



# PT • COMPACT

## Physical Therapy Compact Commission Notice of Proposed Rulemaking

The Physical Therapy Compact Commission is requesting public comment on the proposed amendments to its Rules. Pursuant to Section 9 of the Physical Therapy Compact, the Commission is required to post this Notice at least thirty (30) days in advance of the meeting at which the Rules will be considered and voted upon by the Commission.

### PUBLICATION DATE:

5/8/2024

### SUMMARY OF THE PROPOSED RULES OR AMENDMENT TO EXISTING RULES:

Rule	Summary of Changes
1.1	Adds a definition of "expired" and of "significant investigatory information"
2.3	Amends the rule to clarify the expiration date of an initial compact privilege, as well as how renewal of the home state license impacts the expiration date of a compact privilege
3.1	Changes the timeframe of how long a compact privilege holder must report a change in home state from 30 days to 60 days
3.5	Clarifies the expiration date of an initial compact privilege, as well as how renewal of the home state license impacts the expiration date of a compact privilege and changes the timeframe of how long a compact privilege holder must report a change in home state from 30 days to 60 days
6.7	Amends the rule to clarify what qualifies as investigative information significant enough to warrant notification to the Commission

### TEXT OF THE PROPOSED AMENDMENTS:

A copy of the proposed amendments is attached to this Notice.

### MEETING DATE, TIME, AND LOCATION:

The Physical Therapy Compact Commission will consider and vote on the adoption of the attached amendments to its Rules at its public meeting on June 17, 2024. The meeting will take place virtually at 1:30 p.m. ET.

### DEADLINE AND PROCESS TO SUBMIT WRITTEN COMMENTS:

Written comments must be received by 5:00 PM, ET, on June 13, 2024. All comments or intentions to attend the Commission meeting should be submitted electronically by the deadline to [info@ptcompact.org](mailto:info@ptcompact.org). All comments must be provided in a single file and must include the name of the submitter, any organization the submitter represents, and the rule number(s) the comments address. If

electronic submission of comments is not feasible, please contact the PT Compact Commission using the contact information below for special instructions.

**REQUESTS FOR PUBLIC HEARING:**

Pursuant to Section 9 of the Physical Therapy Compact, the PT Compact Commission shall hold a public hearing on the proposed rules changes if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

If one of the three standards above is met, the Commission will hold a hearing on the proposed rules at its public meeting on June 17, 2024. The meeting will take place virtually at 1:30 PM, ET.

All requests for a public hearing must be submitted electronically to [info@ptcompact.org](mailto:info@ptcompact.org) by 5:00 PM, ET, on June 13, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey M. Rosa, Compact Administrator, by email at [administrator@ptcompact.org](mailto:administrator@ptcompact.org) or by telephone at 703-299-3100 ext. 239 or at 124 West Street South, Suite 300, Alexandria, VA 22314-2825.

## Proposed 2024 Draft Amendments to PT Compact Commission Rules

Please note that additions are indicated by red underlined text. Deletions are indicated by ~~red strikethrough~~ text. Black text is existing unchanged text.

### **Rule 1.1 – Definitions**

**Reason: To create equivalency between “expired” and “lapsed” so that jurisdictions that have rules relating to “practicing on a lapsed license [certificate/privilege]” clearly apply. The amendment also adds a definition of “significant investigatory information” to clarify when member boards are required to indicate the availability of investigative information**

#### Proposed Amendment:

For the purpose of the rules adopted by the Physical Therapy Compact Commission, the following definitions shall apply:

- (A) “Adverse action” means a publicly available disciplinary action taken against a license or compact privilege by a Licensing Board. Adverse action does not include non-disciplinary remediation required by the Licensing Board.
- (B) “Alternative program” means any non-disciplinary monitoring program intended to remediate the licensee that is not a matter of public record and to which a Licensing Board refers a licensee, or of which the Licensing Board is aware of the licensee’s participation.
- (C) “Applying for a license” means the individual has submitted an application for licensure to the Licensing Board or requested that the Federation of State Boards of Physical Therapy transfer the individual’s National Physical Therapy Examination score to the Licensing Board.
- (D) “Board administrator” means an individual serving as administrative staff to a member state’s physical therapy licensing board.
- (E) “Commission” means the Physical Therapy Compact Commission.
- (F) “Compact” or “Physical Therapy Compact” means the Physical Therapy Licensure Compact.
- (G) “Compact Administrator” shall be synonymous with “executive director” referenced in Section 7.G. of the Compact.
- (H) “Denied” means a decision of a licensing board to refuse to issue, reinstate, or renew a physical therapist or physical therapist assistant license that is reported to the National Practitioner Data Bank (NPDB).
- (I) “Encumbrance” means any action taken by the Licensing Board that limits the practice or work of the physical therapist or physical therapist assistant. An encumbrance may be disciplinary or non-disciplinary in nature.
- (J) “Expired” means the status of a license or compact privilege that is not active and includes a license with a status of “lapsed” or “non-renewed.” A compact privilege that is not renewed before the expiration date shall automatically expire on that date and not after any grace period ends.
- (J) “FSBPT ID” means the identification number assigned by the Federation of State Boards of Physical Therapy to all individuals in the Exam, Licensure, and Disciplinary Database.
- (K) “Home state” means a person’s true, fixed, and permanent home and is the place where the person intends to remain indefinitely, and to which the person expects to return if absent without intending to establish a new domicile elsewhere.
- (L) “Initial” means each and every new Compact Privilege issued to an individual, even if a prior Compact Privilege was held in the same state.

(M) "License" means the authorization from the state to practice as a physical therapist or to work as a physical therapist assistant. For purposes of the Compact, a certification for a physical therapist assistant is synonymous with "license."

(N) "Licensing Board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(O) "Member state" means a state that has enacted the Compact.

(P) "Non-member state" means a state that has not enacted the Compact.

(Q) "Party state" means any member state where the individual currently holds, or has ever held a physical therapist or physical therapist assistant license or compact privilege or is applying for a license or compact privilege.

(R) "Recognized National Exam" as referenced in Section 3.A.6 of the Compact means the National Physical Therapy Examination (NPTE).

(S) "Significant investigatory information" means investigative information that a License Board, after an inquiry or investigation that includes notification and an opportunity for the licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or investigative information that indicates that the physical therapist or physical therapist assistant represents an immediate threat to public health and safety regardless of whether the physical therapist or physical therapist assistant has been notified and had an opportunity to respond.

~~(S)~~ (T) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

### **Rule 2.3 – Compact Privilege Fee and Expiration Date**

**Reason: To clarify the expiration date of an initial compact privilege as well as how renewal of the home state license impacts the expiration date of a compact privilege**

#### Proposed Amendment:

Any compact privilege held by the individual shall expire on the same date as the individual's home state license. The expiration date of the home state license shall be the expiration date that was in effect on the date the individual purchased the compact privilege. The fee paid to the member state for a compact privilege shall cover the period of time the individual has remaining on the home state license. Any renewal of the home state license does not automatically extend the expiration date of the compact privilege.

### **Rule 3.1 – Home State License**

**Reason: To change the timeframe of a how long a compact privilege holder must report a change in home state**

#### Proposed Amendment:

- (A) Compact privilege holders may be audited at any time by the Commission to verify compliance with home state residency requirements.
- (B) An individual holding a temporary permit, temporary license, or temporary authorization to practice shall not be eligible for a Compact Privilege.
- (C) In addition to complying with reporting name and address change as required by the home state, compact privilege holders must also notify the Commission of a change of name and/or home state address within ~~thirty (30)~~ sixty (60) business days of the change.

- (D) Member states may require compact privilege holders to notify the licensing board of the physical location(s) where the individual is providing physical therapy services within that remote state.
- (E) An individual holding a home state license issued without the requirement of passing the National Physical Therapy Examination (NPTE) shall not be eligible for a Compact Privilege, unless said license was issued prior to the member state enacting the Physical Therapy Compact model statute.

### **Rule 3.5 – Expiration or Termination of a Compact Privilege**

**Reason: To clarify the expiration date of an initial compact privilege, as well as how renewal of the home state license impacts the expiration date of a compact privilege; To change the timeframe of a how long a compact privilege holder must report a change in home state**

#### Proposed Amendment:

- (A) All compact privileges shall expire on the actual expiration date of the home state license even if the home state allows practice beyond the license expiration date. The expiration date of the home state license shall be the expiration date that was in effect on the date the individual purchased the compact privilege. Any renewal of the home state license does not automatically extend the expiration date of the compact privilege.
- (B) Impact of changing the primary state of residence.
  - a. Moving to another member state.
    - i. The compact privilege holder must hold an active license in the new home state prior to changing the primary state of residence or all current compact privileges will be terminated. ~~Thirty (30)~~ **Sixty (60)** business days after the date of legal change of permanent address is considered the date of change in home state.
    - ii. When a compact privilege holder obtains the license in the new home state and changes the primary state of residence, the expiration date of all current compact privileges will be updated to match the expiration date of the new home state license. The expiration date of the home state license shall be the expiration date that was in effect on the date the primary state of residence is changed.
  - b. Moving to a non-member state.

If the compact privilege holder's new primary state of residence is a non-member state, all current compact privileges will be immediately.

### **Rule 6.7 – Indicating Availability of Significant Investigative Information**

**Reason: To clarify what qualifies as investigative information significant enough to warrant notification to the Commission**

#### Proposed Amendment:

A member state shall notify the Commission that significant investigatory information is available to party states when a member state has determined probable cause exists that the allegations against the licensee may constitute a violation that is an offense of action of that member's state statute or regulations. The actual investigative information shall be shared directly with the party state and not through the Commission.