a recognized  
467 membership organization of the physical therapy licensing  
468 boards.

469 (b) The ex officio members will be selected by their  
470 respective organizations.

471 (c) The commission may remove any member of the executive  
472 board as provided in bylaws.

473 (d) The executive board shall meet at least annually.

474 (e) The executive board shall have the following duties  
475 and responsibilities:

- 476        1. Recommend changes to the commission's rules or bylaws,  
477 compact legislation, fees paid by member states, and any  
478 commission fee charged to licensees for the compact privilege.
- 479        2. Ensure compact administration services are  
480 appropriately provided, contractual or otherwise.
- 481        3. Prepare and recommend the budget.
- 482        4. Maintain financial records on behalf of the commission.
- 483        5. Monitor compact compliance of member states and provide  
484 compliance reports to the commission.
- 485        6. Establish additional committees as necessary.
- 486        7. Other duties as provided in rules or bylaws.
- 487        (5) (a) All commission meetings shall be open to the public  
488 and notice of meetings shall be given in the same manner as  
489 required under the rulemaking provisions in Article IX.
- 490        (b) The commission or executive board, or other committees  
491 of the commission, may convene in a closed, nonpublic meeting if  
492 the commission or executive board discusses, or other committees  
493 of the commission discuss:
- 494        1. Noncompliance of a member state with its compact  
495 obligations.
- 496        2. The employment, compensation, discipline, practices,  
497 and procedures related to specific employees, or other matters  
498 related to the commission's internal personnel practices and  
499 procedures.
- 500        3. Current, threatened, or reasonably anticipated

501 litigation.

502 4. Negotiation of contracts for the purchase, lease, or  
503 sale of goods, services, or real estate.

504 5. Accusing a person of a crime or formally censuring a  
505 person.

506 6. Disclosure of trade secrets or commercial or financial  
507 information that is privileged or confidential.

508 7. Disclosure of information of a personal nature where  
509 disclosure would constitute a clearly unwarranted invasion of  
510 personal privacy.

511 8. Disclosure of investigative records compiled for law  
512 enforcement purposes.

513 9. Disclosure of information related to an investigative  
514 report prepared by or on behalf of or for use of the commission  
515 or other committee charged with the responsibility of  
516 investigating or determining compliance pursuant to the compact.

517 10. Matters specifically exempted from disclosure by  
518 federal or member state law.

519 (c) If a meeting, or portion of a meeting, is closed  
520 pursuant to this article, the commission's legal counsel or  
521 designee shall certify that the meeting may be closed and shall  
522 reference each relevant exempted provision.

523 (d) The commission shall keep minutes that fully and  
524 clearly describe all matters discussed in a meeting and shall  
525 provide a full and accurate summary of any actions taken,

526 including the reasons therefore. All documents considered in  
527 connection with an action shall be identified in the meeting  
528 minutes. All minutes and documents of a closed meeting shall  
529 remain under seal, subject to release by a majority vote of the  
530 commission or order by a court of competent jurisdiction.

531 (6) (a) The commission shall pay, or provide for the  
532 payment of, the reasonable expenses of its establishment and  
533 administration.

534 (b) The commission may accept appropriate revenue sources,  
535 donations, and grants of money, equipment, supplies, materials,  
536 and services.

537 (c) The commission may levy and collect an annual  
538 assessment or impose fees on each member state to cover the cost  
539 of the operations and activities of the commission and its  
540 staff. Such assessment or fees must be sufficient to cover the  
541 commission's annual budget as approved each year for which  
542 revenue is not provided by other sources. The aggregate annual  
543 assessment shall be allocated based upon a formula to be  
544 determined by the commission, which shall promulgate a rule  
545 binding upon all member states.

546 (d) The commission shall not incur any obligations before  
547 securing funds adequate to meet the obligation, nor shall the  
548 commission pledge the credit of any member states, except by and  
549 with the authority of the member state.

550 (e) The commission shall keep accurate accounts of all

551 receipts and disbursements, which shall be subject to audit and  
552 accounting procedures established under its bylaws. However, all  
553 receipts and disbursements of funds handled by the commission  
554 shall be audited annually by a certified or licensed public  
555 accountant, and the audit report shall be included in and become  
556 part of the commission's annual report.

557 (7) (a) The members, officers, executive director,  
558 employees, and representatives of the commission shall be immune  
559 from suit and liability, either personally or in their official  
560 capacity, for any claim for damage to or loss of property or  
561 personal injury or other civil liability caused by or arising  
562 out of any actual or alleged act, error, or omission that  
563 occurred, or that the person against whom the claim is made had  
564 a reasonable basis for believing occurred within the scope of  
565 commission employment, duties, or responsibilities. This  
566 paragraph does not protect any such person from suit or  
567 liability for damage, loss, injury, or liability caused by the  
568 intentional or willful or wanton misconduct of that person.

569 (b) The commission shall defend any member, officer,  
570 executive director, employee, or representative of the  
571 commission in a civil action seeking to impose liability arising  
572 out of an actual or alleged act, error, or omission that  
573 occurred within the scope of commission employment, duties, or  
574 responsibilities, or that the person against whom the claim is  
575 made had a reasonable basis for believing occurred within the

576 scope of commission employment, duties, or responsibilities;  
577 provided that the actual or alleged act, error, or omission did  
578 not result from that person's intentional, willful, or wanton  
579 misconduct. This paragraph does not prohibit a person from  
580 retaining her or his own counsel in addition to the commission's  
581 counsel.

582 (c) The commission shall indemnify and hold harmless any  
583 member, officer, executive director, employee, or representative  
584 of the commission for the amount of any settlement or judgment  
585 obtained against such person that arises out of an actual or  
586 alleged act, error, or omission that occurred within the scope  
587 of commission employment, duties, or responsibilities, or that  
588 such person had a reasonable basis for believing occurred within  
589 the scope of commission employment, duties, or responsibilities,  
590 provided that the actual or alleged act, error, or omission did  
591 not result from the intentional, willful, or wanton misconduct  
592 of that person.

593 (8) (a) Venue is proper and judicial proceedings by or  
594 against the commission shall be brought solely and exclusively,  
595 in a court of competent jurisdiction where the commission's  
596 principal office is located. The commission may waive venue and  
597 jurisdictional defenses to the extent it adopts or consents to  
598 participate in alternative dispute resolution proceedings.

599 (b) This compact does not waive sovereign immunity.  
600

ARTICLE VIII

COORDINATED LICENSURE INFORMATION SYSTEM

601  
602  
603  
604       (1) The commission shall provide for the development,  
605 maintenance, and utilization of a coordinated licensure  
606 information system.

607       (2) Notwithstanding any other provision of state law to  
608 the contrary, a member state shall submit a uniform data set to  
609 the coordinated licensure information system on all individuals  
610 to whom this compact is applicable as required by the rules of  
611 the commission, including:

612           (a) Identifying information.

613           (b) Licensure data.

614           (c) Adverse action against a license or compact privilege.

615           (d) Nonconfidential information related to alternative  
616 program participation.

617           (e) Denial of an application for licensure and the reasons  
618 for such denial.

619           (f) Any other information that may facilitate the  
620 administration of this compact, as determined by the rules of  
621 the commission.

622       (3) Investigative information pertaining to a licensee in  
623 a member state may only be available to other member states.

624       (4) The commission shall promptly notify all member states  
625 of any adverse action taken against a license or an individual

626 applying for a license. Adverse action information pertaining to  
 627 a licensee in any member state will be available to any other  
 628 member state.

629 (5) A member state that submits information to the  
 630 coordinated licensure information system may designate  
 631 information that may not be shared with the public without the  
 632 express permission of the state.

633 (6) Information submitted to the coordinated licensure  
 634 information system that is subsequently required to be expunged  
 635 by the laws of the member state that submits the information  
 636 shall be removed from the coordinated licensure information  
 637 system.

639 ARTICLE IX

640 RULEMAKING

641  
 642 (1) The commission shall exercise its rulemaking powers  
 643 pursuant to the criteria set forth in this article and the rules  
 644 adopted thereunder. Rules and amendments are binding as of the  
 645 date specified in each rule or amendment.

646 (2) If a majority of the legislatures of the member states  
 647 reject a rule, by enactment of a statute or resolution within 4  
 648 years after the date of adoption of the rule, such rule shall  
 649 have no further force and effect in any member state.

650 (3) Rules or amendments to the rules shall be adopted at a

651 regular or special meeting of the commission.

652 (4) Before adoption of a final rule by the commission, and  
653 at least 30 days before the meeting at which the rule will be  
654 considered and voted upon, the commission shall file a Notice of  
655 Proposed Rulemaking:

656 (a) On the website of the commission or other publicly  
657 accessible platform; and

658 (b) On the website of each member state physical therapy  
659 licensing board or other publicly accessible platform or the  
660 publication in which each state would otherwise publish proposed  
661 rules.

662 (5) The Notice of Proposed Rulemaking shall include:

663 (a) The proposed time, date, and location of the meeting  
664 in which the rule will be considered and voted upon.

665 (b) The text of the proposed rule or amendment and the  
666 reason for the proposed rule.

667 (c) A request for comment on the proposed rule from any  
668 interested person.

669 (d) The manner in which interested persons may submit  
670 notice to the commission of their intention to attend the public  
671 hearing and any written comments.

672 (6) Before adoption of a proposed rule, the commission  
673 shall allow persons to submit written data, facts, opinions, and  
674 arguments, which shall be made available to the public.

675 (7) The commission shall grant an opportunity for a public

676 hearing before it adopts a rule or amendment if a hearing is  
677 requested by:

678 (a) At least 25 persons;

679 (b) A state or federal governmental subdivision or agency;

680 or

681 (c) An association having at least 25 members.

682 (8) (a) If a hearing is held on the proposed rule or  
683 amendment, the commission shall publish the place, time, and  
684 date of the scheduled public hearing. If an electronic hearing  
685 is held, the commission shall publish the mechanism for access  
686 to the electronic hearing.

687 (b) All persons wishing to be heard at the hearing shall  
688 notify the executive director of the commission or other  
689 designated member in writing of their desire to appear and  
690 testify at the hearing not less than five business days before  
691 the scheduled date of the hearing.

692 (c) Hearings shall be conducted in a manner that provides  
693 each person who wishes to comment a fair and reasonable  
694 opportunity to comment orally or in writing.

695 (d) All hearings shall be recorded. A copy of the  
696 recording shall be made available on request.

697 (e) Nothing in this section shall be construed as  
698 requiring a separate hearing for each rule. Rules may be grouped  
699 and heard in a single hearing for the convenience of the  
700 commission.

701       (9) Following the scheduled hearing date, or by the close  
702 of business on the scheduled hearing date if the hearing was not  
703 held, the commission shall consider all written and oral  
704 comments received.

705       (10) If no written notice of intent to attend the public  
706 hearing by interested parties is received, the commission may  
707 proceed with adoption of the proposed rule without a public  
708 hearing.

709       (11) The commission shall, by majority vote of all  
710 members, take final action on the proposed rule and shall  
711 determine the effective date of the rule, if any, based on the  
712 rulemaking record and the full text of the rule.

713       (12) The commission may consider and adopt an emergency  
714 rule without prior notice, opportunity for comment, or hearing,  
715 provided that the usual rulemaking procedures provided in the  
716 compact and in this article shall be retroactively applied to  
717 the rule as soon as reasonably possible, in no event later than  
718 90 days after the effective date of the rule. For the purposes  
719 of this provision, an emergency rule is one that must be adopted  
720 immediately in order to:

721       (a) Meet an imminent threat to public health, safety, or  
722 welfare;

723       (b) Prevent a loss of commission or member state funds; or

724       (c) Meet a deadline for the adoption of an administrative  
725 rule that is established by federal law or rule.



751 (b) All courts in each member state shall take judicial  
752 notice of the compact and the rules in any judicial or  
753 administrative proceeding in a member state pertaining to the  
754 subject matter of this compact which may affect the powers,  
755 responsibilities, or actions of the commission.

756 (c) The commission shall receive service of process in any  
757 such proceeding and shall have standing to intervene in such a  
758 proceeding for any purpose. Failure to provide service of  
759 process to the commission shall render a judgment or order void  
760 as to the commission, the compact, or adopted rules.

761 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.-

762 (a) If the commission determines that a member state has  
763 defaulted in the performance of its obligations or  
764 responsibilities under this compact or the adopted rules, the  
765 commission shall:

766 1. Provide written notice to the state in default and  
767 other member states of the nature of the default, the proposed  
768 means of curing the default, and any other action to be taken by  
769 the commission.

770 2. Provide remedial training and specific technical  
771 assistance regarding the default.

772 (b) If a state in default fails to cure the default, the  
773 state in default may be terminated from the compact upon an  
774 affirmative vote of a majority of member states, and all rights,  
775 privileges, and benefits conferred by the compact may be

776 terminated. A cure of the default does not relieve the offending  
777 state of obligations or liabilities incurred during the period  
778 of default.

779 (c) Membership in the compact shall be terminated only  
780 after all other means of securing compliance have been  
781 exhausted. Notice of intent to suspend or terminate shall be  
782 given by the commission to the governor, the majority and  
783 minority leaders of the defaulting state's legislature, and each  
784 of the member states.

785 (d) A state that has been terminated is responsible for  
786 all assessments, obligations, and liabilities incurred through  
787 the effective date of termination, including obligations that  
788 extend beyond the effective date of termination.

789 (e) The commission shall not bear any costs related to a  
790 state that is found to be in default or that has been terminated  
791 from the compact, unless agreed upon in writing between the  
792 commission and the defaulting state.

793 (f) The defaulting state may appeal the action of the  
794 commission by petitioning the United States District Court for  
795 the District of Columbia or the federal district in which the  
796 commission has its principal offices. The prevailing member  
797 shall be awarded all litigation costs, including reasonable  
798 attorney fees.

799 (3) DISPUTE RESOLUTION.—

800 (a) Upon request by a member state, the commission shall

801 attempt to resolve disputes related to the compact that arise  
 802 among member states and between member and nonmember states.

803 (b) The commission shall promulgate a rule providing for  
 804 both mediation and binding dispute resolution for disputes as  
 805 appropriate.

806 (4) ENFORCEMENT.—

807 (a) The commission, in the reasonable exercise of its  
 808 discretion, shall enforce the provisions and rules of the  
 809 compact.

810 (b) By majority vote, the commission may initiate legal  
 811 action in the United States District Court for the District of  
 812 Columbia or the federal district where the commission has its  
 813 principal offices against a member state in default to enforce  
 814 compliance with the provisions of the compact and its adopted  
 815 rules and bylaws. The relief sought may include both injunctive  
 816 relief and damages. In the event judicial enforcement is  
 817 necessary, the prevailing member shall be awarded all litigation  
 818 costs, including reasonable attorney fees.

819 (c) The commission may pursue any other remedies available  
 820 under federal or state law.

821  
 822 ARTICLE XI  
 823 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL  
 824 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT  
 825

826       (1) The compact shall come into effect on the date on  
827 which the compact statute is enacted into law in the tenth  
828 member state. The provisions, which become effective at that  
829 time, shall be limited to the powers granted to the commission  
830 relating to assembly and adoption of rules. Thereafter, the  
831 commission shall meet and exercise rulemaking powers necessary  
832 for the implementation and administration of the compact.

833       (2) A state that joins the compact subsequent to the  
834 commission's initial adoption of the rules shall be subject to  
835 the rules as they exist on the date on which the compact becomes  
836 law in that state. Any rule that has been previously adopted by  
837 the commission shall have the full force and effect of law on  
838 the day the compact becomes law in that state.

839       (3) A member state may withdraw from this compact by  
840 enacting a statute repealing the same.

841       (a) A member state's withdrawal shall not take effect  
842 until 6 months after enactment of the repealing statute.

843       (b) Withdrawal shall not affect the continuing requirement  
844 of the withdrawing state's physical therapy licensing board to  
845 comply with reporting requirements under the compact before the  
846 effective date of withdrawal.

847       (4) Nothing contained in this compact shall be construed  
848 to invalidate or prevent any physical therapy licensure  
849 agreement or other cooperative arrangement between a member  
850 state and a nonmember state that does not conflict with the

851 provisions of this compact.

852 (5) This compact may be amended by the member states. An  
853 amendment to this compact shall become effective and binding  
854 after it is enacted into the laws of all member states.

855  
856 ARTICLE XII

857 CONSTRUCTION AND SEVERABILITY

858  
859 This compact shall be liberally construed so as to  
860 effectuate the purposes thereof. The provisions of this compact  
861 shall be severable and if any phrase, clause, sentence, or  
862 provision of this compact is declared to be contrary to the  
863 constitution of any member state or of the United States or the  
864 applicability thereof to any government, agency, person, or  
865 circumstance is held invalid, the validity of the remainder of  
866 this compact and the applicability thereof to any government,  
867 agency, person, or circumstance shall not be affected thereby.  
868 If this compact is held contrary to the constitution of any  
869 member state, the compact shall remain in full force and effect  
870 as to the remaining member states and in full force and effect  
871 as to the member state affected as to all severable matters.

872 Section 7. Paragraphs (a), (b), (c), and (d) of subsection  
873 (1) of section 486.151, Florida Statutes, are amended to read:

874 486.151 Prohibited acts; penalty.—

875 (1) It is unlawful for any person to:

HB 1097

2017

876 (a) Practice physical therapy or attempt to practice  
877 physical therapy without an active license, multistate license,  
878 or temporary permit.

879 (b) Use or attempt to use a license, multistate license,  
880 or temporary permit to practice physical therapy which is  
881 suspended, revoked, or void.

882 (c) Obtain or attempt to obtain a license, multistate  
883 license, or temporary permit to practice physical therapy by  
884 fraudulent misrepresentation.

885 (d) Use the name or title "Physical Therapist" or  
886 "Physical Therapist Assistant" or any other name or title which  
887 would lead the public to believe that the person using the name  
888 or title is licensed to practice physical therapy, unless such  
889 person holds a valid license or multistate license, or use the  
890 letters "D.P.T.," unless such person holds a valid license under  
891 this chapter or multistate license and a doctoral degree in  
892 physical therapy.

893 Section 8. This act shall take effect July 1, 2017, or  
894 upon enactment of the Physical Therapy Licensure Compact into  
895 law by nine other states, whichever occurs later.