



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3936/P1  
MED&KP:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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1 AN ACT *to repeal* 448.52 (title), 448.527 (title), 448.565 (title), 448.567 (title),  
2 448.58 (title) and 448.59 (title); *to renumber* subchapter III (title) of chapter  
3 448 [precedes 448.50], 448.51 (title), 448.51 (1e), 448.51 (1s), 448.52 (1m),  
4 448.522, 448.56 (1m) (title), 448.56 (1m) (a), 448.56 (3) to (5), 448.56 (7) and  
5 448.59; *to renumber and amend* 180.1901 (1m) (bg), 252.14 (1) (ar) 4e.,  
6 448.50, 448.51 (1), 448.51 (2), 448.52 (2m), 448.527, 448.53, 448.535, 448.54,  
7 448.55, 448.56 (title), 448.56 (1), 448.56 (1m) (b), 448.56 (2), 448.56 (6), 448.565,  
8 448.567, 448.57 and 448.58; *to amend* 46.90 (5m) (br) 5., 48.78 (2) (g), 49.45 (8)  
9 (a) 5., 50.01 (2), 50.39 (3), 55.043 (4) (b) 5., 146.40 (1) (d), 146.81 (1) (dg), 146.89  
10 (1) (r) 1., 146.997 (1) (d) 4., 154.01 (3), 155.01 (7), 231.01 (7) (d) 2., 252.14 (1) (ar)  
11 9., 252.14 (1) (ar) 10., 252.14 (1) (ar) 11., 255.40 (2) (a) (intro.), 448.956 (1m) and  
12 (4), 450.10 (3) (a) 5., 451.02 (1), 462.04 and 938.78 (2) (g); and *to create* 146.997  
13 (1) (d) 13e., 450.10 (3) (a) 12., chapter 464 (title), 464.03 (intro.) and 464.10

1 (title) of the statutes; **relating to:** ratification of the physical therapy licensure  
2 compact.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 **SECTION 1.** 46.90 (5m) (br) 5. of the statutes is amended to read:

4 46.90 (5m) (br) 5. Refer the case to the department of safety and professional  
5 services if the financial exploitation, neglect, self-neglect, or abuse involves an  
6 individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under  
7 chs. 440 to ~~460~~ 480.

8 **SECTION 2.** 48.78 (2) (g) of the statutes is amended to read:

9 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing  
10 information about an individual in its care or legal custody on the written request  
11 of the department of safety and professional services or of any interested examining  
12 board or affiliated credentialing board in that department for use in any  
13 investigation or proceeding relating to any alleged misconduct by any person who is  
14 credentialed or who is seeking credentialing under ch. 448, 455 or, 457, or 464.  
15 Unless authorized by an order of the court, the department of safety and professional  
16 services and any examining board or affiliated credentialing board in that  
17 department shall keep confidential any information obtained under this paragraph  
18 and may not disclose the name of or any other identifying information about the

1 individual who is the subject of the information disclosed, except to the extent that  
2 redisclosure of that information is necessary for the conduct of the investigation or  
3 proceeding for which that information was obtained.

4 **SECTION 3.** 49.45 (8) (a) 5. of the statutes is amended to read:

5 49.45 (8) (a) 5. "Physical therapist" has the meaning given in s. ~~448.50~~ 464.01  
6 (3).

7 **SECTION 4.** 50.01 (2) of the statutes is amended to read:

8 50.01 (2) "Nurse aide" means a person who performs routine patient care  
9 duties delegated by a registered nurse or licensed practical nurse who supervises the  
10 person, for the direct health care of a patient or resident. "Nurse aide" does not mean  
11 a feeding assistant, as defined in s. 146.40 (1) (aw); a person who is licensed,  
12 permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460,~~  
13 or 464; or a person whose duties primarily involve skills that are different than those  
14 taught in instructional programs for nurse aides.

15 **SECTION 5.** 50.39 (3) of the statutes is amended to read:

16 50.39 (3) Facilities governed by ss. 45.50, 48.62, 49.70, 49.72, 50.02, 51.09, and  
17 252.10, juvenile correctional facilities as defined in s. 938.02 (10p), correctional  
18 institutions governed by the department of corrections under s. 301.02, and the  
19 offices and clinics of persons licensed to treat the sick under chs. 446, 447, ~~and 448,~~  
20 and 464 are exempt from ss. 50.32 to 50.39. Sections 50.32 to 50.39 do not abridge  
21 the rights of the medical examining board, physical therapy examining board,  
22 podiatry affiliated credentialing board, dentistry examining board, pharmacy  
23 examining board, chiropractic examining board, and board of nursing in carrying out  
24 their statutory duties and responsibilities.

25 **SECTION 6.** 55.043 (4) (b) 5. of the statutes is amended to read:

1           55.043 (4) (b) 5. Refer the case to the department of safety and professional  
2 services or the department of agriculture, trade and consumer protection, as  
3 appropriate, if the financial exploitation, neglect, self-neglect, or abuse involves an  
4 individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under  
5 chs. 440 to ~~460~~ 480 or to hold a license, certification, or permit issued under s. 89.06,  
6 89.072, or 89.073.

7           **SECTION 7.** 146.40 (1) (d) of the statutes is amended to read:

8           146.40 (1) (d) "Nurse aide" means an individual who performs routine patient  
9 care duties delegated by a registered nurse or licensed practical nurse who  
10 supervises the individual, for the direct health care of a patient or resident. "Nurse  
11 aide" does not mean a feeding assistant, an individual who is licensed, permitted,  
12 certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, ~~or 460,~~ or 464, or  
13 an individual whose duties primarily involve skills that are different than those  
14 taught in instructional programs for nurse aides approved under sub. (3) or (3g) or  
15 evaluated by competency evaluation programs for nurse aides approved under sub.  
16 (3m).

17           **SECTION 8.** 146.81 (1) (dg) of the statutes is amended to read:

18           146.81 (1) (dg) A physical therapist or physical therapist assistant licensed  
19 under subch. ~~III I~~ I of ch. 448 ~~464~~.

20           **SECTION 9.** 146.89 (1) (r) 1. of the statutes is amended to read:

21           146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental  
22 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under  
23 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a  
24 pharmacist under ch. 450, a chiropractor under ch. 446, a podiatrist under subch. IV  
25 of ch. 448, or a physical therapist under subch. ~~III I~~ I of ch. 448 ~~464~~.

1           **SECTION 10.** 146.997 (1) (d) 4. of the statutes is amended to read:

2           146.997 (1) (d) 4. A physician, podiatrist, or perfusionist, ~~physical therapist,~~  
3 ~~or physical therapist assistant~~ licensed under ch. 448.

4           **SECTION 11.** 146.997 (1) (d) 13e. of the statutes is created to read:

5           146.997 (1) (d) 13e. A physical therapist or physical therapist assistant  
6 licensed under subch. I of ch. 464.

7           **SECTION 12.** 154.01 (3) of the statutes is amended to read:

8           154.01 (3) "Health care professional" means a person licensed, certified or  
9 registered under ch. 441, 448 ~~or~~, 455, or 464.

10          **SECTION 13.** 155.01 (7) of the statutes is amended to read:

11          155.01 (7) "Health care provider" means a nurse licensed or permitted under  
12 ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a  
13 physician, physician assistant, perfusionist, podiatrist, ~~physical therapist, physical~~  
14 ~~therapist assistant~~, occupational therapist, or occupational therapy assistant  
15 licensed under ch. 448, a person practicing Christian Science treatment, an  
16 optometrist licensed under ch. 449, a psychologist licensed under ch. 455, a physical  
17 therapist or physical therapist assistant licensed under ch. 464, a partnership  
18 thereof, a corporation or limited liability company thereof that provides health care  
19 services, a cooperative health care association organized under s. 185.981 that  
20 directly provides services through salaried employees in its own facility, or a home  
21 health agency, as defined in s. 50.49 (1) (a).

22          **SECTION 14.** 180.1901 (1m) (bg) of the statutes is renumbered 180.1901 (1m)  
23 (h) and amended to read:

24          180.1901 (1m) (h) Physical therapy examining board under subch. ~~III~~ I of ch.  
25 448 464.

1           **SECTION 15.** 231.01 (7) (d) 2. of the statutes is amended to read:

2           231.01 (7) (d) 2. Any office or clinic of a person licensed under ch. 446, 447, 448,  
3 449, ~~or 455~~, or 464, or the substantially equivalent laws or rules of another state.

4           **SECTION 16.** 252.14 (1) (ar) 4e. of the statutes is renumbered 252.14 (1) (ar) 8e.  
5 and amended to read:

6           252.14 (1) (ar) 8e. A physical therapist or physical therapist assistant licensed  
7 under subch. ~~III I~~ of ch. 448 464.

8           **SECTION 17.** 252.14 (1) (ar) 9. of the statutes is amended to read:

9           252.14 (1) (ar) 9. An employee or agent of any provider specified under subds.  
10 1. to ~~8~~. 8e.

11           **SECTION 18.** 252.14 (1) (ar) 10. of the statutes is amended to read:

12           252.14 (1) (ar) 10. A partnership of any provider specified under subds. 1. to  
13 ~~8~~. 8e.

14           **SECTION 19.** 252.14 (1) (ar) 11. of the statutes is amended to read:

15           252.14 (1) (ar) 11. A corporation of any provider specified under subds. 1. to ~~8~~.  
16 8e. that provides health care services.

17           **SECTION 20.** 255.40 (2) (a) (intro.) of the statutes is amended to read:

18           255.40 (2) (a) (intro.) Any person licensed, certified or registered by the state  
19 under ch. 441, 448 ~~or~~, 455, or 464 who treats a patient suffering from any of the  
20 following shall report in accordance with par. (b):

21           **SECTION 21.** Subchapter III (title) of chapter 448 [precedes 448.50] of the  
22 statutes is renumbered subchapter I (title) of chapter 464 [precedes 464.01].

23           **SECTION 22.** 448.50 of the statutes is renumbered 464.01, and 464.01 (4) (b) 1.,  
24 as renumbered, is amended to read:

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1           464.01 (4) (b) 1. Using roentgen rays or radium for any purpose, except that  
2           “physical therapy” includes ordering X-rays to be performed by qualified persons,  
3           subject to s. ~~448.56-(7)~~ 464.08 (9) (a), and using X-ray results to determine a course  
4           of care or to determine whether a referral to another health care provider is  
5           necessary.

6           **SECTION 23.** 448.51 (title) of the statutes is renumbered 464.02 (title).

7           **SECTION 24.** 448.51 (1) of the statutes is renumbered 464.02 (1) (a) and  
8           amended to read:

9           464.02 (1) (a) Except as provided in s. ~~448.52 sub. (2)~~, no person may practice  
10          physical therapy unless the person is licensed as a physical therapist under this  
11          subchapter.

12          **SECTION 25.** 448.51 (1e) of the statutes is renumbered 464.02 (1) (b).

13          **SECTION 26.** 448.51 (1s) of the statutes is renumbered 464.02 (1) (c).

14          **SECTION 27.** 448.51 (2) of the statutes is renumbered 464.02 (1) (d) and  
15          amended to read:

16          464.02 (1) (d) Except as provided in s. ~~448.52-(2m)~~ sub. (2) (b), no person may  
17          claim to render physical therapy or physiotherapy services unless the person is  
18          licensed as a physical therapist under this subchapter.

19          **SECTION 28.** 448.52 (title) of the statutes is repealed.

20          **SECTION 29.** 448.52 (1m) of the statutes is renumbered 464.02 (2) (a).

21          **SECTION 30.** 448.52 (2m) of the statutes is renumbered 464.02 (2) (b), and  
22          464.02 (2) (b) 1., as renumbered, is amended to read:

23          464.02 (2) (b) 1. Except as provided in ~~par. (b)~~ subd. 2., a chiropractor licensed  
24          under ch. 446 claiming to render physical therapy, if the physical therapy is provided  
25          by a physical therapist employed by the chiropractor.

1           **SECTION 31.** 448.522 of the statutes is renumbered 464.08 (7).

2           **SECTION 32.** 448.527 (title) of the statutes is repealed.

3           **SECTION 33.** 448.527 of the statutes is renumbered 464.03 (1) and amended to  
4 read:

5           464.03 (1) ~~The examining board shall promulgate~~ Promulgate rules  
6 establishing a code of ethics governing the professional conduct of physical  
7 therapists and physical therapist assistants.

8           **SECTION 34.** 448.53 of the statutes is renumbered 464.04, and 464.04 (1) (e), as  
9 renumbered, is amended to read:

10           464.04 (1) (e) Passes an examination under s. ~~448.54~~ 464.06.

11           **SECTION 35.** 448.535 of the statutes is renumbered 464.05, and 464.05 (1) (e),  
12 as renumbered, is amended to read:

13           464.05 (1) (e) Passes an examination under s. ~~448.54~~ 464.06.

14           **SECTION 36.** 448.54 of the statutes is renumbered 464.06, and 464.06 (3), as  
15 renumbered, is amended to read:

16           464.06 (3) Notwithstanding s. ~~448.53~~ 464.04 (1) (f), the examining board may  
17 not require an applicant for physical therapist licensure to take an oral examination  
18 or an examination to test proficiency in the English language for the sole reason that  
19 the applicant was educated at a physical therapy school that is not in the United  
20 States if the applicant establishes, to the satisfaction of the examining board, that  
21 he or she satisfies the requirements under s. ~~448.53~~ 464.04 (3).

22           **SECTION 37.** 448.55 of the statutes is renumbered 464.07, and 464.07 (2), as  
23 renumbered, is amended to read:

24           464.07 (2) The renewal dates for licenses granted under this subchapter, other  
25 than temporary licenses granted under rules promulgated under s. ~~448.53~~ 464.04 (2),



1 are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the  
2 department on a form provided by the department and shall include the renewal fee  
3 determined by the department under s. 440.03 (9) (a) and proof of compliance with  
4 the requirements established in any rules promulgated under sub. (3).

5 **SECTION 38.** 448.56 (title) of the statutes is renumbered 464.08 (title) and  
6 amended to read:

7 **464.08 (title) Practice requirements and restrictions.**

8 **SECTION 39.** 448.56 (1) of the statutes is renumbered 464.08 (1) (a) and  
9 amended to read:

10 464.08 (1) (a) ~~Except as provided in this subsection~~ paragraph and s. 448.52  
11 464.02 (2), a person may practice physical therapy only upon the written referral of  
12 a physician, physician assistant, chiropractor, dentist, podiatrist, or advanced  
13 practice nurse prescriber certified under s. 441.16 (2). Written referral is not  
14 required if a physical therapist provides services in schools to children with  
15 disabilities, as defined in s. 115.76 (5), pursuant to rules promulgated by the  
16 department of public instruction; provides services as part of a home health care  
17 agency; provides services to a patient in a nursing home pursuant to the patient's  
18 plan of care; provides services related to athletic activities, conditioning, or injury  
19 prevention; or provides services to an individual for a previously diagnosed medical  
20 condition after informing the individual's physician, physician assistant,  
21 chiropractor, dentist, podiatrist, or advanced practice nurse prescriber certified  
22 under s. 441.16 (2) who made the diagnosis. The examining board may promulgate  
23 rules establishing additional services that are excepted from the written referral  
24 requirements of this ~~subsection~~ paragraph.

25 **SECTION 40.** 448.56 (1m) (title) of the statutes is renumbered 464.08 (2) (title).

1           **SECTION 41.** 448.56 (1m) (a) of the statutes is renumbered 464.08 (2).

2           **SECTION 42.** 448.56 (1m) (b) of the statutes is renumbered 464.08 (1) (b) and  
3 amended to read:

4           464.08 (1) (b) The examining board shall promulgate rules establishing the  
5 requirements that a physical therapist must satisfy if a physician, physician  
6 assistant, chiropractor, dentist, podiatrist, or advanced practice nurse prescriber  
7 makes a written referral under ~~sub. (1) par. (a)~~. The purpose of the rules shall be to  
8 ensure continuity of care between the physical therapist and the health care  
9 practitioner.

10           **SECTION 43.** 448.56 (2) of the statutes is renumbered 464.08 (3) and amended  
11 to read:

12           464.08 (3) FEE SPLITTING. No licensee may give or receive, directly or indirectly,  
13 to or from any other person any fee, commission, rebate, or other form of  
14 compensation or anything of value for sending, referring, or otherwise inducing a  
15 person to communicate with a licensee in a professional capacity, or for any  
16 professional services not actually rendered personally by the licensee or at the  
17 licensee's direction.

18           **SECTION 44.** 448.56 (3) to (5) of the statutes are renumbered 464.08 (4) to (6).

19           **SECTION 45.** 448.56 (6) of the statutes is renumbered 464.08 (8) and amended  
20 to read:

21           464.08 (8) PHYSICAL THERAPIST ASSISTANTS. A physical therapist assistant may  
22 assist a physical therapist in the practice of physical therapy if the physical therapist  
23 provides direct or general supervision of the physical therapist assistant. The  
24 examining board shall promulgate rules defining "direct or general supervision" for

1 purposes of this subsection. Nothing in this subsection interferes with delegation  
2 authority under any other provision of this chapter or ch. 448.

3 **SECTION 46.** 448.56 (7) of the statutes is renumbered 464.08 (9).

4 **SECTION 47.** 448.565 (title) of the statutes is repealed.

5 **SECTION 48.** 448.565 of the statutes is renumbered 464.03 (2) and amended to  
6 read:

7 464.03 (2) ~~The examining board shall promulgate~~ Promulgate rules  
8 establishing procedures and requirements for filing complaints against licensees  
9 and shall publicize the procedures and requirements.

10 **SECTION 49.** 448.567 (title) of the statutes is repealed.

11 **SECTION 50.** 448.567 of the statutes is renumbered 464.03 (3) and amended to  
12 read:

13 464.03 (3) ~~The examining board shall promulgate~~ Promulgate rules that  
14 require the examining board on a periodic basis to conduct performance self-audits  
15 of its activities under this subchapter.

16 **SECTION 51.** 448.57 of the statutes is renumbered 464.09, and 464.09 (2)  
17 (intro.), (c), (d) and (f), as renumbered, are amended to read:

18 464.09 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
19 examining board may reprimand a licensee or may deny, limit, suspend, or revoke  
20 a license granted under this subchapter if it finds that the applicant or licensee has  
21 done any of the following:

22 (c) Advertised in a manner that is false, deceptive, or misleading.

23 (d) Advertised, practiced, or attempted to practice under another's name.

24 (f) Engaged in unprofessional or unethical conduct in violation of the code of  
25 ethics established in the rules promulgated under s. ~~448.527~~ 464.03 (1).

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1           **SECTION 52.** 448.58 (title) of the statutes is repealed.

2           **SECTION 53.** 448.58 of the statutes is renumbered 464.10 (2) and amended to  
3 read:

4           464.10 (2) If the examining board has reason to believe that any person is  
5 violating this subchapter or any rule promulgated under this subchapter, the  
6 examining board, the department, the attorney general, or the district attorney of  
7 the proper county may investigate and may, in addition to any other remedies, bring  
8 an action in the name and on behalf of this state to enjoin the person from the  
9 violation.

10          **SECTION 54.** 448.59 (title) of the statutes is repealed.

11          **SECTION 55.** 448.59 of the statutes is renumbered 464.10 (1).

12          **SECTION 56.** 448.956 (1m) and (4) of the statutes are amended to read:

13          448.956 (1m) Subject to sub. (1) (a), a licensee may provide athletic training  
14 to an individual without a referral, except that a licensee may not provide athletic  
15 training as described under s. 448.95 (5) (d) or (e) in an outpatient rehabilitation  
16 setting unless the licensee has obtained a written referral for the individual from a  
17 practitioner licensed or certified under subch. II, III, IV, V, or VII of this chapter;  
18 under ch. 446; under subch. I of ch. 464; or under s. 441.16 (2).

19          (4) If a licensee or the consulting physician of the licensee determines that a  
20 patient's medical condition is beyond the scope of practice of the licensee, the licensee  
21 shall, in accordance with the protocol established under sub. (1) (a), refer the patient  
22 to a health care practitioner who is licensed under ch. 446 ~~or; under ch. 447 or; under~~  
23 subch. II, ~~III~~ or IV of ch. 448; or under subch. I of ch. 464 and who can provide  
24 appropriate treatment to the patient.

25          **SECTION 57.** 450.10 (3) (a) 5. of the statutes is amended to read:



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1           **SECTION 63.** 464.10 (title) of the statutes is created to read:

2           **464.10 (title) Violations and penalties.**

3           **SECTION 64.** 938.78 (2) (g) of the statutes is amended to read:

4           938.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing  
5 information about an individual in its care or legal custody on the written request  
6 of the department of safety and professional services or of any interested examining  
7 board or affiliated credentialing board in that department for use in any  
8 investigation or proceeding relating to any alleged misconduct by any person who is  
9 credentialed or who is seeking credentialing under ch. 448, 455 ~~or~~, 457, or 464.  
10 Unless authorized by an order of the court, the department of safety and professional  
11 services and any examining board or affiliated credentialing board in that  
12 department shall keep confidential any information obtained under this paragraph  
13 and may not disclose the name of or any other identifying information about the  
14 individual who is the subject of the information disclosed, except to the extent that  
15 redisclosure of that information is necessary for the conduct of the investigation or  
16 proceeding for which that information was obtained.

17

(END)

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1           **SECTION 1.** 14.88 of the statutes is created to read: *Commission*  
2           **14.88 Physical therapy licensure compact.** There is created a physical  
3           therapy licensure compact administrators as specified in s. 464.50. The  
4           administrator of the commission representing this state shall be an individual  
5           described in s. 464.50 (7) (b) 2. The commission has the powers and duties granted  
6           and imposed under s. 464.50.

7           **SECTION 2.** 15.405 (7r) (a) of the statutes is amended to read:  
8           **15.405 (7r) (a)** Three physical therapists who are licensed under subch. III I  
9           of ch. 448 464.

**History:** 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80; 2003 a. 111, 270; 2005 a. 25, 314; 2007 a. 20 s. 9121 (6) (a); 2009 a. 106; 2009 a. 149 s. 3; 2011 a. 32 ss. 110, 130 to 153; 2011 a. 190; 2013 a. 124, 358; 2015 a. 55, 195, 237.

10           **SECTION 3.** 15.405 (7r) (am) of the statutes is amended to read:  
11           **15.405 (7r) (am)** One physical therapist assistant licensed under subch. III I  
12           of ch. 448 464.

**History:** 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80; 2003 a. 111, 270; 2005 a. 25, 314; 2007 a. 20 s. 9121 (6) (a); 2009 a. 106; 2009 a. 149 s. 3; 2011 a. 32 ss. 110, 130 to 153; 2011 a. 190; 2013 a. 124, 358; 2015 a. 55, 195, 237.

13           **SECTION 4.** 15.406 (4) (a) of the statutes is amended to read:  
14           **15.406 (4) (a)** Four athletic trainers who are licensed under subch. VI of ch. 448  
15           and who have not been issued a credential in athletic training by a governmental  
16           authority in a jurisdiction outside this state. One of the athletic trainer members  
17           may also be licensed under ch. 446 or 447 or, under subch. II, III or IV of ch. 448, or  
18           under subch. I of ch. 464.

**History:** 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70; 2009 a. 113, 149; 2009 a. 355 s. 3m; 2011 a. 32.

INSERT 6-20

19           **SECTION 5.** 440.03 (11m) (c) 2m. of the statutes is created to read:

1           440.03 (11m) (c) 2m. The coordinated database and reporting system under s.  
2 464.50 (8), if such disclosure is required under the physical therapy licensure  
3 compact under s. 464.50.

4           **SECTION 6.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

5           440.03 (13) (b) (intro.) The department may investigate whether an applicant  
6 for or holder of any of the following credentials has been charged with or convicted  
7 of a crime only pursuant to rules promulgated by the department under this  
8 paragraph, including rules that establish the criteria that the department will use  
9 to determine whether an investigation under this paragraph is necessary, except as  
10 provided in par. (c) and s. ss. 448.980 (5) (b) 3. and 464.50 (3) (a) 4.:

11           **SECTION 7.** 440.03 (13) (b) (intro.) of the statutes, as affected by 2015 Wisconsin  
12 Act 116, section 5m, and 2017 Wisconsin Act ... (this act), is repealed and recreated  
13 to read:

14           440.03 (13) (b) (intro.) The department may investigate whether an applicant  
15 for or holder of any of the following credentials has been charged with or convicted  
16 of a crime only pursuant to rules promulgated by the department under this  
17 paragraph, including rules that establish the criteria that the department will use  
18 to determine whether an investigation under this paragraph is necessary, except as  
19 provided in par. (c) and s. 464.50 (3) (a) 4.:

20           **SECTION 8.** 440.15 of the statutes is amended to read:

21           **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c) and,  
22 448.980 (5) (b) 3., and 464.50 (3) (a) 4., the department or a credentialing board may  
23 not require that an applicant for a credential or a credential holder be fingerprinted  
24 or submit fingerprints in connection with the department's or the credentialing  
25 board's credentialing.



1           **SECTION 9.** 440.15 of the statutes, as affected by 2015 Wisconsin Act 116,  
2 section 12m, and 2017 Wisconsin Act .... (this act), is repealed and recreated to read:

3           **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c) and  
4 464.50 (3) (a) 4., the department or a credentialing board may not require that an  
5 applicant for a credential or a credential holder be fingerprinted or submit  
6 fingerprints in connection with the department's or the credentialing board's  
7 credentialing.

**INSERT 11-9**

X           \*\*\*\*NOTE: It seems to me this provision (current s. 448.565) is probably redundant  
and could be repealed. I believe that DSPS has uniform procedures for complaints, and  
it looks like the PT Board's rules simply reference those rules (see s. PT ~~PT~~ 7.03, Wis.  
Adm. Code).

**INSERT 14-2**

8           **SECTION 10.** Subchapter II of chapter 464 [precedes 464.50] of the statutes is  
9 created to read:

**CHAPTER 464**

**SUBCHAPTER II**

**PHYSICAL THERAPY LICENSURE COMPACT**

10  
11  
12           **464.50 Physical therapy licensure compact. (1) PURPOSE.** (a) The purpose  
13 of this compact is to facilitate interstate practice of physical therapy with the goal  
14 of improving public access to physical therapy services. The practice of physical  
15 therapy occurs in the state where the patient/client is located at the time of the  
16 patient/client encounter. The compact preserves the regulatory authority of states  
17 to protect public health and safety through the current system of state licensure.  
18

19           (b) This compact is designed to achieve all of the following objectives:

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

3           2. Enhance the states' ability to protect the public's health and safety.

4           3. Encourage the cooperation of member states in regulating multi-state  
5 physical therapy practice.

6           4. Support spouses of relocating military members.

7           5. Enhance the exchange of licensure, investigative, and disciplinary  
8 information between member states.

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

11           **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the  
12 following definitions shall apply:

13           (a) "Active duty military" means full-time duty status in the active uniformed  
14 service of the United States, including members of the National Guard and Reserve  
15 on active duty orders pursuant to 10 USC 1209 and 1211.

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

19           (c) "Alternative program" means a non-disciplinary monitoring or practice  
20 remediation process approved by a physical therapy licensing board. This includes,  
21 but is not limited to, substance abuse issues.

22           (d) "Compact privilege" means the authorization granted by a remote state to  
23 allow a licensee from another member state to practice as a physical therapist or  
24 work as a physical therapist assistant in the remote state under its laws and rules.

1 The practice of physical therapy occurs in the member state where the patient/client  
2 is located at the time of the patient/client encounter.

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

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

8 (g) "Encumbered license" means a license that a physical therapy licensing  
9 board has limited in any way.

10 (h) "Executive board" means a group of directors elected or appointed to act on  
11 behalf of, and within the powers granted to them by, the commission.

12 (i) "Home state" means the member state that is the licensee's primary state  
13 of residence.

14 (j) "Investigative information" means information, records, and documents  
15 received or generated by a physical therapy licensing board pursuant to an  
16 investigation.

17 (k) "Jurisprudence requirement" means the assessment of an individual's  
18 knowledge of the laws and rules governing the practice of physical therapy in a state.

19 (L) "Licensee" means an individual who currently holds an authorization from  
20 the state to practice as a physical therapist or to work as a physical therapist  
21 assistant.

22 (m) "Member state" means a state that has enacted the compact.

23 (n) "Party state" means any member state in which a licensee holds a current  
24 license or compact privilege or is applying for a license or compact privilege.

*per  
MED*

1 (o) "Physical therapist" means an individual who is licensed by a state to  
2 practice physical therapy.

3 (p) "Physical therapist assistant" means an individual who is licensed/certified  
4 by a state and who assists the physical therapist in selected components of physical  
5 therapy.

6 (q) "Physical therapy," "physical therapy practice," and "the practice of physical  
7 therapy" mean the care and services provided by or under the direction and  
8 supervision of a licensed physical therapist.

9 (r) "Physical therapy compact commission" or "commission" means the national  
10 administrative body whose membership consists of all states that have enacted the  
11 compact.

12 (s) "Physical therapy licensing board" or "licensing board" means the agency  
13 of a state that is responsible for the licensing and regulation of physical therapists  
14 and physical therapist assistants.

15 (t) "Remote state" means a member state other than the home state, where a  
16 licensee is exercising or seeking to exercise the compact privilege.

17 (u) "Rule" means a regulation, principle, or directive promulgated by the  
18 commission that has the force of law.

19 (v) "State" means any state, commonwealth, district, or territory of the United  
20 States of America that regulates the practice of physical therapy.

21 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) To participate in the compact, a  
22 state must do all of the following:

23 1. Participate fully in the commission's data system, including using the  
24 commission's unique identifier as defined in rules.

1           2. Have a mechanism in place for receiving and investigating complaints about  
2           licensees.

3           3. Notify the commission, in compliance with the terms of the compact and  
4           rules, of any adverse action or the availability of investigative information regarding  
5           a licensee.

6           4. Fully implement a criminal background check requirement, within a time  
7           frame established by rule, by receiving the results of the federal bureau of  
8           investigation record search on criminal background checks and use the results in  
9           making licensure decisions in accordance with sub. (3) (b). *par.*

10          5. Comply with the rules of the commission.

11          6. Utilize a recognized national examination as a requirement for licensure  
12          pursuant to the rules of the commission.

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

15           (b) Upon adoption of this statute, the member state shall have the authority  
16           to obtain biometric-based information from each physical therapy licensure  
17           applicant and submit this information to the federal bureau of investigation for a  
18           criminal background check in accordance with 28 USC 534 and 42 USC 14616.

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

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

23           (4) COMPACT PRIVILEGE. (a) To exercise the compact privilege under the terms  
24           and provisions of the compact, the licensee shall satisfy all of the following:

25           1. Hold a license in the home state.

- 1           2. Have no encumbrance on any state license.
- 2           3. Be eligible for a compact privilege in any member state in accordance with  
3           pars. (d), (g), and (h).
- 4           4. Have not had any adverse action against any license or compact privilege  
5           within the previous 2 years.
- 6           5. Notify the commission that the licensee is seeking the compact privilege  
7           within a remote state(s).
- 8           6. Pay any applicable fees, including any state fee, for the compact privilege.
- 9           7. Meet any jurisprudence requirements established by the remote state(s) in  
10          which the licensee is seeking a compact privilege.
- 11          8. Report to the commission adverse action taken by any non-member state  
12          within 30 days from the date the adverse action is taken.
- 13          (b) The compact privilege is valid until the expiration date of the home license.  
14          The licensee must comply with the requirements of par. (a) to maintain the compact  
15          privilege in the remote state.
- 16          (c) A licensee providing physical therapy in a remote state under the compact  
17          privilege shall function within the laws and regulations of the remote state.
- 18          (d) A licensee providing physical therapy in a remote state is subject to that  
19          state's regulatory authority. A remote state may, in accordance with due process and  
20          that state's laws, remove a licensee's compact privilege in the remote state for a  
21          specific period of time, impose fines, and/or take any other necessary actions to  
22          protect the health and safety of its citizens. The licensee is not eligible for a compact  
23          privilege in any state until the specific time for removal has passed and all fines are  
24          paid.

1 (e) If a home state license is encumbered, the licensee shall lose the compact  
2 privilege in any remote state until all of the following occur:

- 3 1. The home state license is no longer encumbered.  
4 2. Two years have elapsed from the date of the adverse action.

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

8 (g) If a licensee's compact privilege in any remote state is removed, the  
9 individual shall lose the compact privilege in any remote state until all of the  
10 following occur:

- 11 1. The specific period of time for which the compact privilege was removed has  
12 ended.  
13 2. All fines have been paid.  
14 3. Two years have elapsed from the date of the adverse action.

15 (h) Once the requirements of par. (g) have been met, the license must meet the  
16 requirements in par. (a) to obtain a compact privilege in a remote state.

✓ \*\*\*\*NOTE: While this is "license" in the original, I believe it is a typo and should be  
"licensee."

17 **(5) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** A licensee who is active  
18 duty military or is the spouse of an individual who is active duty military may  
19 designate one of the following as the home state:

- 20 (a) Home of record.  
21 (b) Permanent change of station (PCS).  
22 (c) State of current residence if it is different than the PCS state or home of  
23 record.

1           **(6) ADVERSE ACTIONS.** (a) A home state shall have exclusive power to impose  
2 adverse action against a license issued by the home state.

3           (b) A home state may take adverse action based on the investigative  
4 information of a remote state, so long as the home state follows its own procedures  
5 for imposing adverse action.

6           (c) Nothing in this compact shall override a member state's decision that  
7 participation in an alternative program may be used in lieu of adverse action and  
8 that such participation shall remain non<sup>✓</sup>public if required by the member state's  
9 laws. Member states must require licensees who enter any alternative programs in  
10 lieu of discipline to agree not to practice in any other member state during the term  
11 of the alternative program without prior authorization from such other member  
12 state.

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

17           (e) A remote state shall have the authority to do all of the following:

18           1. Take adverse actions as set forth in sub. (4) (d) against a licensee's compact  
19 privilege in the state.

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



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

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

7 (f) ~~Joint Investigations:~~

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

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

14 (7) ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION. (a) The  
15 compact member states hereby create and establish a joint public agency known as  
16 the physical therapy compact commission:

17 1. The commission is an instrumentality of the compact states.

18 2. Venue is proper and judicial proceedings by or against the commission shall  
19 be brought solely and exclusively in a court of competent jurisdiction where the  
20 principal office of the commission is located. The commission may waive venue and  
21 jurisdictional defenses to the extent it adopts or consents to participate in alternative  
22 dispute resolution proceedings.

23 3. Nothing in this compact shall be construed to be a waiver of sovereign  
24 immunity.

25 (b) Membership, voting, and meetings:

1           1. Each member state shall have and be limited to one delegate selected by that  
2 member state's licensing board.

3           2. The delegate shall be a current member of the licensing board, who is a  
4 physical therapist, physical therapist assistant, public member, or the board  
5 administrator.

6           3. Any delegate may be removed or suspended from office as provided by the  
7 law of the state from which the delegate is appointed.

8           4. The member state board shall fill any vacancy occurring in the commission.

9           5. Each delegate shall be entitled to one vote with regard to the promulgation  
10 of rules and creation of bylaws and shall otherwise have an opportunity to participate  
11 in the business and affairs of the commission.

12           6. A delegate shall vote in person or by such other means as provided in the  
13 bylaws. The bylaws may provide for delegates' participation in meetings by  
14 telephone or other means of communication.

15           7. The commission shall meet at least once during each calendar year.  
16 Additional meetings shall be held as set forth in the bylaws.

17           (c) The commission shall have all of the following powers and duties:

18           1. Establish the fiscal year of the commission.

19           2. Establish bylaws.

20           3. Maintain its financial records in accordance with the bylaws.

21           4. Meet and take such actions as are consistent with the provisions of this  
22 compact and the bylaws.

23           5. Promulgate uniform rules to facilitate and coordinate implementation and  
24 administration of this compact. The rules shall have the force and effect of law and  
25 shall be binding in all member states.

1           6. Bring and prosecute legal proceedings or actions in the name of the  
2 commission, provided that the standing of any state physical therapy licensing board  
3 to sue or be sued under applicable law shall not be affected.

4           7. Purchase and maintain insurance and bonds.

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

7           9. Hire employees, elect or appoint officers, fix compensation, define duties,  
8 grant such individuals appropriate authority to carry out the purposes of the  
9 compact, and to establish the commission's personnel policies and programs relating  
10 to conflicts of interest, qualifications of personnel, and other related personnel  
11 matters.

12           10. Accept any and all appropriate donations and grants of money, equipment,  
13 supplies, materials, and services, and to receive, utilize, and dispose of the same;  
14 provided that at all times the commission shall avoid any appearance of impropriety  
15 and/or conflict of interest.

16           11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to  
17 own, hold, improve, or use, any property, real, personal, or mixed; provided that at all  
18 times the commission shall avoid any appearance of impropriety.

19           12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
20 dispose of any property, real, personal, or mixed.

21           13. Establish a budget and make expenditures.

22           14. Borrow money.

23           15. Appoint committees, including standing committees composed of members,  
24 state regulators, state legislators or their representatives, and consumer

1 representatives, and such other interested persons as may be designated in this  
2 compact and the bylaws.

3 16. Provide and receive information from, and cooperate with, law enforcement  
4 agencies.

5 17. Establish and elect an executive board.

6 18. Perform such other functions as may be necessary or appropriate to achieve  
7 the purposes of this compact consistent with the state regulation of physical therapy  
8 licensure and practice.

9 (d) The executive board:

10 1. The executive board shall have the power to act on behalf of the commission  
11 according to the terms of this compact.

12 2. The executive board shall be composed of nine members:

13 a. Seven voting members who are elected by the commission from the current  
14 membership of the commission.

15 b. One ex-officio, nonvoting member from the recognized national physical  
16 therapy professional association.

17 c. One ex-officio, nonvoting member from the recognized membership  
18 organization of the physical therapy licensing boards.

19 3. The ex-officio members will be selected by their respective organizations.

20 4. The commission may remove any member of the executive board as provided  
21 in bylaws.

22 5. The executive board shall meet at least annually.

23 6. The executive board shall have all of the following duties and  
24 responsibilities:

1 a. Recommend to the entire commission changes to the rules or bylaws, changes  
2 to this compact legislation, fees paid by compact member states such as annual dues,  
3 and any commission compact fee charged to licensees for the compact privilege.

4 b. Ensure compact administration services are appropriately provided,  
5 contractual or otherwise.

6 c. Prepare and recommend the budget.

7 d. Maintain financial records on behalf of the commission.

8 e. Monitor compact compliance of member states and provide compliance  
9 reports to the commission.

10 f. Establish additional committees as necessary.

11 g. Other duties as provided in rules or bylaws.

12 (e) Meetings of the commission:

13 1. All meetings shall be open to the public, and public notice of meetings shall  
14 be given in the same manner as required under the rulemaking provisions in sub. ✓  
15 (9).

16 2. The commission or the executive board or other committees of the  
17 commission may convene in a closed, non-public meeting if the commission or  
18 executive board or other committees of the commission must discuss any of the  
19 following:

20 a. Non-compliance of a member state with its obligations under the compact.

21 b. The employment, compensation, discipline or other matters, practices, or  
22 procedures related to specific employees or other matters related to the commission's  
23 internal personnel practices and procedures.

24 c. Current, threatened, or reasonably anticipated litigation.

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1 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
2 real estate.

3 e. Accusing any person of a crime or formally censuring any person.

4 f. Disclosure of trade secrets or commercial or financial information that is  
5 privileged or confidential.

6 g. Disclosure of information of a personal nature where disclosure would  
7 constitute a clearly unwarranted invasion of personal privacy.

8 h. Disclosure of investigative records compiled for law enforcement purposes.

9 i. Disclosure of information related to any investigative reports prepared by or  
10 on behalf of or for use of the commission or other committee charged with  
11 responsibility of investigation or determination of compliance issues pursuant to the  
12 compact.

13 j. Matters specifically exempted from disclosure by federal or member state  
14 statute.

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

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

25 (f) Financing of the commission:

1           1. The commission shall pay, or provide for the payment of, the reasonable  
2 expenses of its establishment, organization, and ongoing activities.

3           2. The commission may accept any and all appropriate revenue sources,  
4 donations, and grants of money, equipment, supplies, materials, and services.

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

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

15          5. The commission shall keep accurate accounts of all receipts and  
16 disbursements. The receipts and disbursements of the commission shall be subject  
17 to the audit and accounting procedures established under its bylaws. However, all  
18 receipts and disbursements of funds handled by the commission shall be audited  
19 yearly by a certified or licensed public accountant, and the report of the audit shall  
20 be included in and become part of the annual report of the commission.

21           (g) Qualified immunity, defense, and indemnification:

22           1. The members, officers, executive director, employees<sup>^</sup> and representatives of  
23 the commission shall be immune from suit and liability, either personally or in their  
24 official capacity, for any claim for damage to or loss of property or personal injury or  
25 other civil liability caused by or arising out of any actual or alleged act, error<sup>^</sup> or

1 omission that occurred, or that the person against whom the claim is made had a  
2 reasonable basis for believing occurred within the scope of commission employment,  
3 duties<sup>^</sup> or responsibilities; provided that nothing in this paragraph shall be construed  
4 to protect any such person from suit and/or liability for any damage, loss, injury, or  
5 liability caused by the intentional or willful or wanton misconduct of that person.

6 2. The commission shall defend any member, officer, executive director,  
7 employee<sup>^</sup> or representative of the commission in any civil action seeking to impose  
8 liability arising out of any actual or alleged act, error, or omission that occurred  
9 within the scope of commission employment, duties, or responsibilities, or that the  
10 person against whom the claim is made had a reasonable basis for believing occurred  
11 within the scope of commission employment, duties, or responsibilities; provided  
12 that nothing herein shall be construed to prohibit that person from retaining his or  
13 her own counsel; and provided further, that the actual or alleged act, error, or  
14 omission did not result from that person's intentional or willful or wanton  
15 misconduct.

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

24 (8) DATA SYSTEM. (a) The commission shall provide for the development,  
25 maintenance, and utilization of a coordinated database and reporting system



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

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

- 7 1. Identifying information.
- 8 2. Licensure data.
- 9 3. Adverse actions against a license or compact privilege.
- 10 4. Non-confidential information related to alternative program participation.
- 11 5. Any denial of application for licensure, and the reason(s) for such denial.
- 12 6. Other information that may facilitate the administration of this compact, as  
13 determined by the rules of the commission.

14 (c) Investigative information pertaining to a licensee in any member state will  
15 only be available to other party states.

16 (d) The commission shall promptly notify all member states of any adverse  
17 action taken against a licensee or an individual applying for a license. Adverse action  
18 information pertaining to a licensee in any member state will be available to any  
19 other member state.

20 (e) Member states contributing information to the data system may designate  
21 information that may not be shared with the public without the express permission  
22 of the contributing state.

23 (f) Any information submitted to the data system that is subsequently required  
24 to be expunged by the laws of the member state contributing the information shall  
25 be removed from the data system.

1 (9) RULEMAKING. (a) The commission shall exercise its rulemaking powers  
2 pursuant to the criteria set forth in this section and the rules adopted thereunder.  
3 Rules and amendments shall become binding as of the date specified in each rule or  
4 amendment.

5 (b) If a majority of the legislatures of the member states rejects a rule, by  
6 enactment of a statute or resolution in the same manner used to adopt the compact  
7 within 4 years of the date of adoption of the rule, then such rule shall have no further  
8 force and effect in any member state.

9 (c) Rules or amendments to the rules shall be adopted at a regular or special  
10 meeting of the commission.

11 (d) Prior to promulgation and adoption of a final rule or rules by the  
12 commission, and at least 30 days in advance of the meeting at which the rule will be  
13 considered and voted upon, the commission shall file a notice of proposed rulemaking  
14 at all of the following:

- 15 1. On the website of the commission or other publicly accessible platform.
- 16 2. On the website of each member state physical therapy licensing board or  
17 other publicly accessible platform or the publication in which each state would  
18 otherwise publish proposed rules.

19 (e) The notice of proposed rulemaking shall include all of the following:

- 20 1. The proposed time, date, and location of the meeting in which the rule will  
21 be considered and voted upon.
- 22 2. The text of the proposed rule or amendment and the reason for the proposed  
23 rule.
- 24 3. A request for comments on the proposed rule from any interested person.

1           4. The manner in which interested persons may submit notice to the  
2 commission of their intention to attend the public hearing and any written  
3 comments.

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

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

- 9           1. At least 25 persons.
- 10           2. A state or federal governmental subdivision or agency.
- 11           3. An association having at least ~~twenty-five~~ 25 members.

12           (h) <sup>1.</sup> If a hearing is held on the proposed rule or amendment, the commission  
13 shall publish the place, time, and date of the scheduled public hearing. If the hearing  
14 is held via electronic means, the commission shall publish the mechanism for access  
15 to the electronic hearing.

16           <sup>2.</sup> (1.) All persons wishing to be heard at the hearing shall notify the executive  
17 director of the commission or other designated member in writing of their desire to  
18 appear and testify at the hearing not less than 5 business days before the scheduled  
19 date of the hearing.

20           <sup>3.</sup> (2.) Hearings shall be conducted in a manner providing each person who wishes  
21 to comment a fair and reasonable opportunity to comment orally or in writing.

22           <sup>4.</sup> (3.) All hearings will be recorded. A copy of the recording will be made available  
23 on request.

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

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

7 (j) If no written notice of intent to attend the public hearing by interested  
8 parties is received, the commission may proceed with promulgation of the proposed  
9 rule without a public hearing.

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

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

- 20 1. Meet an imminent threat to public health, safety, or welfare.
- 21 2. Prevent a loss of commission or member state funds.
- 22 3. Meet a deadline for the promulgation of an administrative rule that is  
23 established by federal law or rule.
- 24 4. Protect public health and safety.

1 (m) The commission or an authorized committee of the commission may direct  
2 revisions to a previously adopted rule or amendment for purposes of correcting  
3 typographical errors, errors in format, errors in consistency, or grammatical errors.  
4 Public notice of any revisions shall be posted on the website of the commission. The  
5 revision shall be subject to challenge by any person for a period of ~~thirty~~ 30 days after  
6 posting. The revision may be challenged only on grounds that the revision results  
7 in a material change to a rule. A challenge shall be made in writing, and delivered  
8 to the chair of the commission prior to the end of the notice period. If no challenge  
9 is made, the revision will take effect without further action. If the revision is  
10 challenged, the revision may not take effect without the approval of the commission.

11 (10) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) *Oversight*. 1. The  
12 executive, legislative, and judicial branches of state government in each member  
13 state shall enforce this compact and take all actions necessary and appropriate to  
14 effectuate the compact's purposes and intent. The provisions of this compact and the  
15 rules promulgated hereunder shall have standing as statutory law.

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

20 3. The commission shall be entitled to receive service of process in any such  
21 proceeding, and shall have standing to intervene in such a proceeding for all  
22 purposes. Failure to provide service of process to the commission shall render a  
23 judgment or order void as to the commission, this compact, or promulgated rules.

24 (b) *Default, technical assistance, and termination*. 1. If the commission  
25 determines that a member state has defaulted in the performance of its obligations

1 or responsibilities under this compact or the promulgated rules, the commission  
2 shall do all of the following:

3 a. Provide written notice to the defaulting state and other member states of the  
4 nature of the default, the proposed means of curing the default<sup>^</sup> and/or any other  
5 action to be taken by the commission.

6 b. Provide remedial training and specific technical assistance regarding the  
7 default.

8 2. If a state in default fails to cure the default, the defaulting state may be  
9 terminated from the compact upon an affirmative vote of a majority of the member  
10 states, and all rights, privileges<sup>^</sup> and benefits conferred by this compact may be  
11 terminated on the effective date of termination. A cure of the default does not relieve  
12 the offending state of obligations or liabilities incurred during the period of default.

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

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

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

24 6. The defaulting state may appeal the action of the commission by petitioning  
25 the U.S. District Court for the District of Columbia or the federal district where the

1 commission has its principal offices. The prevailing member shall be awarded all  
2 costs of such litigation, including reasonable attorney's fees.

3 (c) *Dispute resolution.* 1. Upon request by a member state, the commission  
4 shall attempt to resolve disputes related to the compact that arise among member  
5 states and between member and non-member states.

6 2. The commission shall promulgate a rule providing for both mediation and  
7 binding dispute resolution for disputes as appropriate.

8 (d) *Enforcement.* 1. The commission, in the reasonable exercise of its  
9 discretion, shall enforce the provisions and rules of this compact.

10 2. By majority vote, the commission may initiate legal action in the U.S.  
11 District Court for the District of Columbia or the federal district where the  
12 commission has its principal offices against a member state in default to enforce  
13 compliance with the provisions of the compact and its promulgated rules and bylaws.  
14 The relief sought may include both injunctive relief and damages. In the event  
15 judicial enforcement is necessary, the prevailing member shall be awarded all costs  
16 of such litigation, including reasonable attorney's fees.

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

19 (11) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL  
20 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS. (a) The  
21 compact shall come into effect on the date on which the compact statute is enacted  
22 into law in the <sup>↓ 210th</sup> tenth member state. The provisions, which become effective at that  
23 time, shall be limited to the powers granted to the commission relating to assembly  
24 and the promulgation of rules. Thereafter, the commission shall meet and exercise

1 rulemaking powers necessary to the implementation and administration of the  
2 compact.

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

8 (c) 1. Any member state may withdraw from this compact by enacting a statute  
9 repealing the same.

10 2. A member state's withdrawal shall not take effect until 6 months after  
11 enactment of the repealing statute.

12 3. Withdrawal shall not affect the continuing requirement of the withdrawing  
13 state's physical therapy licensing board to comply with the investigative and adverse  
14 action reporting requirements of this act prior to the effective date of withdrawal.

15 (d) Nothing contained in this compact shall be construed to invalidate or  
16 prevent any physical therapy licensure agreement or other cooperative arrangement  
17 between a member state and a nonmember state that does not conflict with the  
18 provisions of this compact.

19 (e) This compact may be amended by the member states. No amendment to this  
20 compact shall become effective and binding upon any member state until it is enacted  
21 into the laws of all member states.

22 (12) CONSTRUCTION AND SEVERABILITY. This compact shall be liberally construed  
23 so as to effectuate the purposes thereof. The provisions of this compact shall be  
24 severable and if any phrase, clause, sentence or provision of this compact is declared  
25 to be contrary to the constitution of any party state or of the United States or the



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

**INSERT 14-16**

7 **SECTION 11. Effective dates.** This act takes effect on the day after publication,  
8 except as follows: *repeal and recreation*  
9 (1) The *treatment* of sections 440.03 (13) (b) (intro.) (by SECTION 7) and 440.15  
10 (by SECTION 9) of the statutes takes effect on December 16, 2019.