

§18707. Adverse actions**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE 1/01/26)**

1. Adverse action authority. A home state has exclusive power to take adverse action against a license issued by the home state.

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

2. Remote state investigative information. A home state may take adverse action based on the investigative information of a remote state, as long as the home state follows the home state's procedures for taking adverse action.

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

3. Alternative program. Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation remains 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.

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

4. Member state authority. Any member state may investigate actual or alleged violations of the laws 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.

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

5. Remote state authority. A remote state has the authority to:

A. Take adverse actions as set forth in section 18705, subsection 4 against a licensee's compact privilege in the state; [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

B. 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 must 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 laws of the state where the witnesses or evidence are located; and [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

C. 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. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

6. Joint investigations. 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.

Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

[PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

SECTION HISTORY

PL 2023, c. 329, §1 (NEW). PL 2023, c. 329, §3 (AFF). PL 2023, c. 643, Pt. DDD, §1 (AFF).

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