

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Physical Therapy Licensure
3 Compact; creating s. 486.112, F.S.; creating the
4 Physical Therapy Licensure Compact; providing a
5 purpose and objectives of the compact; defining terms;
6 specifying requirements for state participation in the
7 compact; authorizing member states to obtain
8 biometric-based information from and conduct criminal
9 background checks on licensees applying for a compact
10 privilege; requiring member states to grant the
11 compact privilege to licensees if they meet specified
12 criteria; specifying criteria licensees must meet to
13 exercise the compact privilege under the compact;
14 providing for the expiration of the compact privilege;
15 requiring licensees practicing in a remote state under
16 the compact privilege to comply with the laws and
17 rules of that state; subjecting licensees to the
18 regulatory authority of remote states where they
19 practice under the compact privilege; providing for
20 disciplinary action; specifying circumstances under
21 which licensees are ineligible for a compact
22 privilege; specifying conditions that a licensee must
23 meet to regain his or her compact privilege after an
24 adverse action; specifying locations active duty
25 military personnel and their spouses may use to
26 designate their home state for purposes of the
27 compact; providing that only a home state may impose
28 adverse action against a license issued by that state;
29 authorizing home states to take adverse action based

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30 on investigative information of a remote state,
31 subject to certain requirements; directing member
32 states that use alternative programs in lieu of
33 discipline to require the licensee to agree not to
34 practice in other member states while participating in
35 the program, unless authorized by the member state;
36 authorizing member states to investigate violations by
37 licensees in other member states; authorizing member
38 states to take adverse action against compact
39 privileges issued in their respective states;
40 providing for joint investigations of licensees under
41 the compact; establishing the Physical Therapy Compact
42 Commission; providing for the venue and jurisdiction
43 for court proceedings by or against the commission;
44 providing construction; providing for commission
45 membership, voting, and meetings; authorizing the
46 commission to convene closed, nonpublic meetings under
47 certain circumstances; specifying duties and powers of
48 the commission; providing for membership and duties of
49 the executive board of the commission; providing for
50 financing of the commission; providing for qualified
51 immunity, defense, and indemnification of the
52 commission; requiring the commission to develop and
53 maintain a coordinated database and reporting system
54 for certain information about licensees under the
55 compact; requiring member states to submit specified
56 information to the system; requiring that information
57 contained in the system be available only to member
58 states; requiring the commission to promptly notify

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59 all member states of reported adverse action taken
60 against licensees or applicants for licensure;
61 authorizing member states to designate reported
62 information as exempt from public disclosure;
63 providing for the removal of submitted information
64 from the system under certain circumstances; providing
65 for commission rulemaking; providing construction;
66 providing for state enforcement of the compact;
67 providing for the default and termination of compact
68 membership; providing for appeals and costs; providing
69 procedures for the resolution of certain disputes;
70 providing for enforcement against a defaulting state;
71 providing construction; providing for implementation
72 and administration of the compact and associated
73 rules; providing that compact states that join after
74 initial adoption of the commission's rules are subject
75 to such rules; specifying procedures for compact
76 states to withdraw from the compact; providing
77 construction; providing for amendment of the compact;
78 providing construction and severability; amending s.
79 456.073, F.S.; requiring the Department of Health to
80 report certain investigative information to the data
81 system; amending s. 456.076, F.S.; requiring
82 monitoring contracts for certain impaired
83 practitioners participating in treatment programs to
84 contain specified terms; amending s. 486.023, F.S.;
85 requiring the Board of Physical Therapy Practice to
86 appoint an individual to serve as the state's delegate
87 on the Physical Therapy Compact Commission; amending

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88 ss. 486.028, 486.031, 486.081, 486.102, and 486.107,
89 F.S.; exempting physical therapists and physical
90 therapist assistants from licensure requirements if
91 they are practicing in this state pursuant to a
92 compact privilege under the compact; amending s.
93 486.125, F.S.; authorizing the board to take adverse
94 action against the compact privilege of physical
95 therapists and physical therapist assistants for
96 specified prohibited acts; amending s. 768.28, F.S.;
97 designating the state delegate and other members or
98 employees of the commission as state agents for the
99 purpose of applying sovereign immunity and waivers of
100 sovereign immunity; requiring the commission to pay
101 certain claims or judgments; authorizing the
102 commission to maintain insurance coverage to pay such
103 claims or judgments; amending ss. 486.025, 486.0715,
104 and 486.1065, F.S.; conforming cross-references;
105 providing an effective date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Section 486.112, Florida Statutes, is created to
110 read:

111 486.112 Physical Therapy Licensure Compact.—The Physical
112 Therapy Licensure Compact is hereby enacted into law and entered
113 into by this state with all other jurisdictions legally joining
114 therein in the form substantially as follows:

115
116 ARTICLE I

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PURPOSE AND OBJECTIVES

(1) The purpose of the compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The compact preserves the regulatory authority of member states to protect public health and safety through their current systems of state licensure. For purposes of state regulation under the compact, the practice of physical therapy is deemed to have occurred in the state where the patient is located at the time physical therapy is provided to the patient.

(2) The compact is designed to achieve all of the following objectives:

(a) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses.

(b) Enhance the states' ability to protect the public's health and safety.

(c) Encourage the cooperation of member states in regulating multistate physical therapy practice.

(d) Support spouses of relocating military members.

(e) Enhance the exchange of licensure, investigative, and disciplinary information between member states.

(f) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

ARTICLE IIDEFINITIONS

As used in the compact, and except as otherwise provided,

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146 the term:

147 (1) "Active duty military" means full-time duty status in
148 the active uniformed service of the United States, including
149 members of the National Guard and Reserve on active duty orders
150 pursuant to 10 U.S.C. chapter 1209 or chapter 1211.

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

154 (3) "Alternative program" means a nondisciplinary
155 monitoring or practice remediation process approved by a state's
156 physical therapy licensing board. The term includes, but is not
157 limited to, programs that address substance abuse issues.

158 (4) "Compact privilege" means the authorization granted by
159 a remote state to allow a licensee from another member state to
160 practice as a physical therapist or physical therapist assistant
161 in the remote state under its laws and rules.

162 (5) "Continuing competence" means a requirement, as a
163 condition of license renewal, to provide evidence of
164 participation in, and completion of, educational and
165 professional activities relevant to the practice of physical
166 therapy.

167 (6) "Data system" means the coordinated database and
168 reporting system created by the Physical Therapy Compact
169 Commission for the exchange of information between member states
170 relating to licensees or applicants under the compact, including
171 identifying information, licensure data, investigative
172 information, adverse actions, nonconfidential information
173 related to alternative program participation, any denials of
174 applications for licensure, and other information as specified

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175 by commission rule.

176 (7) "Encumbered license" means a license that a physical
177 therapy licensing board has limited in any way.

178 (8) "Executive board" means a group of directors elected or
179 appointed to act on behalf of, and within the powers granted to
180 them by, the commission.

181 (9) "Home state" means the member state that is the
182 licensee's primary state of residence.

183 (10) "Investigative information" means information,
184 records, and documents received or generated by a physical
185 therapy licensing board pursuant to an investigation.

186 (11) "Jurisprudence requirement" means the assessment of an
187 individual's knowledge of the laws and rules governing the
188 practice of physical therapy in a specific state.

189 (12) "Licensee" means an individual who currently holds an
190 authorization from a state to practice as a physical therapist
191 or physical therapist assistant.

192 (13) "Member state" means a state that has enacted the
193 compact.

194 (14) "Physical therapist" means an individual licensed by a
195 state to practice physical therapy.

196 (15) "Physical therapist assistant" means an individual
197 licensed by a state to assist a physical therapist in specified
198 areas of physical therapy.

199 (16) "Physical therapy" or "the practice of physical
200 therapy" means the care and services provided by or under the
201 direction and supervision of a licensed physical therapist.

202 (17) "Physical Therapy Compact Commission" or "commission"
203 means the national administrative body whose membership consists

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204 of all states that have enacted the compact.

205 (18) "Physical therapy licensing board" means the agency of
206 a state which is responsible for the licensing and regulation of
207 physical therapists and physical therapist assistants.

208 (19) "Remote state" means a member state other than the
209 home state where a licensee is exercising or seeking to exercise
210 the compact privilege.

211 (20) "Rule" means a regulation, principle, or directive
212 adopted by the commission which has the force of law.

213 (21) "State" means any state, commonwealth, district, or
214 territory of the United States of America which regulates the
215 practice of physical therapy.

216
217 ARTICLE III

218 STATE PARTICIPATION IN THE COMPACT

219 (1) To participate in the compact, a state must do all of
220 the following:

221 (a) Participate fully in the commission's data system,
222 including using the commission's unique identifier, as defined
223 by commission rule.

224 (b) Have a mechanism in place for receiving and
225 investigating complaints about licensees.

226 (c) Notify the commission, in accordance with the terms of
227 the compact and rules, of any adverse action or the availability
228 of investigative information regarding a licensee.

229 (d) Fully implement a criminal background check
230 requirement, within a timeframe established by commission rule,
231 which uses results from the Federal Bureau of Investigation
232 record search on criminal background checks to make licensure

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233 decisions in accordance with subsection (2).

234 (e) Comply with the commission's rules.

235 (f) Use a recognized national examination as a requirement
236 for licensure pursuant to the commission's rules.

237 (g) Have continuing competence requirements as a condition
238 for license renewal.

239 (2) Upon adoption of the compact, a member state has the
240 authority to obtain biometric-based information from each
241 licensee applying for a compact privilege and submit this
242 information to the Federal Bureau of Investigation for a
243 criminal background check in accordance with 28 U.S.C. s. 534
244 and 34 U.S.C. s. 40316.

245 (3) A member state must grant the compact privilege to a
246 licensee holding a valid unencumbered license in another member
247 state in accordance with the terms of the compact and rules.

248 ARTICLE IV

249 COMPACT PRIVILEGE

250
251 (1) To exercise the compact privilege under the compact, a
252 licensee must satisfy all of the following conditions:

253 (a) Hold a license in the home state.

254 (b) Not have an encumbrance on any state license.

255 (c) Be eligible for a compact privilege in all member
256 states in accordance with subsections (4), (7), and (8).

257 (d) Not have had an adverse action against any license or
258 compact privilege within the preceding 2 years.

259 (e) Notify the commission that the licensee is seeking the
260 compact privilege within a remote state.

261 (f) Meet any jurisprudence requirements established by the

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262 remote state in which the licensee is seeking a compact
263 privilege.

264 (g) Report to the commission adverse action taken by any
265 nonmember state within 30 days after the date the adverse action
266 is taken.

267 (2) The compact privilege is valid until the expiration
268 date of the home license. The licensee must continue to meet the
269 requirements of subsection (1) to maintain the compact privilege
270 in a remote state.

271 (3) A licensee providing physical therapy in a remote state
272 under the compact privilege must comply with the laws and rules
273 of the remote state.

274 (4) A licensee providing physical therapy in a remote state
275 is subject to that state's regulatory authority. A remote state
276 may, in accordance with due process and that state's laws,
277 remove a licensee's compact privilege in the remote state for a
278 specific period of time, impose fines, and take any other
279 necessary actions to protect the health and safety of its
280 citizens. The licensee is not eligible for a compact privilege
281 in any member state until the specific period of time for
282 removal has ended and all fines are paid.

283 (5) If a home state license is encumbered, the licensee
284 loses the compact privilege in any remote state until the
285 following conditions are met:

286 (a) The home state license is no longer encumbered.

287 (b) Two years have elapsed from the date of the adverse
288 action.

289 (6) Once an encumbered license in the home state is
290 restored to good standing, the licensee must meet the

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291 requirements of subsection (1) to obtain a compact privilege in
292 any remote state.

293 (7) If a licensee's compact privilege in any remote state
294 is removed, the licensee loses the compact privilege in all
295 remote states until all of the following conditions are met:

296 (a) The specific period of time for which the compact
297 privilege was removed has ended.

298 (b) All fines have been paid.

299 (c) Two years have elapsed from the date of the adverse
300 action.

301 (8) Once the requirements of subsection (7) have been met,
302 the licensee must meet the requirements of subsection (1) to
303 obtain a compact privilege in a remote state.

304

305 ARTICLE V

306 ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

307 A licensee who is active duty military or is the spouse of
308 an individual who is active duty military may choose any of the
309 following locations to designate his or her home state:

310 (1) Home of record.

311 (2) Permanent change of station location.

312 (3) State of current residence, if it is different from the
313 home of record or permanent change of station location.

314

315 ARTICLE VI

316 ADVERSE ACTIONS

317 (1) A home state has exclusive power to impose adverse
318 action against a license issued by the home state.

319 (2) A home state may take adverse action based on the

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320 investigative information of a remote state, so long as the home
321 state follows its own procedures for imposing adverse action.

322 (3) The compact does not override a member state's decision
323 that participation in an alternative program may be used in lieu
324 of adverse action and that such participation remain nonpublic
325 if required by the member state's laws. Member states must
326 require licensees who enter any alternative programs in lieu of
327 discipline to agree not to practice in any other member state
328 during the term of the alternative program without prior
329 authorization from such other member state.

330 (4) A member state may investigate actual or alleged
331 violations of the laws and rules for the practice of physical
332 therapy committed in any other member state by a physical
333 therapist or physical therapist assistant practicing under the
334 compact who holds a license or compact privilege in such other
335 member state.

336 (5) A remote state may do any of the following:

337 (a) Take adverse actions as set forth in subsection (4) of
338 article IV against a licensee's compact privilege in the state.

339 (b) Issue subpoenas for both hearings and investigations
340 which require the attendance and testimony of witnesses and the
341 production of evidence. Subpoenas issued by a physical therapy
342 licensing board in a member state for the attendance and
343 testimony of witnesses or for the production of evidence from
344 another member state must be enforced in the latter state by any
345 court of competent jurisdiction, according to the practice and
346 procedure of that court applicable to subpoenas issued in
347 proceedings pending before it. The issuing authority shall pay
348 any witness fees, travel expenses, mileage, and other fees

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349 required by the service laws of the state where the witnesses or
 350 evidence is located.

351 (c) If otherwise permitted by state law, recover from the
 352 licensee the costs of investigations and disposition of cases
 353 resulting from any adverse action taken against that licensee.

354 (6) (a) In addition to the authority granted to a member
 355 state by its respective physical therapy practice act or other
 356 applicable state law, a member state may participate with other
 357 member states in joint investigations of licensees.

358 (b) Member states shall share any investigative,
 359 litigation, or compliance materials in furtherance of any joint
 360 or individual investigation initiated under the compact.

362 ARTICLE VII

363 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

364 (1) COMMISSION CREATED.—The member states hereby create and
 365 establish a joint public agency known as the Physical Therapy
 366 Compact Commission:

367 (a) The commission is an instrumentality of the member
 368 states.

369 (b) Venue is proper, and judicial proceedings by or against
 370 the commission shall be brought solely and exclusively in a
 371 court of competent jurisdiction where the principal office of
 372 the commission is located. The commission may waive venue and
 373 jurisdictional defenses to the extent it adopts or consents to
 374 participate in alternative dispute resolution proceedings.

375 (c) The compact may not be construed to be a waiver of
 376 sovereign immunity.

377 (2) MEMBERSHIP, VOTING, AND MEETINGS.—

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378 (a) Each member state has and is limited to one delegate
379 selected by that member state's physical therapy licensing board
380 to serve on the commission. The delegate must be a current
381 member of the physical therapy licensing board who is a physical
382 therapist, a physical therapist assistant, a public member, or
383 the board administrator.

384 (b) A delegate may be removed or suspended from office as
385 provided by the law of the state from which the delegate is
386 appointed. Any vacancy occurring on the commission must be
387 filled by the physical therapy licensing board of the member
388 state for which the vacancy exists.

389 (c) Each delegate is entitled to one vote with regard to
390 the adoption of rules and bylaws and shall otherwise have an
391 opportunity to participate in the business and affairs of the
392 commission.

393 (d) A delegate shall vote in person or by such other means
394 as provided in the bylaws. The bylaws may provide for delegates'
395 participation in meetings by telephone or other means of
396 communication.

397 (e) The commission shall meet at least once during each
398 calendar year. Additional meetings may be held as set forth in
399 the bylaws.

400 (f) All meetings must be open to the public, and public
401 notice of meetings must be given in the same manner as required
402 under the rulemaking provisions in article IX.

403 (g) The commission or the executive board or other
404 committees of the commission may convene in a closed, nonpublic
405 meeting if the commission or executive board or other committees
406 of the commission must discuss any of the following:

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- 407 1. Noncompliance of a member state with its obligations
408 under the compact.
- 409 2. The employment, compensation, or discipline of, or other
410 matters, practices, or procedures related to, specific employees
411 or other matters related to the commission's internal personnel
412 practices and procedures.
- 413 3. Current, threatened, or reasonably anticipated
414 litigation against the commission, executive board, or other
415 committees of the commission.
- 416 4. Negotiation of contracts for the purchase, lease, or
417 sale of goods, services, or real estate.
- 418 5. An accusation of any person of a crime or a formal
419 censure of any person.
- 420 6. Information disclosing trade secrets or commercial or
421 financial information that is privileged or confidential.
- 422 7. Information of a personal nature where disclosure would
423 constitute a clearly unwarranted invasion of personal privacy.
- 424 8. Investigatory records compiled for law enforcement
425 purposes.
- 426 9. Information related to any investigative reports
427 prepared by or on behalf of or for use of the commission or
428 other committee charged with responsibility for investigation or
429 determination of compliance issues pursuant to the compact.
- 430 10. Matters specifically exempted from disclosure by
431 federal or member state statute.
- 432 (h) If a meeting, or portion of a meeting, is closed
433 pursuant to this subsection, the commission's legal counsel or
434 designee must certify that the meeting may be closed and must
435 reference each relevant exempting provision.

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436 (i) The commission shall keep minutes that fully and
437 clearly describe all matters discussed in a meeting and shall
438 provide a full and accurate summary of actions taken and the
439 reasons therefor, including a description of the views
440 expressed. All documents considered in connection with an action
441 must be identified in the minutes. All minutes and documents of
442 a closed meeting must remain under seal, subject to release only
443 by a majority vote of the commission or order of a court of
444 competent jurisdiction.

445 (3) DUTIES.—The commission shall do all of the following:

446 (a) Establish the fiscal year of the commission.

447 (b) Establish bylaws.

448 (c) Maintain its financial records in accordance with the
449 bylaws.

450 (d) Meet and take such actions as are consistent with the
451 provisions of the compact and the bylaws.

452 (4) POWERS.—The commission may do any of the following:

453 (a) Adopt uniform rules to facilitate and coordinate
454 implementation and administration of the compact. The rules have
455 the force and effect of law and are binding in all member
456 states.

457 (b) Bring and prosecute legal proceedings or actions in the
458 name of the commission, provided that the standing of any state
459 physical therapy licensing board to sue or be sued under
460 applicable law is not affected.

461 (c) Purchase and maintain insurance and bonds.

462 (d) Borrow, accept, or contract for services of personnel,
463 including, but not limited to, employees of a member state.

464 (e) Hire employees and elect or appoint officers; fix

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465 compensation of, define duties of, and grant appropriate
466 authority to such individuals to carry out the purposes of the
467 compact; and establish the commission's personnel policies and
468 programs relating to conflicts of interest, qualifications of
469 personnel, and other related personnel matters.

470 (f) Accept any appropriate donations and grants of money,
471 equipment, supplies, materials, and services and receive, use,
472 and dispose of the same, provided that at all times the
473 commission avoids any appearance of impropriety or conflict of
474 interest.

475 (g) Lease, purchase, accept appropriate gifts or donations
476 of, or otherwise own, hold, improve, or use any property, real,
477 personal, or mixed, provided that at all times the commission
478 avoids any appearance of impropriety or conflict of interest.

479 (h) Sell, convey, mortgage, pledge, lease, exchange,
480 abandon, or otherwise dispose of any property, real, personal,
481 or mixed.

482 (i) Establish a budget and make expenditures.

483 (j) Borrow money.

484 (k) Appoint committees, including standing committees
485 composed of members, state regulators, state legislators or
486 their representatives, and consumer representatives, and such
487 other interested persons as may be designated in the compact and
488 the bylaws.

489 (l) Provide information to, receive information from, and
490 cooperate with law enforcement agencies.

491 (m) Establish and elect an executive board.

492 (n) Perform such other functions as may be necessary or
493 appropriate to achieve the purposes of the compact consistent

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494 with the state regulation of physical therapy licensure and
495 practice.

496 (5) THE EXECUTIVE BOARD.—

497 (a) The executive board may act on behalf of the commission
498 according to the terms of the compact.

499 (b) The executive board shall consist of the following nine
500 members:

501 1. Seven voting members who are elected by the commission
502 from the current membership of the commission.

503 2. One ex-officio, nonvoting member from the recognized
504 national physical therapy professional association.

505 3. One ex-officio, nonvoting member from the recognized
506 membership organization of the physical therapy licensing
507 boards.

508 (c) The ex-officio members shall be selected by their
509 respective organizations.

510 (d) The commission may remove any member of the executive
511 board as provided in its bylaws.

512 (e) The executive board shall meet at least annually.

513 (f) The executive board shall do all of the following:

514 1. Recommend to the entire commission changes to the rules
515 or bylaws, compact legislation, fees paid by compact member
516 states, such as annual dues, and any commission compact fee
517 charged to licensees for the compact privilege.

518 2. Ensure compact administration services are appropriately
519 provided, contractually or otherwise.

520 3. Prepare and recommend the budget.

521 4. Maintain financial records on behalf of the commission.

522 5. Monitor compact compliance of member states and provide

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523 compliance reports to the commission.

524 6. Establish additional committees as necessary.

525 7. Perform other duties as provided in the rules or bylaws.

526 (6) FINANCING OF THE COMMISSION.—

527 (a) The commission shall pay, or provide for the payment
528 of, the reasonable expenses of its establishment, organization,
529 and ongoing activities.

530 (b) The commission may accept any appropriate revenue
531 sources, donations, and grants of money, equipment, supplies,
532 materials, and services.

533 (c) The commission may levy and collect an annual
534 assessment from each member state or impose fees on other
535 parties to cover the cost of the operations and activities of
536 the commission and its staff. Such assessments and fees must be
537 in a total amount sufficient to cover its annual budget as
538 approved each year for which revenue is not provided by other
539 sources. The aggregate annual assessment amount must be
540 allocated based upon a formula to be determined by the
541 commission, which shall adopt a rule binding upon all member
542 states.

543 (d) The commission may not incur obligations of any kind
544 before securing the funds adequate to meet such obligations; nor
545 may the commission pledge the credit of any of the member
546 states, except by and with the authority of the member state.

547 (e) The commission shall keep accurate accounts of all
548 receipts and disbursements. The receipts and disbursements of
549 the commission are subject to the audit and accounting
550 procedures established under its bylaws. However, all receipts
551 and disbursements of funds handled by the commission must be

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552 audited yearly by a certified or licensed public accountant, and
553 the report of the audit must be included in and become part of
554 the annual report of the commission.

555 (7) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

556 (a) The members, officers, executive director, employees,
557 and representatives of the commission are immune from suit and
558 liability, either personally or in their official capacity, for
559 any claim for damage to or loss of property or personal injury
560 or other civil liability caused by or arising out of any actual
561 or alleged act, error, or omission that occurred, or that the
562 person against whom the claim is made had a reasonable basis for
563 believing occurred, within the scope of commission employment,
564 duties, or responsibilities. However, this paragraph may not be
565 construed to protect any such person from suit or liability for
566 any damage, loss, injury, or liability caused by the
567 intentional, willful, or wanton misconduct of that person.

568 (b) The commission shall defend any member, officer,
569 executive director, employee, or representative of the
570 commission in any civil action seeking to impose liability
571 arising out of any actual or alleged act, error, or omission
572 that occurred within the scope of commission employment, duties,
573 or responsibilities, or that the person against whom the claim
574 is made had a reasonable basis for believing occurred within the
575 scope of commission employment, duties, or responsibilities.
576 However, this subsection may not be construed to prohibit any
577 member, officer, executive director, employee, or representative
578 of the commission from retaining his or her own counsel or to
579 require the commission to defend such person if the actual or
580 alleged act, error, or omission resulted from that person's

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581 intentional, willful, or wanton misconduct.

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

593
594 ARTICLE VIII

595 DATA SYSTEM

596 (1) The commission shall provide for the development,
597 maintenance, and use of a coordinated database and reporting
598 system containing licensure, adverse action, and investigative
599 information on all licensees in member states.

600 (2) Notwithstanding any other provision of state law to the
601 contrary, a member state shall submit a uniform data set to the
602 data system on all individuals to whom the compact is applicable
603 as required by the rules of the commission, including all of the
604 following:

605 (a) Identifying information.

606 (b) Licensure data.

607 (c) Investigative information.

608 (d) Adverse actions against a license or compact privilege.

609 (e) Nonconfidential information related to alternative

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610 program participation.

611 (f) Any denial of application for licensure and the reason
612 for such denial.

613 (g) Other information that may facilitate the
614 administration of the compact, as determined by the rules of the
615 commission.

616 (3) Investigative information in the system pertaining to a
617 licensee in any member state must be available only to other
618 member states.

619 (4) The commission shall promptly notify all member states
620 of any adverse action taken against a licensee or an individual
621 applying for a license in a member state. Adverse action
622 information pertaining to a licensee in any member state must be
623 available to all other member states.

624 (5) Member states contributing information to the data
625 system may designate information that may not be shared with the
626 public without the express permission of the contributing state.

627 (6) Any information submitted to the data system which is
628 subsequently required to be expunged by the laws of the member
629 state contributing the information must be removed from the data
630 system.

631

632 ARTICLE IX

633

633 RULEMAKING

634 (1) The commission shall exercise its rulemaking powers
635 pursuant to the criteria set forth in this article and the rules
636 adopted thereunder. Rules and amendments become binding as of
637 the date specified in each rule or amendment.

638 (2) If a majority of the legislatures of the member states

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639 rejects a rule by enactment of a statute or resolution in the
640 same manner used to adopt the compact within 4 years after the
641 date of adoption of the rule, such rule does not have further
642 force and effect in any member state.

643 (3) Rules or amendments to the rules must be adopted at a
644 regular or special meeting of the commission.

645 (4) Before adoption of a final rule or rules by the
646 commission, and at least 30 days before the meeting at which the
647 rule will be considered and voted upon, the commission must file
648 a notice of proposed rulemaking on all of the following:

649 (a) The website of the commission or another publicly
650 accessible platform.

651 (b) The website of each member state physical therapy
652 licensing board or another publicly accessible platform or the
653 publication in which each state would otherwise publish proposed
654 rules.

655 (5) The notice of proposed rulemaking must include all of
656 the following:

657 (a) The proposed date, time, and location of the meeting in
658 which the rule will be considered and voted upon.

659 (b) The text of the proposed rule or amendment and the
660 reason for the proposed rule.

661 (c) A request for comments on the proposed rule from any
662 interested person.

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

666 (6) Before adoption of a proposed rule, the commission must
667 allow persons to submit written data, facts, opinions, and

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668 arguments, which must be made available to the public.

669 (7) The commission must grant an opportunity for a public
670 hearing before it adopts a rule or an amendment if a hearing is
671 requested by any of the following:

672 (a) At least 25 persons.

673 (b) A state or federal governmental subdivision or agency.

674 (c) An association having at least 25 members.

675 (8) If a scheduled public hearing is held on the proposed
676 rule or amendment, the commission must publish the date, time,
677 and location of the hearing. If the hearing is held through
678 electronic means, the commission must publish the mechanism for
679 access to the electronic hearing.

680 (a) All persons wishing to be heard at the hearing must
681 notify the executive director of the commission or another
682 designated member in writing of their desire to appear and
683 testify at the hearing at least 5 business days before the
684 scheduled date of the hearing.

685 (b) Hearings must be conducted in a manner providing each
686 person who wishes to comment a fair and reasonable opportunity
687 to comment orally or in writing.

688 (c) All hearings must be recorded. A copy of the recording
689 must be made available on request.

690 (d) This article may not be construed to require a separate
691 hearing on each rule. Rules may be grouped for the convenience
692 of the commission at hearings required by this section.

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

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697 (10) If no written notice of intent to attend the public
698 hearing by interested parties is received, the commission may
699 proceed with adoption of the proposed rule without a public
700 hearing.

701 (11) The commission shall, by majority vote of all members,
702 take final action on the proposed rule and shall determine the
703 effective date of the rule, if any, based on the rulemaking
704 record and the full text of the rule.

705 (12) Upon determination that an emergency exists, the
706 commission may consider and adopt an emergency rule without
707 prior notice, opportunity for comment, or hearing, provided that
708 the usual rulemaking procedures provided in the compact and in
709 this article are retroactively applied to the rule as soon as
710 reasonably possible, in no event later than 90 days after the
711 effective date of the rule. For the purposes of this subsection,
712 an emergency rule is one that must be adopted immediately in
713 order to do any of the following:

714 (a) Meet an imminent threat to public health, safety, or
715 welfare.

716 (b) Prevent a loss of commission or member state funds.

717 (c) Meet a deadline for the adoption of an administrative
718 rule established by federal law or rule.

719 (d) Protect public health and safety.

720 (13) The commission or an authorized committee of the
721 commission may direct revisions to a previously adopted rule or
722 amendment for purposes of correcting typographical errors,
723 errors in format, errors in consistency, or grammatical errors.
724 Public notice of any revisions must be posted on the website of
725 the commission. The revision is subject to challenge by any

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726 person for a period of 30 days after posting. The revision may
727 be challenged only on grounds that the revision results in a
728 material change to a rule. A challenge must be made in writing
729 and delivered to the chair of the commission before the end of
730 the notice period. If a challenge is not made, the revision
731 takes effect without further action. If the revision is
732 challenged, the revision may not take effect without the
733 approval of the commission.

734
735 ARTICLE X

736 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

737 (1) OVERSIGHT.—

738 (a) The executive, legislative, and judicial branches of
739 state government in each member state shall enforce the compact
740 and take all actions necessary and appropriate to carry out the
741 compact's purposes and intent. The provisions of the compact and
742 the rules adopted pursuant thereto shall have standing as
743 statutory law.

744 (b) All courts shall take judicial notice of the compact
745 and the rules in any judicial or administrative proceeding in a
746 member state pertaining to the subject matter of the compact
747 which may affect the powers, responsibilities, or actions of the
748 commission.

749 (c) The commission is entitled to receive service of
750 process in any such proceeding and has standing to intervene in
751 such a proceeding for all purposes. Failure to provide service
752 of process to the commission renders a judgment or an order void
753 as to the commission, the compact, or the adopted rules.

754 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.—

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755 (a) If the commission determines that a member state has
756 defaulted in the performance of its obligations or
757 responsibilities under the compact or the adopted rules, the
758 commission must do all of the following:

759 1. Provide written notice to the defaulting state and other
760 member states of the nature of the default, the proposed means
761 of curing the default, and any other action to be taken by the
762 commission.

763 2. Provide remedial training and specific technical
764 assistance regarding the default.

765 (b) If a state in default fails to cure the default, the
766 defaulting state may be terminated from the compact upon an
767 affirmative vote of a majority of the member states, and all
768 rights, privileges, and benefits conferred by the compact may be
769 terminated on the effective date of termination. A cure of the
770 default does not relieve the offending state of obligations or
771 liabilities incurred during the period of default.

772 (c) Termination of membership in the compact may be imposed
773 only after all other means of securing compliance have been
774 exhausted. The commission shall give notice of intent to suspend
775 or terminate a defaulting member state to the governor and
776 majority and minority leaders of the defaulting state's
777 legislature and to each of the member states.

778 (d) A state that has been terminated from the compact is
779 responsible for all assessments, obligations, and liabilities
780 incurred through the effective date of termination, including
781 obligations that extend beyond the effective date of
782 termination.

783 (e) The commission does not bear any costs related to a

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784 state that is found to be in default or that has been terminated
785 from the compact, unless agreed upon in writing between the
786 commission and the defaulting state.

787 (f) The defaulting state may appeal the action of the
788 commission by petitioning the U.S. District Court for the
789 District of Columbia or the federal district where the
790 commission has its principal offices. The prevailing member
791 shall be awarded all costs of such litigation, including
792 reasonable attorney fees.

793 (3) DISPUTE RESOLUTION.—

794 (a) Upon request by a member state, the commission must
795 attempt to resolve disputes related to the compact which arise
796 among member states and between member and nonmember states.

797 (b) The commission shall adopt a rule providing for both
798 mediation and binding dispute resolution for disputes as
799 appropriate.

800 (4) ENFORCEMENT.—

801 (a) The commission, in the reasonable exercise of its
802 discretion, shall enforce the compact and the commission's
803 rules.

804 (b) By majority vote, the commission may initiate legal
805 action in the United States District Court for the District of
806 Columbia or the federal district where the commission has its
807 principal offices against a member state in default to enforce
808 compliance with the provisions of the compact and its adopted
809 rules and bylaws. The relief sought may include both injunctive
810 relief and damages. In the event judicial enforcement is
811 necessary, the prevailing member shall be awarded all costs of
812 such litigation, including reasonable attorney fees.

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813 (c) The remedies under this article are not the exclusive
814 remedies of the commission. The commission may pursue any other
815 remedies available under federal or state law.

816
817 ARTICLE XI

818 DATE OF IMPLEMENTATION OF THE PHYSICAL THERAPY COMPACT AND
819 ASSOCIATED RULES; WITHDRAWAL; AND AMENDMENTS

820 (1) The compact becomes effective on the date that the
821 compact statute is enacted into law in the tenth member state.
822 The provisions that become effective at that time are limited to
823 the powers granted to the commission relating to assembly and
824 the adoption of rules. Thereafter, the commission shall meet and
825 exercise rulemaking powers necessary for the implementation and
826 administration of the compact.

827 (2) Any state that joins the compact subsequent to the
828 commission's initial adoption of the rules is subject to the
829 rules as they exist on the date that the compact becomes law in
830 that state. Any rule that has been previously adopted by the
831 commission has the full force and effect of law on the day the
832 compact becomes law in that state.

833 (3) Any member state may withdraw from the compact by
834 enacting a statute repealing the same.

835 (a) A member state's withdrawal does not take effect until
836 6 months after enactment of the repealing statute.

837 (b) Withdrawal does not affect the continuing requirement
838 of the withdrawing state's physical therapy licensing board to
839 comply with the investigative and adverse action reporting
840 requirements of this act before the effective date of
841 withdrawal.

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842 (4) The compact may not be construed to invalidate or
 843 prevent any physical therapy licensure agreement or other
 844 cooperative arrangement between a member state and a nonmember
 845 state which does not conflict with the provisions of the
 846 compact.

847 (5) The compact may be amended by the member states. An
 848 amendment to the compact does not become effective and binding
 849 upon any member state until it is enacted into the laws of all
 850 member states.

851
 852 ARTICLE XII

853 CONSTRUCTION AND SEVERABILITY

854 The compact must be liberally construed so as to carry out
 855 the purposes thereof. The provisions of the compact are
 856 severable, and if any phrase, clause, sentence, or provision of
 857 the compact is declared to be contrary to the constitution of
 858 any member state or of the United States or the applicability
 859 thereof to any government, agency, person, or circumstance is
 860 held invalid, the validity of the remainder of the compact and
 861 the applicability thereof to any government, agency, person, or
 862 circumstance is not affected thereby. If the compact is held
 863 contrary to the constitution of any member state, the compact
 864 remains in full force and effect as to the remaining member
 865 states and in full force and effect as to the member state
 866 affected as to all severable matters.

867 Section 2. Subsection (10) of section 456.073, Florida
 868 Statutes, is amended to read:

869 456.073 Disciplinary proceedings.—Disciplinary proceedings
 870 for each board shall be within the jurisdiction of the

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871 department.

872 (10) (a) The complaint and all information obtained pursuant
873 to the investigation by the department are confidential and
874 exempt from s. 119.07(1) until 10 days after probable cause has
875 been found to exist by the probable cause panel or by the
876 department, or until the regulated professional or subject of
877 the investigation waives his or her privilege of
878 confidentiality, whichever occurs first.

879 (b) The department shall report any significant
880 investigation information relating to a nurse holding a
881 multistate license to the coordinated licensure information
882 system pursuant to s. 464.0095; any investigative information
883 relating to a physical therapist or physical therapist assistant
884 holding a compact privilege under the Physical Therapy Licensure
885 Compact to the data system pursuant to s. 486.112;~~7~~ and any
886 significant investigatory information relating to a health care
887 practitioner practicing under the Professional Counselors
888 Licensure Compact to the data system pursuant to s. 491.017.

889 (c) Upon completion of the investigation and a
890 recommendation by the department to find probable cause, and
891 pursuant to a written request by the subject or the subject's
892 attorney, the department shall provide the subject an
893 opportunity to inspect the investigative file or, at the
894 subject's expense, forward to the subject a copy of the
895 investigative file. Notwithstanding s. 456.057, the subject may
896 inspect or receive a copy of any expert witness report or
897 patient record connected with the investigation if the subject
898 agrees in writing to maintain the confidentiality of any
899 information received under this subsection until 10 days after

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900 probable cause is found and to maintain the confidentiality of
901 patient records pursuant to s. 456.057. The subject may file a
902 written response to the information contained in the
903 investigative file. Such response must be filed within 20 days
904 of mailing by the department, unless an extension of time has
905 been granted by the department.

906 (d) This subsection does not prohibit the department from
907 providing the complaint and any information obtained pursuant to
908 the department's investigation ~~such information~~ to any law
909 enforcement agency or to any other regulatory agency.

910 Section 3. Subsection (5) of section 456.076, Florida
911 Statutes, is amended to read:

912 456.076 Impaired practitioner programs.—

913 (5) A consultant shall enter into a participant contract
914 with an impaired practitioner and shall establish the terms of
915 monitoring and shall include the terms in a participant
916 contract. In establishing the terms of monitoring, the
917 consultant may consider the recommendations of one or more
918 approved evaluators, treatment programs, or treatment providers.
919 A consultant may modify the terms of monitoring if the
920 consultant concludes, through the course of monitoring, that
921 extended, additional, or amended terms of monitoring are
922 required for the protection of the health, safety, and welfare
923 of the public. If the impaired practitioner is a health care
924 practitioner practicing under the Professional Counselors
925 Licensure Compact pursuant to s. 491.017, the terms of the
926 monitoring contract must include the impaired practitioner's
927 withdrawal from all practice under the compact. If the impaired
928 practitioner is a physical therapist or physical therapist

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929 assistant practicing under the Physical Therapy Licensure
930 Compact pursuant to s. 486.112, the terms of the monitoring
931 contract must include the impaired practitioner's withdrawal
932 from all practice under the compact unless authorized by a
933 member state.

934 Section 4. Subsection (5) is added to section 486.023,
935 Florida Statutes, to read:

936 486.023 Board of Physical Therapy Practice.—

937 (5) The board shall appoint an individual to serve as the
938 state's delegate on the Physical Therapy Compact Commission, as
939 required under s. 486.112.

940 Section 5. Section 486.028, Florida Statutes, is amended to
941 read:

942 486.028 License to practice physical therapy required.—A No
943 person may not shall practice, or hold herself or himself out as
944 being able to practice, physical therapy in this state unless
945 she or he is licensed under in accordance with the provisions of
946 this chapter or holds a compact privilege in this state under
947 the Physical Therapy Licensure Compact as specified in s.
948 486.112.; however, Nothing in This chapter does not shall
949 prohibit any person licensed in this state under any other law
950 from engaging in the practice for which she or he is licensed.

951 Section 6. Section 486.031, Florida Statutes, is amended to
952 read:

953 486.031 Physical therapist; licensing requirements;
954 exemption.—

955 (1) To be eligible for licensing as a physical therapist,
956 an applicant must:

957 (a) ~~(1)~~ Be at least 18 years old;

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958 (b)~~(2)~~ Be of good moral character; and

959 (c)1.~~(3)~~~~(a)~~ Have ~~been~~ graduated from a school of physical

960 therapy which has been approved for the educational preparation

961 of physical therapists by the appropriate accrediting agency

962 recognized by the Council for Higher Education Accreditation or

963 its successor Commission on Recognition of Postsecondary

964 Accreditation or the United States Department of Education at

965 the time of her or his graduation and have passed, to the

966 satisfaction of the board, the American Registry Examination

967 before ~~prior to~~ 1971 or a national examination approved by the

968 board to determine her or his fitness for practice as a physical

969 therapist under this chapter ~~as hereinafter provided~~;

970 2.~~(b)~~ Have received a diploma from a program in physical

971 therapy in a foreign country and have educational credentials

972 deemed equivalent to those required for the educational

973 preparation of physical therapists in this country, as

974 recognized by the appropriate agency as identified by the board,

975 and have passed to the satisfaction of the board an examination

976 to determine her or his fitness for practice as a physical

977 therapist under this chapter ~~as hereinafter provided~~; or

978 3.~~(e)~~ Be entitled to licensure without examination as

979 provided in s. 486.081.

980 (2) A person licensed as a physical therapist in another

981 state who is practicing under the Physical Therapy Licensure

982 Compact pursuant to s. 486.112, and only within the scope

983 provided therein, is exempt from the licensure requirements of

984 this section.

985 Section 7. Section 486.081, Florida Statutes, is amended to

986 read:

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987 486.081 Physical therapist; issuance of license without
988 examination to person passing examination of another authorized
989 examining board; fee; exemption.-

990 (1) The board may grant ~~cause~~ a license without
991 examination, to be issued by ~~through~~ the department, ~~without~~
992 ~~examination~~ to any applicant who presents evidence satisfactory
993 to the board of having passed the American Registry Examination
994 before ~~prior to~~ 1971 or an examination in physical therapy
995 before a similar lawfully authorized examining board of another
996 state, the District of Columbia, a territory, or a foreign
997 country, if the standards for licensure in physical therapy in
998 such other state, district, territory, or foreign country are
999 determined by the board to be as high as those of this state, as
1000 established by rules adopted under ~~pursuant to~~ this chapter. Any
1001 person who holds a license pursuant to this section may use the
1002 words "physical therapist" or "physiotherapist" or the letters
1003 "P.T." in connection with her or his name or place of business
1004 to denote her or his licensure hereunder. A person who holds a
1005 license pursuant to this section and obtains a doctoral degree
1006 in physical therapy may use the letters "D.P.T." and "P.T." A
1007 physical therapist who holds a degree of Doctor of Physical
1008 Therapy may not use the title "doctor" without also clearly
1009 informing the public of his or her profession as a physical
1010 therapist.

1011 (2) At the time of filing an ~~making~~ application for
1012 licensure without examination under ~~pursuant to the terms of~~
1013 this section, the applicant shall pay to the department a
1014 nonrefundable fee not to exceed \$175, as determined ~~fixed~~ by the
1015 board, ~~no part of which will be returned.~~

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1016 (3) A person licensed as a physical therapist in another
1017 state who is practicing under the Physical Therapy Licensure
1018 Compact pursuant to s. 486.112, and only within the scope
1019 provided therein, is exempt from the licensure requirements of
1020 this section.

1021 Section 8. Section 486.102, Florida Statutes, is amended to
1022 read:

1023 486.102 Physical therapist assistant; licensing
1024 requirements; exemption.—

1025 (1) To be eligible for licensing by the board as a physical
1026 therapist assistant, an applicant must:

1027 (a)~~(1)~~ Be at least 18 years old;

1028 (b)~~(2)~~ Be of good moral character; and

1029 (c)~~1.(3)(a)~~ Have ~~been~~ graduated from a school providing
1030 ~~giving~~ a course of at least ~~not less than~~ 2 years for physical
1031 therapist assistants, which has been approved for the
1032 educational preparation of physical therapist assistants by the
1033 appropriate accrediting agency recognized by the Council for
1034 Higher Education Accreditation or its successor ~~Commission on~~
1035 ~~Recognition of Postsecondary Accreditation~~ or the United States
1036 Department of Education, at the time of her or his graduation
1037 and have passed to the satisfaction of the board an examination
1038 to determine her or his fitness for practice as a physical
1039 therapist assistant under this chapter ~~as hereinafter provided;~~

1040 2.(b) Have ~~been~~ graduated from a school providing ~~giving~~ a
1041 course for physical therapist assistants in a foreign country
1042 and have educational credentials deemed equivalent to those
1043 required for the educational preparation of physical therapist
1044 assistants in this country, as recognized by the appropriate

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1045 agency as identified by the board, and passed to the
1046 satisfaction of the board an examination to determine her or his
1047 fitness for practice as a physical therapist assistant under
1048 this chapter as hereinafter provided;

1049 3.(e) Be entitled to licensure without examination as
1050 provided in s. 486.107; or

1051 4.(d) Have been enrolled between July 1, 2014, and July 1,
1052 2016, in a physical therapist assistant school in this state
1053 which was accredited at the time of enrollment; and

1054 a.1. Have ~~been~~ graduated or be eligible to graduate from
1055 such school no later than July 1, 2018; and

1056 b.2. Have passed to the satisfaction of the board an
1057 examination to determine his or her fitness for practice as a
1058 physical therapist assistant as provided in s. 486.104.

1059 (2) A person licensed as a physical therapist assistant in
1060 another state who is practicing under the Physical Therapy
1061 Licensure Compact pursuant to s. 486.112, and only within the
1062 scope provided therein, is exempt from the licensure
1063 requirements of this section.

1064 Section 9. Section 486.107, Florida Statutes, is amended to
1065 read:

1066 486.107 Physical therapist assistant; issuance of license
1067 without examination to person licensed in another jurisdiction;
1068 fee; exemption.—

1069 (1) The board may grant ~~cause~~ a license without
1070 examination, to be issued by ~~through~~ the department, ~~without~~
1071 ~~examination~~ to any applicant who presents evidence to the board,
1072 under oath, of licensure in another state, the District of
1073 Columbia, or a territory, if the standards for registering as a

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1074 physical therapist assistant or licensing of a physical
1075 therapist assistant, as applicable ~~the case may be~~, in such
1076 other state are determined by the board to be as high as those
1077 of this state, as established by rules adopted under ~~pursuant to~~
1078 this chapter. Any person who holds a license pursuant to this
1079 section may use the words "physical therapist assistant," or the
1080 letters "P.T.A.," in connection with her or his name to denote
1081 licensure hereunder.

1082 (2) At the time of filing an ~~making~~ application for
1083 licensing without examination under ~~pursuant to the terms of~~
1084 this section, the applicant shall pay to the department a
1085 nonrefundable fee not to exceed \$175, as determined ~~fixed~~ by the
1086 board, ~~no part of which will be returned.~~

1087 (3) A person licensed as a physical therapist assistant in
1088 another state who is practicing under the Physical Therapy
1089 Licensure Compact pursuant to s. 486.112, and only within the
1090 scope provided therein, is exempt from the licensure
1091 requirements of this section.

1092 Section 10. Section 486.125, Florida Statutes, is amended
1093 to read:

1094 486.125 Refusal, revocation, or suspension of license;
1095 administrative fines and other disciplinary measures.—

1096 (1) The following acts constitute grounds for denial of a
1097 license or disciplinary action, as specified in s. 456.072(2) or
1098 s. 486.112:

1099 (a) Being unable to practice physical therapy with
1100 reasonable skill and safety to patients by reason of illness or
1101 use of alcohol, drugs, narcotics, chemicals, or any other type
1102 of material or as a result of any mental or physical condition.

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1103 1. In enforcing this paragraph, upon a finding of the State
1104 Surgeon General or the State Surgeon General's designee that
1105 probable cause exists to believe that the licensee is unable to
1106 practice physical therapy due to the reasons stated in this
1107 paragraph, the department shall have the authority to compel a
1108 physical therapist or physical therapist assistant to submit to
1109 a mental or physical examination by a physician designated by
1110 the department. If the licensee refuses to comply with such
1111 order, the department's order directing such examination may be
1112 enforced by filing a petition for enforcement in the circuit
1113 court where the licensee resides or serves as a physical therapy
1114 practitioner. The licensee against whom the petition is filed
1115 may ~~shall~~ not be named or identified by initials in any public
1116 court records or documents, and the proceedings must ~~shall~~ be
1117 closed to the public. The department shall be entitled to the
1118 summary procedure provided in s. 51.011.

1119 2. A physical therapist or physical therapist assistant
1120 whose license is suspended or revoked pursuant to this
1121 subsection shall, at reasonable intervals, be given an
1122 opportunity to demonstrate that she or he can resume the
1123 competent practice of physical therapy with reasonable skill and
1124 safety to patients.

1125 3. Neither the record of proceeding nor the orders entered
1126 by the board in any proceeding under this subsection may be used
1127 against a physical therapist or physical therapist assistant in
1128 any other proceeding.

1129 (b) Having committed fraud in the practice of physical
1130 therapy or deceit in obtaining a license as a physical therapist
1131 or as a physical therapist assistant.

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1132 (c) Being convicted or found guilty regardless of
1133 adjudication, of a crime in any jurisdiction which directly
1134 relates to the practice of physical therapy or to the ability to
1135 practice physical therapy. The entry of any plea of nolo
1136 contendere is ~~shall be~~ considered a conviction for purpose of
1137 this chapter.

1138 (d) Having treated or undertaken to treat human ailments by
1139 means other than by physical therapy, as defined in this
1140 chapter.

1141 (e) Failing to maintain acceptable standards of physical
1142 therapy practice as set forth by the board in rules adopted
1143 pursuant to this chapter.

1144 (f) Engaging directly or indirectly in the dividing,
1145 transferring, assigning, rebating, or refunding of fees received
1146 for professional services, or having been found to profit by
1147 means of a credit or other valuable consideration, such as an
1148 unearned commission, discount, or gratuity, with any person
1149 referring a patient or with any relative or business associate
1150 of the referring person. ~~Nothing in~~ This chapter may not ~~shall~~
1151 be construed to prohibit the members of any regularly and
1152 properly organized business entity which is comprised of
1153 physical therapists and which is recognized under the laws of
1154 this state from making any division of their total fees among
1155 themselves as they determine necessary.

1156 (g) Having a license revoked or suspended; having had other
1157 disciplinary action taken against her or him; or having had her
1158 or his application for a license refused, revoked, or suspended
1159 by the licensing authority of another state, territory, or
1160 country.

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1161 (h) Violating a lawful order of the board or department
1162 previously entered in a disciplinary hearing.

1163 (i) Making or filing a report or record which the licensee
1164 knows to be false. Such reports or records shall include only
1165 those which are signed in the capacity of a physical therapist.

1166 (j) Practicing or offering to practice beyond the scope
1167 permitted by law or accepting and performing professional
1168 responsibilities which the licensee knows or has reason to know
1169 that she or he is not competent to perform, including, but not
1170 limited to, specific spinal manipulation.

1171 (k) Violating any provision of this chapter or chapter 456,
1172 or any rules adopted pursuant thereto.

1173 (2) (a) The board may enter an order denying licensure or
1174 imposing any of the penalties in s. 456.072(2) against any
1175 applicant for licensure or licensee who is found guilty of
1176 violating any provision of subsection (1) ~~of this section~~ or who
1177 is found guilty of violating any provision of s. 456.072(1).

1178 (b) The board may take adverse action against a physical
1179 therapist's or a physical therapist assistant's compact
1180 privilege under the Physical Therapy Licensure Compact pursuant
1181 to s. 486.112, and may impose any of the penalties in s.
1182 456.072(2), if a physical therapist or physical therapist
1183 assistant commits an act specified in subsection (1) or s.
1184 456.072(1).

1185 (3) The board may ~~shall~~ not reinstate the license of a
1186 physical therapist or physical therapist assistant or approve
1187 ~~cause~~ a license to be issued to a person it has deemed
1188 unqualified until such time as it is satisfied that she or he
1189 has complied with all the terms and conditions set forth in the

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1190 final order and that such person is capable of safely engaging
1191 in the practice of physical therapy.

1192 Section 11. Paragraph (i) is added to subsection (10) of
1193 section 768.28, Florida Statutes, to read:

1194 768.28 Waiver of sovereign immunity in tort actions;
1195 recovery limits; civil liability for damages caused during a
1196 riot; limitation on attorney fees; statute of limitations;
1197 exclusions; indemnification; risk management programs.—

1198 (10)

1199 (i) For purposes of this section, the individual appointed
1200 under s. 486.023(5) as the state's delegate on the Physical
1201 Therapy Compact Commission, when serving in that capacity
1202 pursuant to s. 486.112, and any administrator, officer,
1203 executive director, employee, or representative of the Physical
1204 Therapy Compact Commission, when acting within the scope of his
1205 or her employment, duties, or responsibilities in this state, is
1206 considered an agent of the state. The commission shall pay any
1207 claims or judgments pursuant to this section and may maintain
1208 insurance coverage to pay any such claims or judgments.

1209 Section 12. Section 486.025, Florida Statutes, is amended
1210 to read:

1211 486.025 Powers and duties of the Board of Physical Therapy
1212 Practice.—The board may administer oaths, summon witnesses, take
1213 testimony in all matters relating to its duties under this
1214 chapter, establish or modify minimum standards of practice of
1215 physical therapy as defined in s. 486.021, including, but not
1216 limited to, standards of practice for the performance of dry
1217 needling by physical therapists, and adopt rules pursuant to ss.
1218 120.536(1) and 120.54 to implement this chapter. The board may

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1219 also review the standing and reputability of any school or
1220 college offering courses in physical therapy and whether the
1221 courses of such school or college in physical therapy meet the
1222 standards established by the appropriate accrediting agency
1223 referred to in s. 486.031(1)(c) ~~s. 486.031(3)(a)~~. In determining
1224 the standing and reputability of any such school and whether the
1225 school and courses meet such standards, the board may
1226 investigate and personally inspect the school and courses.

1227 Section 13. Paragraph (b) of subsection (1) of section
1228 486.0715, Florida Statutes, is amended to read:

1229 486.0715 Physical therapist; issuance of temporary permit.—

1230 (1) The board shall issue a temporary physical therapist
1231 permit to an applicant who meets the following requirements:

1232 (b) Is a graduate of an approved United States physical
1233 therapy educational program and meets all the eligibility
1234 requirements for licensure under ch. 456, s. 486.031(1)(a)-(c)1.
1235 ~~s. 486.031(1)-(3)(a)~~, and related rules, except passage of a
1236 national examination approved by the board is not required.

1237 Section 14. Paragraph (b) of subsection (1) of section
1238 486.1065, Florida Statutes, is amended to read:

1239 486.1065 Physical therapist assistant; issuance of
1240 temporary permit.—

1241 (1) The board shall issue a temporary physical therapist
1242 assistant permit to an applicant who meets the following
1243 requirements:

1244 (b) Is a graduate of an approved United States physical
1245 therapy assistant educational program and meets all the
1246 eligibility requirements for licensure under ch. 456, s.
1247 486.102(1)(a)-(c)1. ~~s. 486.102(1)-(3)(a)~~, and related rules,

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1248 except passage of a national examination approved by the board
1249 is not required.

1250 Section 15. This act shall take effect July 1, 2023.