AN ACT concerning physical therapy; enacting the physical therapy licensure compact; providing for interstate practice authority for physical therapists in compact states; authorizing criminal history record checks; amending K.S.A. 65-2912, 65-2920 and 65-2923 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. This act shall be known and may be cited as the physical therapy licensure compact.

PHYSICAL THERAPY LICENSURE COMPACT
SECTION 1.
PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

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

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

(2) enhance the states' ability to protect the public's health and safety;

(3) encourage the cooperation of member states in regulating multi-state physical therapy practice;

(4) support spouses of relocating military members;

(5) enhance the exchange of licensure, investigative and disciplinary information between member states; and

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

SECTION 2.
DEFINITIONS

As used in this compact, and except as otherwise provided, the
following definitions shall apply:

(a) "Active duty military" means full-time duty status in the active
uniformed service of the United States, including members of the national
guard and reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and
1211.

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

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

(d) "Compact privilege" means the authorization granted by a remote
state to allow a licensee from another member state to practice as a
physical therapist or work as a physical therapist assistant in the remote
state under its laws and rules. The practice of physical therapy occurs in
the member state where the patient or client is located at the time of the
patient or client encounter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state must:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

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

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

(4) fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the federal bureau of investigation record search on criminal background checks and use the results in making licensure decisions in accordance with this compact;

(5) comply with the rules of the commission;

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

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

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

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

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

SECTION 4.

COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold a license in the home state;

(2) have no encumbrance on any state license;

(3) be eligible for a compact privilege in any member state in accordance with section 4(d), (g) and (h);

(4) have not had any adverse action against any license or compact privilege within the previous two years;

(5) notify the commission that the licensee is seeking the compact privilege within a remote state;

(6) pay any applicable fees, including any state fee, for the compact privilege;

(7) meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and

(8) report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of section 4(a) to maintain the compact privilege in the remote state.

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

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

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

(1) The home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good
standing, the licensee must meet the requirements of section 4(a) to obtain a compact privilege in any remote state.

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

(1) The specific period of time for which the compact privilege was removed has ended;
(2) all fines have been paid; and
(3) two years have elapsed from the date of the adverse action.

(h) Once the requirements of section 4(g) have been met, the licensee must meet the requirements in section 4(a) to obtain a compact privilege in a remote state.

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

(a) Home of record;
(b) permanent change of station (PCS); or
(c) state of current residence, if it is different than the PCS state or home of record.

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

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

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

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

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

(1) Take adverse actions as set forth in section 4(d) against a licensee's compact privilege in the state;
(2) issue subpoenas for both hearings and investigations that require
Subpoenas issued by a physical therapy licensing board in a party state for
the attendance and testimony of witnesses, or the production of evidence,
or both, from another party state shall be enforced in the latter state by any
court of competent jurisdiction according to the practice and procedure of
that court applicable to subpoenas issued in proceedings pending before
that court. The issuing authority shall pay any witness fees, travel
expenses, mileage and other fees required by the service statutes of the
state where the witnesses or evidence, or both, are located; and
(3) if otherwise permitted by state law, recover from the licensee the
costs of investigations and disposition of cases resulting from any adverse
action taken against that licensee.
(f) Joint investigations:
(1) In addition to the authority granted to a member state by its
respective physical therapy practice act or other applicable state law, a
member state may participate with other member states in joint
investigations of licensees.
(2) Member states shall share any investigative, litigation or
compliance materials in furtherance of any joint or individual investigation
initiated under the compact.
SECTION 7.
ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT
COMMISSION
(a) The compact member states hereby create and establish a joint
public agency known as the physical therapy compact commission:
(1) The commission is an instrumentality of the compact states.
(2) Venue is proper and judicial proceedings by or against the
commission shall be brought solely and exclusively in a court of
competent jurisdiction where the principal office of the commission is
located. The commission may waive venue and jurisdictional defenses to
the extent it adopts or consents to participate in alternative dispute
resolution proceedings.
(3) Nothing in this compact shall be construed to be a waiver of
sovereign immunity.
(b) Membership, voting, and meetings:
(1) Each member state shall have and be limited to one delegate
selected by that member state's licensing board.
(2) The delegate shall be a current member of the licensing board,
who is a physical therapist, physical therapist assistant, public member or
the board administrator.
(3) Any delegate may be removed or suspended from office as
provided by the law of the state from which the delegate is appointed.
(4) The member state board shall fill any vacancy occurring in the
Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

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

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

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

(1) Establish the fiscal year of the commission;
(2) establish bylaws;
(3) maintain its financial records in accordance with the bylaws;
(4) meet and take such actions as are consistent with the provisions of this compact and the bylaws;
(5) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
(6) bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected;
(7) purchase and maintain insurance and bonds;
(8) borrow, accept or contract for services of personnel including, but not limited to, employees of a member state;
(9) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;
(10) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same, except that at all times the commission shall avoid any appearance of impropriety or conflict of interest, or both;
(11) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed, except that at all times the commission shall avoid any appearance of impropriety;
(12) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;
(13) establish a budget and make expenditures;
(14) borrow money;
(15) appoint committees, including standing committees comprised of
members, state regulators, state legislators or their representatives, and
c consumer representatives and such other interested persons as may be
designated in this compact and the bylaws;
(16) provide and receive information from, and cooperate with, law
enforcement agencies;
(17) establish and elect an executive board; and
(18) perform such other functions as may be necessary or appropriate
to achieve the purposes of this compact consistent with the state regulation
of physical therapy licensure and practice.
(d) The executive board shall have the power to act on behalf of the
commission according to the terms of this compact.
(1) The executive board shall be comprised of nine members:
(A) Seven voting members, who are elected by the commission from
the current membership of the commission;
(B) one ex-officio, non-voting member from the recognized national
physical therapy professional association; and
(C) one ex-officio, non-voting member from the recognized
membership organization of the physical therapy licensing boards.
(2) The ex-officio members will be selected by their respective
organizations.
(3) The commission may remove any member of the executive board
as provided in the bylaws.
(4) The executive board shall meet at least annually.
(5) The executive board shall have the following duties and
responsibilities:
(A) Recommend to the entire commission changes to the rules or
bylaws, changes to this compact legislation, fees paid by compact member
states such as annual dues and any commission compact fee charged to
licensees for the compact privilege;
(B) ensure compact administration services are appropriately
provided, contractual or otherwise;
(C) prepare and recommend the budget;
(D) maintain financial records on behalf of the commission;
(E) monitor compact compliance of member states and provide
compliance reports to the commission;
(F) establish additional committees as necessary; and
(G) other duties as provided in rules or bylaws.
(e) Meetings of the commission:
(1) All meetings shall be open to the public, and public notice of
meetings shall be given in the same manner as required under the
rulemaking provisions in section 9.
(2) The commission or the executive board or other committees of the
commission may convene in a closed, non-public meeting, if the
commission or executive board or other committees of the commission must discuss:

(A) Non-compliance of a member state with its obligations under the compact;
(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
(C) current, threatened or reasonably anticipated litigation;
(D) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;
(E) accusing any person of a crime or formally censuring any person;
(F) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
(G) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
(H) disclosure of investigative records compiled for law enforcement purposes;
(I) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
(J) matters specifically exempted from disclosure by federal or member state statute.

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

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

(f) Financing of the commission:
(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.
(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials and services.
(3) The commission may levy on and collect an annual assessment
from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

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

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

(g) Qualified immunity, defense, and indemnification:

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

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

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

SECTION 8.

DATA SYSTEM

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

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

(1) Identifying information;
(2) licensure data;
(3) adverse actions against a license or compact privilege;
(4) non-confidential information related to alternative program participation;
(5) any denial of application for licensure, and the reason for such denial; and
(6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

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

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

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

SECTION 9.

RULEMAKING

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

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

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

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

1. On the website of the commission or other publicly accessible platform; and
2. On the website of each member state's physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

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

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

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

1. All persons wishing to be heard at the hearing shall notify the executive director of the commission, or other designated member, in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person
who wishes to comment a fair and reasonable opportunity to comment
orally or in writing.

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

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

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

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

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

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

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

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

SECTION 10.
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT
(a) Oversight:

(1) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

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

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

(b) Default, technical assistance and termination:

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

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

(B) provide remedial training and specific technical assistance regarding the default.

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

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

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

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

(6) The defaulting state may appeal the action of the commission by
petitioning the United States district court for the District of Columbia or
the federal district where the commission has its principal offices. The
prevailing member state shall be awarded all costs of such litigation,
including reasonable attorney fees.

(c) Dispute resolution:
(1) Upon request by a member state, the commission shall attempt to
resolve disputes related to the compact that arise among member states and
between member and non-member states.
(2) The commission shall promulgate a rule providing for both
mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement:
(1) The commission, in the reasonable exercise of its discretion, shall
enforce the provisions and rules of this compact.
(2) By majority vote, the commission may initiate legal action in the
United States district court for the District of Columbia or the federal
district where the commission has its principal offices against a member
state in default to enforce compliance with the provisions of the compact
and its promulgated rules and bylaws. The relief sought may include both
injunctive relief and damages. In the event judicial enforcement is
necessary, the prevailing member shall be awarded all costs of such
litigation, including reasonable attorney fees.
(3) The remedies herein shall not be the exclusive remedies of the
commission. The commission may pursue any other remedies available
under federal or state law.

SECTION 11.
DATE OF IMPLEMENTATION OF THE INTERSTATE
COMMISSION FOR PHYSICAL THERAPY PRACTICE AND
ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date on which the
compact statute is enacted into law in the 10th member state. The
provisions that become effective at that time shall be limited to the powers
granted to the commission relating to assembly and the promulgation of
rules. Thereafter, the commission shall meet and exercise rulemaking
powers necessary to the implementation and administration of the
compact.
(b) Any state that joins the compact subsequent to the commission's
initial adoption of the rules shall be subject to the rules as they exist on the
date on which the compact becomes law in that state. Any rule that has
been previously adopted by the commission shall have the full force and
effect of law on the day the compact becomes law in that state.
(c) Any member state may withdraw from this compact by enacting a
statute repealing the same.
(1) A member state's withdrawal shall not take effect until six months
after enactment of the repealing statute.

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

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

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

SECTION 12.
CONSTRUCTION AND SEVERABILITY

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

New Sec. 2. (a) As part of an original application for a license as a physical therapist or a certificate as a physical therapy assistant, or as part of an original application for reinstatement of a license or certificate or in connection with any investigation of any holder of a license or certificate, or as part of an application by a physical therapist licensed in a home state for compact privilege to practice in Kansas under the physical therapy licensure compact connection with any investigation of any holder of a license or certificate, the state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The state board of healing arts is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The state board of healing arts may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or
to maintain a license or certificate.

(b) Local and state law enforcement officers and agencies shall assist
the state board of healing arts in taking and processing of fingerprints of
applicants for and holders of any license or certificate and shall release all
records of adult convictions and nonconvictions and adult convictions or
adjudications of another state or country to the state board of healing arts.

(c) The state board of healing arts may fix and collect a fee as may be
required by the board in an amount necessary to reimburse the board for
the cost of fingerprinting and the criminal history record check. Any
moneys collected under this subsection shall be deposited in the state
treasury and credited to the healing arts fee fund.

(d) This section shall be a part of and supplemental to the physical
therapy licensure compact practice act.

Sec. 3. K.S.A. 65-2912 is hereby amended to read as follows: 65-
2912. (a) The board may refuse to grant a license to any physical
therapist or a certificate to any physical therapist assistant, or may
suspend or revoke the license or compact privilege of any licensed
physical therapist or certificate or compact privilege of any certified
physical therapist assistant, or may limit the license or compact
privilege of any licensed physical therapist or certificate or compact
privilege of any certified physical therapist assistant or may censure a
licensed physical therapist or certified physical therapist assistant for
any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs
for other than lawful purposes;

(2) conviction of a felony if the board determines, after
investigation, that the physical therapist or physical therapist assistant
has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain licensure or certification by
fraud or deception;

(4) finding by a court of competent jurisdiction that the physical
therapist or physical therapist assistant is a disabled person and has
not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations
adopted by the board;

(6) the treatment or attempt to treat ailments or other health
conditions of human beings other than by physical therapy and as
authorized by this act;

(7) failure to refer patients to other—health—care healthcare
providers if symptoms are present for which physical therapy
treatment is inadvisable or if symptoms indicate conditions for which
treatment is outside the scope of knowledge of the licensed physical
therapist;
(8) evaluating or treating patients in a manner not consistent with
K.S.A. 65-2921, and amendments thereto; and
(9) knowingly submitting any misleading, deceptive, untrue or
fraudulent misrepresentation on a claim form, bill or statement.

(b) All proceedings pursuant to article 29 of chapter 65 of the
Kansas Statutes Annotated, and acts amendatory of the provisions
thereof or supplemental amendments thereto, shall be conducted in
accordance with the provisions of the Kansas administrative
procedure act and shall be reviewable in accordance with the Kansas
judicial review act.

Sec. 3. K.S.A. 65-2920 is hereby amended to read as follows: 65-
2920. Professional liability insurance coverage shall be maintained in
effect by each licensed physical therapist actively practicing in this state
including each physical therapist licensed in a home state, and practicing
in this state under the physical therapy licensure compact, as a condition
to rendering professional services as a physical therapist in this state. The
board shall fix by rules and regulations the minimum level of coverage for
such professional liability insurance.

Sec. 4. K.S.A. 65-2923 is hereby amended to read as follows: 65-
2923. (a) The board shall adopt rules and regulations establishing
minimum education and training requirements for the practice of dry
needling by a licensed physical therapist including a physical therapist
licensed in a home state and practicing in this state under the physical
therapy licensure compact.

(b) This section shall be a part of and supplemental to the physical
therapy practice act.

Sec. 5. K.S.A. 65-2912, 65-2920 and 65-2923 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its
publication in the statute book Kansas register.