



PT • COMPACT

Physical Therapy Compact Commission Notice of Proposed Rulemaking

The Physical Therapy Compact Commission is requesting public comment on the draft amendments to Rule 2.1 - Criminal Background Check. Pursuant to Section 9 of the Physical Therapy Compact, the Commission is required to post this Notice at least thirty (30) days in advance of the meeting at which the Rules will be considered and voted upon by the Commission.

PUBLICATION DATE:

5/1/2018

SUMMARY OF THE PROPOSED RULES OR AMENDMENT TO EXISTING RULES:

The draft amendments to the Rule clarify what a Compact member state must do in regards to the Federal Bureau of Investigation Criminal Background (FBI CBC) requirement before issuing compact privileges. The amendments specify that member state physical therapy boards must require a FBI CBC for all applicants seeking an initial license to practice as a physical therapist or work as a physical therapist assistant in the member state and use the results in initial licensure decisions. The amendments also clarify what actions need to be taken regarding approval to receive the FBI CBC results to avoid default.

DRAFT OF THE RULE LANGUAGE:

A copy of the draft amendments are attached to this Notice.

MEETING DATE, TIME, AND LOCATION:

The Physical Therapy Compact Commission will consider and vote on the adoption of the attached draft amendments to the Rules at a special meeting on Tuesday, June 5, 2018 at 3 p.m. Eastern. The meeting will take place via WebEx. Access the WebEx details [here](#).

DEADLINE AND PROCESS TO SUBMIT WRITTEN COMMENTS:

Written comments must be received by 5:00 PM, ET, on June 1, 2018. All comments or intentions to attend the Commission meeting should be submitted electronically by the deadline to info@ptcompact.org. All comments must be provided in a single file and must include the name of the submitter, any organization the submitter represents, and the rule number(s) the comments address. If electronic submission of comments is not feasible, please contact the PT Compact Commission using the contact information below for special instructions.

REQUESTS FOR PUBLIC HEARING:

Pursuant to Section 9 of the Physical Therapy Compact, the PT Compact Commission shall hold a public hearing on the proposed rules changes if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

If one of the three standards above is met, the Commission will hold a hearing on the proposed rules at a special meeting on Tuesday, June 5, 2018 at 3 p.m. Eastern. The meeting will take place via WebEx. Access the WebEx details [here](#).

All requests for a public hearing must be submitted electronically to info@ptcompact.org by 5:00 PM, ET, on May 29, 2018.

FOR FURTHER INFORMATION CONTACT:

T.J. Cantwell, Compact Administrator, by email at administrator@ptcompact.org or by telephone at 703-299-3100 ext. 261.

Amendments to Rule 2.1 – Criminal Background Check

Rule 2.1 – Criminal Background Check

(A) To avoid default, member states must have completed all required processes, requirements, and applications necessary to request receive an Originating Agency Identification (ORI) Number the ability to receive the results of the Federal Bureau of Investigation record search on criminal background checks, as required by the Compact.

~~(1) States that were members of the Compact as of November 5, 2017, shall complete the requirements specified in paragraph (A) of this rule within six (6) months of the adoption of this rule.~~

~~(2) States that join the Compact after November 5, 2017, shall complete the requirements specified in Physical Therapy Compact Commission Rules As of November 5, 2017 paragraph (A) of this rule within six (6) months of the effective date of the legislation to implement the Compact in that state.~~

(B) Results of the criminal background check shall be reviewed solely by the member state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states or the Commission.

(C) A member state cannot participate in issuing compact privileges until such member state has completed the requirements to fully implement the Federal Bureau of Investigation (FBI) Criminal Background Check requirement established in Section 3 of the Compact.

As used in Section 3.A.4 of the Compact, full implementation of the Federal Bureau of Investigation Criminal Background Check requirement means that the member state's licensing board is using the results of the Federal Bureau of Investigation record search on criminal background checks in making licensure decisions for all applicants seeking an initial license to practice as a physical therapist or work as a physical therapist assistant in the member state.