

# SENATE BILL REPORT

## HB 1278

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As of March 9, 2017

**Title:** An act relating to enactment of the physical therapy licensure compact.

**Brief Description:** Enacting the physical therapy licensure compact.

**Sponsors:** Representatives Macri, DeBolt, Cody, Rodne, Wylie, Jinkins, Harris, Short and Farrell.

**Brief History:** Passed House: 2/09/17, 90-8.

**Committee Activity:** Health Care: 3/09/17.

### Brief Summary of Bill

- Enacts the Physical Therapy Licensure Compact (Compact).
- Allows physical therapists (PTs) and PT assistants to attain Compact Privilege (Privilege) to legally practice physical therapy in states that are party to the Compact without applying for full licensure.

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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Evan Klein (786-7483)

**Background:** Physical Therapy. In order to practice as a PT in Washington State, a person must meet the following qualifications:

- be of good moral character;
- have obtained a bachelors degree in physical therapy or a bachelors degree plus a certificate or advanced degree from an approved physical therapy school;
- pass the examination for physical therapy licensure; and
- pay a fee.

In order to practice as a PT assistant in Washington State, a person must meet the following qualifications:

- be of good moral character;
- have successfully completed a board-approved PT assistant program;
- pass a PT assistant licensure exam; and
- pay a fee.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Department of Health may grant a PT or PT assistant license by endorsement to a person who is a PT or PT assistant registered, certified, or licensed under the laws of another state if that state's qualifications required of the applicant are substantially equal to the requirements of Washington State.

Physical therapy services include the following:

- examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions;
- alleviating impairments and functional limitations in movement;
- performing wound care services;
- reducing the risk of injury, impairment, functional limitation, and disability related to movement;
- engaging in administration, consultation, education, and research; and
- spinal manipulation—after being issued an endorsement.

Physical Therapy Licensure Compact. The Compact is a proposal to create a system for expediting the licensure of PTs licensed by another state. States must enact model legislation in order to adopt the Compact and become a member to the licensure agreement. As of January 13, 2017, four states had enacted the Compact. The Compact becomes operational when adopted by at least ten states.

**Summary of Bill:** Participation in the Compact. In order to participate in the Compact, a state must:

- participate in the Physical Therapy Licensure Compact Commission's (Commission) data system;
- have a mechanism for reviewing complaints about licensees;
- notify the Commission about any adverse action or investigation regarding a licensee;
- implement Federal Bureau of Investigation (FBI) criminal background checks for PT and PT assistants;
- comply with the rules of the Commission;
- utilize a nationally recognized exam for licensure; and
- require continuing competence for license renewal.

Compact Privilege. A PT or PT assistant licensee may obtain Privilege under the Compact if they:

- hold a license in a home state;
- have no encumbrance of any state license;
- have not had any adverse action against any license or Privilege within the previous two years;
- notify the Commission that they seek Privilege in a remote state;
- pay any applicable fees;
- meet the jurisprudence requirements of any remote state they seek Privilege in; and
- report to the Commission any adverse actions taken against them by a non-member state.

The Privilege is valid until the expiration date of the person's home license.

A PT or PT assistant practicing in a remote state using Privilege must function within the laws and regulations of that remote state and is subject to the regulatory authority of that state. A remote state may, subject with due process and state law, remove a licensee's Privilege. If a license is encumbered, the licensee will lose the Privilege. The home state has exclusive power to impose adverse actions against a license issued by a home state.

Military Personnel. A licensee who is, or is the spouse of someone who is, active duty military may use their home of record, permanent change of station, or state of current residence as their home state.

Physical Therapy Licensure Compact Commission. The member states of the Compact each have one delegate selected by that member state's licensing board serve on the Commission. The Commission has a variety of powers and duties including, but not limited to:

- establishing bylaws;
- promulgating rules;
- bringing and prosecuting legal proceedings in the name of the Commission;
- contracting with personnel and employees;
- accepting donations, grants, and other monies; and
- appointing committees.

All meetings of the Commission must be open to the public, unless the Commission's executive board or another committee is discussing:

- noncompliance by a member state;
- employment issues;
- litigation;
- negotiations;
- criminal accusations;
- trade secrets;
- personal information that would constitute an invasion of privacy; or
- investigative reports.

The Commission must develop a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. Member states may designate any information that may not be shared with the public without express permission of the contributing state.

The Commission may exercise rulemaking powers. The majority of Legislatures of member states may reject a rule by enactment of a statute or resolution within four years of the date of adoption of the rule. Rules must go through a public notice and comment period at least 30 days prior to any vote upon the rule.

Date of Implementation. The Compact takes effect on the date on which the Compact statute is enacted into law in the tenth member state. The Commission may begin rulemaking after the tenth member state enacts the Compact, and any state to subsequently join the Compact will be subject to the Commission's initial adoption of rules.

In order to withdraw from the Compact, a member state must enact a statute repealing the Compact. The withdrawal would take effect six months after enactment of the repealing statute.

Fees. The Department of Health must establish fees for PTs and PT assistants seeking to practice with Privilege. The fees must be sufficient to cover the state's monetary obligations as a member state to the Compact. No fees assessed on Washington State PT or PT assistant licensees may be used to pay for the state's obligations under the Compact.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a companion to SB 5191. This bill will help expand access to physical therapy in Washington, including access to telemedicine. This is also a jobs bill, particularly for military families. These families move around the country, and world, six to nine times throughout their career. This means spouses of these service members often have to retest multiple times as their family moves. This bill will expedite that process for these individuals. This Compact language came from the Federation of State Boards of Physical Therapy and is supported by the American Physical Therapy Association. Five states, including Montana, have passed this legislation. The first ten states to pass the law get to sit on the commission for the initial rulemaking process, making it important that Washington pass this act this year. This will help clinics find talent and will help physicians utilize telehealth. When patients are treated in Washington, but then return home out of state it becomes difficult to assist with continued treatment. This Compact would allow PTs to provide ongoing care to those out of Washington patients. Delayed access to physical therapy care leads to increased healthcare costs for the patient. This Compact will allow a greater pool for national staffing agencies to support short-term needs. The Department of Defense supports this bill. The costs associated with the Compact would be borne specifically by those participating in the Compact. The Compact fee would be approximately \$50 per licensee for those who wanted to participate in the Compact.

**Persons Testifying:** PRO: Representative Nicole Macri, Prime Sponsor; Blake Maresh, Department of Health/Board of Physical Therapy; Melissa Johnson, Physical Therapy Association of Washington; Emilie Jones, Physical Therapy Association of Washington; Craig Tedder, Providence Health System; Mark San Souci, Department of Defense.

**Persons Signed In To Testify But Not Testifying:** No one.