



January 25, 2021

RE: Senate Bill 5 public hearing

Chairman Huffman and Members of the Ohio Senate Health Committee:

The Physical Therapy Compact Commission (PTCC) is the governmental organization created by and consisting of 29 states that chose to join the Physical Therapy Compact (PTC) by enacting the same model legislation the Ohio legislature is now considering. The PT Compact's purpose is to increase consumer access to physical therapy services by reducing regulatory barriers to interstate mobility and cross-state practice.

The PTC addresses concerns about the challenges that the current model of licensure has regarding access to patient care. Although new care delivery models, ease of movement of consumers and providers, workforce issues, and new technologies brought opportunities for better consumer access, these opportunities often stopped at state borders. Decreased barriers to licensing and mobility may lead to improved access to care especially in rural or underserved areas.

Participation in the PTC preserves the regulatory authority of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (OTPTAT) to protect public health and safety through the current system of state licensure. By entering into a Compact with other states, unlike national licensure initiatives, Ohio retains sovereign authority to determine the requirements for licensure in the state, as well as maintaining the state's scope of practice/work for any Physical Therapist (PT) or Physical Therapist Assistant (PTA) coming to Ohio on a Compact Privilege, which is the legal equivalent of a license under the terms of the PTC.

The Compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services in the State of Ohio by providing for the mutual recognition of other member state licenses;
2. Enhance the state of Ohio's ability to protect the public's health and safety;
3. Support spouses of relocating military members;
4. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
5. Allow a remote state to hold a provider of services with a compact privilege in the State of Ohio accountable to the state's practice standards.

The PTC administration and governance is handled by the PT Compact Commission. The PTCC is a joint public agency made up of representatives from each member state, independent of any professional association or national regulatory body. Ohio, like all member jurisdictions, would be entitled to one voting delegate who, by rule, is required to be a current OTPTAT Board member or administrator. The Compact Commission's responsibilities include verifying the applicant's eligibility for a Compact Privilege per the statute and rules and issuing the Compact Privilege with a unique Compact Privilege number. The members of the Compact Commission, including the Ohio delegate, evaluate the need for an annual assessment to Compact members each year. Since the inception of the PT Compact, the Commission has voted to have \$0 in annual assessment.

The PTCC is also responsible for updating and maintaining the Rules, Bylaws, and Policies by which the Commission can effectively administer the requirements of the Compact. All amendments to PTCC Rules, Bylaws, and Policies must be passed by the majority of delegates. PTCC rules apply to governance of the PTC and not to the scope of practice of PTs and PTAs in the state.

The authority to create such an interstate agency and to empower it with regulatory authority has been recognized by the U.S. Supreme Court. One of the 'axioms of modern government' is the ability of a state legislature to delegate to an administrative body the power to make rules and decide particular cases. This delegation of authority extends to the creation of interstate agencies, such as PTCC, through the vehicle of an interstate compact. *West Virginia ex rel. Dyer v. Sims*, 341 U.S. 22, 30 (1951). It has been held that the states may validly agree by interstate compact with other states to delegate to interstate commissions or agencies both legislative and administrative powers and duties. *Hinderlider v. La Plata River & Cherry Creek Ditch Co.*, 304 U.S. 92 (1938); *Scott v. Virginia*, 676 S.E.2d 343, 346 (Va. App. 2009); *Dutton v. Tawes*, 171 A.2d 688 (Md. 1961); *Application of Waterfront Commission of New York Harbor*, 120 A.2d 504, 509 (N.J. Sup. Ct. 1956).

Thank you for the opportunity to provide a statement in support of Ohio becoming a member of the Physical Therapy Compact. The PTCC welcomes the opportunity to answer any questions from the Committee.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Thomas J. Cantwell". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. Cantwell
Compact Administrator
Physical Therapy Compact Commission