AN ACT

RELATING TO HEALTH CARE; ENACTING THE PHYSICAL THERAPY LICENSURE COMPACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] PHYSICAL THERAPY LICENSURE COMPACT ENTERED INTO.--The Physical Therapy Licensure Compact is entered into law and entered into with all other jurisdictions legally joining therein in a form substantially as follows:

"Physical Therapy Licensure Compact

ARTICLE 1 - Purpose

The purpose of this compact is to facilitate 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. This compact is designed to achieve the following
objectives:

A. increase public access to physical therapy
services by providing for the mutual recognition of other
member state licenses;

B. enhance the states' ability to protect public
health and safety;

C. encourage the cooperation of member states in
regulating multistate physical therapy practice;

D. support spouses of relocating military members;

E. enhance the exchange of licensure, investigative
and disciplinary information between member states; and

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

ARTICLE 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. Sections 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 nondisciplinary 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, educational and professional activities relevant to practice or 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" or "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", "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 regulation, principle or directive promulgated by the commission that has the force of law; and

V. "state" means any state, commonwealth, district or territory of the United States of America that regulates the practice of physical therapy.

ARTICLE 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 investigative 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 using the
results in making licensure decisions in accordance with
Subsection B of Article 3 of the Physical Therapy Licensure
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 statute, 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. Section
534 and 42 U.S.C. Section 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.

ARTICLE 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 Subsections G and H of this
article;

(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 states in which the licensee is
seeking a compact privilege; and

(8) report to the commission adverse action
taken by any nonmember state within thirty 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 Subsection A of this article 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, impose fines or 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 Subsection A of this article 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 Subsection G of this article have been met, the licensee must meet the requirements in Subsection A of this article to obtain a compact privilege in a remote state.

ARTICLE 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; or
C. state of current residence if it is different than the permanent change of station state or home of record.

ARTICLE 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 nonpublic 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 Subsection D of Article 4 of the Physical Therapy Licensure Compact against a licensee's compact privilege in the state;

   (2) issue subpoenas for both hearings and investigations that require the attendance and testimony of
witnesses and the production of evidence. Subpoenas issued by
a physical therapy licensing board in a party state for the
attendance and testimony of witnesses, or the production of
evidence 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 it. 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 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.

ARTICLE 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 commission.

(5) 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 the commission's 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 to 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; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(11) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided 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,
1 personal or mixed;
2   (13) establish a budget and make expenditures;
3   (14) borrow money;
4   (15) appoint committees, including standing
5 committees composed of members, state regulators, state
6 legislators or their representatives and consumer
7 representatives and such other interested persons as may be
8 designated in this compact and the bylaws;
9   (16) provide and receive information from, and
10 cooperate with, law enforcement agencies;
11   (17) establish and elect an executive board;
12 and
13   (18) perform such other functions as may be
14 necessary or appropriate to achieve the purposes of this
15 compact consistent with the state regulation of physical
16 therapy licensure and practice.
17 D. The Executive Board
18   The executive board shall have the power to act on behalf
19 of the commission according to the terms of this compact.
20   (1) The executive board shall be composed of
21 nine members:
22   (a) seven voting members who are elected
23 by the commission from the current membership of the
24 commission;
25   (b) one ex-officio, nonvoting member
from the recognized national physical therapy professional
association; and

    (c) one ex-officio, nonvoting 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 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 that 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) perform 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 Article 9 of the Physical Therapy Licensure Compact.

(2) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

(a) noncompliance 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) accusation of 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 the 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 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; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability 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;
provided that nothing in this paragraph shall be construed to
prohibit that person from retaining that person's own counsel;
and provided further 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; provided that the actual or alleged
act, error or omission did not result from the intentional or
willful or wanton misconduct of that person.

ARTICLE 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) nonconfidential information related to
alternative program participation;
(5) any denial of application for licensure
and the reasons 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 shall be available only 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 shall 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.

ARTICLE 9 - Rulemaking

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article 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 thirty 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 on the websites of:

(1) the commission or other publicly accessible platform; and

(2) each member state 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 that 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 twenty-five persons;
(2) a state or federal governmental subdivision or agency; or
(3) an association having at least twenty-five 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 in writing the executive director of the commission or other designated member 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 that provides each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

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

(4) Nothing in this article 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 article.
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; provided that the usual rulemaking procedures provided in the compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety 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 thirty 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 shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

ARTICLE 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 provide:

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

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

(2) If a member 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 member 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 member state's legislature and each of the member states.

(4) A member 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 member 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 member 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 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
nonmember 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 that judicial enforcement is necessary, the prevailing
member shall be awarded all costs of such litigation, including
reasonable attorney fees.

   (3) The remedies provided in this article
shall not be the exclusive remedies of the commission. The
commission may pursue any other remedies available under
federal or state law.

ARTICLE 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 tenth
member state. The provisions, which 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 compact.

   (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 member state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact 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 nonmember 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.

ARTICLE 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."

SECTION 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately.

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