



# PT • COMPACT

## Physical Therapy Compact Commission Notice of Proposed Rulemaking

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

### PUBLICATION DATE:

9/15/2022

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

| Rule | Summary of Changes  |
|------|---|
| 7.1  | Amends the existing rule to conform with the model compact language   |
| 6.4  | Amends the existing rule to change the timeframe for reporting disciplinary actions to the Compact Commission         |
| 3.5  | Amends the existing rule to clarify the change of home state notification requirements                                |
| 1.1  | Amends the existing rule to add a new definition of "Initial"   |
| 3.8  | Amends the existing rule to clarify the jurisprudence requirements  |
| 3.1  | Amends the existing rule to clarify the National Physical Therapy Examination (NPTE) as the requirement for licensure |

### TEXT OF THE PROPOSED AMENDMENTS:

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

### MEETING DATE, TIME, AND LOCATION:

The Physical Therapy Compact Commission will consider and vote on the adoption of the attached amendments to its Rules at its public meeting on October 30, 2022. The meeting will take place in Orange County, California, at 9:30 a.m. PT.

### DEADLINE AND PROCESS TO SUBMIT WRITTEN COMMENTS:

Written comments must be received by 5:00 PM, ET, on October 24, 2022. All comments or intentions to attend the Commission meeting should be submitted electronically by the deadline to [info@ptcompact.org](mailto:info@ptcompact.org). All comments must be provided in a single file and must include the name of the submitter, any organization the submitter represents, and the rule number(s) the comments address. If electronic submission of comments is not feasible, please contact the PT Compact Commission using the contact information below for special instructions.

**REQUESTS FOR PUBLIC HEARING:**

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

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

If one of the three standards above is met, the Commission will hold a hearing on the proposed rules at its public meeting on October 30, 2022. The meeting will take place at 9:30 AM, PT, in Orange County, California.

All requests for a public hearing must be submitted electronically to [info@ptcompact.org](mailto:info@ptcompact.org) by 5:00 PM, ET, on October 24, 2022.

**FOR FURTHER INFORMATION CONTACT:**

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

## 2022 Proposed Amendments to PT Compact Commission Rules

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

### 1) Rule 7.1(l) – Adoption of Rules; Amendments

**Reason: To conform the existing rule with the model compact statute.**

#### Proposed Amendment:

(l) Upon determination by the Executive Board or Commission that an emergency exists, the Commission may promulgate an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule, no later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of Commission, federal, or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule;

### 2) Rule 6.4 – Frequency of Reporting Adverse Actions and Non-Disciplinary Encumbrances

**Reason: To change the timeframe for reporting disciplinary actions to the Compact Commission.**

#### Proposed Amendment:

~~(A) Within two (2) business days of the effective date of the adverse action against a licensee or compact privilege holder, the Licensing Board shall, through the interface described in rule 6.3, at a minimum, report the following information and complete the following action:~~

~~(1) Home Address.~~

~~(2) Date Action Became Effective.~~

~~(3) Select a Save Status of Temporary.~~

~~(B)~~ (A) Within fourteen business days of the effective date of the adverse action against a licensee or compact privilege holder, the Licensing Board shall, through the interface described in rule 6.3, complete all required information and select the Save Status.

~~(C)~~ (B) Within ~~two (2)~~ fourteen (14) business days of the effective date to void, update, revise, or correct an adverse action against a licensee or compact privilege holder, the Licensing Board shall report such decision to the Commission through the interface described in rule 6.3.

~~(D)~~ (C) Within ~~two (2)~~ fourteen (14) business days of the effective date to impose a non-disciplinary encumbrance on a license or licensee or on a compact privilege or compact privilege holder, the Licensing Board shall report such decision to the Commission through the interface described in rule 6.3.

### 3) Rule 3.5 – Expiration or Termination of a Compact Privilege

**Reason: To clarify the change of home state notification requirements.**

#### Proposed Amendment:

(A) All compact privileges shall expire on the actual expiration date of the home state license even if the home state allows practice beyond the license expiration date.

(B) Impact of changing the primary state of residence.

(1) Moving to another member state.

a. The compact privilege holder must hold an active license in the new home state prior to changing the primary state of residence or all current compact privileges will be terminated.

Thirty (30) business days after the date of legal change of permanent address is considered the date of change in home state.

b. When a compact privilege holder obtains the license in the new home state and changes the primary state of residence, the expiration date of all current compact privileges will be updated to match the expiration date of the new home state license.

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

#### 4) Rule 1.1 – Definitions

**Reason: To add a new definition of "Initial".**

Proposed Amendment:

"Initial" means each and every new Compact Privilege issued to an individual, even if a prior Compact Privilege was held in the same state.

#### 5) Rule 3.8 – Jurisprudence

**Reason: To clarify the jurisprudence requirements.**

Proposed Amendment:

(A) If a member state has a jurisprudence requirement to be eligible to obtain a compact privilege in accordance with Section 4.A.7. of the Compact, the member state may allow the jurisprudence requirement to be completed after the issuance of the compact privilege. In that situation, the deadline to complete the jurisprudence requirement is thirty (30) days.

(B) A member state may choose to have a jurisprudence requirement in accordance with Section 4.A.7 of the Compact for initial purchase of a compact privilege, for renewal of a compact privilege, or for both initial purchase and renewal of a compact privilege. The member state may identify timeframe requirements for completion of the jurisprudence requirement.

(C) If a privilege expires, and the individual purchases a new initial privilege in the same state, all applicable requirements for completion of a jurisprudence requirement prior to initial purchase apply.

#### 6) Rule 3.1 – Home State License

**Reason: To clarify the National Physical Therapy Examination (NPTE) as the requirement for licensure.**

Proposed Amendment:

- (E) An individual holding a home state license issued without the requirement of passing the National Physical Therapy Examination (NPTE) shall not be eligible for a Compact Privilege, unless said license was issued prior to the member state enacting the Physical Therapy Compact model statute.