

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
30 on investigative information of a remote state,
31 subject to certain requirements; providing
32 construction; directing member states that use
33 alternative programs in lieu of discipline to require
34 the licensee to agree not to practice in other member
35 states while participating in the program, unless
36 authorized by the member state; authorizing member
37 states to investigate violations by licensees in other
38 member states; authorizing member states to take
39 adverse action against compact privileges issued in
40 their respective states; providing for joint
41 investigations of licensees under the compact;
42 establishing the Physical Therapy Compact Commission;
43 providing for the venue and jurisdiction for court
44 proceedings by or against the commission; providing
45 construction; providing for commission membership,
46 voting, and meetings; authorizing the commission to
47 convene closed, nonpublic meetings under certain
48 circumstances; specifying duties and powers of the
49 commission; providing for membership and duties of the
50 executive board of the commission; providing for

51 financing of the commission; providing for qualified
52 immunity, defense, and indemnification of the
53 commission; requiring the commission to develop and
54 maintain a coordinated database and reporting system
55 for certain information about licensees under the
56 compact; requiring member states to submit specified
57 information to the system; requiring that information
58 contained in the system be available only to member
59 states; requiring the commission to promptly notify
60 all member states of reported adverse action taken
61 against licensees or applicants for licensure;
62 authorizing member states to designate reported
63 information as exempt from public disclosure;
64 providing for the removal of submitted information
65 from the system under certain circumstances; providing
66 for commission rulemaking; providing for state
67 enforcement of the compact; providing for the default
68 and termination of compact membership; providing for
69 appeals and costs; providing procedures for the
70 resolution of certain disputes; providing for
71 enforcement against a defaulting state; providing
72 construction; providing for implementation and
73 administration of the compact and associated rules;
74 providing that compact states that join after initial
75 adoption of the commission's rules are subject to such

76 rules; specifying procedures for compact states to
77 withdraw from the compact; providing construction;
78 providing for amendment of the compact; providing
79 construction and severability; amending s. 456.073,
80 F.S.; requiring the Department of Health to report
81 certain investigative information to the data system;
82 amending s. 456.076, F.S.; requiring monitoring
83 contracts for certain impaired practitioners
84 participating in treatment programs to contain
85 specified terms; amending s. 486.023, F.S.; requiring
86 the Board of Physical Therapy Practice to appoint an
87 individual to serve as the state's delegate on the
88 Physical Therapy Compact Commission; amending ss.
89 486.028, 486.031, 486.081, 486.102, and 486.107, F.S.;
90 exempting physical therapists and physical therapist
91 assistants from licensure requirements if they are
92 practicing in this state pursuant to a compact
93 privilege under the compact; amending s. 486.125,
94 F.S.; authorizing the board to take adverse action
95 against the compact privilege of physical therapists
96 and physical therapist assistants for specified
97 prohibited acts; amending s. 768.28, F.S.; designating
98 the state delegate and other members or employees of
99 the commission as state agents for the purpose of
100 applying sovereign immunity and waivers of sovereign

101 immunity; requiring the commission to pay certain
 102 claims or judgments; authorizing the commission to
 103 maintain insurance coverage to pay such claims or
 104 judgments; amending ss. 486.025, 486.0715, and
 105 486.1065, F.S.; conforming cross-references; providing
 106 an effective date.

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

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

117 PURPOSE AND OBJECTIVES

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

126 | to the patient.

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

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

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

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

136 | (d) Support spouses of relocating military members.

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

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

142 |

143 | ARTICLE II

144 | DEFINITIONS

145 | As used in the compact, and except as otherwise provided,
 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
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
 179 or appointed to act on behalf of, and within the powers granted
 180 to 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
 187 an 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
 195 a 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
 204 of all states that have enacted the compact.

205 (18) "Physical therapy licensing board" means the agency
 206 of a state which is responsible for the licensing and regulation
 207 of 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
 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
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
272 state under the compact privilege must comply with the laws and
273 rules of the remote state.

274 (4) A licensee providing physical therapy in a remote
275 state is subject to that state's regulatory authority. A remote

HB 281

2023

276 state 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
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.

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
 313 the home of record or permanent change of station location.

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
 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
 323 decision that participation in an alternative program may be
 324 used in lieu of adverse action and that such participation
 325 remain nonpublic if required by the member state's laws. Member

326 states must require licensees who enter any alternative programs
327 in lieu of discipline to agree not to practice in any other
328 member state during the term of the alternative program without
329 prior 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
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
365 and establish a joint public agency known as the Physical
366 Therapy Compact Commission:

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

369 (b) Venue is proper, and judicial proceedings by or
370 against the commission shall be brought solely and exclusively
371 in a court of competent jurisdiction where the principal office
372 of 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.—

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:

407 1. Noncompliance of a member state with its obligations
408 under the compact.

409 2. The employment, compensation, or discipline of, or
410 other matters, practices, or procedures related to, specific
411 employees or other matters related to the commission's internal
412 personnel 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.

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 therefore, 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 be binding in all member

456 states.

457 (b) Bring and prosecute legal proceedings or actions in

458 the name of the commission, provided that the standing of any

459 state 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

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
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
498 commission according to the terms of the compact.

499 (b) The executive board shall consist of the following
500 nine 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
 519 appropriately 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
 523 compliance reports to the commission.

524 6. Establish additional committees as necessary.

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

526 bylaws.

527 (6) FINANCING OF THE COMMISSION.—

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

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

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

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

548 (e) The commission shall keep accurate accounts of all
 549 receipts and disbursements. The receipts and disbursements of
 550 the commission are subject to the audit and accounting

551 procedures established under its bylaws. However, all receipts
552 and disbursements of funds handled by the commission must be
553 audited yearly by a certified or licensed public accountant, and
554 the report of the audit must be included in and become part of
555 the annual report of the commission.

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

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

569 (b) The commission shall defend any member, officer,
570 executive director, employee, or representative of the
571 commission in any civil action seeking to impose liability
572 arising out of any actual or alleged act, error, or omission
573 that occurred within the scope of commission employment, duties,
574 or responsibilities, or that the person against whom the claim
575 is made had a reasonable basis for believing occurred within the

576 scope of commission employment, duties, or responsibilities.
577 However, this subsection may not be construed to prohibit any
578 member, officer, executive director, employee, or representative
579 of the commission from retaining his or her own counsel or to
580 require the commission to defend such person if the actual or
581 alleged act, error, or omission resulted from that person's
582 intentional, willful, or wanton misconduct.

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

594
595 ARTICLE VIII

596 DATA SYSTEM

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

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

606 (a) Identifying information.

607 (b) Licensure data.

608 (c) Investigative information.

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

611 (e) Nonconfidential information related to alternative
612 program participation.

613 (f) Any denial of application for licensure and the reason
614 for such denial.

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

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

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

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

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

634 ARTICLE IX

635 RULEMAKING

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

640 (2) If a majority of the legislatures of the member states
641 rejects a rule by enactment of a statute or resolution in the
642 same manner used to adopt the compact within 4 years after the
643 date of adoption of the rule, such rule does not have further
644 force and effect in any member state.

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

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

651 (a) The website of the commission or another publicly
652 accessible platform.

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

657 (5) The notice of proposed rulemaking must include all of
658 the following:

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

661 (b) The text of the proposed rule or amendment and the
662 reason for the proposed rule.

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

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

668 (6) Before adoption of a proposed rule, the commission
669 must allow persons to submit written data, facts, opinions, and
670 arguments, which must be made available to the public.

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

674 (a) At least 25 persons.

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

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

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

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

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

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

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

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

700 (10) If no written notice of intent to attend the public

701 hearing by interested parties is received, the commission may
702 proceed with adoption of the proposed rule without a public
703 hearing.

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

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

717 (a) Meet an imminent threat to public health, safety, or
718 welfare.

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

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

722 (d) Protect public health and safety.

723 (13) The commission or an authorized committee of the
724 commission may direct revisions to a previously adopted rule or
725 amendment for purposes of correcting typographical errors,

726 errors in format, errors in consistency, or grammatical errors.
 727 Public notice of any revisions must be posted on the website of
 728 the commission. The revision is subject to challenge by any
 729 person for a period of 30 days after posting. The revision may
 730 be challenged only on grounds that the revision results in a
 731 material change to a rule. A challenge must be made in writing
 732 and delivered to the chair of the commission before the end of
 733 the notice period. If a challenge is not made, the revision
 734 takes effect without further action. If the revision is
 735 challenged, the revision may not take effect without the
 736 approval of the commission.

737
 738 ARTICLE X

739 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

740 (1) OVERSIGHT.—

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

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

751 commission.

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

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

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

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

766 2. Provide remedial training and specific technical
767 assistance regarding the default.

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

775 (c) Termination of membership in the compact may be

776 imposed only after all other means of securing compliance have
777 been exhausted. The commission shall give notice of intent to
778 suspend or terminate a defaulting member state to the governor
779 and majority and minority leaders of the defaulting state's
780 legislature and to each of the member states.

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

786 (e) The commission does not bear any costs related to a
787 state that is found to be in default or that has been terminated
788 from the compact, unless agreed upon in writing between the
789 commission and the defaulting state.

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

796 (3) DISPUTE RESOLUTION.—

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

800 (b) The commission shall adopt a rule providing for both

801 mediation and binding dispute resolution for disputes as
 802 appropriate.

803 (4) ENFORCEMENT.—

804 (a) The commission, in the reasonable exercise of its
 805 discretion, shall enforce the compact and the commission's
 806 rules.

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

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

819
 820 ARTICLE XI

821 DATE OF IMPLEMENTATION OF THE PHYSICAL THERAPY COMPACT AND
 822 ASSOCIATED RULES; WITHDRAWAL; AND AMENDMENTS

823 (1) The compact becomes effective on the date that the
 824 compact statute is enacted into law in the tenth member state.
 825 The provisions that become effective at that time are limited to

826 the powers granted to the commission relating to assembly and
827 the adoption of rules. Thereafter, the commission shall meet and
828 exercise rulemaking powers necessary for the implementation and
829 administration of the compact.

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

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

838 (a) A member state's withdrawal does not take effect until
839 6 months after enactment of the repealing statute.

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

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

850 (5) The compact may be amended by the member states. An

851 amendment to the compact does not become effective and binding
852 upon any member state until it is enacted into the laws of all
853 member states.

854
855 ARTICLE XII

856 CONSTRUCTION AND SEVERABILITY

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

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

872 456.073 Disciplinary proceedings.—Disciplinary proceedings
873 for each board shall be within the jurisdiction of the
874 department.

875 (10) (a) The complaint and all information obtained

876 | pursuant to the investigation by the department are confidential
877 | and exempt from s. 119.07(1) until 10 days after probable cause
878 | has been found to exist by the probable cause panel or by the
879 | department, or until the regulated professional or subject of
880 | the investigation waives his or her privilege of
881 | confidentiality, whichever occurs first.

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

892 | (c) Upon completion of the investigation and a
893 | recommendation by the department to find probable cause, and
894 | pursuant to a written request by the subject or the subject's
895 | attorney, the department shall provide the subject an
896 | opportunity to inspect the investigative file or, at the
897 | subject's expense, forward to the subject a copy of the
898 | investigative file. Notwithstanding s. 456.057, the subject may
899 | inspect or receive a copy of any expert witness report or
900 | patient record connected with the investigation if the subject

901 agrees in writing to maintain the confidentiality of any
902 information received under this subsection until 10 days after
903 probable cause is found and to maintain the confidentiality of
904 patient records pursuant to s. 456.057. The subject may file a
905 written response to the information contained in the
906 investigative file. Such response must be filed within 20 days
907 of mailing by the department, unless an extension of time has
908 been granted by the department.

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

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

915 456.076 Impaired practitioner programs.—

916 (5) A consultant shall enter into a participant contract
917 with an impaired practitioner and shall establish the terms of
918 monitoring and shall include the terms in a participant
919 contract. In establishing the terms of monitoring, the
920 consultant may consider the recommendations of one or more
921 approved evaluators, treatment programs, or treatment providers.
922 A consultant may modify the terms of monitoring if the
923 consultant concludes, through the course of monitoring, that
924 extended, additional, or amended terms of monitoring are
925 required for the protection of the health, safety, and welfare

926 of the public. If the impaired practitioner is a health care
 927 practitioner practicing under the Professional Counselors
 928 Licensure Compact pursuant to s. 491.017, the terms of the
 929 monitoring contract must include the impaired practitioner's
 930 withdrawal from all practice under the compact. If the impaired
 931 practitioner is a physical therapist or physical therapist
 932 assistant practicing under the Physical Therapy Licensure
 933 Compact pursuant to s. 486.112, the terms of the monitoring
 934 contract must include the impaired practitioner's withdrawal
 935 from all practice under the compact unless authorized by a
 936 member state.

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

939 486.023 Board of Physical Therapy Practice.—

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

943 Section 5. Section 486.028, Florida Statutes, is amended
 944 to read:

945 486.028 License to practice physical therapy required.—A
 946 ~~No~~ person may not shall practice, or hold herself or himself out
 947 as being able to practice, physical therapy in this state unless
 948 she or he is licensed under ~~in accordance with the provisions of~~
 949 this chapter or holds a compact privilege in this state under
 950 the Physical Therapy Licensure Compact as specified in s.

951 486.112.; ~~however, Nothing in~~ This chapter does not shall
 952 prohibit any person licensed in this state under any other law
 953 from engaging in the practice for which she or he is licensed.

954 Section 6. Section 486.031, Florida Statutes, is amended
 955 to read:

956 486.031 Physical therapist; licensing requirements;
 957 exemption.—

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

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

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

962 (c)1.~~(3)(a)~~ Have ~~been~~ graduated from a school of physical
 963 therapy which has been approved for the educational preparation
 964 of physical therapists by the appropriate accrediting agency
 965 recognized by the Council for Higher Education Accreditation or
 966 its successor ~~Commission on Recognition of Postsecondary~~
 967 ~~Accreditation~~ or the United States Department of Education at
 968 the time of her or his graduation and have passed, to the
 969 satisfaction of the board, the American Registry Examination
 970 before ~~prior to~~ 1971 or a national examination approved by the
 971 board to determine her or his fitness for practice as a physical
 972 therapist under this chapter ~~as hereinafter provided;~~

973 2.~~(b)~~ Have received a diploma from a program in physical
 974 therapy in a foreign country and have educational credentials
 975 deemed equivalent to those required for the educational

976 preparation of physical therapists in this country, as
 977 recognized by the appropriate agency as identified by the board,
 978 and have passed to the satisfaction of the board an examination
 979 to determine her or his fitness for practice as a physical
 980 therapist under this chapter ~~as hereinafter provided~~; or

981 3.(e) Be entitled to licensure without examination as
 982 provided in s. 486.081.

983 (2) A person licensed as a physical therapist in another
 984 state who is practicing under the Physical Therapy Licensure
 985 Compact pursuant to s. 486.112, and only within the scope
 986 provided therein, is exempt from the licensure requirements of
 987 this section.

988 Section 7. Section 486.081, Florida Statutes, is amended
 989 to read:

990 486.081 Physical therapist; issuance of license without
 991 examination to person passing examination of another authorized
 992 examining board; fee; exemption.—

993 (1) The board may grant ~~cause~~ a license without
 994 examination, to be issued by ~~through~~ the department, ~~without~~
 995 ~~examination~~ to any applicant who presents evidence satisfactory
 996 to the board of having passed the American Registry Examination
 997 before ~~prior to~~ 1971 or an examination in physical therapy
 998 before a similar lawfully authorized examining board of another
 999 state, the District of Columbia, a territory, or a foreign
 1000 country, if the standards for licensure in physical therapy in

1001 such other state, district, territory, or foreign country are
 1002 determined by the board to be as high as those of this state, as
 1003 established by rules adopted under ~~pursuant to~~ this chapter. Any
 1004 person who holds a license pursuant to this section may use the
 1005 words "physical therapist" or "physiotherapist" or the letters
 1006 "P.T." in connection with her or his name or place of business
 1007 to denote her or his licensure hereunder. A person who holds a
 1008 license pursuant to this section and obtains a doctoral degree
 1009 in physical therapy may use the letters "D.P.T." and "P.T." A
 1010 physical therapist who holds a degree of Doctor of Physical
 1011 Therapy may not use the title "doctor" without also clearly
 1012 informing the public of his or her profession as a physical
 1013 therapist.

1014 (2) At the time of filing an ~~making~~ application for
 1015 licensure without examination under ~~pursuant to the terms of~~
 1016 this section, the applicant shall pay to the department a
 1017 nonrefundable fee not to exceed \$175, as determined ~~fixed~~ by the
 1018 board, ~~no part of which will be returned.~~

1019 (3) A person licensed as a physical therapist in another
 1020 state who is practicing under the Physical Therapy Licensure
 1021 Compact pursuant to s. 486.112, and only within the scope
 1022 provided therein, is exempt from the licensure requirements of
 1023 this section.

1024 Section 8. Section 486.102, Florida Statutes, is amended
 1025 to read:

1026 486.102 Physical therapist assistant; licensing
 1027 requirements; exemption.—
 1028 (1) To be eligible for licensing by the board as a
 1029 physical therapist assistant, an applicant must:
 1030 (a)~~(1)~~ Be at least 18 years old;
 1031 (b)~~(2)~~ Be of good moral character; and
 1032 (c)1.~~(3)~~~~(a)~~ Have ~~been~~ graduated from a school providing
 1033 ~~giving~~ a course of at least ~~not less than~~ 2 years for physical
 1034 therapist assistants, which has been approved for the
 1035 educational preparation of physical therapist assistants by the
 1036 appropriate accrediting agency recognized by the Council for
 1037 Higher Education Accreditation or its successor ~~Commission on~~
 1038 ~~Recognition of Postsecondary Accreditation~~ or the United States
 1039 Department of Education, at the time of her or his graduation
 1040 and have passed to the satisfaction of the board an examination
 1041 to determine her or his fitness for practice as a physical
 1042 therapist assistant under this chapter ~~as hereinafter provided~~;
 1043 2.~~(b)~~ Have ~~been~~ graduated from a school providing ~~giving~~ a
 1044 course for physical therapist assistants in a foreign country
 1045 and have educational credentials deemed equivalent to those
 1046 required for the educational preparation of physical therapist
 1047 assistants in this country, as recognized by the appropriate
 1048 agency as identified by the board, and passed to the
 1049 satisfaction of the board an examination to determine her or his
 1050 fitness for practice as a physical therapist assistant under

1051 this chapter as hereinafter provided;

1052 3.(e) Be entitled to licensure without examination as
 1053 provided in s. 486.107; or

1054 4.(d) Have been enrolled between July 1, 2014, and July 1,
 1055 2016, in a physical therapist assistant school in this state
 1056 which was accredited at the time of enrollment; and

1057 a.1. Have ~~been~~ graduated or be eligible to graduate from
 1058 such school no later than July 1, 2018; and

1059 b.2. Have passed to the satisfaction of the board an
 1060 examination to determine his or her fitness for practice as a
 1061 physical therapist assistant as provided in s. 486.104.

1062 (2) A person licensed as a physical therapist assistant in
 1063 another state who is practicing under the Physical Therapy
 1064 Licensure Compact pursuant to s. 486.112, and only within the
 1065 scope provided therein, is exempt from the licensure
 1066 requirements of this section.

1067 Section 9. Section 486.107, Florida Statutes, is amended
 1068 to read:

1069 486.107 Physical therapist assistant; issuance of license
 1070 without examination to person licensed in another jurisdiction;
 1071 fee; exemption.-

1072 (1) The board may grant ~~cause~~ a license without
 1073 examination, to be issued by ~~through~~ the department, ~~without~~
 1074 ~~examination~~ to any applicant who presents evidence to the board,
 1075 under oath, of licensure in another state, the District of

1076 Columbia, or a territory, if the standards for registering as a
 1077 physical therapist assistant or licensing of a physical
 1078 therapist assistant, as applicable ~~the case may be~~, in such
 1079 other state are determined by the board to be as high as those
 1080 of this state, as established by rules adopted under ~~pursuant to~~
 1081 this chapter. Any person who holds a license pursuant to this
 1082 section may use the words "physical therapist assistant," or the
 1083 letters "P.T.A.," in connection with her or his name to denote
 1084 licensure hereunder.

1085 (2) At the time of filing an ~~making~~ application for
 1086 licensing without examination under ~~pursuant to the terms of~~
 1087 this section, the applicant shall pay to the department a
 1088 nonrefundable fee not to exceed \$175, as determined ~~fixed~~ by the
 1089 board, ~~no part of which will be returned.~~

1090 (3) A person licensed as a physical therapist assistant in
 1091 another state who is practicing under the Physical Therapy
 1092 Licensure Compact pursuant to s. 486.112, and only within the
 1093 scope provided therein, is exempt from the licensure
 1094 requirements of this section.

1095 Section 10. Section 486.125, Florida Statutes, is amended
 1096 to read:

1097 486.125 Refusal, revocation, or suspension of license;
 1098 administrative fines and other disciplinary measures.—

1099 (1) The following acts constitute grounds for denial of a
 1100 license or disciplinary action, as specified in s. 456.072(2) or

1101 s. 486.112:

1102 (a) Being unable to practice physical therapy with
 1103 reasonable skill and safety to patients by reason of illness or
 1104 use of alcohol, drugs, narcotics, chemicals, or any other type
 1105 of material or as a result of any mental or physical condition.

1106 1. In enforcing this paragraph, upon a finding of the
 1107 State Surgeon General or the State Surgeon General's designee
 1108 that probable cause exists to believe that the licensee is
 1109 unable to practice physical therapy due to the reasons stated in
 1110 this paragraph, the department shall have the authority to
 1111 compel a physical therapist or physical therapist assistant to
 1112 submit to a mental or physical examination by a physician
 1113 designated by the department. If the licensee refuses to comply
 1114 with such order, the department's order directing such
 1115 examination may be enforced by filing a petition for enforcement
 1116 in the circuit court where the licensee resides or serves as a
 1117 physical therapy practitioner. The licensee against whom the
 1118 petition is filed may ~~shall~~ not be named or identified by
 1119 initials in any public court records or documents, and the
 1120 proceedings must ~~shall~~ be closed to the public. The department
 1121 shall be entitled to the summary procedure provided in s.
 1122 51.011.

1123 2. A physical therapist or physical therapist assistant
 1124 whose license is suspended or revoked pursuant to this
 1125 subsection shall, at reasonable intervals, be given an

1126 opportunity to demonstrate that she or he can resume the
1127 competent practice of physical therapy with reasonable skill and
1128 safety to patients.

1129 3. Neither the record of proceeding nor the orders entered
1130 by the board in any proceeding under this subsection may be used
1131 against a physical therapist or physical therapist assistant in
1132 any other proceeding.

1133 (b) Having committed fraud in the practice of physical
1134 therapy or deceit in obtaining a license as a physical therapist
1135 or as a physical therapist assistant.

1136 (c) Being convicted or found guilty regardless of
1137 adjudication, of a crime in any jurisdiction which directly
1138 relates to the practice of physical therapy or to the ability to
1139 practice physical therapy. The entry of any plea of nolo
1140 contendere is ~~shall be~~ considered a conviction for purpose of
1141 this chapter.

1142 (d) Having treated or undertaken to treat human ailments
1143 by means other than by physical therapy, as defined in this
1144 chapter.

1145 (e) Failing to maintain acceptable standards of physical
1146 therapy practice as set forth by the board in rules adopted
1147 pursuant to this chapter.

1148 (f) Engaging directly or indirectly in the dividing,
1149 transferring, assigning, rebating, or refunding of fees received
1150 for professional services, or having been found to profit by

1151 means of a credit or other valuable consideration, such as an
1152 unearned commission, discount, or gratuity, with any person
1153 referring a patient or with any relative or business associate
1154 of the referring person. ~~Nothing in~~ This chapter may not ~~shall~~
1155 be construed to prohibit the members of any regularly and
1156 properly organized business entity which is comprised of
1157 physical therapists and which is recognized under the laws of
1158 this state from making any division of their total fees among
1159 themselves as they determine necessary.

1160 (g) Having a license revoked or suspended; having had
1161 other disciplinary action taken against her or him; or having
1162 had her or his application for a license refused, revoked, or
1163 suspended by the licensing authority of another state,
1164 territory, or country.

1165 (h) Violating a lawful order of the board or department
1166 previously entered in a disciplinary hearing.

1167 (i) Making or filing a report or record which the licensee
1168 knows to be false. Such reports or records shall include only
1169 those which are signed in the capacity of a physical therapist.

1170 (j) Practicing or offering to practice beyond the scope
1171 permitted by law or accepting and performing professional
1172 responsibilities which the licensee knows or has reason to know
1173 that she or he is not competent to perform, including, but not
1174 limited to, specific spinal manipulation.

1175 (k) Violating any provision of this chapter or chapter

1176 456, or any rules adopted pursuant thereto.

1177 (2) (a) The board may enter an order denying licensure or
 1178 imposing any of the penalties in s. 456.072(2) against any
 1179 applicant for licensure or licensee who is found guilty of
 1180 violating any provision of subsection (1) ~~of this section~~ or who
 1181 is found guilty of violating any provision of s. 456.072(1).

1182 (b) The board may take adverse action against a physical
 1183 therapist's or a physical therapist assistant's compact
 1184 privilege under the Physical Therapy Licensure Compact pursuant
 1185 to s. 486.112, and may impose any of the penalties in s.
 1186 456.072(2), if a physical therapist or physical therapist
 1187 assistant commits an act specified in subsection (1) or s.
 1188 456.072(1).

1189 (3) The board may ~~shall~~ not reinstate the license of a
 1190 physical therapist or physical therapist assistant or approve
 1191 ~~cause~~ a license to be issued to a person it has deemed
 1192 unqualified until such time as it is satisfied that she or he
 1193 has complied with all the terms and conditions set forth in the
 1194 final order and that such person is capable of safely engaging
 1195 in the practice of physical therapy.

1196 Section 11. Paragraph (i) is added to subsection (10) of
 1197 section 768.28, Florida Statutes, to read:

1198 768.28 Waiver of sovereign immunity in tort actions;
 1199 recovery limits; civil liability for damages caused during a
 1200 riot; limitation on attorney fees; statute of limitations;

1201 exclusions; indemnification; risk management programs.—

1202 (10)

1203 (i) For purposes of this section, the individual appointed
 1204 under s. 486.023(5) as the state's delegate on the Physical
 1205 Therapy Compact Commission, when serving in that capacity
 1206 pursuant to s. 486.112, and any administrator, officer,
 1207 executive director, employee, or representative of the Physical
 1208 Therapy Compact Commission, when acting within the scope of his
 1209 or her employment, duties, or responsibilities in this state, is
 1210 considered an agent of the state. The commission shall pay any
 1211 claims or judgments pursuant to this section and may maintain
 1212 insurance coverage to pay any such claims or judgments.

1213 Section 12. Section 486.025, Florida Statutes, is amended
 1214 to read:

1215 486.025 Powers and duties of the Board of Physical Therapy
 1216 Practice.—The board may administer oaths, summon witnesses, take
 1217 testimony in all matters relating to its duties under this
 1218 chapter, establish or modify minimum standards of practice of
 1219 physical therapy as defined in s. 486.021, including, but not
 1220 limited to, standards of practice for the performance of dry
 1221 needling by physical therapists, and adopt rules pursuant to ss.
 1222 120.536(1) and 120.54 to implement this chapter. The board may
 1223 also review the standing and reputability of any school or
 1224 college offering courses in physical therapy and whether the
 1225 courses of such school or college in physical therapy meet the

1226 standards established by the appropriate accrediting agency
1227 referred to in s. 486.031(1)(c) ~~s. 486.031(3)(a)~~. In determining
1228 the standing and reputability of any such school and whether the
1229 school and courses meet such standards, the board may
1230 investigate and personally inspect the school and courses.

1231 Section 13. Paragraph (b) of subsection (1) of section
1232 486.0715, Florida Statutes, is amended to read:

1233 486.0715 Physical therapist; issuance of temporary
1234 permit.—

1235 (1) The board shall issue a temporary physical therapist
1236 permit to an applicant who meets the following requirements:

1237 (b) Is a graduate of an approved United States physical
1238 therapy educational program and meets all the eligibility
1239 requirements for licensure under ch. 456, s. 486.031(1)(a)-(c)1.
1240 ~~s. 486.031(1)-(3)(a)~~, and related rules, except passage of a
1241 national examination approved by the board is not required.

1242 Section 14. Paragraph (b) of subsection (1) of section
1243 486.1065, Florida Statutes, is amended to read:

1244 486.1065 Physical therapist assistant; issuance of
1245 temporary permit.—

1246 (1) The board shall issue a temporary physical therapist
1247 assistant permit to an applicant who meets the following
1248 requirements:

1249 (b) Is a graduate of an approved United States physical
1250 therapy assistant educational program and meets all the

HB 281

2023

1251 | eligibility requirements for licensure under ch. 456, s.
1252 | 486.102(1)(a)-(c)1. ~~s. 486.102(1)-(3)(a)~~, and related rules,
1253 | except passage of a national examination approved by the board
1254 | is not required.

1255 | Section 15. This act shall take effect July 1, 2023.