

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3336

By: Roberts (Sean)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to physical therapy; creating the
10 Physical Therapy Licensure Compact; amending 59 O.S.
11 2011, Section 887.10, which relates to temporary
12 permits; permitting multistate compact license under
13 certain circumstances; providing for codification;
14 and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 887.19 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 Physical Therapy Licensure Compact

20 ARTICLE I

21 Findings and Declaration of Purpose

22 A. The purpose of this Compact is to facilitate interstate
23 practice of physical therapy with the goal of improving public
24 access to physical therapy services. The practice of physical
therapy occurs in the state where the patient/client is located at

1 the time of the patient/client encounter. The Compact preserves the
2 regulatory authority of states to protect public health and safety
3 through the current system of state licensure.

4 B. This Compact is designed to achieve the following
5 objectives:

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

8 2. Enhance the states' ability to protect the public's health
9 and safety;

10 3. Encourage the cooperation of member states in regulating
11 multistate physical therapy practice;

12 4. Support spouses of relocating military members;

13 5. Enhance the exchange of licensure, investigative and
14 disciplinary information between member states; and

15 6. Allow a remote state to hold a provider of services with a
16 compact privilege in that state accountable to that state's practice
17 standards.

18 ARTICLE II

19 Definitions

20 As used in this Compact:

21 1. "Active duty military" means full-time duty status in the
22 active uniformed service of the United States, including members of
23 the National Guard and Reserve on active duty orders pursuant to 10
24 U.S.C., Sections 1209 and 1211;

1 2. "Adverse action" means disciplinary action taken by a
2 physical therapy licensing board based upon misconduct, unacceptable
3 performance, or a combination of both;

4 3. "Alternative program" means a nondisciplinary monitoring or
5 practice remediation process approved by a physical therapy
6 licensing board. This includes, but is not limited to, substance
7 abuse issues;

8 4. "Compact privilege" means the authorization granted by a
9 remote state to allow a licensee from another member state to
10 practice as a physical therapist or work as a physical therapist
11 assistant in the remote state under its laws and rules. The
12 practice of physical therapy occurs in the member state where the
13 patient/client is located at the time of the patient/client
14 encounter;

15 5. "Continuing competence" means a requirement, as a condition
16 of license renewal, to provide evidence of participation in, and/or
17 completion of, educational and professional activities relevant to
18 practice or area of work;

19 6. "Data system" means a repository of information about
20 licensees, including examination, licensure, investigative, compact
21 privilege and adverse action;

22 7. "Encumbered license" means a license that a physical therapy
23 licensing board has limited in any way;

1 8. "Executive Board" means a group of directors elected or
2 appointed to act on behalf of, and within the powers granted to them
3 by, the Commission;

4 9. "Home state" means the member state that is the licensee's
5 primary state of residence;

6 10. "Investigative information" means information, records and
7 documents received or generated by a physical therapy licensing
8 board pursuant to an investigation;

9 11. "Jurisprudence requirement" means the assessment of an
10 individual's knowledge of the laws and rules governing the practice
11 of physical therapy in a state;

12 12. "Licensee" means an individual who currently holds an
13 authorization from the state to practice as a physical therapist or
14 to work as a physical therapist assistant;

15 13. "Member state" means a state that has enacted the Compact;

16 14. "Party state" means any member state in which a licensee
17 holds a current license or compact privilege or is applying for a
18 license or compact privilege;

19 15. "Physical therapist" means an individual who is licensed by
20 a state to practice physical therapy;

21 16. "Physical therapist assistant" means an individual who is
22 licensed/certified by a state and who assists the physical therapist
23 in selected components of physical therapy;

17. "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist;

18. "Physical Therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact;

19. "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants;

20. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege; and

21. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

ARTICLE III

State Participation in the Compact

A. To participate in the Compact, a state shall:

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;

1 3. Notify the Commission, in compliance with the terms of the
2 Compact and rules, of any adverse action or the availability of
3 investigative information regarding a licensee;

4 4. Fully implement a criminal background check requirement,
5 within a time frame established by rule, by receiving the results of
6 the Federal Bureau of Investigation record search on criminal
7 background checks and use the results in making licensure decisions
8 in accordance with this Compact;

9 5. Comply with the rules of the Commission;

10 6. Utilize a recognized national examination as a requirement
11 for licensure pursuant to the rules of the Commission; and

12 7. Have continuing competence requirements as a condition for
13 license renewal.

14 B. Upon adoption of this statute, the member state shall have
15 the authority to obtain biometric-based information from each
16 physical therapy licensure applicant and submit this information to
17 the Federal Bureau of Investigation for a criminal background check
18 in accordance with 28 U.S.C., Section 534 and 42 U.S.C., Section
19 14616.

20 C. A member state shall grant the compact privilege to a
21 licensee holding a valid unencumbered license in another member
22 state in accordance with the terms of the Compact and rules.

23 D. Member states may charge a fee for granting a compact
24 privilege.

ARTICLE IV

Compact Privilege

A. To exercise the compact privilege under the terms and provisions of the Compact, the licensee shall:

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 this Compact;

4. Have not had any adverse action against any license or compact privilege within the previous two (2) years;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

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

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the Commission adverse action taken by any nonmember state within thirty (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 this Compact to maintain the compact privilege in the remote state.

1 C. A licensee providing physical therapy in a remote state
2 under the compact privilege shall function within the laws and
3 regulations of the remote state.

4 D. A licensee providing physical therapy in a remote state is
5 subject to that state's regulatory authority. A remote state may,
6 in accordance with due process and that state's laws, remove a
7 licensee's compact privilege in the remote state for a specific
8 period of time, impose fines and/or take any other necessary actions
9 to protect the health and safety of its citizens. The licensee is
10 not eligible for a compact privilege in any state until the specific
11 time for removal has passed and all fines are paid.

12 E. If a home state license is encumbered, the licensee shall
13 lose the compact privilege in any remote state until the following
14 occur:

- 15 1. The home state license is no longer encumbered; and
16 2. Two (2) years have elapsed from the date of the adverse
17 action.

18 F. Once an encumbered license in the home state is restored to
19 good standing, the licensee must meet the requirements of this
20 Compact to obtain a compact privilege in any remote state.

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

24

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

2. All fines have been paid; and

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

H. Once the requirements of this Compact have been met, the license must meet the applicable requirements in this Compact to obtain a compact privilege in a remote state.

ARTICLE V

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); or

3. State of current residence if it is different than the PCS state or home of record.

ARTICLE VI

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, so long as the home state follows its own procedures for imposing adverse action.

1 C. Nothing in this Compact shall override a member state's
2 decision that participation in an alternative program may be used in
3 lieu of adverse action and that such participation shall remain
4 nonpublic if required by the member state's laws. Member states
5 shall require licensees who enter any alternative programs in lieu
6 of discipline to agree not to practice in any other member state
7 during the term of the alternative program without prior
8 authorization from such other member state.

9 D. Any member state may investigate actual or alleged
10 violations of the statutes and rules authorizing the practice of
11 physical therapy in any other member state in which a physical
12 therapist or physical therapist assistant holds a license or compact
13 privilege.

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

15 1. Take adverse actions as set forth in this Compact against a
16 licensee's compact privilege in the state;

17 2. Issue subpoenas for both hearings and investigations that
18 require the attendance and testimony of witnesses, and the
19 production of evidence. Subpoenas issued by a physical therapy
20 licensing board in a party state for the attendance and testimony of
21 witnesses, and/or the production of evidence from another party
22 state, shall be enforced in the latter state by any court of
23 competent jurisdiction, according to the practice and procedure of
24 that court applicable to subpoenas issued in proceedings pending

1 before it. The issuing authority shall pay any witness fees, travel
2 expenses, mileage and other fees required by the service statutes of
3 the state where the witnesses and/or evidence is located; and

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

7 F. In addition to the authority granted to a member state by
8 its respective physical therapy practice act or other applicable
9 state law, a member state may participate with other member states
10 in joint investigations of licensees.

11 G. Member states shall share any investigative, litigation or
12 compliance materials in furtherance of any joint or individual
13 investigation initiated under the Compact.

14 ARTICLE VII

15 Establishment of the Physical Therapy Compact Commission

16 A. The Compact member states hereby create and establish a
17 joint public agency known as the Physical Therapy Compact
18 Commission.

19 1. The Commission shall be an instrumentality of the Compact
20 states.

21 2. Venue is proper and judicial proceedings by or against the
22 Commission shall be brought solely and exclusively in a court of
23 competent jurisdiction where the principal office of the Commission
24 is located. The Commission may waive venue and jurisdictional

1 defenses to the extent it adopts or consents to participate in
2 alternative dispute resolution proceedings.

3 3. Nothing in this Compact shall be construed to be a waiver of
4 sovereign immunity.

5 B. Each member state shall have and be limited to one delegate
6 selected by that member state's licensing board.

7 1. The delegate shall be a current member of the licensing
8 board, who is a physical therapist, physical therapist assistant,
9 public member or the board administrator.

10 2. Any delegate may be removed or suspended from office as
11 provided by the law of the state from which the delegate is
12 appointed.

13 3. The member state board shall fill any vacancy occurring in
14 the Commission.

15 4. Each delegate shall be entitled to one vote with regard to
16 the promulgation of rules and creation of bylaws and shall otherwise
17 have an opportunity to participate in the business and affairs of
18 the Commission.

19 5. A delegate shall vote in person or by such other means as
20 provided in the bylaws. The bylaws may provide for delegates'
21 participation in meetings by telephone or other means of
22 communication.

23 6. The Commission shall meet at least once during each calendar
24 year. Additional meetings shall be held as set forth in the bylaws.

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

2 1. Establish the fiscal year of the Commission;

3 2. Establish bylaws;

4 3. Maintain its financial records in accordance with the
5 bylaws;

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

8 5. Promulgate uniform rules to facilitate and coordinate
9 implementation and administration of this Compact. The rules shall
10 have the force and effect of law and shall be binding in all member
11 states;

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

16 7. Purchase and maintain insurance and bonds;

17 8. Borrow, accept or contract for services of personnel,
18 including, but not limited to, employees of a member state;

19 9. Hire employees, elect or appoint officers, fix compensation,
20 define duties, grant such individuals appropriate authority to carry
21 out the purposes of the Compact, and to establish the Commission's
22 personnel policies and programs relating to conflicts of interest,
23 qualifications of personnel and other related personnel matters;

1 10. Accept any and all appropriate donations and grants of
2 money, equipment, supplies, materials and services, and to receive,
3 utilize and dispose of the same; provided, that at all times the
4 Commission shall avoid any appearance of impropriety and/or conflict
5 of interest;

6 11. Lease, purchase, accept appropriate gifts or donations of,
7 or otherwise to own, hold, improve or use, any property, real,
8 personal or mixed; provided, that at all times the Commission shall
9 avoid any appearance of impropriety;

10 12. Sell, convey, mortgage, pledge, lease, exchange, abandon or
11 otherwise dispose of any property real, personal or mixed;

12 13. Establish a budget and make expenditures;

13 14. Borrow money;

14 15. Appoint committees, including standing committees comprised
15 of members, state regulators, state legislators or their
16 representatives, and consumer representatives, and such other
17 interested persons as may be designated in this Compact and the
18 bylaws;

19 16. Provide and receive information from, and cooperate with,
20 law enforcement agencies;

21 17. Establish and elect an Executive Board; and

22 18. Perform such other functions as may be necessary or
23 appropriate to achieve the purposes of this Compact consistent with
24 the state regulation of physical therapy licensure and practice.

1 D. The Executive Board shall have the power to act on behalf of
2 the Commission according to the terms of this Compact.

3 1. The Executive Board shall be comprised of nine (9) members:

4 a. seven voting members who are elected by the Commission
5 from the current membership of the Commission,

6 b. one ex officio, nonvoting member from the recognized
7 national physical therapy professional association,
8 and

9 c. one ex officio, nonvoting member from the recognized
10 membership organization of the physical therapy
11 licensing boards.

12 2. The ex officio members shall be selected by their respective
13 organizations.

14 3. The Commission may remove any member of the Executive Board
15 as provided in bylaws.

16 4. The Executive Board shall meet at least annually.

17 5. The Executive Board shall have the following duties and
18 responsibilities:

19 a. recommend to the entire Commission changes to the
20 rules or bylaws, changes to this Compact legislation,
21 fees paid by Compact member states such as annual
22 dues, and any commission Compact fee charged to
23 licensees for the compact privilege,
24

- 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, and
- g. other duties as provided in rules or bylaws.

E. 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 this Compact.

1. The Commission or the Executive Board or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Board or other committees of the Commission must discuss:

- a. noncompliance 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, or
- j. matters specifically exempted from disclosure by federal or member state statute.

2. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

3. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full

1 and accurate summary of actions taken, and the reasons therefor,
2 including a description of the views expressed. All documents
3 considered in connection with an action shall be identified in such
4 minutes. All minutes and documents of a closed meeting shall remain
5 under seal, subject to release by a majority vote of the Commission
6 or order of a court of competent jurisdiction.

7 F. The Commission shall pay, or provide for the payment of, the
8 reasonable expenses of its establishment, organization and ongoing
9 activities.

10 1. The Commission may accept any and all appropriate revenue
11 sources, donations, and grants of money, equipment, supplies,
12 materials and services.

13 2. The Commission may levy on and collect an annual assessment
14 from each member state or impose fees on other parties to cover the
15 cost of the operations and activities of the Commission and its
16 staff, which must be in a total amount sufficient to cover its
17 annual budget as approved each year for which revenue is not
18 provided by other sources. The aggregate annual assessment amount
19 shall be allocated based upon a formula to be determined by the
20 Commission, which shall promulgate a rule binding upon all member
21 states.

22 3. The Commission shall not incur obligations of any kind prior
23 to securing the funds adequate to meet the same, nor shall the
24

1 Commission pledge the credit of any of the member states, except by
2 and with the authority of the member state.

3 4. The Commission shall keep accurate accounts of all receipts
4 and disbursements. The receipts and disbursements of the Commission
5 shall be subject to the audit and accounting procedures established
6 under its bylaws. However, all receipts and disbursements of funds
7 handled by the Commission shall be audited yearly by a certified or
8 licensed public accountant, and the report of the audit shall be
9 included in and become part of the annual report of the Commission.

10 G. The members, officers, executive director, employees and
11 representatives of the Commission shall be immune from suit and
12 liability, either personally or in their official capacity, for any
13 claim for damage to or loss of property or personal injury or other
14 civil liability caused by or arising out of any actual or alleged
15 act, error or omission that occurred, or that the person against
16 whom the claim is made had a reasonable basis for believing occurred
17 within the scope of Commission employment, duties or
18 responsibilities; provided, that nothing in this paragraph shall be
19 construed to protect any such person from suit and/or liability for
20 any damage, loss, injury or liability caused by the intentional or
21 willful or wanton misconduct of that person.

22 1. The Commission shall defend any member, officer, executive
23 director, employee or representative of the Commission in any civil
24 action seeking to impose liability arising out of any actual or

1 alleged act, error or omission that occurred within the scope of
2 Commission employment, duties or responsibilities, or that the
3 person against whom the claim is made had a reasonable basis for
4 believing occurred within the scope of Commission employment, duties
5 or responsibilities; provided, that nothing herein shall be
6 construed to prohibit that person from retaining his or her own
7 counsel; and provided further, that the actual or alleged act, error
8 or omission did not result from that person's intentional or willful
9 or wanton misconduct.

10 2. The Commission shall indemnify and hold harmless any member,
11 officer, executive director, employee or representative of the
12 Commission for the amount of any settlement or judgment obtained
13 against that person arising out of any actual or alleged act, error
14 or omission that occurred within the scope of Commission employment,
15 duties or responsibilities, or that such person had a reasonable
16 basis for believing occurred within the scope of Commission
17 employment, duties or responsibilities, provided that the actual or
18 alleged act, error or omission did not result from the intentional
19 or willful or wanton misconduct of that person.

20 ARTICLE VIII

21 Data System

22 A. The Commission shall provide for the development,
23 maintenance and utilization of a coordinated database and reporting
24

1 system containing licensure, adverse action and investigative
2 information on all licensed individuals in member states.

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

7 1. Identifying information;

8 2. Licensure data;

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

10 4. Nonconfidential information related to alternative program
11 participation;

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

14 6. Other information that may facilitate the administration of
15 this Compact, as determined by the rules of the Commission.

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

18 D. The Commission shall promptly notify all member states of
19 any adverse action taken against a licensee or an individual
20 applying for a license. Adverse action information pertaining to a
21 licensee in any member state will be available to any other member
22 state.

1 E. Member states contributing information to the data system
2 may designate information that may not be shared with the public
3 without the express permission of the contributing state.

4 F. Any information submitted to the data system that is
5 subsequently required to be expunged by the laws of the member state
6 contributing the information shall be removed from the data system.

7 ARTICLE IX

8 Rulemaking

9 A. The Commission shall exercise its rulemaking powers pursuant
10 to the criteria set forth in this Article and the rules adopted
11 thereunder. Rules and amendments shall become binding as of the
12 date specified in each rule or amendment.

13 B. If a majority of the legislatures of the member states
14 rejects a rule, by enactment of a statute or resolution in the same
15 manner used to adopt the Compact within four (4) years of the date
16 of adoption of the rule, then such rule shall have no further force
17 and effect in any member state.

18 C. Rules or amendments to the rules shall be adopted at a
19 regular or special meeting of the Commission.

20 D. Prior to promulgation and adoption of a final rule or rules
21 by the Commission, and at least thirty (30) days in advance of the
22 meeting at which the rule will be considered and voted upon, the
23 Commission shall file a Notice of Proposed Rulemaking:
24

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

3 2. On the website of each member state physical therapy
4 licensing board or other publicly accessible platform or the
5 publication in which each state would otherwise publish proposed
6 rules.

7 E. The Notice of Proposed Rulemaking shall include:

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

10 2. The text of the proposed rule or amendment and the reason
11 for the proposed rule;

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

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

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

20 G. The Commission shall grant an opportunity for a public
21 hearing before it adopts a rule or amendment if a hearing is
22 requested by:

23 1. At least twenty-five persons;

24 2. A state or federal governmental subdivision or agency; or

1 3. An association having at least twenty-five members.

2 H. If a hearing is held on the proposed rule or amendment, the
3 Commission shall publish the place, time and date of the scheduled
4 public hearing. If the hearing is held via electronic means, the
5 Commission shall publish the mechanism for access to the electronic
6 hearing.

7 1. All persons wishing to be heard at the hearing shall notify
8 the executive director of the Commission or other designated member
9 in writing of their desire to appear and testify at the hearing not
10 less than five (5) business days before the scheduled date of the
11 hearing.

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

15 3. All hearings will be recorded. A copy of the recording will
16 be made available on request.

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

20 I. Following the scheduled hearing date, or by the close of
21 business on the scheduled hearing date if the hearing was not held,
22 the Commission shall consider all written and oral comments
23 received.

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

4 K. The Commission shall, by majority vote of all members, take
5 final action on the proposed rule and shall determine the effective
6 date of the rule, if any, based on the rulemaking record and the
7 full text of the rule.

8 L. Upon determination that an emergency exists, the Commission
9 may consider and adopt an emergency rule without prior notice,
10 opportunity for comment, or hearing; provided, that the usual
11 rulemaking procedures provided in the Compact and in this section
12 shall be retroactively applied to the rule as soon as reasonably
13 possible, and in no event later than ninety (90) days after the
14 effective date of the rule. For the purposes of this provision, an
15 emergency rule is one that must be adopted immediately in order to:

- 16 1. Meet an imminent threat to public health, safety or welfare;
- 17 2. Prevent a loss of Commission or member state funds;
- 18 3. Meet a deadline for the promulgation of an administrative
19 rule that is established by federal law or rule; or
- 20 4. Protect public health and safety.

21 M. The Commission or an authorized committee of the Commission
22 may direct revisions to a previously adopted rule or amendment for
23 purposes of correcting typographical errors, errors in format,
24 errors in consistency or grammatical errors. Public notice of any

1 revisions shall be posted on the website of the Commission. The
2 revision shall be subject to challenge by any person for a period of
3 thirty (30) days after posting. The revision may be challenged only
4 on grounds that the revision results in a material change to a rule.
5 A challenge shall be made in writing, and delivered to the chair of
6 the Commission prior to the end of the notice period. If no
7 challenge is made, the revision will take effect without further
8 action. If the revision is challenged, the revision may not take
9 effect without the approval of the Commission.

10 ARTICLE X

11 Oversight, Dispute Resolution, and Enforcement

12 A. The executive, legislative and judicial branches of state
13 government in each member state shall enforce this Compact and take
14 all actions necessary and appropriate to effectuate the Compact's
15 purposes and intent. The provisions of this Compact and the rules
16 promulgated hereunder shall have standing as statutory law.

17 B. All courts shall take judicial notice of the Compact and the
18 rules in any judicial or administrative proceeding in a member state
19 pertaining to the subject matter of this Compact which may affect
20 the powers, responsibilities or actions of the Commission.

21 C. The Commission shall be entitled to receive service of
22 process in any such proceeding, and shall have standing to intervene
23 in such a proceeding for all purposes. Failure to provide service
24

1 of process to the Commission shall render a judgment or order void
2 as to the Commission, this Compact, or promulgated rules.

3 D. 1. If the Commission determines that a member state has
4 defaulted in the performance of its obligations or responsibilities
5 under this Compact or the promulgated rules, the Commission shall:

6 a. provide written notice to the defaulting state and
7 other member states of the nature of the default, the
8 proposed means of curing the default and/or any other
9 action to be taken by the Commission, and

10 b. provide remedial training and specific technical
11 assistance regarding the default.

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

19 3. Termination of membership in the Compact shall be imposed
20 only after all other means of securing compliance have been
21 exhausted. Notice of intent to suspend or terminate shall be given
22 by the Commission to the Governor, the majority and minority leaders
23 of the defaulting state's legislature, and each of the member
24 states.

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

5 5. The Commission shall not bear any costs related to a state
6 that is found to be in default or that has been terminated from the
7 Compact, unless agreed upon in writing between the Commission and
8 the defaulting state.

9 6. The defaulting state may appeal the action of the Commission
10 by petitioning the U.S. District Court for the District of Columbia
11 or the federal district where the Commission has its principal
12 offices. The prevailing member shall be awarded all costs of such
13 litigation, including reasonable attorney fees.

14 E. 1. Upon request by a member state, the Commission shall
15 attempt to resolve disputes related to the Compact that arise among
16 member states and between member and nonmember states.

17 2. The Commission shall promulgate a rule providing for both
18 mediation and binding dispute resolution for disputes as
19 appropriate.

20 F. 1. The Commission, in the reasonable exercise of its
21 discretion, shall enforce the provisions and rules of this Compact.

22 2. By majority vote, the Commission may initiate legal action
23 in the United States District Court for the District of Columbia or
24 the federal district where the Commission has its principal offices

1 against a member state in default to enforce compliance with the
2 provisions of the Compact and its promulgated rules and bylaws. The
3 relief sought may include both injunctive relief and damages. In
4 the event judicial enforcement is necessary, the prevailing member
5 shall be awarded all costs of such litigation, including reasonable
6 attorney fees.

7 3. The remedies herein shall not be the exclusive remedies of
8 the Commission. The Commission may pursue any other remedies
9 available under federal or state law.

10 ARTICLE XI

11 Date of Implementation, Associated Rules, Withdrawal or Amendment

12 A. The Compact shall come into effect on the date on which the
13 Compact statute is enacted into law in the tenth member state. The
14 provisions, which become effective at that time, shall be limited to
15 the powers granted to the Commission relating to assembly and the
16 promulgation of rules. Thereafter, the Commission shall meet and
17 exercise rulemaking powers necessary to the implementation and
18 administration of the Compact.

19 B. Any state that joins the Compact subsequent to the
20 Commission's initial adoption of the rules shall be subject to the
21 rules as they exist on the date on which the Compact becomes law in
22 that state. Any rule that has been previously adopted by the
23 Commission shall have the full force and effect of law on the day
24 the Compact becomes law in that state.

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

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

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

9 D. Nothing contained in this Compact shall be construed to
10 invalidate or prevent any physical therapy licensure agreement or
11 other cooperative arrangement between a member state and a nonmember
12 state that does not conflict with the provisions of this Compact.

13 E. This Compact may be amended by the member states. No
14 amendment to this Compact shall become effective and binding upon
15 any member state until it is enacted into the laws of all member
16 states.

17 ARTICLE XII

18 Construction and Severability

19 This Compact shall be liberally construed so as to effectuate
20 the purposes thereof. The provisions of this Compact shall be
21 severable and if any phrase, clause, sentence or provision of this
22 Compact is declared to be contrary to the constitution of any party
23 state or of the United States or the applicability thereof to any
24 government, agency, person or circumstance is held invalid, the

1 validity of the remainder of this Compact and the applicability
2 thereof to any government, agency, person or circumstance shall not
3 be affected thereby. If this Compact shall be held contrary to the
4 constitution of any party state, the Compact shall remain in full
5 force and effect as to the remaining party states and in full force
6 and effect as to the party state affected as to all severable
7 matters.

8 SECTION 2. AMENDATORY 59 O.S. 2011, Section 887.10, is
9 amended to read as follows:

10 Section 887.10 A. Upon proper application to the Board, and
11 payment of the fee required by the provisions of the Physical
12 Therapy Practice Act, the Board shall issue without examination a
13 temporary permit to practice physical therapy or to practice as a
14 physical therapist assistant in this state for a period of not to
15 exceed one (1) year to any person who meets the qualifications
16 required for applicants to take the examination and who submits
17 satisfactory evidence to the Board that such applicant is in this
18 state on a temporary basis to assist in a case of medical emergency
19 or to engage in a special physical therapy project. The Board may
20 shorten the term of the temporary permit for less than one (1) year.

21 B. Upon proper application and payment of fees, the Board may
22 issue a temporary permit to a person who has applied for a license
23 pursuant to the provisions of Section 887.7 of this title, and who
24 is eligible to take the examination pursuant to the provisions of

1 the Physical Therapy Practice Act. Such temporary permit shall be
2 available to an applicant only with respect to his first application
3 for licensure. Such permit shall expire upon notice that the
4 applicant has or has not passed the examination.

5 C. The Board may issue a multistate Compact license to a
6 physical therapist licensed in another state and meeting the
7 licensure requirements for practice in this state, so long as the
8 applicant's home state has entered into a reciprocal agreement with
9 the Board as specified in Section 1 of this act.

10 SECTION 3. This act shall become effective November 1, 2018.

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/13/2018 -
13 DO PASS, As Amended.

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