

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 272**

**Senators Roegner, Blessing**

**Cosponsors: Senators Huffman, M., Huffman, S.**

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**A BILL**

To amend section 4755.48 and to enact sections 1  
4755.57 and 4755.571 of the Revised Code to 2  
enter into the Physical Therapy Licensure 3  
Compact. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 4755.48 be amended and sections 5  
4755.57 and 4755.571 of the Revised Code be enacted to read as 6  
follows: 7

**Sec. 4755.48.** (A) No person shall employ fraud or 8  
deception in applying for or securing a license to practice 9  
physical therapy or to be a physical therapist assistant. 10

(B) No person shall practice or in any way imply or claim 11  
to the public by words, actions, or the use of letters as 12  
described in division (C) of this section to be able to practice 13  
physical therapy or to provide physical therapy services, 14  
including practice as a physical therapist assistant, unless the 15  
person holds a valid license under sections 4755.40 to 4755.56 16  
of the Revised Code or except for submission of claims as 17  
provided in section 4755.56 of the Revised Code. 18

(C) No person shall use the words or letters, physical 19  
therapist, physical therapy, physical therapy services, 20  
physiotherapist, physiotherapy, physiotherapy services, licensed 21  
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 22  
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 23  
therapist assistant, physical therapy technician, licensed 24  
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 25  
letters, words, abbreviations, or insignia, indicating or 26  
implying that the person is a physical therapist or physical 27  
therapist assistant without a valid license under sections 28  
4755.40 to 4755.56 of the Revised Code. 29

(D) No person who practices physical therapy or assists in 30  
the provision of physical therapy treatments under the 31  
supervision of a physical therapist shall fail to display the 32  
person's current license granted under sections 4755.40 to 33  
4755.56 of the Revised Code in a conspicuous location in the 34  
place where the person spends the major part of the person's 35  
time so engaged. 36

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 37  
Code shall affect or interfere with the performance of the 38  
duties of any physical therapist or physical therapist assistant 39  
in active service in the army, navy, coast guard, marine corps, 40  
air force, public health service, or marine hospital service of 41  
the United States, while so serving. 42

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 43  
Code shall prevent or restrict the activities or services of a 44  
person pursuing a course of study leading to a degree in 45  
physical therapy in an accredited or approved educational 46  
program if the activities or services constitute a part of a 47  
supervised course of study and the person is designated by a 48

title that clearly indicates the person's status as a student. 49

(G) (1) Subject to division (G) (2) of this section, nothing 50  
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 51  
or restrict the activities or services of any person who holds a 52  
current, unrestricted license to practice physical therapy in 53  
another state when that person, pursuant to contract or 54  
employment with an athletic team located in the state in which 55  
the person holds the license, provides physical therapy to any 56  
of the following while the team is traveling to or from or 57  
participating in a sporting event in this state: 58

(a) A member of the athletic team; 59

(b) A member of the athletic team's coaching, 60  
communications, equipment, or sports medicine staff; 61

(c) A member of a band or cheerleading squad accompanying 62  
the athletic team; 63

(d) The athletic team's mascot. 64

(2) In providing physical therapy pursuant to division (G) 65  
(1) of this section, the person shall not do either of the 66  
following: 67

(a) Provide physical therapy at a health care facility; 68

(b) Provide physical therapy for more than sixty days in a 69  
calendar year. 70

(3) The limitations described in divisions (G) (1) and (2) 71  
of this section do not apply to a person who is practicing in 72  
accordance with the compact privilege granted by this state 73  
through the "Physical Therapy Licensure Compact" entered into 74  
under section 4755.57 of the Revised Code. 75

(H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:

(a) Practice medicine and surgery, chiropractic, dentistry, osteopathic medicine and surgery, podiatric medicine and surgery;

(b) Practice as a physician assistant;

(c) Practice nursing as an advanced practice registered nurse.

(2) The prohibition in division (H) (1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person:

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency recognized by the United States department of education.

(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist.

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H) (1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice.

(J) In the prosecution of any person for violation of 105  
division (B) or (C) of this section, it is not necessary to 106  
allege or prove want of a valid license to practice physical 107  
therapy or to practice as a physical therapist assistant, but 108  
such matters shall be a matter of defense to be established by 109  
the accused. 110

Sec. 4755.57. The "Physical Therapy Licensure Compact" is 111  
hereby ratified, enacted into law, and entered into by the state 112  
of Ohio as a party to the compact with any other state that has 113  
legally joined in the compact as follows: 114

PHYSICAL THERAPY LICENSURE COMPACT 115

SECTION 1. PURPOSE 116

The purpose of this Compact is to facilitate interstate 117  
practice of physical therapy with the goal of improving public 118  
access to physical therapy services. The practice of physical 119  
therapy occurs in the state where the patient/client is located 120  
at the time of the patient/client encounter. The Compact 121  
preserves the regulatory authority of states to protect public 122  
health and safety through the current system of state licensure. 123

This Compact is designed to achieve the following 124  
objectives: 125

1. Increase public access to physical therapy services by 126  
providing for the mutual recognition of other member state 127  
licenses; 128

2. Enhance the states' ability to protect the public's 129  
health and safety; 130

3. Encourage the cooperation of member states in 131  
regulating multi-state physical therapy practice; 132

<u>4. Support spouses of relocating military members;</u>	133
<u>5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and</u>	134
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<u>6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.</u>	136
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<u>SECTION 2. DEFINITIONS</u>	139
<u>As used in this Compact, and except as otherwise provided, the following definitions shall apply:</u>	140
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<u>1. "Active duty military" means 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. Section 1209 and 1211.</u>	142
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<u>2. "Adverse Action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.</u>	146
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<u>3. "Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.</u>	149
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<u>4. "Compact privilege" means 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 where the patient/client is located at the time of the patient/client encounter.</u>	153
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<u>5. "Continuing competence" means a requirement, as a</u>	160

condition of license renewal, to provide evidence of 161  
participation in, and/or completion of, educational and 162  
professional activities relevant to practice or area of work. 163

6. "Data system" means a repository of information about 164  
licensees, including examination, licensure, investigative, 165  
compact privilege, and adverse action. 166

7. "Encumbered license" means a license that a physical 167  
therapy licensing board has limited in any way. 168

8. "Executive Board" means a group of directors elected or 169  
appointed to act on behalf of, and within the powers granted to 170  
them by, the Commission. 171

9. "Home state" means the member state that is the 172  
licensee's primary state of residence. 173

10. "Investigative information" means information, 174  
records, and documents received or generated by a physical 175  
therapy licensing board pursuant to an investigation. 176

11. "Jurisprudence Requirement" means the assessment of an 177  
individual's knowledge of the laws and rules governing the 178  
practice of physical therapy in a state. 179

12. "Licensee" means an individual who currently holds an 180  
authorization from the state to practice as a physical therapist 181  
or to work as a physical therapist assistant. 182

13. "Member state" means a state that has enacted the 183  
Compact. 184

14. "Party state" means any member state in which a 185  
licensee holds a current license or compact privilege or is 186  
applying for a license or compact privilege. 187

<u>15. "Physical therapist" means an individual who is</u>	188
<u>licensed by a state to practice physical therapy.</u>	189
<u>16. "Physical therapist assistant" means an individual who</u>	190
<u>is licensed/certified by a state and who assists the physical</u>	191
<u>therapist in selected components of physical therapy.</u>	192
<u>17. "Physical therapy," "physical therapy practice," and</u>	193
<u>"the practice of physical therapy" mean the care and services</u>	194
<u>provided by or under the direction and supervision of a licensed</u>	195
<u>physical therapist.</u>	196
<u>18. "Physical Therapy Compact Commission" or "Commission"</u>	197
<u>means the national administrative body whose membership consists</u>	198
<u>of all states that have enacted the Compact.</u>	199
<u>19. "Physical therapy licensing board" or "licensing</u>	200
<u>board" means the agency of a state that is responsible for the</u>	201
<u>licensing and regulation of physical therapists and physical</u>	202
<u>therapist assistants.</u>	203
<u>20. "Remote State" means a member state other than the</u>	204
<u>home state, where a licensee is exercising or seeking to</u>	205
<u>exercise the compact privilege.</u>	206
<u>21. "Rule" means a regulation, principle, or directive</u>	207
<u>promulgated by the Commission that has the force of law.</u>	208
<u>22. "State" means any state, commonwealth, district, or</u>	209
<u>territory of the United States of America that regulates the</u>	210
<u>practice of physical therapy.</u>	211
<u>SECTION 3. STATE PARTICIPATION IN THE COMPACT</u>	212
<u>A. To participate in the Compact, a state must:</u>	213
<u>1. Participate fully in the Commission's data system,</u>	214



<u>including using the Commission's unique identifier as defined in</u>	215
<u>rules;</u>	216
<u>2. Have a mechanism in place for receiving and</u>	217
<u>investigating complaints about licensees;</u>	218
<u>3. Notify the Commission, in compliance with the terms of</u>	219
<u>the Compact and rules, of any adverse action or the availability</u>	220
<u>of investigative information regarding a licensee;</u>	221
<u>4. Fully implement a criminal background check</u>	222
<u>requirement, within a time frame established by rule, by</u>	223
<u>receiving the results of the Federal Bureau of Investigation</u>	224
<u>record search on criminal background checks and use the results</u>	225
<u>in making licensure decisions in accordance with Section 3.B.;</u>	226
<u>5. Comply with the rules of the Commission;</u>	227
<u>6. Utilize a recognized national examination as a</u>	228
<u>requirement for licensure pursuant to the rules of the</u>	229
<u>Commission; and</u>	230
<u>7. Have continuing competence requirements as a condition</u>	231
<u>for license renewal.</u>	232
<u>B. Upon adoption of this statute, the member state shall</u>	233
<u>have the authority to obtain biometric-based information from</u>	234
<u>each physical therapy licensure applicant and submit this</u>	235
<u>information to the Federal Bureau of Investigation for a</u>	236
<u>criminal background check in accordance with 28 U.S.C. § 534 and</u>	237
<u>42 U.S.C. § 14616.</u>	238
<u>C. A member state shall grant the compact privilege to a</u>	239
<u>licensee holding a valid unencumbered license in another member</u>	240
<u>state in accordance with the terms of the Compact and rules.</u>	241
<u>D. Member states may charge a fee for granting a compact</u>	242

<u>privilege.</u>	243
<u>SECTION 4. COMPACT PRIVILEGE</u>	244
<u>A. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:</u>	245
<u>1. Hold a license in the home state;</u>	246
<u>2. Have no encumbrance on any state license;</u>	247
<u>3. Be eligible for a compact privilege in any member state in accordance with Sections 4D, G and H;</u>	248
<u>4. Have not had any adverse action against any license or compact privilege within the previous 2 years;</u>	249
<u>5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);</u>	250
<u>6. Pay any applicable fees, including any state fee, for the compact privilege;</u>	251
<u>7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and</u>	252
<u>8. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.</u>	253
<u>B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of Section 4.A. to maintain the compact privilege in the remote state.</u>	254
<u>C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.</u>	255
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D. A licensee providing physical therapy in a remote state 270  
is subject to that state's regulatory authority. A remote state 271  
may, in accordance with due process and that state's laws, 272  
remove a licensee's compact privilege in the remote state for a 273  
specific period of time, impose fines, and/or take any other 274  
necessary actions to protect the health and safety of its 275  
citizens. The licensee is not eligible for a compact privilege 276  
in any state until the specific time for removal has passed and 277  
all fines are paid. 278

E. If a home state license is encumbered, the licensee 279  
shall lose the compact privilege in any remote state until the 280  
following occur: 281

1. The home state license is no longer encumbered; and 282

2. Two years have elapsed from the date of the adverse 283  
action. 284

F. Once an encumbered license in the home state is 285  
restored to good standing, the licensee must meet the 286  
requirements of Section 4A to obtain a compact privilege in any 287  
remote state. 288

G. If a licensee's compact privilege in any remote state 289  
is removed, the individual shall lose the compact privilege in 290  
any remote state until the following occur: 291

1. The specific period of time for which the compact 292  
privilege was removed has ended; 293

2. All fines have been paid; and 294

3. Two years have elapsed from the date of the adverse 295  
action. 296

H. Once the requirements of Section 4G have been met, the 297

<u>license must meet the requirements in Section 4A to obtain a</u>	298
<u>compact privilege in a remote state.</u>	299
<u>SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES</u>	300
<u>A licensee who is active duty military or is the spouse of</u>	301
<u>an individual who is active duty military may designate one of</u>	302
<u>the following as the home state:</u>	303
<u>A. Home of record;</u>	304
<u>B. Permanent Change of Station (PCS); or</u>	305
<u>C. State of current residence if it is different than the</u>	306
<u>PCS state or home of record.</u>	307
<u>SECTION 6. ADVERSE ACTIONS</u>	308
<u>A. A home state shall have exclusive power to impose</u>	309
<u>adverse action against a license issued by the home state.</u>	310
<u>B. A home state may take adverse action based on the</u>	311
<u>investigative information of a remote state, so long as the home</u>	312
<u>state follows its own procedures for imposing adverse action.</u>	313
<u>C. Nothing in this Compact shall override a member state's</u>	314
<u>decision that participation in an alternative program may be</u>	315
<u>used in lieu of adverse action and that such participation shall</u>	316
<u>remain non-public if required by the member state's laws. Member</u>	317
<u>states must require licensees who enter any alternative programs</u>	318
<u>in lieu of discipline to agree not to practice in any other</u>	319
<u>member state during the term of the alternative program without</u>	320
<u>prior authorization from such other member state.</u>	321
<u>D. Any member state may investigate actual or alleged</u>	322
<u>violations of the statutes and rules authorizing the practice of</u>	323
<u>physical therapy in any other member state in which a physical</u>	324

therapist or physical therapist assistant holds a license or 325  
compact privilege. 326

E. A remote state shall have the authority to: 327

1. Take adverse actions as set forth in Section 4.D. 328  
against a licensee's compact privilege in the state; 329

2. Issue subpoenas for both hearings and investigations 330  
that require the attendance and testimony of witnesses, and the 331  
production of evidence. Subpoenas issued by a physical therapy 332  
licensing board in a party state for the attendance and 333  
testimony of witnesses, and/or the production of evidence from 334  
another party state, shall be enforced in the latter state by 335  
any court of competent jurisdiction, according to the practice 336  
and procedure of that court applicable to subpoenas issued in 337  
proceedings pending before it. The issuing authority shall pay 338  
any witness fees, travel expenses, mileage, and other fees 339  
required by the service statutes of the state where the 340  
witnesses and/or evidence are located; and 341

3. If otherwise permitted by state law, recover from the 342  
licensee the costs of investigations and disposition of cases 343  
resulting from any adverse action taken against that licensee. 344

F. Joint Investigations 345

1. In addition to the authority granted to a member state 346  
by its respective physical therapy practice act or other 347  
applicable state law, a member state may participate with other 348  
member states in joint investigations of licensees. 349

2. Member states shall share any investigative, 350  
litigation, or compliance materials in furtherance of any joint 351  
or individual investigation initiated under the Compact. 352

<u>SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT</u>	353
<u>COMMISSION.</u>	354
<u>A. The Compact member states hereby create and establish a</u>	355
<u>joint public agency known as the Physical Therapy Compact</u>	356
<u>Commission:</u>	357
<u>1. The Commission is an instrumentality of the Compact</u>	358
<u>states.</u>	359
<u>2. Venue is proper and judicial proceedings by or against</u>	360
<u>the Commission shall be brought solely and exclusively in a</u>	361
<u>court of competent jurisdiction where the principal office of</u>	362
<u>the Commission is located. The Commission may waive venue and</u>	363
<u>jurisdictional defenses to the extent it adopts or consents to</u>	364
<u>participate in alternative dispute resolution proceedings.</u>	365
<u>3. Nothing in this Compact shall be construed to be a</u>	366
<u>waiver of sovereign immunity.</u>	367
<u>B. Membership, Voting, and Meetings</u>	368
<u>1. Each member state shall have and be limited to one (1)</u>	369
<u>delegate selected by that member state's licensing board.</u>	370
<u>2. The delegate shall be a current member of the licensing</u>	371
<u>board, who is a physical therapist, physical therapist</u>	372
<u>assistant, public member, or the board administrator.</u>	373
<u>3. Any delegate may be removed or suspended from office as</u>	374
<u>provided by the law of the state from which the delegate is</u>	375
<u>appointed.</u>	376
<u>4. The member state board shall fill any vacancy occurring</u>	377
<u>in the Commission.</u>	378
<u>5. Each delegate shall be entitled to one (1) vote with</u>	379

regard to the promulgation of rules and creation of bylaws and 380  
shall otherwise have an opportunity to participate in the 381  
business and affairs of the Commission. 382

6. A delegate shall vote in person or by such other means 383  
as provided in the bylaws. The bylaws may provide for delegates' 384  
participation in meetings by telephone or other means of 385  
communication. 386

7. The Commission shall meet at least once during each 387  
calendar year. Additional meetings shall be held as set forth in 388  
the bylaws. 389

C. The Commission shall have the following powers and 390  
duties: 391

1. Establish the fiscal year of the Commission; 392

2. Establish bylaws; 393

3. Maintain its financial records in accordance with the 394  
bylaws; 395

4. Meet and take such actions as are consistent with the 396  
provisions of this Compact and the bylaws; 397

5. Promulgate uniform rules to facilitate and coordinate 398  
implementation and administration of this Compact. The rules 399  
shall have the force and effect of law and shall be binding in 400  
all member states; 401

6. Bring and prosecute legal proceedings or actions in the 402  
name of the Commission, provided that the standing of any state 403  
physical therapy licensing board to sue or be sued under 404  
applicable law shall not be affected; 405

7. Purchase and maintain insurance and bonds; 406

8. Borrow, accept, or contract for services of personnel, 407  
including, but not limited to, employees of a member state; 408
9. Hire employees, elect or appoint officers, fix 409  
compensation, define duties, grant such individuals appropriate 410  
authority to carry out the purposes of the Compact, and to 411  
establish the Commission's personnel policies and programs 412  
relating to conflicts of interest, qualifications of personnel, 413  
and other related personnel matters; 414
10. Accept any and all appropriate donations and grants of 415  
money, equipment, supplies, materials and services, and to 416  
receive, utilize and dispose of the same; provided that at all 417  
times the Commission shall avoid any appearance of impropriety 418  
and/or conflict of interest; 419
11. Lease, purchase, accept appropriate gifts or donations 420  
of, or otherwise to own, hold, improve or use, any property, 421  
real, personal or mixed; provided that at all times the 422  
Commission shall avoid any appearance of impropriety; 423
12. Sell convey, mortgage, pledge, lease, exchange, 424  
abandon, or otherwise dispose of any property real, personal, or 425  
mixed; 426
13. Establish a budget and make expenditures; 427
14. Borrow money; 428
15. Appoint committees, including standing committees 429  
composed of members, state regulators, state legislators or 430  
their representatives, and consumer representatives, and such 431  
other interested persons as may be designated in this Compact 432  
and the bylaws; 433
16. Provide and receive information from, and cooperate 434



<u>with, law enforcement agencies;</u>	435
<u>17. Establish and elect an Executive Board; and</u>	436
<u>18. Perform such other functions as may be necessary or</u>	437
<u>appropriate to achieve the purposes of this Compact consistent</u>	438
<u>with the state regulation of physical therapy licensure and</u>	439
<u>practice.</u>	440
<u>D. The Executive Board</u>	441
<u>The Executive Board shall have the power to act on behalf</u>	442
<u>of the Commission according to the terms of this Compact.</u>	443
<u>1. The Executive Board shall be comprised of nine members:</u>	444
<u>a. Seven voting members who are elected by the Commission</u>	445
<u>from the current membership of the Commission;</u>	446
<u>b. One ex-officio, nonvoting member from the recognized</u>	447
<u>national physical therapy professional association; and</u>	448
<u>c. One ex-officio, nonvoting member from the recognized</u>	449
<u>membership organization of the physical therapy licensing</u>	450
<u>boards.</u>	451
<u>2. The ex-officio members will be selected by their</u>	452
<u>respective organizations.</u>	453
<u>3. The Commission may remove any member of the Executive</u>	454
<u>Board as provided in bylaws.</u>	455
<u>4. The Executive Board shall meet at least annually.</u>	456
<u>5. The Executive Board shall have the following Duties and</u>	457
<u>responsibilities:</u>	458
<u>a. Recommend to the entire Commission changes to the rules</u>	459
<u>or bylaws, changes to this Compact legislation, fees paid by</u>	460

<u>Compact member states such as annual dues, and any commission</u>	461
<u>Compact fee charged to licensees for the compact privilege;</u>	462
<u>b. Ensure Compact administration services are</u>	463
<u>appropriately provided, contractual or otherwise;</u>	464
<u>c. Prepare and recommend the budget;</u>	465
<u>d. Maintain financial records on behalf of the Commission;</u>	466
<u>e. Monitor Compact compliance of member states and provide</u>	467
<u>compliance reports to the Commission;</u>	468
<u>f. Establish additional committees as necessary; and</u>	469
<u>g. Other duties as provided in rules or bylaws.</u>	470
<u>E. Meetings of the Commission</u>	471
<u>1. All meetings shall be open to the public, and public</u>	472
<u>notice of meetings shall be given in the same manner as required</u>	473
<u>under the rulemaking provisions in Section 9.</u>	474
<u>2. The Commission or the Executive Board or other</u>	475
<u>committees of the Commission may convene in a closed, non-public</u>	476
<u>meeting if the Commission or Executive Board or other committees</u>	477
<u>of the Commission must discuss:</u>	478
<u>a. Non-compliance of a member state with its obligations</u>	479
<u>under the Compact;</u>	480
<u>b. The employment, compensation, discipline or other</u>	481
<u>matters, practices or procedures related to specific employees</u>	482
<u>or other matters related to the Commission's internal personnel</u>	483
<u>practices and procedures;</u>	484
<u>c. Current, threatened, or reasonably anticipated</u>	485
<u>litigation;</u>	486

<u>d. Negotiation of contracts for the purchase, lease, or</u>	487
<u>sale of goods, services, or real estate;</u>	488
<u>e. Accusing any person of a crime or formally censuring</u>	489
<u>any person;</u>	490
<u>f. Disclosure of trade secrets or commercial or financial</u>	491
<u>information that is privileged or confidential;</u>	492
<u>g. Disclosure of information of a personal nature where</u>	493
<u>disclosure would constitute a clearly unwarranted invasion of</u>	494
<u>personal privacy;</u>	495
<u>h. Disclosure of investigative records compiled for law</u>	496
<u>enforcement purposes;</u>	497
<u>i. Disclosure of information related to any investigative</u>	498
<u>reports prepared by or on behalf of or for use of the Commission</u>	499
<u>or other committee charged with responsibility of investigation</u>	500
<u>or determination of compliance issues pursuant to the Compact;</u>	501
<u>or</u>	502
<u>j. Matters specifically exempted from disclosure by</u>	503
<u>federal or member state statute.</u>	504
<u>3. If a meeting, or portion of a meeting, is closed</u>	505
<u>pursuant to this provision, the Commission's legal counsel or</u>	506
<u>designee shall certify that the meeting may be closed and shall</u>	507
<u>reference each relevant exempting provision.</u>	508
<u>4. The Commission shall keep minutes that fully and</u>	509
<u>clearly describe all matters discussed in a meeting and shall</u>	510
<u>provide a full and accurate summary of actions taken, and the</u>	511
<u>reasons therefore, including a description of the views</u>	512
<u>expressed. All documents considered in connection with an action</u>	513
<u>shall be identified in such minutes. All minutes and documents</u>	514

of a closed meeting shall remain under seal, subject to release 515  
by a majority vote of the Commission or order of a court of 516  
competent jurisdiction. 517

F. Financing of the Commission 518

1. The Commission shall pay, or provide for the payment 519  
of, the reasonable expenses of its establishment, organization, 520  
and ongoing activities. 521

2. The Commission may accept any and all appropriate 522  
revenue sources, donations, and grants of money, equipment, 523  
supplies, materials, and services. 524

3. The Commission may levy on and collect an annual 525  
assessment from each member state or impose fees on other 526  
parties to cover the cost of the operations and activities of 527  
the Commission and its staff, which must be in a total amount 528  
sufficient to cover its annual budget as approved each year for 529  
which revenue is not provided by other sources. The aggregate 530  
annual assessment amount shall be allocated based upon a formula 531  
to be determined by the Commission, which shall promulgate a 532  
rule binding upon all member states. 533

4. The Commission shall not incur obligations of any kind 534  
prior to securing the funds adequate to meet the same; nor shall 535  
the Commission pledge the credit of any of the member states, 536  
except by and with the authority of the member state. 537

5. The Commission shall keep accurate accounts of all 538  
receipts and disbursements. The receipts and disbursements of 539  
the Commission shall be subject to the audit and accounting 540  
procedures established under its bylaws. However, all receipts 541  
and disbursements of funds handled by the Commission shall be 542  
audited yearly by a certified or licensed public accountant, and 543

the report of the audit shall be included in and become part of 544  
the annual report of the Commission. 545

G. Qualified Immunity, Defense, and Indemnification 546

1. The members, officers, executive director, employees 547  
and representatives of the Commission shall be immune from suit 548  
and liability, either personally or in their official capacity, 549  
for any claim for damage to or loss of property or personal 550  
injury or other civil liability caused by or arising out of any 551  
actual or alleged act, error or omission that occurred, or that 552  
the person against whom the claim is made had a reasonable basis 553  
for believing occurred within the scope of Commission 554  
employment, duties or responsibilities; provided that nothing in 555  
this paragraph shall be construed to protect any such person 556  
from suit and/or liability for any damage, loss, injury, or 557  
liability caused by the intentional or willful or wanton 558  
misconduct of that person. 559

2. The Commission shall defend any member, officer, 560  
executive director, employee or representative of the Commission 561  
in any civil action seeking to impose liability arising out of 562  
any actual or alleged act, error, or omission that occurred 563  
within the scope of Commission employment, duties, or 564  
responsibilities, or that the person against whom the claim is 565  
made had a reasonable basis for believing occurred within the 566  
scope of Commission employment, duties, or responsibilities; 567  
provided that nothing herein shall be construed to prohibit that 568  
person from retaining his or her own counsel; and provided 569  
further, that the actual or alleged act, error, or omission did 570  
not result from that person's intentional or willful or wanton 571  
misconduct. 572

3. The Commission shall indemnify and hold harmless any 573

member, officer, executive director, employee, or representative 574  
of the Commission for the amount of any settlement or judgment 575  
obtained against that person arising out of any actual or 576  
alleged act, error or omission that occurred within the scope of 577  
Commission employment, duties, or responsibilities, or that such 578  
person had a reasonable basis for believing occurred within the 579  
scope of Commission employment, duties, or responsibilities, 580  
provided that the actual or alleged act, error, or omission did 581  
not result from the intentional or willful or wanton misconduct 582  
of that person. 583

SECTION 8. DATA SYSTEM 584

A. The Commission shall provide for the development, 585  
maintenance, and utilization of a coordinated database and 586  
reporting system containing licensure, adverse action, and 587  
investigative information on all licensed individuals in member 588  
states. 589

B. Notwithstanding any other provision of state law to the 590  
contrary, a member state shall submit a uniform data set to the 591  
data system on all individuals to whom this Compact is 592  
applicable as required by the rules of the Commission, 593  
including: 594

1. Identifying information; 595

2. Licensure data; 596

3. Adverse actions against a license or compact privilege; 597

4. Non-confidential information related to alternative 598  
program participation; 599

5. Any denial of application for licensure, and the 600  
reason(s) for such denial; and 601

6. Other information that may facilitate the 602  
administration of this Compact, as determined by the rules of 603  
the Commission. 604

C. Investigative information pertaining to a licensee in 605  
any member state will only be available to other party states. 606

D. The Commission shall promptly notify all member states 607  
of any adverse action taken against a licensee or an individual 608  
applying for a license. Adverse action information pertaining to 609  
a licensee in any member state will be available to any other 610  
member state. 611

E. Member states contributing information to the data 612  
system may designate information that may not be shared with the 613  
public without the express permission of the contributing state. 614

F. Any information submitted to the data system that is 615  
subsequently required to be expunged by the laws of the member 616  
state contributing the information shall be removed from the 617  
data system. 618

SECTION 9. RULEMAKING 619

A. The Commission shall exercise its rulemaking powers 620  
pursuant to the criteria set forth in this Section and the rules 621  
adopted thereunder. Rules and amendments shall become binding as 622  
of the date specified in each rule or amendment. 623

B. If a majority of the legislatures of the member states 624  
rejects a rule, by enactment of a statute or resolution in the 625  
same manner used to adopt the Compact within 4 years of the date 626  
of adoption of the rule, then such rule shall have no further 627  
force and effect in any member state. 628

C. Rules or amendments to the rules shall be adopted at a 629

regular or special meeting of the Commission. 630

D. Prior to promulgation and adoption of a final rule or 631  
rules by the Commission, and at least thirty (30) days in 632  
advance of the meeting at which the rule will be considered and 633  
voted upon, the Commission shall file a Notice of Proposed 634  
Rulemaking: 635

1. On the website of the Commission or other publicly 636  
accessible platform; and 637

2. On the website of each member state physical therapy 638  
licensing board or other publicly accessible platform or the 639  
publication in which each state would otherwise publish proposed 640  
rules. 641

E. The Notice of Proposed Rulemaking shall include: 642

1. The proposed time, date, and location of the meeting in 643  
which the rule will be considered and voted upon; 644

2. The text of the proposed rule or amendment and the 645  
reason for the proposed rule; 646

3. A request for comments on the proposed rule from any 647  
interested person; and 648

4. The manner in which interested persons may submit 649  
notice to the Commission of their intention to attend the public 650  
hearing and any written comments. 651

F. Prior to adoption of a proposed rule, the Commission 652  
shall allow persons to submit written data, facts, opinions, and 653  
arguments, which shall be made available to the public. 654

G. The Commission shall grant an opportunity for a public 655  
hearing before it adopts a rule or amendment if a hearing is 656



requested by: 657

1. At least twenty-five (25) persons; 658
2. A state or federal governmental subdivision or agency; 659

or 660

3. An association having at least twenty-five (25) members. 661  
662

H. If a hearing is held on the proposed rule or amendment, 663  
the Commission shall publish the place, time, and date of the 664  
scheduled public hearing. If the hearing is held via electronic 665  
means, the Commission shall publish the mechanism for access to 666  
the electronic hearing. 667

1. All persons wishing to be heard at the hearing shall 668  
notify the executive director of the Commission or other 669  
designated member in writing of their desire to appear and 670  
testify at the hearing not less than five (5) business days 671  
before the scheduled date of the hearing. 672
2. Hearings shall be conducted in a manner providing each 673  
person who wishes to comment a fair and reasonable opportunity 674  
to comment orally or in writing. 675
3. All hearings will be recorded. A copy of the recording 676  
will be made available on request. 677
4. Nothing in this section shall be construed as requiring 678  
a separate hearing on each rule. Rules may be grouped for the 679  
convenience of the Commission at hearings required by this 680  
section. 681

I. Following the scheduled hearing date, or by the close 682  
of business on the scheduled hearing date if the hearing was not 683  
held, the Commission shall consider all written and oral 684

comments received. 685

J. If no written notice of intent to attend the public 686  
hearing by interested parties is received, the Commission may 687  
proceed with promulgation of the proposed rule without a public 688  
hearing. 689

K. The Commission shall, by majority vote of all members, 690  
take final action on the proposed rule and shall determine the 691  
effective date of the rule, if any, based on the rulemaking 692  
record and the full text of the rule. 693

L. Upon determination that an emergency exists, the 694  
Commission may consider and adopt an emergency rule without 695  
prior notice, opportunity for comment, or hearing, provided that 696  
the usual rulemaking procedures provided in the Compact and in 697  
this section shall be retroactively applied to the rule as soon 698  
as reasonably possible, in no event later than ninety (90) days 699  
after the effective date of the rule. For the purposes of this 700  
provision, an emergency rule is one that must be adopted 701  
immediately in order to: 702

1. Meet an imminent threat to public health, safety, or 703  
welfare; 704

2. Prevent a loss of Commission or member state funds; 705

3. Meet a deadline for the promulgation of an 706  
administrative rule that is established by federal law or rule; 707  
or 708

4. Protect public health and safety. 709

M. The Commission or an authorized committee of the 710  
Commission may direct revisions to a previously adopted rule or 711  
amendment for purposes of correcting typographical errors, 712

errors in format, errors in consistency, or grammatical errors. 713  
Public notice of any revisions shall be posted on the website of 714  
the Commission. The revision shall be subject to challenge by 715  
any person for a period of thirty (30) days after posting. The 716  
revision may be challenged only on grounds that the revision 717  
results in a material change to a rule. A challenge shall be 718  
made in writing, and delivered to the chair of the Commission 719  
prior to the end of the notice period. If no challenge is made, 720  
the revision will take effect without further action. If the 721  
revision is challenged, the revision may not take effect without 722  
the approval of the Commission. 723

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 724

A. Oversight 725

1. The executive, legislative, and judicial branches of 726  
state government in each member state shall enforce this Compact 727  
and take all actions necessary and appropriate to effectuate the 728  
Compact's purposes and intent. The provisions of this Compact 729  
and the rules promulgated hereunder shall have standing as 730  
statutory law. 731

2. All courts shall take judicial notice of the Compact 732  
and the rules in any judicial or administrative proceeding in a 733  
member state pertaining to the subject matter of this Compact 734  
which may affect the powers, responsibilities or actions of the 735  
Commission. 736

3. The Commission shall be entitled to receive service of 737  
process in any such proceeding, and shall have standing to 738  
intervene in such a proceeding for all purposes. Failure to 739  
provide service of process to the Commission shall render a 740  
judgment or order void as to the Commission, this Compact, or 741

<u>promulgated rules.</u>	742
<u>B. Default, Technical Assistance, and Termination</u>	743
<u>1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:</u>	744
<u>    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 and/or any other action to be taken by the Commission; and</u>	745
<u>    b. Provide remedial training and specific technical assistance regarding the default.</u>	746
<u>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.</u>	747
<u>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.</u>	748
<u>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.</u>	749
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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. 771  
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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 such litigation, including reasonable attorney's fees. 775  
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C. Dispute Resolution 781

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. 782  
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2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. 785  
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D. Enforcement 788

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact. 789  
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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 the provisions of the Compact and its promulgated 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 792  
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of such litigation, including reasonable attorney's fees. 800

3. The remedies herein shall not be the exclusive remedies 801  
of the Commission. The Commission may pursue any other remedies 802  
available under federal or state law. 803

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE 804  
COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, 805  
WITHDRAWAL, AND AMENDMENT 806

A. The Compact shall come into effect on the date on which 807  
the Compact statute is enacted into law in the tenth member 808  
state. The provisions, which become effective at that time, 809  
shall be limited to the powers granted to the Commission 810  
relating to assembly and the promulgation of rules. Thereafter, 811  
the Commission shall meet and exercise rulemaking powers 812  
necessary to the implementation and administration of the 813  
Compact. 814

B. Any state that joins the Compact subsequent to the 815  
Commission's initial adoption of the rules shall be subject to 816  
the rules as they exist on the date on which the Compact becomes 817  
law in that state. Any rule that has been previously adopted by 818  
the Commission shall have the full force and effect of law on 819  
the day the Compact becomes law in that state. 820

C. Any member state may withdraw from this Compact by 821  
enacting a statute repealing the same. 822

1. A member state's withdrawal shall not take effect until 823  
six (6) months after enactment of the repealing statute. 824

2. Withdrawal shall not affect the continuing requirement 825  
of the withdrawing state's physical therapy licensing board to 826  
comply with the investigative and adverse action reporting 827  
requirements of this act prior to the effective date of 828

withdrawal. 829

D. Nothing contained in this Compact shall be construed to 830  
invalidate or prevent any physical therapy licensure agreement 831  
or other cooperative arrangement between a member state and a 832  
non-member state that does not conflict with the provisions of 833  
this Compact. 834

E. This Compact may be amended by the member states. No 835  
amendment to this Compact shall become effective and binding 836  
upon any member state until it is enacted into the laws of all 837  
member states. 838

SECTION 12. CONSTRUCTION AND SEVERABILITY 839

This Compact shall be liberally construed so as to 840  
effectuate the purposes thereof. The provisions of this Compact 841  
shall be severable and if any phrase, clause, sentence or 842  
provision of this Compact is declared to be contrary to the 843  
constitution of any party state or of the United States or the 844  
applicability thereof to any government, agency, person or 845  
circumstance is held invalid, the validity of the remainder of 846  
this Compact and the applicability thereof to any government, 847  
agency, person or circumstance shall not be affected thereby. If 848  
this Compact shall be held contrary to the constitution of any 849  
party state, the Compact shall remain in full force and effect 850  
as to the remaining party states and in full force and effect as 851  
to the party state affected as to all severable matters. 852

Sec. 4755.571. Not later than thirty days after the 853  
"Physical Therapy Licensure Compact" is entered into under 854  
section 4755.57 of the Revised Code, the physical therapy 855  
section of the Ohio occupational therapy, physical therapy, and 856  
athletic trainers board shall select an individual to serve as a 857

delegate to the physical therapy compact commission created 858  
under the compact. The physical therapy section shall fill a 859  
vacancy in this position not later than thirty days after the 860  
vacancy occurs. 861

**Section 2.** That existing section 4755.48 of the Revised 862  
Code is hereby repealed. 863