

Session of 2021

HOUSE BILL No. 2279

By Committee on Health and Human Services

2-9

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

6
7 *Be it enacted by the Legislature of the State of Kansas:*

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

10 PHYSICAL THERAPY LICENSURE COMPACT

11 SECTION 1.

12 PURPOSE

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

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

- 20 (1) Increase public access to physical therapy services by providing
- 21 for the mutual recognition of other member state licenses;
- 22 (2) enhance the states' ability to protect the public's health and safety;
- 23 (3) encourage the cooperation of member states in regulating multi-
- 24 state physical therapy practice;
- 25 (4) support spouses of relocating military members;
- 26 (5) enhance the exchange of licensure, investigative and disciplinary
- 27 information between member states; and
- 28 (6) allow a remote state to hold a provider of services with a compact
- 29 privilege in that state accountable to that state's practice standards.

30 SECTION 2.

31 DEFINITIONS

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

- 34 (a) "Active duty military" means full-time duty status in the active
- 35 uniformed service of the United States, including members of the national
- 36 guard and reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and

1 the effective date of withdrawal.

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

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

9 SECTION 12.

10 CONSTRUCTION AND SEVERABILITY

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

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

or as part of an application by a physical therapist licensed in a home state
for compact privilege to practice in Kansas under the physical therapy
licensure compact

38 (b) Local and state law enforcement officers and agencies shall assist
39 the state board of healing arts in taking and processing of fingerprints of
40 applicants for and holders of any license or certificate and shall release all
41 records of adult convictions and nonconvictions and adult convictions or
42 adjudications of another state or country to the state board of healing arts.

43 (c) The state board of healing arts may fix and collect a fee as may be

1 required by the board in an amount necessary to reimburse the board for
2 the cost of fingerprinting and the criminal history record check. Any
3 moneys collected under this subsection shall be deposited in the state
4 treasury and credited to the healing arts fee fund.

5 (d) This section shall be a part of and supplemental to the physical
6 therapy licensure compact.

practice act

7 Sec. 3. K.S.A. 65-2920 is hereby amended to read as follows: 65-
8 2920. Professional liability insurance coverage shall be maintained in
9 effect by each licensed physical therapist actively practicing in this state
10 *including each physical therapist licensed in a home state, and practicing*
11 *in this state under the physical therapy licensure compact*, as a condition
12 to rendering professional services as a physical therapist in this state. The
13 board shall fix by rules and regulations the minimum level of coverage for
14 such professional liability insurance.

15 Sec. 4. K.S.A. 65-2923 is hereby amended to read as follows: 65-
16 2923. (a) The board shall adopt rules and regulations establishing
17 minimum education and training requirements for the practice of dry
18 needling by a licensed physical therapist *including a physical therapist*
19 *licensed in a home state and practicing in this state under the physical*
20 *therapy licensure compact*.

21 (b) This section shall be a part of and supplemental to the physical
22 therapy practice act.

23 Sec. 5. K.S.A. 65-2920 and 65-2923 are hereby repealed.

24 Sec. 6. This act shall take effect and be in force from and after its
25 publication in the statute book.