

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2279

By Committee on Health and Human Services

2-9

1 AN ACT concerning physical therapy; enacting the physical therapy
2 licensure compact; providing for interstate practice authority for
3 physical therapists in compact states; authorizing criminal history
4 record checks; amending K.S.A. **65-2912**, 65-2920 and 65-2923 and
5 repealing the existing sections.
6

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

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

10 PHYSICAL THERAPY LICENSURE COMPACT

11 SECTION 1.

12 PURPOSE

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

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

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

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

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

25 (4) support spouses of relocating military members;

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

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

30 SECTION 2.

31 DEFINITIONS

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

34 (a) "Active duty military" means full-time duty status in the active

1 withdrawing state's physical therapy licensing board to comply with the
2 investigative and adverse action reporting requirements of this act prior to
3 the effective date of withdrawal.

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

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

11 SECTION 12.

12 CONSTRUCTION AND SEVERABILITY

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

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

42 (b) Local and state law enforcement officers and agencies shall assist
43 the state board of healing arts in taking and processing of fingerprints of

connection with any investigations of any
holder of a license or certificate
(restoring stricken language from line 27)