SB164

203231-1

By Senator Whatley

RFD: Healthcare

First Read: 11-FEB-20
SYNOPSIS: This bill would establish the Physical Therapy Licensure Compact.

This bill would allow interstate practice by licensed physical therapists and physical therapist assistants among party states.

This bill would authorize regulatory authorities in party states to legally recognize, in a manner consistent with terms of the compact, physical therapists and physical therapist assistants licensed within those states.

This bill would allow a remote state to hold a provider of physical therapy services with a compact privilege in that state accountable under that state's practice standards.

This bill would provide eligibility requirements for licensed physical therapists and physical therapist assistants to practice pursuant to the compact.

This bill would provide for a coordinated database and reporting system containing licensure,
This bill would provide for investigations and disciplinary actions.

This bill would establish the Physical Therapy Compact Commission and would provide for membership, powers, and duties.

This bill would also provide for rulemaking functions of the commission, enforcement of the compact, dispute resolution, and withdrawal of party states.

A BILL
TO BE ENTITLED
AN ACT

Relating to the licensed practice of physical therapy; to provide and adopt the Physical Therapy Licensure Compact to allow interstate practice by licensed physical therapists and physical therapist assistants among party states; to authorize regulatory authorities in party states to legally recognize, in a manner consistent with terms of the compact, physical therapists and physical therapist assistants licensed within those states; to provide eligibility requirements for licensed physical therapists and physical therapist assistants to practice pursuant to the compact; to provide for a coordinated database and reporting system
containing licensure, adverse action, and investigative
information on licensees; to provide for investigations and
disciplinary actions; to establish the Physical Therapy
Compact Commission, and to provide for membership, powers, and
duties, and provide for rulemaking functions of the
commission; and to provide for oversight of the compact,
enforcement of the compact, dispute resolution, and withdrawal
of party states.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. PURPOSE.

(a) The purpose of this compact is to facilitate
interstate practice of physical therapy with the goal of
improving public access to physical therapy services. The
practice of physical therapy occurs in the state where the
patient/client is located at the time of the patient/client
encounter. The compact preserves the regulatory authority of
states to protect public health and safety through the current
system of state licensure.

(b) This compact is designed to achieve the
following objectives:

(1) Increase public access to physical therapy
services by providing for the mutual recognition of other
member state licenses.

(2) Enhance the states' ability to protect public
health and safety.

(3) Encourage the cooperation of member states in
regulating multi-state physical therapy practice.
(4) Support spouses of relocating military members.

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

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable under that state's practice standards.

Section 2. DEFINITIONS.

As used in this compact, and except as otherwise provided, the following terms have the following meanings:

(1) ACTIVE DUTY MILITARY. Full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(2) ADVERSE ACTION. Disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or both.

(3) ALTERNATIVE PROGRAM. A non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board, including, but not limited to, substance abuse issues.

(4) COMPACT PRIVILEGE. The authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state.
state where the patient/client is located at the time of the
patient/client encounter.

(5) CONTINUING COMPETENCE. A requirement, as a
c condition of license renewal, to provide evidence of
participation in, or completion of, educational and
professional activities relevant to practice or area of work.

(6) DATA SYSTEM. A repository of information about
licensees, including examination, licensure, investigative
information, compact privilege, and adverse action.

(7) ENCUMBERED LICENSE. A license that a physical
therapy licensing board has limited in any way.

(8) EXECUTIVE BOARD. A group of directors elected or
appointed to act on behalf of, and within the powers granted
to them by, the commission.

(9) HOME STATE. The member state that is the
licensee's primary state of residence.

(10) INVESTIGATIVE INFORMATION. Information,
records, and documents received or generated by a physical
therapy licensing board pursuant to an investigation.

(11) JURISPRUDENCE REQUIREMENT. The assessment of an
individual's knowledge of the laws and rules governing the
practice of physical therapy in a state.

(12) LICENSEE. An individual who currently holds an
authorization from a state to practice as a physical therapist
or to work as a physical therapist assistant.

(13) MEMBER STATE. A state that has enacted this
compact.
(14) PARTY STATE. Any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

(15) PHYSICAL THERAPIST. An individual who is licensed by a state to practice physical therapy.

(16) PHYSICAL THERAPIST ASSISTANT. An individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

(17) PHYSICAL THERAPY COMPACT COMMISSION or COMMISSION. The national administrative body whose membership consists of all states that have enacted this compact.

(18) PHYSICAL THERAPY, PHYSICAL THERAPY PRACTICE, or THE PRACTICE OF PHYSICAL THERAPY. The care and services provided by or under the direction and supervision of a licensed physical therapist.

(19) PHYSICAL THERAPY LICENSING BOARD or LICENSING BOARD. The agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) REMOTE STATE. A member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(21) RULE. A regulation, principle, or directive adopted by the commission that has the force of law.

(22) STATE. Any state, commonwealth, district, or territory of the United States that regulates the practice of physical therapy.
Section 3. STATE PARTICIPATION IN COMPACT.

(a) To participate in the compact, a state shall do all of the following:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.

(2) Have a mechanism in place for receiving and investigating complaints about licensees.

(3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with subsection (b).

(5) Comply with the rules of the commission.

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(7) Have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this compact, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this
information to the Federal Bureau of Investigation for a
criminal background check in accordance with 28 U.S.C. § 534

(c) A member state shall grant the compact privilege
to a licensee holding a valid unencumbered license in another
member state in accordance with the terms of the compact and
rules.

(d) Member states may charge a fee for granting a
compact privilege.

Section 4. COMPACT PRIVILEGE.

(a) To exercise the compact privilege under the
terms and provisions of the compact, the licensee shall meet
all of the following requirements:

(1) Hold a license in the home state.

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any
member state in accordance with subsections (g) and (h).

(4) Have not had any adverse action against any
license or compact privilege within the previous two years.

(5) Notify the commission that the licensee is
seeking the compact privilege within a remote state or states.

(6) Pay any applicable fees, including any state
fee, for the compact privilege.

(7) Meet any jurisprudence requirements established
by the remote state or states in which the licensee is seeking
a compact privilege.
(8) Report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of subsection (a) to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and rules of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state, in accordance with due process and that state's laws, may remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary action to protect the health and safety of its residents. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until both of the following occur:

(1) The home state license is no longer encumbered.

(2) Two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee shall meet the
requirements of subsection (a) to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in every remote state until all of the following occur:

(1) The specific period of time for which the compact privilege was removed has ended.
(2) All fines have been paid.
(3) Two years have elapsed from the date of the adverse action.

(h) Once the requirements of subsection (g) have been met, the licensee shall meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

Section 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(1) Home of record.
(2) Permanent Change of Station (PCS).
(3) State of current residence if it is different from the PCS state or home of record.

Section 6. ADVERSE ACTIONS.
(a) A home state shall have exclusive power to impose adverse action against a license issued by the home state.

(b) A home state may take adverse action based on the investigative information of a remote state, provided that the home state follows its own procedures for imposing adverse action.

(c) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states shall require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(d) Any member state may investigate actual or alleged violations of the laws and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(e) A remote state may do all of the following:

(1) Take adverse action as set forth in subsection (d) of Section 4 against a licensee's compact privilege in the state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of
witnesses and the production of evidence. Subpoenas issued by
a physical therapy licensing board in a party state for the
attendance and testimony of witnesses or the production of
evidence from another party state shall be enforced in the
latter state by any court of competent jurisdiction, according
to the practice and procedure of that court applicable to
subpoenas issued in proceedings pending before it. The issuing
authority shall pay any witness fees, travel expenses,
mileage, and other fees required by the service statutes of
the state where the witnesses or evidence are located.

(3) If otherwise permitted by state law, recover
from the licensee the costs of investigations and disposition
of cases resulting from any adverse action taken against that
licensee.

(f) Joint investigations.

(1) In addition to the authority granted to a member
state by its respective physical therapy practice act or other
applicable state law, a member state may participate with
other member states in joint investigations of licensees.

(2) Member states shall share any investigative,
litigation, or compliance materials in furtherance of any
joint or individual investigation initiated under the compact.

Section 7. ESTABLISHMENT OF THE PHYSICAL THERAPY
COMPACT COMMISSION.

(a) The compact member states shall create and
establish a joint public agency known as the Physical Therapy
Compact Commission.
(1) The commission is an instrumentality of the compact member states.

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

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings.

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

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

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the adoption of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.
(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(c) The commission shall have all of the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Maintain its financial records in accordance with the bylaws.

(4) Meet and take such actions as are consistent with this compact and the bylaws.

(5) Adopt uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected.

(7) Purchase and maintain insurance and bonds.

(8) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state.
(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed, provided that at all times the commission shall avoid any appearance of impropriety.

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.
(17) Establish and elect an executive board.

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

(d) The executive board.

(1) The executive board may act on behalf of the commission according to the terms of this compact.

(2) The executive board shall be composed of nine members as follows:

a. Seven voting members who are elected by the commission from the current membership of the commission.

b. One ex officio, nonvoting member from the recognized national physical therapy professional association.

c. One ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(3) The ex officio members shall be selected by their respective organizations.

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

(5) The executive board shall meet at least annually.

(6) The executive board shall have all of the following duties and responsibilities:

a. Recommend to the entire commission changes to the rules or bylaws, to this compact, to legislation, to fees paid
by compact member states such as annual dues, and to any
commission compact fee charged to licensees for the compact
privilege.

b. Ensure compact administration services are
appropriately provided, contractual or otherwise.
c. Prepare and recommend the budget.
d. Maintain financial records on behalf of the
commission.
e. Monitor compact compliance of member states and
provide compliance reports to the commission.
f. Establish additional committees as necessary.
g. Perform other duties as provided in rules or
bylaws.

(e) Meetings of the commission.

(1) All meetings shall be open to the public, and
public notice of meetings shall be given in the same manner as
required under the rulemaking provisions in Section 9.

(2) The commission or the executive board or other
committee of the commission may convene in a closed,
non-public meeting if the commission or executive board or
other committee of the commission must discuss any of the
following:

a. Non-compliance of a member state with its
obligations under the compact.

b. The employment, compensation, discipline, or
other matters, practices, or procedures related to specific
employees or other matters related to the commission's internal personnel practices and procedures.

   c. Current, threatened, or reasonably anticipated litigation.

   d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

   e. Accusing any person of a crime or formally censuring any person.

   f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

   g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

   h. Disclosure of investigative records compiled for law enforcement purposes.

   i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

   j. Matters specifically exempted from disclosure by federal or member state statute.

   (3) If a meeting, or portion of a meeting, is closed pursuant to this section, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for the actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(f) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula adopted by rule of the commission, and binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the
same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(g) Qualified immunity, defense, and indemnification.

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing in this subsection shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Section 8. DATA SYSTEM.
(a) The commission shall provide for the
development, maintenance, and utilization of a coordinated
database and reporting system containing licensure, adverse
action, and investigative information on all licensees in
member states.

(b) Notwithstanding any other provision of state law
to the contrary, a member state shall submit a uniform data
set to the data system on all licensees to whom this compact
is applicable as required by the rules of the commission,
including all of the following:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or compact
privilege.

(4) Non-confidential information related to
alternative program participation.

(5) Any denial of application for licensure, and the
reason or reasons for the denial.

(6) Other information that may facilitate the
administration of this compact, as determined by the rules of
the commission.

(c) Investigative information pertaining to a
licensee in any member state shall only be available to other
party states.

(d) The commission shall promptly notify all member
states of any adverse action taken against a licensee or an
individual applying for a license. Adverse action information
pertaining to a licensee in any member state shall be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

Section 9. RULEMAKING.

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt this compact within four years after the date of adoption of the rule, then the rule shall have no further force and effect in any member state.

(c) Rules or amendments to rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule shall be considered and voted upon, the
commission shall file a Notice of Proposed Rulemaking on both of the following:

(1) The website of the commission or other publicly accessible platform.

(2) The website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The Notice of Proposed Rulemaking shall include all of the following:

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

(2) The text of the proposed rule or amendment and the reason for the proposed rule or amendment.

(3) A request for comments on the proposed rule from any interested person.

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

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

(1) At least 25 persons.
(2) A state or federal governmental subdivision or agency.

(3) An association having at least 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

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

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

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

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing is not held, the commission shall consider all written and oral comments received.
(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with adoption of the proposed rule without a public hearing.

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

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subdivision, an emergency rule is one that must be adopted immediately in order to do any of the following:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

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

(4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule
or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Section 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

(a) Oversight.

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the purposes and intent of this compact. This compact and the rules adopted hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of this compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.
(3) The commission shall be entitled to receive service of process in any proceeding and shall have standing to intervene in a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or adopted rules.

(b) Default, technical assistance, and termination.

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or adopted rules, the commission shall do both of the following:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the commission.

b. Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance
have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

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

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

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

(c) Dispute resolution.

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.
(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

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

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Section 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT.

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

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

(c) Any member state may withdraw from this compact
by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take
effect until six months after enactment of the repealing
statute.

(2) Withdrawal shall not affect the continuing
requirement of the withdrawing state's physical therapy
licensing board to comply with the investigative and adverse
action reporting requirements of this compact prior to the
effective date of withdrawal.

(d) Nothing contained in this compact shall be
construed to invalidate or prevent any physical therapy
licensure agreement or other cooperative arrangement between a
member state and a non-member state that does not conflict
with this compact.

(e) This compact may be amended by the member
states. No amendment to this compact shall become effective
and binding upon any member state until it is enacted into the
claws of all member states.

Section 12. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to
effectuate the purposes thereof. The provisions of this
compact shall be severable and if any phrase, clause,
sentence, or provision of this compact is declared to be
contrary to the constitution of any party state or of the
United States or the applicability thereof to any government,
agency, person, or circumstance is held invalid, the validity
of the remainder of this compact and the applicability thereof
to any government, agency, person, or circumstance shall not
be affected thereby. If this compact shall be held contrary to
the constitution of any party state, the compact shall remain
in full force and effect as to the remaining party states and
in full force and effect as to the party state affected as to
all severable matters.

Section 13. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.