

SENATE FILE NO. SF0172

Physical therapy licensure compact.

Sponsored by: Senator(s) Boner and Barlow and Representative(s) Williams

A BILL

for

1 AN ACT relating to professions and occupations; entering
2 into a compact with other states to allow physical
3 therapists licensed in one compact state to practice in
4 other compact states; specifying terms of the compact;
5 authorizing criminal background checks for physical
6 therapists applying for licensure under the compact; making
7 conforming amendments; and providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-25-201 and 33-25-202 are created
12 to read:

13

14

ARTICLE 2

15

PHYSICAL THERAPY LICENSURE COMPACT

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

3

4 1. "Active duty military" means full-time duty status
5 in the active uniformed service of the United States,
6 including members of the National Guard and Reserve on
7 active duty orders pursuant to 10 U.S.C. Chapter 1209 and
8 1211;

9

10 2. "Adverse action" means disciplinary action taken
11 by a physical therapy licensing board based upon
12 misconduct, unacceptable performance or a combination of
13 both;

14

15 3. "Alternative program" means a non-disciplinary
16 monitoring or practice remediation process approved by a
17 physical therapy licensing board. This includes, but is not
18 limited to, substance abuse issues;

19

20 4. "Compact privilege" means the authorization
21 granted by a remote state to allow a licensee from another
22 member state to practice as a physical therapist or work as
23 a physical therapist assistant in the remote state under

1 its laws and rules. The practice of physical therapy occurs
2 in the member state where the patient/client is located at
3 the time of the patient/client encounter;

4

5 5. "Continuing competence" means a requirement, as a
6 condition of license renewal, to provide evidence of
7 participation in, and/or completion of, educational and
8 professional activities relevant to practice or area of
9 work;

10

11 6. "Data system" means a repository of information
12 about licensees, including examination, licensure,
13 investigative, compact privilege and adverse action;

14

15 7. "Encumbered license" means a license that a
16 physical therapy licensing board has limited in any way;

17

18 8. "Executive board" means a group of directors
19 elected or appointed to act on behalf of, and within the
20 powers granted to them by, the commission;

21

22 9. "Home state" means the member state that is the
23 licensee's primary state of residence;

1

2 10. "Investigative information" means information,
3 records, and documents received or generated by a physical
4 therapy licensing board pursuant to an investigation;

5

6 11. "Jurisprudence requirement" means the assessment
7 of a person's knowledge of the laws and rules governing the
8 practice of physical therapy in a state;

9

10 12. "Licensee" means a person who currently holds an
11 authorization from the state to practice as a physical
12 therapist or to work as a physical therapist assistant;

13

14 13. "Member state" means a state that has enacted the
15 compact;

16

17 14. "Party state" means any member state in which a
18 licensee holds a current license or compact privilege or is
19 applying for a license or compact privilege;

20

21 15. "Physical therapist" means a person who is
22 licensed by a state to practice physical therapy;

23

1 16. "Physical therapist assistant" means a person who
2 is licensed/certified by a state and who assists a physical
3 therapist in selected components of physical therapy;

4

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

9

10 18. "Physical Therapy Compact Commission" or
11 "commission" means the national administrative body whose
12 membership consists of all states that have enacted the
13 compact;

14

15 19. "Physical therapy licensing board" or "licensing
16 board" means the agency of a state that is responsible for
17 the licensing and regulation of physical therapists and
18 physical therapist assistants;

19

20 20. "Remote state" means a member state other than
21 the home state, where a licensee is exercising or seeking
22 to exercise the compact privilege;

23

1

2 4. Fully implement a criminal background check
3 requirement, within a time frame established by rule, by
4 receiving the results of the Federal Bureau of
5 Investigation record search on criminal background checks
6 and use the results in making licensure decisions in
7 accordance with section 3.B.;

8

9 5. Comply with the rules of the commission;

10

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

14

15 7. Have continuing competence requirements as a
16 condition for license renewal.

17

18 B. Upon adoption of this statute, the member state
19 shall have the authority to obtain biometric-based
20 information from each physical therapy licensure applicant
21 and submit this information to the Federal Bureau of
22 Investigation for a criminal background check in accordance
23 with 28 U.S.C. § 534 and 42 U.S.C. § 14616.

1

2 C. A member state shall grant the compact privilege
3 to a licensee holding a valid unencumbered license in
4 another member state in accordance with the terms of the
5 compact and rules.

6

7 D. Member states may charge a fee for granting a
8 compact privilege.

9

10

SECTION 4

11

COMPACT PRIVILEGE

12

13 A. To exercise the compact privilege under the terms
14 and provisions of the compact, the licensee shall:

15

16 1. Hold a license in the home state;

17

18 2. Have no encumbrance on any state license;

19

20 3. Be eligible for a compact privilege in any
21 member state in accordance with Section 4.D., G. and H.;

22

1 4. Have not had any adverse action against any
2 license or compact privilege within the previous two (2)
3 years;

4

5 5. Notify the commission that the licensee is
6 seeking the compact privilege within a remote state(s);

7

8 6. Pay any applicable fees, including any state
9 fee, for the compact privilege;

10

11 7. Meet any jurisprudence requirements
12 established by the remote state(s) in which the licensee is
13 seeking a compact privilege; and

14

15 8. Report to the commission adverse action taken
16 by any non-member state within thirty (30) days from the
17 date the adverse action is taken.

18

19 B. The compact privilege is valid until the
20 expiration date of the home license. The licensee shall
21 comply with the requirements of section 4.A. to maintain
22 the compact privilege in the remote state.

23

1 C. A licensee providing physical therapy in a remote
2 state under the compact privilege shall function within the
3 laws and regulations of the remote state.

4

5 D. A licensee providing physical therapy in a remote
6 state is subject to that state's regulatory authority. A
7 remote state may, in accordance with due process and that
8 state's laws, remove a licensee's compact privilege in the
9 remote state for a specific period of time, impose fines,
10 and/or take any other necessary actions to protect the
11 health and safety of its citizens. The licensee is not
12 eligible for a compact privilege in any state until the
13 specific time for removal has passed and all fines are
14 paid.

15

16 E. If a home state license is encumbered, the
17 licensee shall lose the compact privilege in any remote
18 state until the following occur:

19

20 1. The home state license is no longer
21 encumbered; and

22

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

3

4 F. Once an encumbered license in the home state is
5 restored to good standing, the licensee shall meet the
6 requirements of section 4.A. to obtain a compact privilege
7 in any remote state.

8

9 G. If a licensee's compact privilege in any remote
10 state is removed, the person shall lose the compact
11 privilege in any remote state until the following occur:

12

13 1. The specific period of time for which the
14 compact privilege was removed has ended;

15

16 2. All fines have been paid; and

17

18 3. Two (2) years have elapsed from the date of
19 the adverse action.

20

21 H. Once the requirements of section 4.G. have been
22 met, the license shall meet the requirements in section
23 4.A. to obtain a compact privilege in a remote state.

1

2

SECTION 5

3

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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5 A licensee who is active duty military or is the spouse of
6 a person who is active duty military may designate one (1)
7 of the following as the home state:

8

9

A. Home of record;

10

11

B. Permanent Change of Station (PCS); or

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C. State of current residence if it is different than
the PCS state or home of record.

15

16

SECTION 6

17

ADVERSE ACTIONS

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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

1 home state follows its own procedures for imposing adverse
2 action.

3

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

13

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

19

20 E. A remote state shall have the authority to:

21

22 1. Take adverse actions as set forth in section
23 4.D. against a licensee's compact privilege in the state;

1

2 2. Issue subpoenas for both hearings and
3 investigations that require the attendance and testimony of
4 witnesses, and the production of evidence. Subpoenas issued
5 by a physical therapy licensing board in a party state for
6 the attendance and testimony of witnesses, and/or the
7 production of evidence from another party state, shall be
8 enforced in the latter state by any court of competent
9 jurisdiction, according to the practice and procedure of
10 that court applicable to subpoenas issued in proceedings
11 pending before it. The issuing authority shall pay any
12 witness fees, travel expenses, mileage and other fees
13 required by the service statutes of the state where the
14 witnesses and/or evidence are located; and

15

16 3. If otherwise permitted by state law, recover
17 from the licensee the costs of investigations and
18 disposition of cases resulting from any adverse action
19 taken against that licensee.

20

21 F. Joint Investigations:

22

1 exclusively in a court of competent jurisdiction where the
2 principal office of the commission is located. The
3 commission may waive venue and jurisdictional defenses to
4 the extent it adopts or consents to participate in
5 alternative dispute resolution proceedings.

6

7 3. Nothing in this compact shall be construed to
8 be a waiver of sovereign immunity.

9

10 B. Membership, voting and meetings:

11

12 1. Each member state shall have and be limited
13 to one (1) delegate selected by that member state's
14 licensing board.

15

16 2. The delegate shall be a current member of the
17 licensing board, who is a physical therapist, physical
18 therapist assistant, public member or the board
19 administrator.

20

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

1

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

4

5 5. Each delegate shall be entitled to one (1)
6 vote with regard to the promulgation of rules and creation
7 of bylaws and shall otherwise have an opportunity to
8 participate in the business and affairs of the commission.

9

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

14

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

18

19 C. The commission shall have the following powers and
20 duties:

21

22 1. Establish the fiscal year of the commission;

23

1 2. Establish bylaws;

2

3 3. Maintain its financial records in accordance
4 with the bylaws;

5

6 4. Meet and take such actions as are consistent
7 with the provisions of this compact and the bylaws;

8

9 5. Promulgate uniform rules to facilitate and
10 coordinate implementation and administration of this
11 compact. The rules shall have the force and effect of law
12 and shall be binding in all member states;

13

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

18

19 7. Purchase and maintain insurance and bonds;

20

21 8. Borrow, accept or contract for services of
22 personnel, including, but not limited to, employees of a
23 member state;

1

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

9

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

15

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

21

1 12. Sell, convey, mortgage, pledge, lease,
2 exchange, abandon or otherwise dispose of any property
3 real, personal or mixed;

4

5 13. Establish a budget and make expenditures;

6

7 14. Borrow money;

8

9 15. Appoint committees, including standing
10 committees composed of members, state regulators, state
11 legislators or their representatives and consumer
12 representatives, and such other interested persons as may
13 be designated in this compact and the bylaws;

14

15 16. Provide and receive information from and
16 cooperate with law enforcement agencies;

17

18 17. Establish and elect an executive board; and

19

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

1

2 D. The executive board. The executive board shall
3 have the power to act on behalf of the commission according
4 to the terms of this compact:

5

6 1. The executive board shall be composed of nine
7 (9) members:

8

9 a. Seven (7) voting members who are elected
10 by the commission from the current membership of the
11 commission;

12

13 b. One (1) ex-officio, nonvoting member
14 from the recognized national physical therapy professional
15 association; and

16

17 c. One (1) ex-officio, nonvoting member
18 from the recognized membership organization of the physical
19 therapy licensing boards.

20

21 2. The ex-officio members shall be selected by
22 their respective organizations.

23

1 3. The commission may remove any member of the
2 executive board as provided in bylaws.

3
4 4. The executive board shall meet at least
5 annually.

6
7 5. The executive board shall have the following
8 duties and responsibilities:

9
10 a. Recommend to the entire commission
11 changes to the rules or bylaws, changes to this compact
12 legislation, fees paid by compact member states such as
13 annual dues and any commission compact fee charged to
14 licensees for the compact privilege;

15
16 b. Ensure compact administration services
17 are appropriately provided, contractual or otherwise;

18
19 c. Prepare and recommend the budget;

20
21 d. Maintain financial records on behalf of
22 the commission;

23

1 e. Monitor compact compliance of member
2 states and provide compliance reports to the commission;

3

4 f. Establish additional committees as
5 necessary; and

6

7 g. Other duties as provided in rules or
8 bylaws.

9

10 E. Meetings of the commission:

11

12 1. All meetings shall be open to the public, and
13 public notice of meetings shall be given in the same manner
14 as required under the rulemaking provisions in section 9.

15

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

20

21 a. Non-compliance of a member state with
22 its obligations under the compact;

23

1 b. The employment, compensation, discipline
2 or other matters, practices or procedures related to
3 specific employees or other matters related to the
4 commission's internal personnel practices and procedures;

5

6 c. Current, threatened or reasonably
7 anticipated litigation;

8

9 d. Negotiation of contracts for the
10 purchase, lease or sale of goods, services or real estate;

11

12 e. Accusing any person of a crime or
13 formally censuring any person;

14

15 f. Disclosure of trade secrets or
16 commercial or financial information that is privileged or
17 confidential;

18

19 g. Disclosure of information of a personal
20 nature where disclosure would constitute a clearly
21 unwarranted invasion of personal privacy;

22

1 h. Disclosure of investigative records
2 compiled for law enforcement purposes;

3
4 i. Disclosure of information related to any
5 investigative reports prepared by or on behalf of or for
6 use of the commission or other committee charged with
7 responsibility of investigation or determination of
8 compliance issues pursuant to the compact; or

9
10 j. Matters specifically exempted from
11 disclosure by federal or member state statute.

12
13 3. If a meeting or portion of a meeting is
14 closed pursuant to this provision, the commission's legal
15 counsel or designee shall certify that the meeting may be
16 closed and shall reference each relevant exempting
17 provision.

18
19 4. The commission shall keep minutes that fully
20 and clearly describe all matters discussed in a meeting and
21 shall provide a full and accurate summary of actions taken,
22 and the reasons therefore, including a description of the
23 views expressed. All documents considered in connection

1 with an action shall be identified in such minutes. All
2 minutes and documents of a closed meeting shall remain
3 under seal subject to release by a majority vote of the
4 commission or order of a court of competent jurisdiction.

5

6 F. Financing of the commission:

7

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

11

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

15

16 3. The commission may levy on and collect an
17 annual assessment from each member state or impose fees on
18 other parties to cover the cost of the operations and
19 activities of the commission and its staff, which shall be
20 in a total amount sufficient to cover its annual budget as
21 approved each year for which revenue is not provided by
22 other sources. The aggregate annual assessment amount shall
23 be allocated based upon a formula to be determined by the

1 commission, which shall promulgate a rule binding upon all
2 member states.

3

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

9

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

19

20 G. Qualified immunity, defense and indemnification:

21

22 1. The members, officers, executive director,
23 employees and representatives of the commission shall be

1 immune from suit and liability, either personally or in
2 their official capacity, for any claim for damage to or
3 loss of property or personal injury or other civil
4 liability caused by or arising out of any actual or alleged
5 act, error or omission that occurred or that the person
6 against whom the claim is made had a reasonable basis for
7 believing occurred within the scope of commission
8 employment, duties or responsibilities, provided that
9 nothing in this paragraph shall be construed to protect any
10 such person from suit and/or liability for any damage,
11 loss, injury or liability caused by the intentional or
12 willful or wanton misconduct of that person.

13

14 2. The commission shall defend any member,
15 officer, executive director, employee or representative of
16 the commission in any civil action seeking to impose
17 liability arising out of any actual or alleged act, error
18 or omission that occurred within the scope of commission
19 employment, duties or responsibilities or that the person
20 against whom the claim is made had a reasonable basis for
21 believing occurred within the scope of commission
22 employment, duties or responsibilities, provided that
23 nothing herein shall be construed to prohibit that person

1 from retaining his or her own counsel, and provided
2 further, that the actual or alleged act, error or omission
3 did not result from that person's intentional or willful or
4 wanton misconduct.

5

6 3. The commission shall indemnify and hold
7 harmless any member, officer, executive director, employee
8 or representative of the commission for the amount of any
9 settlement or judgment obtained against that person arising
10 out of any actual or alleged act, error or omission that
11 occurred within the scope of commission employment, duties
12 or responsibilities, or that such person had a reasonable
13 basis for believing occurred within the scope of commission
14 employment, duties or responsibilities, provided that the
15 actual or alleged act, error or omission did not result
16 from the intentional or willful or wanton misconduct of
17 that person.

18

19

SECTION 8

20

DATA SYSTEM

21

22 A. The commission shall provide for the development,
23 maintenance and utilization of a coordinated database and

1 reporting system containing licensure, adverse action and
2 investigative information on all licensed persons in member
3 states.

4

5 B. Notwithstanding any other provision of state law
6 to the contrary, a member state shall submit a uniform data
7 set to the data system on all persons to whom this compact
8 is applicable as required by the rules of the commission,
9 including:

10

11 1. Identifying information;

12

13 2. Licensure data;

14

15 3. Adverse actions against a license or compact
16 privilege;

17

18 4. Non-confidential information related to
19 alternative program participation;

20

21 5. Any denial of application for licensure and
22 the reason(s) for such denial; and

23

1 6. Other information that may facilitate the
2 administration of this compact, as determined by the rules
3 of the commission.

4

5 C. Investigative information pertaining to a licensee
6 in any member state shall only be available to other party
7 states.

8

9 D. The commission shall promptly notify all member
10 states of any adverse action taken against a licensee or a
11 person applying for a license. Adverse action information
12 pertaining to a licensee in any member state shall be
13 available to any other member state.

14

15 E. Member states contributing information to the data
16 system may designate information that shall not be shared
17 with the public without the express permission of the
18 contributing state.

19

20 F. Any information submitted to the data system that
21 is subsequently required to be expunged by the laws of the
22 member state contributing the information shall be removed
23 from the data system.

1

2

SECTION 9

3

RULEMAKING

4

5 A. The commission shall exercise its rulemaking
6 powers pursuant to the criteria set forth in this section
7 and the rules adopted thereunder. Rules and amendments
8 shall become binding as of the date specified in each rule
9 or amendment.

10

11 B. If a majority of the legislatures of the member
12 states rejects a rule, by enactment of a statute or
13 resolution in the same manner used to adopt the compact
14 within four (4) years of the date of adoption of the rule,
15 then such rule shall have no further force and effect in
16 any member state.

17

18 C. Rules or amendments to the rules shall be adopted
19 at a regular or special meeting of the commission.

20

21 D. Prior to promulgation and adoption of a final rule
22 or rules by the commission, and at least thirty (30) days
23 in advance of the meeting at which the rule will be

1 considered and voted upon, the commission shall file a
2 notice of proposed rulemaking:

3

4 1. On the website of the commission or other
5 publicly accessible platform; and

6

7 2. On the website of each member state physical
8 therapy licensing board or other publicly accessible
9 platform or the publication in which each state would
10 otherwise publish proposed rules.

11

12 E. The notice of proposed rulemaking shall include:

13

14 1. The proposed time, date and location of the
15 meeting in which the rule will be considered and voted
16 upon;

17

18 2. The text of the proposed rule or amendment
19 and the reason for the proposed rule;

20

21 3. A request for comments on the proposed rule
22 from any interested person; and

23

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

4

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

9

10 G. The commission shall grant an opportunity for a
11 public hearing before it adopts a rule or amendment if a
12 hearing is requested by:

13

14 1. At least twenty-five (25) persons;

15

16 2. A state or federal governmental subdivision
17 or agency; or

18

19 3. An association having at least twenty-five
20 (25) members.

21

22 H. If a hearing is held on the proposed rule or
23 amendment, the commission shall publish the place, time and

1 date of the scheduled public hearing. If the hearing is
2 held via electronic means, the commission shall publish the
3 mechanism for access to the electronic hearing.

4

5 1. All persons wishing to be heard at the
6 hearing shall notify the executive director of the
7 commission or other designated member in writing of their
8 desire to appear and testify at the hearing not less than
9 five (5) business days before the scheduled date of the
10 hearing.

11

12 2. Hearings shall be conducted in a manner
13 providing each person who wishes to comment a fair and
14 reasonable opportunity to comment orally or in writing.

15

16 3. All hearings shall be recorded. A copy of the
17 recording shall be made available on request.

18

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

23

1 I. Following the scheduled hearing date, or by the
2 close of business on the scheduled hearing date if the
3 hearing was not held, the commission shall consider all
4 written and oral comments received.

5

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

10

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

15

16 L. Upon determination that an emergency exists, the
17 commission may consider and adopt an emergency rule without
18 prior notice, opportunity for comment or hearing, provided
19 that the usual rulemaking procedures provided in the
20 compact and in this section shall be retroactively applied
21 to the rule as soon as reasonably possible, in no event
22 later than ninety (90) days after the effective date of the

1 rule. For the purposes of this provision, an emergency rule
2 is one (1) that shall be adopted immediately in order to:

3

4 1. Meet an imminent threat to public health,
5 safety or welfare;

6

7 2. Prevent a loss of commission or member state
8 funds;

9

10 3. Meet a deadline for the promulgation of an
11 administrative rule that is established by federal law or
12 rule; or

13

14 4. Protect public health and safety.

15

16 M. The commission or an authorized committee of the
17 commission may direct revisions to a previously adopted
18 rule or amendment for purposes of correcting typographical
19 errors, errors in format, errors in consistency or
20 grammatical errors. Public notice of any revisions shall be
21 posted on the website of the commission. The revision shall
22 be subject to challenge by any person for a period of
23 thirty (30) days after posting. The revision may be

1 challenged only on grounds that the revision results in a
2 material change to a rule. A challenge shall be made in
3 writing and delivered to the chair of the commission prior
4 to the end of the notice period. If no challenge is made,
5 the revision shall take effect without further action. If
6 the revision is challenged, the revision shall not take
7 effect without the approval of the commission.

8

9

SECTION 10

10

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

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12

A. Oversight:

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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

1 matter of this compact which may affect the powers,
2 responsibilities or actions of the commission.

3

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

10

11 B. Default, technical assistance and termination:

12

13 1. If the commission determines that a member
14 state has defaulted in the performance of its obligations
15 or responsibilities under this compact or the promulgated
16 rules, the commission shall:

17

18 a. Provide written notice to the defaulting
19 state and other member states of the nature of the default,
20 the proposed means of curing the default and/or any other
21 action to be taken by the commission; and

22

1 b. Provide remedial training and specific
2 technical assistance regarding the default.

3

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

12

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

20

21 4. A state that has been terminated is
22 responsible for all assessments, obligations and
23 liabilities incurred through the effective date of

1 termination, including obligations that extend beyond the
2 effective date of termination.

3

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

8

9 6. The defaulting state may appeal the action of
10 the commission by petitioning the United States District
11 Court for the District of Columbia or the federal district
12 where the commission has its principal offices. The
13 prevailing member shall be awarded all costs of such
14 litigation, including reasonable attorney's fees.

15

16 C. Dispute resolution:

17

18 1. Upon request by a member state, the
19 commission shall attempt to resolve disputes related to the
20 compact that arise among member states and between member
21 and non-member states.

22

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

4

5 D. Enforcement:

6

7 1. The commission, in the reasonable exercise of
8 its discretion, shall enforce the provisions and rules of
9 this compact.

10

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

21

22 3. The remedies herein shall not be the
23 exclusive remedies of the commission. The commission may

1 pursue any other remedies available under federal or state
2 law.

3

4

SECTION 11

5

6

DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL

7

AND AMENDMENT

8

9 A. The compact shall come into effect on the date the
10 compact statute is enacted into law in the tenth member
11 state. The provisions, which become effective at that time,
12 shall be limited to the powers granted to the commission
13 relating to assembly and the promulgation of rules.
14 Thereafter, the commission shall meet and exercise
15 rulemaking powers necessary to the implementation and
16 administration of the compact.

17

18 B. Any state that joins the compact subsequent to the
19 commission's initial adoption of the rules shall be subject
20 to the rules as they exist on the date on which the compact
21 becomes law in that state. Any rule that has been
22 previously adopted by the commission shall have the full

1 force and effect of law on the day the compact becomes law
2 in that state.

3

4 C. Any member state may withdraw from this compact by
5 enacting a statute repealing the same.

6

7 1. A member state's withdrawal shall not take
8 effect until six (6) months after enactment of the
9 repealing statute.

10

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

16

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

22

1 E. This compact may be amended by the member states.
2 No amendment to this compact shall become effective and
3 binding upon any member state until it is enacted into the
4 laws of all member states.

5

6

SECTION 12

7

CONSTRUCTION AND SEVERABILITY

8

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

23

1 **Section 2.** W.S. 33-25-101(a)(i)(intro), (ii), (vi),
2 (x), by creating a new paragraph (xii) and by renumbering
3 (xii) as (xiii), 33-25-102(a)(intro), (b), (d) and (f)(i),
4 33-25-104(a)(ii) through (v) and (vii) through (ix),
5 33-25-106(a), 33-25-107(b), 33-25-111(a)(intro), (i),
6 (ii)(A), (vii), (xiii), (xv), (xvi) and (b), 33-25-112(b),
7 33-25-113(a) and 33-2-116(a)(ii) and (iii) are amended to
8 read:

9

10 **33-25-101. Definitions.**

11

12 (a) As used in this act:

13

14 (i) "Physical therapy" or "physiotherapy" means
15 the care and services provided by or under the direction
16 and supervision of a physical therapist or physiotherapist
17 who is licensed pursuant to this act or who has been
18 granted a compact privilege. The practice of physical
19 therapy includes:

20

21 (ii) "Physical therapist" or "physiotherapist"
22 means a person who is licensed to practice physical therapy

1 pursuant to this act or who has been granted a compact
2 privilege;

3

4 (vi) "Physical therapy services" means the care
5 and services provided by a licensed physical therapist or a
6 certified physical therapist assistant pursuant to this act
7 or by a physical therapist or physical therapist assistant
8 who has been granted a compact privilege;

9

10 (x) "Physical therapy aide" means a person
11 trained under the direction of a licensed physical
12 therapist or a physical therapist who has been granted a
13 compact privilege who performs designated and supervised
14 components of care related to physical therapy;

15

16 (xii) "Compact privilege" means the privilege to
17 practice as a physical therapist or physical therapist
18 assistant pursuant to the physical therapist licensure
19 compact under W.S. 33-25-201 and 33-25-202;

20

21 ~~(xii)~~(xiii) "This act" means W.S. 33-25-101
22 through 33-25-116.

23

1 **33-25-102. Practice of physical therapy; license or**
2 **certificate required; exceptions; false representations.**

3

4 (a) No individual shall engage in the practice of
5 physical therapy services nor hold himself out as being
6 able to practice physical therapy in the state of Wyoming
7 unless he is licensed or certified in accordance with the
8 provisions of this act or has been granted a compact
9 privilege and such license, compact privilege or
10 certificate is in good standing and has not been suspended
11 or revoked, except nothing in this act shall:

12

13 (b) No individual or business entity shall use in
14 connection with his name or business, the words physical
15 therapy, physical therapist, physiotherapy,
16 physiotherapist, registered physical therapist, licensed
17 physical therapist, doctor of physical therapy or the
18 letters P.T., L.P.T., R.P.T., D.P.T., M.P.T., M.S.P.T. or
19 any other words, letters, abbreviations or insignia
20 indicating or implying directly or indirectly that physical
21 therapy is provided or supplied in any manner unless the
22 person is a physical therapist licensed to practice in
23 accordance with this act or has been granted a compact

1 privilege. No individual or business entity shall use the
2 title physical therapist assistant, the letters P.T.A. or
3 any other words, abbreviations or insignia in connection
4 with his name to indicate or imply that the person is a
5 physical therapist assistant unless the person is certified
6 as a physical therapist assistant in accordance with this
7 act or has been granted a compact privilege.

8
9 (d) Physical therapy aides may perform patient care
10 activities as defined by the board under the on-site
11 supervision of a licensed physical therapist, ~~or~~ a
12 certified physical therapist assistant or a physical
13 therapist or physical therapist assistant who has been
14 granted a compact privilege.

15
16 (f) The following persons are exempt from the
17 licensure and certification requirements of this act:

18
19 (i) A person in a professional education program
20 approved by the board who is satisfying supervised clinical
21 education requirements related to the person's physical
22 therapist education while under on-site supervision of a

1 licensed physical therapist or a physical therapist who has
2 been granted a compact privilege;

3

4 **33-25-104. Board of physical therapy; powers and**
5 **duties generally.**

6

7 (a) The board shall have the following powers and
8 duties:

9

10 (ii) Revoke, suspend, restrict, condition,
11 reprimand, refuse to renew or refuse to issue the license
12 of any physical therapist, ~~or~~ the certificate of any
13 physical therapy assistant or applicant pursuant to W.S.
14 33-25-111 or the compact privilege to practice of any
15 physical therapist or physical therapy assistant;

16

17 (iii) Maintain current records listing the name
18 of every licensed physical therapist, ~~and~~ certified
19 physical therapist assistant, physical therapist and
20 physical therapist assistant granted a compact privilege in
21 this state, his business and home address, the date and
22 number of his license or certification and, if known, his
23 area or expertise, professional interest or credentials;

1

2 (iv) Adopt rules and regulations to implement
3 this act and the physical therapy licensure compact under
4 W.S. 33-25-201 and 33-25-202;

5

6 (v) Within the limitations provided in W.S.
7 33-25-113(a), set and from time to time revise fees as
8 necessary to recover the expenses of administering this act
9 and the physical therapy licensure compact under W.S.
10 33-25-201 and 33-25-202;

11

12 (vii) Conduct investigations, hearings and
13 proceedings concerning alleged violations of this act, and
14 board rules and regulations and the physical therapy
15 licensure compact under W.S. 33-25-201 and 33-25-202;

16

17 (viii) Inspect or duplicate patient medical
18 records which relate to any alleged acts of misconduct,
19 documented in the form of a formal complaint filed with the
20 board, against any license, compact privilege or
21 certificate holder and as authorized by the Health
22 Insurance Portability and Accountability Act for regulatory
23 bodies;

1

2 (ix) Report final disciplinary action taken
3 against a license, compact privilege or certificate holder
4 to the extent authorized or required by other state and
5 federal laws.

6

7 **33-25-106. Examinations.**

8

9 (a) All applicants shall be required to pass an
10 examination prior to their being licensed or certified as
11 provided in this article unless otherwise exempted from
12 examination pursuant to W.S. 33-25-108 or the physical
13 therapy licensure compact under W.S. 33-25-201 and
14 33-25-202. The examinations shall be approved by the board.

15

16 **33-25-107. License; certificate of registration.**

17

18 (b) Each individual licensed as a physical therapist
19 or who has been granted a compact privilege in this state
20 is authorized to use the letters "P.T." after his name, and
21 may represent himself to the public as a licensed physical
22 therapist.

23

1 **33-25-111. Discipline; denial or suspension of**
2 **license or certificate; grounds.**

3

4 (a) The board may revoke, suspend, restrict,
5 condition, reprimand, refuse to issue or refuse to renew
6 the license, compact privilege or certification of any
7 individual who:

8

9 (i) Practices physical therapy or acts as a
10 physical therapist assistant in violation of the provisions
11 of this act or the physical therapy licensure compact under
12 W.S. 33-25-201 and 33-25-202;

13

14 (ii) Has practiced or attempts to practice fraud
15 or deceit in:

16

17 (A) Procuring or attempting to procure a
18 license, compact privilege or certificate;

19

20 (vii) Has had his license to practice physical
21 therapy, ~~or~~ certification to act as a physical therapist
22 assistant or compact privilege refused, revoked or

1 suspended or has had other disciplinary action taken in
2 another jurisdiction or country;

3

4 (xiii) Has knowingly engaged in an act which the
5 license, compact privilege or certificate holder knew was
6 beyond the scope of the individual's license, compact
7 privilege or certificate or performed acts without
8 sufficient education, knowledge or ability to competently
9 apply physical therapy principles and skills;

10

11 (xv) Knowingly fails to report to the board any
12 violation of this act, the physical therapy licensure
13 compact under W.S. 33-25-201 and 33-25-202 or rules and
14 regulations of the board;

15

16 (xvi) Violates any provisions of this act, the
17 physical therapy licensure compact under W.S. 33-25-201 and
18 33-25-202, rules and regulations of the board or lawfully
19 issued disciplinary order of the board;

20

21 (b) Upon receipt from the department of family
22 services of a certified copy of an order from a court to
23 withhold, suspend or otherwise restrict a license issued by

1 the board or a compact privilege, the board shall notify
2 the party named in the court order of the withholding,
3 suspension or restriction of the license or compact
4 privilege in accordance with the terms of the court order.
5 No appeal under the Wyoming Administrative Procedure Act
6 shall be allowed for a license or compact privilege
7 withheld, suspended or restricted under this subsection.

8

9 **33-25-112. Hearing and appeal procedures.**

10

11 (b) Except as provided by W.S. 33-25-111(b), all
12 board decisions concerning revocation or suspension of a
13 license, compact privilege or registration shall require an
14 affirmative vote of three (3) board members.

15

16 **33-25-113. Fees.**

17

18 (a) The board, pursuant to W.S. 33-1-201, shall
19 establish fees for examination, licensure or certification,
20 licensure or certification by endorsement, compact
21 privileges, renewal and reissuance.

22

23 **33-25-116. Injunctive relief; grounds.**

1

2 (a) The board may petition in its own name for an
3 injunction to an appropriate court to enjoin:

4

5 (ii) Any license, compact privilege or
6 certificate holder who is in violation of this act or the
7 physical therapy licensure compact under W.S. 33-25-201 and
8 33-25-202 from practicing physical therapy;

9

10 (iii) Any person, firm, corporation,
11 institution, association, business or other entity from
12 employing any individual to practice physical therapy who
13 is not licensed or certified as required by this act or who
14 has not been granted a compact privilege.

15

16 **Section 3.** This act is effective July 1, 2025.

17

18

(END)