ARTICLE 16

PHYSICAL THERAPISTS

Section 1. [148.676] PHYSICAL THERAPY LICENSURE COMPACT.

The physical therapy licensure compact is enacted into law and entered into with all other jurisdictions legally joining in the compact in the form substantially specified in this section.

ARTICLE I

TITLE

This statute shall be known and cited as the physical therapy licensure compact.

ARTICLE II

DEFINITIONS

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

(a) "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 United States Code, title 10, chapters 1209 and 1211.

(b) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.

(c) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. Alternative program includes but is not limited to substance abuse issues.

(d) "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 or client is located at the time of the patient or client encounter.

(e) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.

(f) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.

(g) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.
Executive board means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

Home state means the member state that is the licensee's primary state of residence.

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

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

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

Member state means a state that has enacted the compact.

Party state means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

Physical therapist assistant means an individual who is licensed or certified by a state and who assists the physical therapist in selected components of physical therapy.

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

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

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.

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

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

State means any state, commonwealth, district, or territory of the United States that regulates the practice of physical therapy.

ARTICLE III

STATE PARTICIPATION IN THE COMPACT

To participate in the compact, a state must:
(1) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(2) have a mechanism in place for receiving and investigating complaints about licensees;

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

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

(5) comply with the rules of the commission;

(6) utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and

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

(b) Upon adoption of this compact, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with United States Code, title 28, section 534, and United States Code, title 42, section 14616.

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

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

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 paragraphs (d), (e), and (f);

(4) have not had any adverse action against any license or compact privilege within the previous two years;
(5) notify the commission that the licensee is seeking the compact privilege within a remote state or states;
(6) pay any applicable fees, including any state fee, for the compact privilege;
(7) meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a compact privilege; and
(8) report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken;

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

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

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

e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:
(1) the home state license is no longer encumbered; and
(2) two years have elapsed from the date of the adverse action;

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

g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:
(1) the specific period of time for which the compact privilege was removed has ended;
(2) all fines have been paid; and
(3) two years have elapsed from the date of the adverse action;

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

ARTICLE V

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REVISOR FULL-TEXT SIDE-BY-SIDE
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) state; or
(3) state of current residence if 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.

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

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

(e) A remote state shall have the authority to:

(1) take adverse actions as set forth in article IV, paragraph (d), against a licensee’s compact privilege in the state;
(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and
ARTICLE VI

EVALUATION OF THE PHYSICAL THERAPY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(1) the commission is an instrumentality of the compact states;

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

(3) nothing in this compact shall be construed to be a waiver of sovereign immunity;

(b) Membership, voting, and meetings:

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

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

(3) each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission;

(4) a delegate shall vote in person or by such other means as provided in the bylaws;

The bylaws may provide for delegates' participation in meetings by telephone or other means of communication;

(5) any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed;

(6) the member state board shall fill any vacancy occurring in the commission;
(7) the commission shall meet at least once during each calendar year. Additional
meetings shall be held as set forth in the bylaws;

(8) 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 article IX;

(9) 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:
   (i) noncompliance of a member state with its obligations under the compact;
   (ii) 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;
   (iii) current, threatened, or reasonably anticipated litigation;
   (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
estate;
   (v) accusing any person of a crime or formally censuring any person;
   (vi) disclosure of trade secrets or commercial or financial information that is privileged
or confidential;
   (vii) disclosure of information of a personal nature where disclosure would constitute a
clearly unwarranted invasion of personal privacy;
   (viii) disclosure of investigative records compiled for law enforcement purposes;
   (ix) 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
   (x) matters specifically exempted from disclosure by federal or member state statute;

(10) 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; and

(11) the commission shall keep minutes that fully and clearly describe all matters
discussed in a meeting and shall provide a full and accurate summary of actions taken and
the reasons therefore, including a description of the views expressed. All documents
considered in connection with an action shall be identified in such minutes. All minutes and
documents of a closed meeting shall remain under seal, subject to release by a majority vote
of the commission or order of a court of competent jurisdiction;

(c) The commission shall have the following powers and duties:
146.31 (1) establish the fiscal year of the commission;
147.1 (2) establish bylaws;
147.2 (3) maintain its financial records in accordance with the bylaws;
147.3 (4) meet and take such actions as are consistent with the provisions of this compact and
147.4 the bylaws;
147.5 (5) promulgate uniform rules to facilitate and coordinate implementation and
147.6 administration of this compact. The rules shall have the force and effect of law and shall
147.7 be binding in all member states;
147.8 (6) bring and prosecute legal proceedings or actions in the name of the commission,
147.9 provided that the standing of any state physical therapy licensing board to sue or be sued
147.10 under applicable law shall not be affected;
147.11 (7) purchase and maintain insurance and bonds;
147.12 (8) borrow, accept, or contract for services of personnel, including but not limited to
147.13 employees of a member state;
147.14 (9) hire employees; elect or appoint officers; fix compensation; grant such
147.15 individuals appropriate authority to carry out the purposes of the compact; and establish the
147.16 commission's personnel policies and programs relating to conflicts of interest, qualifications
147.17 of personnel; and other related personnel matters;
147.18 (10) accept any and all appropriate donations and grants of money, equipment, supplies,
147.19 materials, and services and receive, utilize, and dispose of the same, provided that at all
147.20 times the commission shall avoid any appearance of impropriety or conflict of interest;
147.21 (11) lease; purchase; accept appropriate gifts or donations of; or otherwise to own, hold,
147.22 improve, or use any property, real, personal, or mixed, provided that at all times the
147.23 commission shall avoid any appearance of impropriety;
147.24 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
147.25 any property real, personal, or mixed;
147.26 (13) establish a budget and make expenditures;
147.27 (14) borrow money;
147.28 (15) appoint committees, including standing committees composed of members, state
147.29 regulators, state legislators or their representatives, consumer representatives, and such
147.30 other interested persons as may be designated in this compact and the bylaws;
147.31 (16) provide and receive information from, and cooperate with, law enforcement agencies;
147.32 (17) establish and elect an executive board; and
(18) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice;

(d) The executive board:

(1) the executive board shall have the power to act on behalf of the commission according to the terms of this compact;

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

(i) seven voting members who are elected by the commission from the current membership of the commission;

(ii) one ex officio, nonvoting member from the recognized national physical therapy professional association; and

(iii) one ex officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards;

(3) the ex officio members must be selected by their respective organizations;

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

(5) the executive board shall meet at least annually; and

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

(i) recommend to the entire commission changes to the rules or bylaws, charges to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege;

(ii) ensure compact administration services are appropriately provided, contractual or otherwise;

(iii) prepare and recommend the budget;

(iv) maintain financial records on behalf of the commission;

(v) monitor compact compliance of member states and provide compliance reports to the commission;

(vi) establish additional committees as necessary; and

(vii) other duties as provided in rules or bylaws;

e) Financing of the commission:
(1) the commission shall pay, or provide for the payment of, the reasonable expenses of
the commission's establishment, organization, and ongoing activities;

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

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

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

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

(f) Qualified immunity, defense, and indemnification:

(1) the members, officers, executive director, employees, and representatives of the
commission shall be immune from suit and liability, either personally or in their official
capacity, for any claim for damage to or loss of property or personal injury or other civil
liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
or that the person against whom the claim is made had a reasonable basis for believing
occurred, within the scope of commission employment, duties, or responsibilities, provided
that nothing in this paragraph shall be construed to protect any such person from suit or
liability for any damage, loss, injury, or liability caused by the intentional or willful or
wanton misconduct of that person;

(2) the commission shall defend any member, officer, executive director, employee, or
representative of the commission in any civil action seeking to impose liability arising out
of any actual or alleged act, error, or omission that occurred within the scope of commission
employment, duties, or responsibilities, or that the person against whom the claim is made
had a reasonable basis for believing occurred within the scope of commission employment,
duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
person from retaining his or her own counsel, and provided further that the actual or alleged
act, error, or omission did not result from the intentional or willful or wanton misconduct of that person; and

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

(g) Notwithstanding paragraph (f), clause (1), the liability of the executive director, employees, or representatives of the interstate commission, acting within the scope of their employment or duties, may not exceed the limits of liability set forth under the constitution and laws of this state for state officials, employees, and agents. This paragraph expressly incorporates section 3.736, and neither expands nor limits the rights and remedies provided under that statute.

(h) Except for a claim alleging a violation of this compact, a claim against the commission, its executive director, employees, or representatives alleging a violation of the constitution and laws of this state may be brought in any county where the plaintiff resides. Nothing in this paragraph creates a private right of action.

(i) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

ARTICLE VIII

DATA SYSTEM

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

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

(1) identifying information;

(2) licensure data;

(3) adverse actions against a license or compact privilege;

(4) nonconfidential information related to alternative program participation;
151.8 (5) any denial of application for licensure and the reason or reasons for the denial; and
151.9 (6) other information that may facilitate the administration of this compact, as determined
151.10 by the rules of the commission;
151.11 (e) Investigative information pertaining to a licensee in any member state will only be
151.12 available to other party states;
151.13 (f) The commission shall promptly notify all member states of any adverse action taken
151.14 against a licensee or an individual applying for a license. Adverse action information
151.15 pertaining to a licensee in any member state will be available to any other member state;
151.16 (g) Member states contributing information to the data system may designate information
151.17 that may not be shared with the public without the express permission of the contributing
151.18 state;
151.19 (h) Any information submitted to the data system that is subsequently required to be
151.20 expunged by the laws of the member state contributing the information shall be removed
151.21 from the data system;

ARTICLE IX

RULEMAKING

152.1 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
152.2 forth in this article and the rules adopted thereunder. Rules and amendments shall become
152.3 binding as of the date specified in each rule or amendment;
152.4 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of
152.5 a statute or resolution in the same manner used to adopt the compact within four years of
152.6 the date of adoption of the rule, then such rule shall have no further force and effect in any
152.7 member state;
152.8 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
152.9 the commission;
152.10 (d) Prior to promulgation and adoption of a final rule or rules by the commission and at
152.11 least 30 days in advance of the meeting at which the rule will be considered and voted upon;
152.12 the commission shall file a notice of proposed rulemaking:
152.13 (1) on the website of the commission or other publicly accessible platform; and
152.14 (2) on the website of each member state physical therapy licensing board or other publicly
152.15 accessible platform or the publication in which each state would otherwise publish proposed
152.16 rules;
152.17 (e) The notice of proposed rulemaking shall include:
(1) the proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

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

(3) a request for comments on the proposed rule from any interested person; and

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

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

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

(1) at least 25 persons;

(2) a state or federal governmental subdivision or agency; or

(3) an association having at least 25 members.

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

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

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

(3) all hearings will be recorded. A copy of the recording will be made available on request; and

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

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.
The commission shall, by majority vote of all members, take final action on the
proposed rule and shall determine the effective date of the rule, if any, based on the
rulemaking record and the full text of the rule.

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

1. meet an imminent threat to public health, safety, or welfare;
2. prevent a loss of commission or member state funds;
3. meet a deadline for the promulgation of an administrative rule that is established by
   federal law or rule; or
4. protect public health and safety.

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

ARTICLE X
OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(a) Oversight:
1. the executive, legislative, and judicial branches of state government in each member
   state shall enforce this compact and take all actions necessary and appropriate to effectuate
   the compact's purposes and intent. The provisions of this compact and the rules promulgated
   hereunder shall have standing as statutory law;
2. all courts shall take judicial notice of the compact and the rules in any judicial or
   administrative proceeding in a member state pertaining to the subject matter of this compact
   which may affect the powers, responsibilities, or actions of the commission; and
3. the commission shall be entitled to receive service of process in any such proceeding
   and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
service of process to the commission shall render a judgment or order void as to the
commission, this compact, or promulgated rules.

(b) Default, technical assistance, and termination:

(1) if the commission determines that a member state has defaulted in the performance
of its obligations or responsibilities under this compact or the promulgated rules, the
commission shall:

(i) provide written notice to the defaulting state and other member states of the nature
of the default, the proposed means of curing the default, or any other action to be taken by
the commission; and

(ii) provide remedial training and specific technical assistance regarding the default;

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

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

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

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

(6) the defaulting state may appeal the action of the commission by petitioning the United
States 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 fees.

(c) Dispute resolution:

(1) upon request by a member state, the commission shall attempt to resolve disputes
related to the compact that arise among member states and between member and nonmember
states; and

(2) the commission shall promulgate a rule providing for both mediation and binding
dispute resolution for disputes as appropriate.
Enforcement:

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

(2) by majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with 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 of such litigation, including reasonable attorney fees; and

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

ARTICLE XI

DATE OF IMPLEMENTATION OF THE INTERSTATE COMPACT FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

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

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

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

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

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

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.
(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII
CONSTRUCTION AND SEVERABILITY

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

EFFECTIVE DATE. This section is effective the day following final enactment. The Board of Physical Therapy must publish the effective date of the compact in the State Register and on the board's website.