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February 22, 2021
Honorable Brenda Landwehr, Chair
Kansas House Health and Human Services Committee

RE: Bill No HB 2279 (Physical Therapy Compact)

Madam Chairman and Members of the Committee:

The Federation of State Boards of Physical Therapy (FSBPT) is a membership organization comprised of the 53 jurisdictional licensing boards regulating physical therapy in the United States. The Kansas Physical Therapy Advisory Board of the Kansas Board of Health is a member of FSBPT. FSBPT's mission is to protect the public by providing service and leadership that promotes safe and competent physical therapy practice. All 53 jurisdictional licensing boards (50 states, District of Columbia, Puerto Rico, and the United States Virgin Islands) require licensure for physical therapists and either licensure or certification for physical therapist assistants.

The PT Compact (PTC or Compact) is an initiative of FSBPT to improve access to physical therapy care. Per the Compact statutory language, a physical therapist or physical therapist assistant working under a Compact Privilege must abide by the practice laws and rules of the remote state when practicing there. There is no impact or change in the scope of practice of PTs and PTAs in Kansas when becoming a member of the Compact.

The Compact is designed to achieve the following objectives:

1. Increase public access to physical therapy services in Kansas by providing for the mutual recognition of other member state licenses;
2. Enhance the state of Kansas' ability to protect the public's health and safety;
3. Support spouses of relocating military members;
4. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
5. Allow a remote state to hold a provider of services with a compact privilege in the Kansas accountable to the state's practice standards.

The PTC has many benefits for Kansas:

- Improves access for Kansas citizens to physical therapy providers
- Preserves state-based licensure system
- Improves communication between states ensuring all adverse actions and disciplinary actions will be reported regularly and shared with member states
- Requires criminal background checks
- Facilitates alternate delivery methods such as telehealth
- Requires continuing competence for all that practice under the PTC
- Improves portability for military spouses

With three major military installations in the state of Kansas, McConnell Air Force Base, Fort Leavenworth, and Fort Riley, the benefits to the military family afforded by the Compact are of significance. Although Kansas has taken steps to provide military spouses with expedited licensure, the Compact goes even further to assist military families. The military spouse has a choice of the state currently residing, state of the permanent change of station orders, or the state home of record to be the home state. The Compact helps the spouses of soldiers relocate and begin work with minimal delay; the Compact decreases the time to gain authorization to practice even as compared to expedited licensure laws. A Compact Privilege (CP), the authorization to practice in a state other than the home state, can be obtained in a matter of minutes. Kansas may become a more attractive option to call home for a military family with a physical therapist or physical therapist assistant; the military spouse has piece of mind that with Kansas as the home state, he/she will always be able to move to a Compact state with the service member without barriers to practice.

While the PTC does not address telehealth directly or change any state laws regarding telehealth, it does allow PTs and PTAs to obtain authorization to practice in another state much faster, in most cases in under ten minutes. As long as the provider adheres to all additional rules and laws of the jurisdictions, they could conceivably be providing patient care within the same day, ensuring continuity of care. Please note this would apply to Kansas residents who are out of state seeking care from their Kansas based PT or PTA as well as those coming to Kansas.

The PTC is modeled on mutual recognition. A physical therapist or physical therapist assistant must have a license in good standing in the home state and the home state must be a member of the Compact. When a licensee wants to work in another member state, (the remote state) a Compact Privilege (CP) must be obtained. The CP is the authorization to practice in the remote state and not a license. To determine eligibility for a CP, there are a few criteria that the licensee must meet: 1) Home state is in the compact 2) Hold a current license in home state 3) No current encumbrances against any license (compact or non-compact) and 4) No disciplinary action for the past 2 years. If all criteria is met, the individual receives the CP.

One of the key provisions of the PTC is the requirement for a Criminal Background Check (CBC) for initial licensure of all applicants in a jurisdiction. The CBC is a requirement when the jurisdiction passes the PTC, does not require Kansas to retroactively perform CBCs on current licensees, nor require CBC for renewal going forward. In order to facilitate the implementation of the FBI CBC and the PT Compact, the Physical Therapy Compact Commission (PTCC or Commission) recommends, *in addition to* enacting the PT Compact legislative language, amending existing state code to clearly state the requirement of a Federal Bureau of Investigation criminal background check for all initial licensees.

The PTCC is the governmental organization created by and consisting of 29 jurisdictions that chose to join the PTC by enacting the same model legislation the Kansas legislature is now considering. PTCC is a joint public agency made up of representatives from each member state, independent of any professional association or the FSBPT. As a governmental entity, the Commission has one delegate

from each member jurisdiction who is a current Board member or administrator. The PTCC handles administration and governance for the Compact. The Compact Commission staff verifies eligibility for a CP per the statute and rules requirements and issues the CP with a unique CP number. This ensures no additional work to issue CPs for the licensing board staff because of joining the Compact.

The authority to enforce the rules and laws of the state remain with the state licensing board and as with a license the board has the authority and responsibility to investigate complaints and take adverse action against an individual practicing under a compact privilege. Since compact privilege holders are held to a higher standard for eligibility, any adverse action or encumbrance taken would result in the immediate termination of all of the individual's compact privileges and make them ineligible for a period of at least 2 years. These PTs and PTAs could still apply for a license from the state board through the traditional process and the board could institute any further restrictions on the license at that time. This strict approach helps to ensure only the best actors are allowed to benefit from the PT Compact.

Legislators from Kansas should anticipate minimal additional costs to participate in the Compact. Although statute allows it, there is no cost for Kansas to be a member of the Compact. A majority of the Compact Commission must approve an annual assessment and Kansas would have an equal vote. The members of the PTCC, including the Kansas delegate, evaluate the need for an annual assessment to Compact members each year. Since the inception of the PTC, the Commission has voted to have \$0 in annual assessment. Each state's Delegate is expected to attend the annual in-person Commission meeting. Kansas may offset any potential loss of revenue by charging an appropriate fee for the CP. There will also be a potential increase in the number of Kansas residents who currently do not have a Kansas license, but choose to become licensed in Kansas to be eligible for a CP in remote states.

The PT Compact accomplishes all of this while maintaining the sovereignty of Kansas to determine, oversee, and enforce the scope of practice under which physical therapists and physical therapist assistants practice and work. The PTCC is responsible for updating and maintaining the Rules, Bylaws, and Policies by which the Commission can effectively administer the requirements of the Compact. All amendments to PTCC Rules, Bylaws, and Policies must be passed by the majority of delegates. PTCC rules apply to governance of the PTC and not to the scope of practice of PTs and PTAs in the state.

Thank you for the opportunity to support Kansas' membership in the Physical Therapy Compact.

Sincerely,

A handwritten signature in black ink that reads "Nancy Kirsch" with a stylized flourish at the end.

Nancy Kirsch, PT, DPT, PhD, FAPTA
President
Federation of State Boards of Physical Therapy