



KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment §§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-1

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-1, MS ST § 73-23-1

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Miss. Code Ann. § 73-23-3

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-3, MS ST § 73-23-3

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Miss. Code Ann. § 73-23-5

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-5, MS ST § 73-23-5

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Miss. Code Ann. § 73-23-7

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-7, MS ST § 73-23-7

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Miss. Code Ann. § 73-23-9

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-9, MS ST § 73-23-9

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Miss. Code Ann. § 73-23-11

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-11, MS ST § 73-23-11

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Miss. Code Ann. § 73-23-13

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-13, MS ST § 73-23-13

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Miss. Code Ann. § 73-23-15

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-15, MS ST § 73-23-15

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Miss. Code Ann. § 73-23-17

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-17, MS ST § 73-23-17

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Miss. Code Ann. § 73-23-19

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-19, MS ST § 73-23-19

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Miss. Code Ann. § 73-23-21

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-21, MS ST § 73-23-21

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Miss. Code Ann. § 73-23-23

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-23, MS ST § 73-23-23

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Miss. Code Ann. § 73-23-25

§§ 73-23-1 to 73-23-25. Repealed by Laws 1980, Ch. 543, § 18, eff. 60 days after passage (approved May 26, 1980)

[Currentness](#)

Miss. Code Ann. § 73-23-25, MS ST § 73-23-25

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 73-23-27. Repealed by Laws 1988, Ch. 331, § 18, eff. July 1, 1988

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Miss. Code Ann. § 73-23-27

§ 73-23-27. Repealed by Laws 1988, Ch. 331, § 18, eff. July 1, 1988

[Currentness](#)

Miss. Code Ann. § 73-23-27, MS ST § 73-23-27

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Miss. Code Ann. § 73-23-31

§ 73-23-31. Short title

Currentness

This chapter shall be known and may be cited as the “Mississippi Physical Therapy Practice Law.”

**Credits**

Laws 1980, Ch. 543, § 1; Laws 1988, Ch. 331, § 1, eff. July 1, 1988.


Miss. Code Ann. § 73-23-31, MS ST § 73-23-31

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Miss. Code Ann. § 73-23-33

§ 73-23-33. Definitions

Currentness

As used in this chapter unless the context or subject matter otherwise requires:

(a) “Physical therapy” or “physiotherapy,” which terms are deemed identical and interchangeable, means the art and science of a health specialty concerned with the prevention of disability, and the physical rehabilitation for congenital or acquired physical or mental disabilities, resulting from or secondary to injury or disease. The “practice of physical therapy” means the practice of the health specialty and encompasses physical therapy evaluation, treatment planning, treatment administration, instruction and consultative services, including:

(i) Performing and interpreting tests and measurements as an aid to physical therapy treatment, for the purpose of correcting or alleviating any physical condition and to prevent the development of any physical or mental disability within the scope of physical therapy; and the performance of neuromuscular-skeletal tests and measurements as an aid in diagnosis, evaluation or determination of the existence of and the extent of any body malfunction;

(ii) Planning initial and subsequent treatment programs, on the basis of test findings; and

(iii) Administering treatment by therapeutic exercise, neurodevelopmental procedures, therapeutic massage, mechanical devices and therapeutic agents which employ the physical, chemical and other properties of air, water, heat, cold, electricity, sound and radiant energy for the purpose of correcting or alleviating any physical condition or preventing the development of any physical or mental disability. The use of roentgen rays and radium for any purpose, and the use of electricity for surgical purposes including cauterization, are not part of physical therapy;

(b) “Physical therapist” means a person licensed in this state to practice physical therapy as defined in this chapter, and whose license is in good standing, or a person who holds the privilege to practice;

(c) “Physical therapist assistant” means a health care worker who assists a physical therapist in the provision of physical therapy under the direct, on-site supervision of the physical therapist. The physical therapist assistant may perform physical therapy procedures and related tasks that have been selected and delegated by the supervising physical therapist, but shall not perform the following physical therapy activities: interpretation of referrals; physical therapy initial evaluation and reevaluation; identification, determination or modification of plans of care (including goals and treatment programs); final



discharge assessment/evaluation or establishment of the discharge plan; or therapeutic techniques beyond the skill and knowledge of the physical therapist assistant;

(d) “Referral” means the written or oral designation of physical therapy services by a doctor of medicine, dentistry, osteopathy, podiatry or chiropractic, or by a physician assistant or nurse practitioner, holding a license in good standing; and the instruction therefor may be as detailed or as general as the doctor, physician assistant or nurse practitioner in his or her sound discretion deems necessary in the particular case;

(e) “Board” means the State Board of Physical Therapy established in [Section 73-23-41](#);

(f) “Direct, on-site supervision” means face-to-face oversight by a licensed physical therapist or physical therapist who holds the privilege to practice at regular intervals, as prescribed in regulations adopted by the board, of the services provided to a patient by a licensed physical therapist assistant or physical therapist assistant who holds the privilege to practice;

(g) “Direct supervision” means face-to-face oversight at regular intervals of a physical therapist issued a temporary license under [Section 73-23-53\(1\)](#) by a licensed physical therapist. Such direct supervision shall be in accordance with the regulations adopted by the board; however, a licensed physical therapist shall be authorized to have direct supervision over not more than four (4) physical therapist assistants at one time.

(h) “Privilege to practice” means the authorization to practice as a physical therapist in this state or work as a physical therapist assistant in this state under the Physical Therapy Licensure Compact provided for in [Section 73-23-101](#).


(i) “Licensee” means a person who has been issued a license to practice physical therapy or work as a physical therapy assistant in the state or who holds the privilege to practice physical therapy or work as a physical therapy assistant in the state.

### **Credits**

Laws 1980, Ch. 543, § 2; Laws 1988, Ch. 331, § 2; Laws 1989, Ch. 528, § 1; Laws 1990, Ch. 501, § 2; Laws 1992, Ch. 443, § 1; Laws 1997, Ch. 475, § 1; Laws 1997, Ch. 581, § 1, eff. July 1, 1997; Laws 2002, Ch. 449, § 2, eff. July 1, 2002. Amended by Laws 2006, Ch. 510, § 3, eff. July 1, 2006; Laws 2008, Ch. 448, § 1, eff. July 1, 2008; Laws 2012, Ch. 370, § 1, eff. July 1, 2012; Laws 2017, Ch. 326 (H.B. No. 309), § 2, eff. July 1, 2017.

Miss. Code Ann. § 73-23-33, MS ST § 73-23-33

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Miss. Code Ann. § 73-23-35

§ 73-23-35. Licensing requirement; performing services without a prescription

Currentness

(1) A person, corporation, association or business entity shall not use in connection with that person's or party's name or the name or activity of the business the words "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," "doctor of physical therapy," "physical therapist assistant," the letters "PT," "DPT," "LPT," "RPT," "PTA," "LPTA," and/or any other words, abbreviations, or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied unless such services are provided by or under the direction of a physical therapist or physical therapist assistant, as the case may be, with a valid and current license issued pursuant to this chapter or with the privilege to practice. It shall be unlawful to employ an unlicensed physical therapist or physical therapist assistant to provide physical therapy services.

(2) The board shall aid the state's attorneys of the various counties in the enforcement of the provisions of this chapter and the prosecution of any violations thereof. In addition to the criminal penalties provided by this chapter, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person. For purposes of this chapter, the board, in seeking an injunction, need only show that the defendant violated subsection (1) of this section to establish irreparable injury or a likelihood of a continuation of the violation.

(3) A physical therapist licensed under this chapter or privileged to practice shall not perform physical therapy services without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner. However, a physical therapist licensed under this chapter or privileged to practice may perform physical therapy services without a prescription or referral under the following circumstances:

- (a) To children with a diagnosed developmental disability pursuant to the patient's plan of care.
- (b) As part of a home health care agency pursuant to the patient's plan of care.
- (c) To a patient in a nursing home pursuant to the patient's plan of care.
- (d) Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress or promotion of fitness.

(e)(i) To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis must have been made within the previous one hundred eighty (180) days. The physical therapist shall provide the health care provider who rendered the diagnosis with a plan of care for physical therapy services within the first fifteen (15) days of physical therapy intervention.

(ii) Nothing in this chapter shall create liability of any kind for the health care provider rendering the diagnosis under this paragraph (e) for a condition, illness or injury that manifested itself after the diagnosis, or for any alleged damages as a result of physical therapy services performed without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner, the diagnosis and/or prescription for physical therapy services having been rendered with reasonable care.

(4) Physical therapy services performed without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner shall not be construed to mandate coverage for physical therapy services under any health care plan, insurance policy, or workers' compensation or circumvent any requirement for preauthorization of services in accordance with any health care plan, insurance policy or workers' compensation.

(5) Nothing in this section shall restrict the Division of Medicaid from setting rules and regulations regarding the coverage of physical therapy services and nothing in this section shall amend or change the Division of Medicaid's schedule of benefits, exclusions and/or limitations related to physical therapy services as determined by state or federal regulations and state and federal law.

#### **Credits**

Laws 1980, Ch. 543, § 3; Laws 1988, Ch. 331, § 3; Laws 1989, Ch. 528, § 2; Laws 1990, Ch. 501, § 3; Laws 1995, Ch. 400, § 1, eff. July 1, 1995; Laws 2002, Ch. 449, § 3, eff. July 1, 2002. Amended by Laws 2006, Ch. 510, § 1, eff. July 1, 2006; Laws 2008, Ch. 448, § 2, eff. July 1, 2008; Laws 2012, Ch. 370, § 2, eff. July 1, 2012; Laws 2017, Ch. 326 (H.B. No. 309), § 3, eff. July 1, 2017.

#### **Notes of Decisions (1)**

Miss. Code Ann. § 73-23-35, MS ST § 73-23-35

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Miss. Code Ann. § 73-23-37

§ 73-23-37. Scope of provisions

**Currentness**

Nothing in this chapter shall prohibit:

- (a) Any persons licensed or registered in this state, under another law, from carrying out the therapy or practice for which they are duly licensed or registered;
- (b) Schools, YMCA's, athletic clubs and similar organizations from furnishing services to their players and members, provided that they do not represent themselves as physical therapists, as physical therapist assistants, or as providing physical therapy services;
- (c) The performance by any person of simple mechanical or machine-assisted acts in the physical care of a patient, not requiring the knowledge and skill of a physical therapist under the order or direction of a licensed doctor of medicine or dentistry or of a physical therapist assistant under the direct, on-site supervision of a licensed physical therapist.

**Credits**

Laws 1980, Ch. 543, § 4; Laws 1988, Ch. 331, § 4; Laws 1989, Ch. 528, § 3, eff. July 1, 1989.

**Notes of Decisions (1)**


Miss. Code Ann. § 73-23-37, MS ST § 73-23-37

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Miss. Code Ann. § 73-23-39

§ 73-23-39. Exceptions to licensing requirements

Currentness

The following persons shall be permitted to practice physical therapy in this state without obtaining a license under this chapter, upon the terms and conditions specified herein:

- (a) Students enrolled in accredited physical therapist or physical therapist assistant educational programs, while engaged in completing a clinical requirement for graduation, which must be performed under the direct, on-site supervision of a licensed physical therapist;
- (b) Physical therapists licensed in other jurisdictions while enrolled in graduate educational programs in this state that include the evaluation and treatment of patients as part of their experience required for credit, so long as the student is not at the same time gainfully employed in this state as a physical therapist;
- (c) Practitioners of physical therapy or persons acting as physical therapist assistants who are employed in the United States armed services, United States Public Health Service, Veterans Administration or other federal agency; however, if such individual engages in the practice of physical therapy or acts as a physical therapist assistant outside of the scope of official duty, he must be licensed as herein provided;
- (d) Physical therapists licensed in other jurisdictions who are teaching or participating in physical therapy education projects, demonstrations or courses in this state, or providing physical therapy services to visiting established athletic organizations, performing arts companies or volunteering to provide services to competitors in events such as the Olympics or dance competitions in which their participation in the evaluation and treatment of patients is minimal.
- (e) Physical therapist assistants licensed in other jurisdictions who are teaching or participating in physical therapy education projects, demonstrations or courses in this state, or providing physical therapy services to visiting established athletic organizations, performing arts companies or volunteering to provide services to competitors in events such as the Olympics or dance competitions in which their participation in the treatment of patients is minimal.
- (f) Licensees who exercise the privilege to practice under the terms and provisions of the Physical Therapy Licensure Compact provided for in [Section 73-23-101](#).

**Credits**

Laws 1980, Ch. 543, § 5; Laws 1988, Ch. 331, § 5; Laws 1989, Ch. 528, § 4, eff. July 1, 1989. Amended by [Laws 2008, Ch. 448, § 3](#), eff. July 1, 2008; [Laws 2017, Ch. 326 \(H.B. No. 309\), § 4](#), eff. July 1, 2017.


Miss. Code Ann. § 73-23-39, MS ST § 73-23-39

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Miss. Code Ann. § 73-23-41

§ 73-23-41. State Board of Physical Therapy

#### Currentness

(1) There is established a State Board of Physical Therapy that shall consist of seven (7) members appointed by the Governor, with the advice and consent of the Senate. Four (4) members shall be physical therapists, one (1) member shall be a physical therapist assistant, and one (1) member shall be a physician, each of whom possesses unrestricted licenses to practice in his or her profession. The Governor shall also appoint one (1) member who shall be a consumer at large who is not associated with or financially interested in any health care profession and who has an interest in consumer rights. Each of the four (4) members who are physical therapists shall be appointed from a list of three (3) persons from each of the four (4) Mississippi congressional districts, as such districts currently exist, submitted by the Mississippi Physical Therapy Association, all of whom must be residents of Mississippi and must have engaged in the practice of physical therapy within the state for at least four (4) years. The terms of the members of the board shall be staggered, so that the terms of no more than two (2) members shall expire in any year. Members appointed to the board shall serve for four-year terms and until their successors are appointed and confirmed, except that members of the board who are appointed to fill vacancies which occur before the expiration of a former member's full term shall serve the unexpired portion of such term. No person shall be appointed for more than two (2) consecutive four-year terms. However, any board member initially appointed for less than a full four-year term is eligible to serve for two (2) additional consecutive four-year terms.

(2) The board shall annually elect a chairman, secretary and treasurer. The board shall provide for the timely orientation and training of new professional and public appointees to the board regarding board licensing and disciplinary procedures, this chapter and board rules, regulations, policies and procedures. A member may be removed by the board only for due cause. Failure to attend at least half of the board meetings in a fiscal year shall constitute cause. The board shall meet at least once each quarter, and those meetings shall be held in compliance with the Open Meetings Law ([Section 25-41-1 et seq.](#)). A majority of board members shall constitute a quorum for the transaction of business. The board shall keep an official record of its meetings. Whenever a vacancy occurs in the membership of the board before the expiration of a term of office, the Governor shall appoint a qualified successor to fill the unexpired term. Members of the board shall receive the per diem authorized under [Section 25-3-69](#) for each day spent actually discharging their official duties, and shall receive reimbursement for mileage and necessary travel expenses incurred as provided in [Section 25-3-41](#). A board member who acts within the scope of board duties, without malice and in the reasonable belief that the member's action is warranted by law is immune from civil liability.

#### Credits

Laws 1980, Ch. 543, § 6; Laws 1988, Ch. 331, § 6; Laws 1990, Ch. 501, § 4; Laws 1997, Ch. 475, § 2, eff. July 1, 1997; Laws 2002, Ch. 449, § 1, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 4, eff. July 1, 2008.

Miss. Code Ann. § 73-23-41, MS ST § 73-23-41


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Proposed Legislation

West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-43

§ 73-23-43. Board powers and duties

Effective: July 1, 2023

[Currentness](#)

(1) The board shall have the following general powers and duties:

(a) To examine and determine the qualifications and fitness of applicants for licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state and prepare or approve and conduct all examinations of applicants for licensure;

(b) To issue, renew, deny, suspend or revoke licenses to practice as physical therapists and licenses to act as physical therapist assistants in this state or otherwise discipline licensed physical therapists and physical therapist assistants;

(c) To investigate alleged or suspected violations of the provisions of this chapter or other laws of this state pertaining to physical therapy and any rules and regulations adopted by the board;

(d) To establish reasonable fees for application for examination, certificates of licensure and renewal, and other services provided by the board;

(e) To adopt, amend or repeal any rules or regulations necessary to carry out the purposes of this chapter and the duties and responsibilities of the board, in accordance with [Section 25-43-1.101 et seq.](#) Such rules, when lawfully adopted, shall have the effect of law;

(f) To hire appropriate support personnel to carry out the provisions of this chapter;

(g) To adopt a code of ethics for physical therapists and physical therapist assistants licensed under this chapter which may be the current code of ethics of the American Physical Therapy Association;

(h) To regulate the practice of physical therapy by interpreting and enforcing this chapter;

- (i) To provide for the examination of physical therapists and physical therapist assistants;
- (j) To establish mechanisms for assessing the continuing professional competence of physical therapists and physical therapist assistants to practice physical therapy;
- (k) To set criteria for continuing education;
- (l) To establish and collect fees for sustaining the necessary operation and expenses of the board;
- (m) To publish, at least annually, final disciplinary action against a licensee;
- (n) To report final disciplinary action taken against a licensee to other state or federal regulatory agencies and to a national disciplinary database recognized by the board or as required by law;
- (o) To share documents, materials, or other information, including confidential and privileged documents, materials, or information, received or maintained by the board with other state or federal agencies, and with a national disciplinary database recognized by the board or as required by law provided that the recipient agrees to maintain the confidentiality and privileged status of the document, material or other information;
- (p) To participate in or conduct performance audits;
- (q) To, through its employees and/or representatives, enter and make inspections of any place where physical therapy is practiced and inspect and/or copy any record pertaining to clients or the practice of physical therapy under this chapter;
- (r) To issue subpoenas for the attendance and testimony of witnesses and the production of papers, records or other documentary evidence. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any subpoenaed person fails or refuses to attend any proceeding before the board, refuses to testify, refuses to produce any books and papers the production of which is called for by a subpoena, or otherwise fails to comply with any subpoena issued pursuant to this subsection, the attendance of such witness, the giving of his or her testimony, the production of the books and papers or other compliance with the subpoena shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.
- (s) To conduct a criminal history records check on licensees whose licensure is subject to investigation by the board and on applicants for licensure. In order to determine the applicant's or licensee's suitability for licensing, the applicant or licensee shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forward to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination. The board shall be authorized to charge and collect from the applicant or licensee, in addition to all other applicable fees and costs, such amount as may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant or licensee.

Any and all state or national criminal history records information obtained by the board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency; and

(t) Perform the duties prescribed by the Physical Therapy Licensure Compact provided for in [Section 73-23-101](#). The State Board of Physical Therapy shall be the physical therapy licensing board.

The powers and duties enumerated above are granted for the purpose of enabling the board to safeguard the public health, safety and welfare against unqualified or incompetent practitioners of physical therapy and persons acting as physical therapist assistants, and are to be liberally construed to accomplish this objective.

(2) The board shall maintain a register listing the name of every physical therapist and physical therapist assistant licensed to practice in this state, his last known place of business and last known place of residence, and the date and number of his license. The board shall, at least once a year, compile a list of physical therapists and physical therapist assistants licensed to practice in this state and such a list shall be available to any person upon application to the board and the payment of such charges as may be fixed by it.

#### **Credits**

Laws 1980, Ch. 543, § 7; Laws 1988, Ch. 331, § 7; Laws 1989, Ch. 528, § 5; Laws 1990, Ch. 501, § 5, eff. July 1, 1990; Laws 2002, Ch. 449, § 4, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 5, eff. July 1, 2008; Laws 2017, Ch. 326 (H.B. No. 309), § 5, eff. July 1, 2017; Laws 2023, H.B. No. 276, § 1, eff. July 1, 2023.

#### [Notes of Decisions \(6\)](#)

Miss. Code Ann. § 73-23-43, MS ST § 73-23-43

The Statutes and Constitution are current with laws from the 2023 Regular Session effective through July 1, 2023. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
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Miss. Code Ann. § 73-23-45

§ 73-23-45. Deposit of money with treasury

**Currentness**

All fees and other monies collected or received by the board shall be paid into and credited to a special fund that is created in the State Treasury, which shall be known as the “Physical Therapy Fund.” Any interest earned on the special fund shall be credited to the special fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. Monies in the special fund shall be expended, upon appropriation by the Legislature, exclusively for the purposes of implementing the provisions of this chapter. Disbursement of monies in the special fund shall be made only upon warrants issued by the State Fiscal Officer upon requisitions of the board or its designee. The financial records of the board shall be audited annually by the State Auditor.

**Credits**

Laws 1980, Ch. 543, § 8; Laws 1988, Ch. 331, § 8; Laws 1990, Ch. 501, § 6, eff. July 1, 1990; [Laws 2002, Ch. 449, § 5, eff. July 1, 2002](#). Amended by [Laws 2008, Ch. 448, § 6, eff. July 1, 2008](#).


Miss. Code Ann. § 73-23-45, MS ST § 73-23-45

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-47

§ 73-23-47. Qualifications and license examination; requirements for privilege to practice

#### Currentness

(1) Any person who desires to be licensed under this chapter must: (a) be of good moral character; (b) have graduated from a physical therapy or physical therapist assistant program, as the case may be, accredited by an agency recognized by the United States Department of Education, Office on Postsecondary Education; and (c) pay a nonrefundable examination fee as set by the board; (d) pay an application fee, no part of which shall be refunded; (e) be examined for licensure by the board; and meet the requirements established by the rules of the board. The licensure examination for physical therapists and for physical therapist assistants shall be selected by the board and may also include an oral examination or practical examination or both at the discretion of the board.

(2) Any person who desires to exercise the privilege to practice under the Physical Therapy Licensure Compact must complete the terms and provisions of the compact as prescribed in [Section 73-23-101](#).

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with [Section 93-11-64](#).

#### Credits

Laws 1980, Ch. 543, § 9; Laws 1988, Ch. 331, § 9; Laws 1989, Ch. 528, § 6; Laws 1990, Ch. 501, § 7; [Laws 1992, Ch. 376, § 1](#); [Laws 1997, Ch. 588, § 50, eff. July 1, 1997](#); [Laws 2002, Ch. 449, § 6, eff. July 1, 2002](#). Amended by [Laws 2008, Ch. 448, § 7, eff. July 1, 2008](#); [Laws 2017, Ch. 326 \(H.B. No. 309\), § 6, eff. July 1, 2017](#).

Miss. Code Ann. § 73-23-47, MS ST § 73-23-47

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-49

§ 73-23-49. License application; fee schedule

Currentness

(1) Any person who desires to be licensed as a physical therapist or as a physical therapist assistant shall apply to the board in writing on a form furnished by the board. He shall provide such documents as required by the application forms provided by the board. He shall pay the board at the time of filing an application fee fixed annually by the board, no part of which shall be refunded. In addition thereto, the board shall adopt a fee schedule by rule and regulation. The fee schedule may include, but is not limited to:

- (a) Application fee;
- (b) Initial license fee;
- (c) Renewal of licensure fee;
- (d) Registration fee;
- (e) Examination fee;
- (f) License issued after expiration date fee;
- (g) Late renewal fees;
- (h) Temporary license fee;
- (i) Renewal of temporary license fee;
- (j) Reinstatement fees;
- (k) Inactive license fees;

(l) Restricted license fee;

(m) Lapsed license fees;

(n) Late renewal fees; and

(o) Late penalty fees.

(2) All license, renewal, and other fees currently set by the board by rules and regulations and in effect before July 1, 2008, shall remain in effect until such time as the board, by its rule-making authority, acts to implement new fee schedules pursuant to the provisions of this section. When increased by the board fees may not be increased by more than ten percent (10%) of the previous year's fee.

(3) Notwithstanding subsections (1) and (2) of this section, in all instances where the board uses the services of a national testing service for preparation, administration, or grading of examinations, the board may charge or require the applicant to pay the actual cost of the examination services, in addition to its other fees.


(4) Every person to whom a license is issued pursuant to this chapter shall, as a condition precedent to its issuance, pay the application and any other fee prescribed by the board.

#### **Credits**

Laws 1980, Ch. 543, § 10; Laws 1988, Ch. 331, § 10; Laws 1989, Ch. 528, § 7; Laws 1990, Ch. 501, § 8, eff. July 1, 1990; Laws 2002, Ch. 449, § 7, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 8, eff. July 1, 2008. Brought forward by Laws 2017, Ch. 326 (H.B. No. 309), § 9, eff. July 1, 2017.

Miss. Code Ann. § 73-23-49, MS ST § 73-23-49

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-51

§ 73-23-51. Licensing foreign physical therapist

Effective: July 1, 2021

[Currentness](#)

(1) The board may license as a physical therapist or as a physical therapist assistant, and furnish a certificate of licensure without examination to, any applicant who presents evidence, satisfactory to the board, of having passed an examination before a similar lawfully authorized examining agency or board in physical therapy of another state or the District of Columbia, if the standards for registration in physical therapy or for licensure as a physical therapist assistant in such other state or district are determined by the board to be as high as those of this state. The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.

(2) Any person who has been trained as a physical therapist in a foreign country and desires to be licensed under this chapter and who: (a) is of good moral character; (b) holds a diploma from an educational program for physical therapists approved by the board; (c) submits documentary evidence to the board that he has completed a course of professional instruction substantially equivalent to that obtained by an applicant for licensure; (d) demonstrates satisfactory proof of proficiency in the English language; and (e) meets other requirements established by rules of the board, may make application on a form furnished by the board for examination as a foreign-trained physical therapist. At the time of making such application, the applicant shall pay the fee prescribed by the board, no portion of which shall be returned.

Any person who desires to be licensed under this subsection shall take an examination approved by the board and shall obtain a permanent license. If this requirement is not met, the license of the foreign-trained therapist may be revoked.

#### **Credits**

Laws 1980, Ch. 543, § 11; Laws 1988, Ch. 331, § 11; Laws 1989, Ch. 528, § 8; Laws 1990, Ch. 501, § 9; Laws 1992, Ch. 376, § 2, eff. July 1, 1992; Laws 2002, Ch. 449, § 8, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 9, eff. July 1, 2008; Laws 2013, Ch. 350 (S.B. No. 2419), § 22, eff. July 1, 2013. Brought forward by Laws 2017, Ch. 326 (H.B. No. 309), § 10, eff. July 1, 2017. Amended by Laws 2021, Ch. 398 (H.B. No. 1263), § 19, eff. July 1, 2021.


Miss. Code Ann. § 73-23-51, MS ST § 73-23-51

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West's Annotated Mississippi Code  
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Miss. Code Ann. § 73-23-53

§ 73-23-53. Temporary physical therapist license

Effective: July 1, 2021

Currentness

(1) A temporary license to practice as a physical therapist or physical therapist assistant may be granted to those persons meeting the requirements stated in [Section 73-23-47](#) and who (a) have not taken the approved examination, or (b) have taken the approved examination but have not received the results of the examination. The temporary license shall be granted for a period not to exceed ninety (90) days. Any physical therapist granted a temporary license under the provisions of this subsection shall restrict his practice to the State of Mississippi and shall be under the direct supervision of a physical therapist licensed in Mississippi (physical therapy assistants shall be under the direct on-site supervision of a Mississippi licensed physical therapist). Documentation verifying the supervision shall be on file with the board before a temporary license is granted.

(2) The board may by rule provide for the issuance of a temporary license to a physical therapist or a physical therapist assistant licensed in another state who is moving into the state and has filed an application with the board for a permanent license in this state. This temporary license will be granted for a period not to exceed sixty (60) days. The issuance of a temporary license to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of [Section 73-50-1](#) or [73-50-2](#), as applicable.

(3) Any person granted a temporary license who is required to take the approved examination and fails to take the exam as required by the board or does not pass the required exam shall have the temporary license automatically expire by operation of law and without further action of the board and no license of any type shall be issued until such person has passed an approved examination.

(4) Any person who has taken but not passed the required examination in this or another jurisdiction shall not be eligible for a license of any type until an approved examination is passed.

(5) Any person who has been trained as a physical therapist or physical therapist assistant in a foreign country and desires to be temporarily licensed under this subsection shall, in addition to satisfying such other requirements established by the board, demonstrate proficiency in the English language and meet the other requirements of [Section 73-23-51\(2\)](#) before such temporary license shall be issued.

(6) During a lawfully declared local, state or national disaster or emergency, the board may issue a temporary license to any otherwise qualified physical therapist or physical therapist assistant licensed and in good standing in another state or territory of the United States and who meets such other requirements as the board may prescribe by rule and regulation.

**Credits**

Laws 1980, Ch. 543, § 12; Laws 1988, Ch. 331, § 12; Laws 1989, Ch. 528, § 9; Laws 1992, Ch. 376, § 3; Laws 1997, Ch. 475, § 3, eff. July 1, 1997; Laws 2002, Ch. 449, § 9, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 10, eff. July 1, 2008; Laws 2013, Ch. 350 (S.B. No. 2419), § 23, eff. July 1, 2013; Laws 2021, Ch. 398 (H.B. No. 1263), § 20, eff. July 1, 2021.

Miss. Code Ann. § 73-23-53, MS ST § 73-23-53

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KeyCite Red Flag - Severe Negative Treatment

KeyCite Red Flag Negative Treatment § 73-23-55. Repealed by Laws 2002, Ch. 449, § 15, eff. July 1, 2002

West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
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Miss. Code Ann. § 73-23-55

§ 73-23-55. Repealed by Laws 2002, Ch. 449, § 15, eff. July 1, 2002

[Currentness](#)

Miss. Code Ann. § 73-23-55, MS ST § 73-23-55

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West's Annotated Mississippi Code  
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Miss. Code Ann. § 73-23-57

§ 73-23-57. License renewal

**Currentness**

(1) Except as provided in [Section 33-1-39](#), every licensed physical therapist and physical therapist assistant shall apply to the board for a renewal of licensure in a manner prescribed by the rules and regulations of the board, and pay the prescribed fee. Licenses that are not so renewed shall automatically lapse.

(2) The manner in which lapsed licenses shall be revived, extended or reinstated shall be established by the board.

**Credits**

Laws 1980, Ch. 543, § 14; Laws 1988, Ch. 331, § 14; Laws 1989, Ch. 528, § 10; Laws 1990, Ch. 501, § 10; [Laws 1997, Ch. 475, § 4, eff. July 1, 1997](#); [Laws 2002, Ch. 449, § 10, eff. July 1, 2002](#). Amended by [Laws 2007, Ch. 309, § 18, eff. from and after passage \(approved March 8, 2007\)](#); [Laws 2008, Ch. 448, § 11, eff. July 1, 2008](#).


Miss. Code Ann. § 73-23-57, MS ST § 73-23-57

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
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Miss. Code Ann. § 73-23-59

§ 73-23-59. Disciplinary sanctions for particular acts

Currentness

(1) Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated pursuant hereto. The board, upon satisfactory proof and in accordance with the provisions of this chapter and the regulations of the board, may suspend, revoke, or refuse to issue or renew any license hereunder, or revoke or suspend any privilege to practice, censure or reprimand any licensee, restrict or limit a license, and take any other action in relation to a license or privilege to practice as the board may deem proper under the circumstances upon any of the following grounds:

- (a) Negligence in the practice or performance of professional services or activities;
- (b) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities;
- (c) Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same or obtaining a privilege to practice;
- (d) Being convicted of any crime which has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud or dishonesty;
- (e) Having been convicted of or pled guilty to a felony in the courts of this state or any other state, territory or country. Conviction, as used in this paragraph, shall include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere;
- (f) Engaging in or permitting the performance of unacceptable services personally or by others working under the licensee's supervision due to the licensee's deliberate or negligent act or acts or failure to act, regardless of whether actual damage or damages to the public is established;
- (g) Continued practice although the licensee has become unfit to practice as a physical therapist or physical therapist assistant due to: (i) failure to keep abreast of current professional theory or practice; or (ii) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent

shall constitute mental disability; or (iii) addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice;

(h) Having disciplinary action taken against the licensee's license in another state;

(i) Making differential, detrimental treatment against any person because of race, color, creed, sex, religion or national origin;

(j) Engaging in lewd conduct in connection with professional services or activities;

(k) Engaging in false or misleading advertising;

(l) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter or privilege to practice is required under [Section 73-23-101](#);

(m) Violation of any probation requirements placed on a license or privilege to practice by the board;

(n) Revealing confidential information except as may be required by law;

(o) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;

(p) Charging excessive or unreasonable fees or engaging in unreasonable collection practices;

(q) For treating or attempting to treat ailments or other health conditions of human beings other than by physical therapy as authorized by this chapter;

(r) Except as authorized in [Section 73-23-35\(3\)](#), for applying or offering to apply physical therapy, exclusive of initial evaluation or screening and exclusive of education or consultation for the prevention of physical and mental disability within the scope of physical therapy, other than upon the referral of a licensed physician, dentist, osteopath, podiatrist, chiropractor, physician assistant or nurse practitioner; or for acting as a physical therapist assistant other than under the direct, on-site supervision of a licensed physical therapist;

(s) Failing to adhere to the recognized standards of ethics of the physical therapy profession as established by rules of the board;

(t) Failing to complete continuing competence requirements as established by board rule;

(u) Failing to supervise physical therapist assistants in accordance with this chapter and/or board rules;

(v) Engaging in sexual misconduct. For the purpose of this paragraph, sexual misconduct includes, but is not necessarily limited to:

(i) Engaging in or soliciting sexual relationships, whether consensual or nonconsensual, while a physical therapist or physical therapist assistant/patient relationship exists.

(ii) Making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature with patients or clients.

(iii) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards;

(w) The erroneous issuance of a license or privilege to practice to any person;

(x) Violations of any provisions of this chapter, board rules or regulations or a written order or directive of the board;

(y) Failing to maintain adequate patient records. For the purposes of this paragraph, “adequate patient records” means legible records that contain at minimum sufficient information to identify the patient, an evaluation of objective findings, a diagnosis, a plan of care, a treatment record and a discharge plan;

(z) Failing to report to the board any unprofessional, incompetent or illegal acts that appear to be in violation of this law or any rules established by the board.

(2) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(3) Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in [Section 73-23-64](#).

(4) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license or privilege to practice of any licensee for being out of compliance with an order for support, as defined in [Section 93-11-153](#). The procedure for suspension of a license or privilege to practice for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license or privilege to practice suspended for that purpose, shall be governed by [Section 93-11-157](#) or [93-11-163](#), as the case may be. If there is any conflict between any provision of [Section 93-11-157](#) or [93-11-163](#) and any provision of this chapter, the provisions of [Section 93-11-157](#) or [93-11-163](#), as the case may be, shall control.

#### **Credits**

Laws 1980, Ch. 543, § 15; Laws 1988, Ch. 331, § 15; Laws 1989, Ch. 528, § 11; Laws 1990, Ch. 501, § 11; Laws 1992, Ch. 376, § 4; Laws 1996, Ch. 507, § 51; Laws 1997, Ch. 581, § 2, eff. July 1, 1997. Amended by Laws 2006, Ch. 510, § 2, eff.



July 1, 2006; Laws 2008, Ch. 448, § 12, eff. July 1, 2008; Laws 2012, Ch. 370, § 3, eff. July 1, 2012; Laws 2017, Ch. 326 (H.B. No. 309), § 7, eff. July 1, 2017.

Miss. Code Ann. § 73-23-59, MS ST § 73-23-59

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-61

§ 73-23-61. Penalties for violation of provisions

**Currentness**

(1) Each violation of [Section 73-23-35](#) shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment.

(2) Any person who shall knowingly make a material, false statement in his application for license under this chapter or in response to any inquiry by the board, shall be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not less than ten (10) days nor more than sixty (60) days, or both such fine and imprisonment.

**Credits**

Laws 1980, Ch. 543, § 16; Laws 1988, Ch. 331, § 16; Laws 1990, Ch. 501, § 12, eff. July 1, 1990; [Laws 2002, Ch. 449, § 11](#), eff. July 1, 2002.

Miss. Code Ann. § 73-23-61, MS ST § 73-23-61

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-63

§ 73-23-63. License denial hearing; complaint procedure

**Currentness**

(1) Any person whose application for a license is denied shall be entitled to a hearing before the board if he submits a written request to the board. Such hearing shall be conducted at the earliest possible date. The board shall fix a time and place for the hearing and shall cause a written copy of the reason for denial of the license, together with a notice of the time and place fixed for the hearing to be served on the applicant requesting the hearing. For purposes of the hearing, the board shall have the power to subpoena persons and compel the production of records, papers and other documents.

(2)(a) All complaints concerning a licensee's business or professional practice shall be received by the board. Each complaint received shall be logged, recording at a minimum the following information: (i) licensee's name; (ii) name of the complaining party, if known; (iii) date of complaint; (iv) brief statement of complaint; and (v) disposition.

(b) Following the investigative process, the board may file formal charges against the licensee. Such formal complaint shall, at a minimum, inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

(c) Each licensee whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least thirty (30) days before the date of the hearing, which hearing shall be presided over by the board or the board's designee. Service shall be considered to have been given if the notice was personally served on the licensee or applicant or if the notice was sent by certified, United States mail to the licensee's or applicant's last known address as listed on record with the board.

(d) The notice of the formal charge shall consist at a minimum of the following information:

(i) The time, place and date of the hearing;

(ii) That the licensee shall appear personally at the hearing and may be represented by counsel;

(iii) That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

(iv) That the hearing could result in disciplinary action being taken against the licensee's license;

(v) That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy;

(vi) That the board or its designee shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the board as to what disciplinary action, if any, should be imposed on the licensee;

(vii) The board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the board shall issue an order; and

(viii) All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

(3) In addition to other remedies provided by law or in equity, any applicant or licensee aggrieved by any action of the board may appeal the action of the board to the chancery court of the county of his residence, if he be a resident of this state, or the Chancery Court of the First Judicial District of Hinds County, Mississippi, if he be a nonresident of this state, and the court after a hearing may modify, affirm or reverse the judgment of the board or may remand the case to the board for further proceedings. An appeal shall be filed within thirty (30) days immediately following the mailing or delivery to the applicant or licensee of a copy of the order of judgment of the board, unless the court, for good cause shown, extends the time. Appeals may be had to the Supreme Court of the State of Mississippi as provided by law from any final judgment of the chancery court. If the board appeals from any judgment of the chancery court, no bond shall be required of it in order to perfect its appeal. Any appeal of a license suspension that is required by [Section 93-11-157](#) or [93-11-163](#) shall be taken in accordance with the appeal procedure specified in [Section 93-11-157](#) or [93-11-163](#), as the case may be, rather than the procedure specified in this section.

#### **Credits**

Laws 1980, Ch. 543, § 17; Laws 1988, Ch. 331, § 17; Laws 1990, Ch. 501, § 13; [Laws 1996, Ch. 507, § 52](#); [Laws 1997, Ch. 475, § 5, eff. July 1, 1997](#); [Laws 2002, Ch. 449, § 12, eff. July 1, 2002](#). Amended by [Laws 2008, Ch. 448, § 13, eff. July 1, 2008](#).

Miss. Code Ann. § 73-23-63, MS ST § 73-23-63

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-64

§ 73-23-64. Sanctions; revocation or suspension of license or privilege to practice; other penalties or restrictions

Currentness

(1) The board may impose any of the following sanctions, singly or in combination, when it finds an applicant or a licensee has committed any violation listed in [Section 73-23-59](#):

(a) Revocation of the license or privilege to practice;

(b) Suspension of the license or privilege to practice, for any period of time;

(c) Censure the licensee;

(d) Impose a monetary penalty in an amount not to exceed Five Hundred Dollars (\$500.00) for the first violation, One Thousand Dollars (\$1,000.00) for the second violation, and Five Thousand Dollars (\$5,000.00) for the third violation and for each subsequent violation;

(e) Place a licensee on probationary status and require the licensee to submit to any of the following: (i) report regularly to the board, or its designee, upon matters which are the basis of probation; (ii) continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or (iii) such other reasonable requirements or restrictions as are proper;

(f) Refuse to issue or renew a license or refuse to issue a privilege to practice;

(g) Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated;

(h) Restrict a license or privilege to practice; or

(i) Accept a voluntary surrendering of a license or privilege to practice based on an order of consent from the board.

(2) The board may summarily suspend a license or privilege to practice under this chapter without a hearing simultaneously with the filing of a formal complaint and notice for a hearing provided under this section pending proceedings before the board.

If the board suspends summarily a license or privilege to practice under the provisions of this subsection, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

(3) Disposition of any formal complaint may be made by consent order or stipulation between the board and the licensee.

(4) The board may reinstate any licensee to good standing under this chapter if the board is satisfied that the applicant's renewed practice is in the public interest. The procedure for the reimbursement of a license or privilege to practice that is suspended for being out of compliance with an order for support, as defined in [Section 93-11-153](#), shall be governed by [Section 93-11-157](#) or [93-11-163](#), as the case may be.

(5) The board shall seek to achieve consistency in the application of the foregoing sanctions, and significant departure from prior decisions involving similar conduct shall be explained by the board.

(6) In addition to any other power that it has, the board may issue an advisory letter to a licensee if it finds that the information received in a complaint or an investigation does not merit disciplinary action against the licensee.

(7) The board may also assess and levy upon any licensee or applicant for licensure or the privilege to practice the costs incurred or expended by the board in the investigation and prosecution of any licensure or disciplinary action, including, but not limited to, the cost of process service, court reports, expert witnesses, investigators, and attorney's fees.

#### **Credits**

Laws 1992, Ch. 376, § 5; Laws 1996, Ch. 507, § 53, eff. July 1, 1996; Laws 2002, Ch. 449, § 13, eff. July 1, 2002. Amended by Laws 2008, Ch. 448, § 14, eff. July 1, 2008; Laws 2017, Ch. 326 (H.B. No. 309), § 8, eff. July 1, 2017.

Miss. Code Ann. § 73-23-64, MS ST § 73-23-64

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-65

§ 73-23-65. Abolition of Physical Therapy Advisory Council; transfer of powers, duties and property

#### Currentness

The Physical Therapy Advisory Council is abolished. All of the powers and duties of the State Board of Health and the State Department of Health regarding the licensure and regulation of the profession of physical therapy in the State of Mississippi are transferred to the State Board of Physical Therapy. Any property, contractual rights and obligations and unexpended funds of the State Board of Health and the State Department of Health relating to the licensure and regulation of the profession of physical therapy in the State of Mississippi are transferred to the State Board of Physical Therapy.

#### Credits

Laws 1990, Ch. 501, § 1, eff. July 1, 1990; [Laws 2002, Ch. 449, § 14, eff. July 1, 2002](#).

Miss. Code Ann. § 73-23-65, MS ST § 73-23-65

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West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 1. General Provisions

Miss. Code Ann. § 73-23-67

§ 73-23-67. Confidentiality

**Currentness**

The board shall keep all information relating to the receipt and investigation of complaints filed against licensees or applicants confidential until the information is disclosed in the course of the investigation or any subsequent proceeding before the board. Patient records, including clinical records, files, any other report or oral statement relating to diagnostic findings or treatment of patients, any information from which a patient or his or her family might be identified, or information received and records or reports kept by the board as a result of an investigation made pursuant to this chapter shall not be available to the public and shall be kept confidential by the board.

**Credits**

Added by [Laws 2008, Ch. 448, § 15, eff. July 1, 2008](#).

Miss. Code Ann. § 73-23-67, MS ST § 73-23-67

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KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Annotated Mississippi Code  
Title 73. Professions and Vocations  
Chapter 23. Physical Therapists  
Article 3. Physical Therapy Licensure Compact

Miss. Code Ann. § 73-23-101

§ 73-23-101. Physical Therapy Licensure Compact

#### Currentness

The Physical Therapy Licensure Compact is enacted into law and entered into by this state with any and all states legally joining in the Compact in accordance with its terms, in the form substantially as follows:

### PHYSICAL THERAPY LICENSURE COMPACT

#### SECTION 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/client is located at the time of the patient/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:

1. Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate physical therapy practice;
4. Support spouses of relocating military members;
5. Enhance the exchange of licensure, investigative, and disciplinary information between member states; and
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

## SECTION 2.

### DEFINITIONS

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

1. “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. Section 1209](#) and [1211](#).
2. “Adverse action” means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.
3. “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.
4. “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/client is located at the time of the patient/client encounter.
5. “Continuing competence” means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.
6. “Data system” means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.
7. “Encumbered license” means a license that a physical therapy licensing board has limited in any way.
8. “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.
9. “Home state” means the member state that is the licensee's primary state of residence.
10. “Investigative information” means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.
11. “Jurisprudence requirement” means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.
12. “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.

13. “Member state” means a state that has enacted the Compact.
14. “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.
15. “Physical therapist” means an individual who is licensed by a state to practice physical therapy.
16. “Physical therapist assistant” means an individual who is licensed/certified by a state and who assists the physical therapist in selected components of physical therapy.
17. “Physical therapy,” “physical therapy practice,” and “the practice of physical therapy” mean the care and services provided by or under the direction and supervision of a licensed physical therapist.
18. “Physical Therapy Compact Commission” or “Commission” means the national administrative body whose membership consists of all states that have enacted the Compact.
19. “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.
20. “Remote state” means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.
21. “Rule” means a regulation, principle, or directive promulgated by the Commission that has the force of law.
22. “State” means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

### **SECTION 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 use the results in making licensure decisions in accordance with Section 3.B.;
  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 Compact, 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.

#### **SECTION 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 Section 4.D, G and H;
  4. Have not had any adverse action against any license or compact privilege within the previous two (2) years;
  5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);
  6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege; and

8. Report to the Commission adverse action taken by any nonmember state within thirty (30) 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 Section 4.A 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, and/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 (2) 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 Section 4.A 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 (2) years have elapsed from the date of the adverse action.

H. Once the requirements of Section 4.G have been met, the licensee must meet the requirements in Section 4.A to obtain a compact privilege in a remote state.

**SECTION 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 (1) of the following as the home state:

- A. Home of record;
- B. Permanent Change of Station (PCS); or
- C. State of current residence if it is different than the PCS state or home of record.

**SECTION 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 Section 4.D 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, and/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 and/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.

**SECTION 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 (1) 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 (1) 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 its 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 to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;



11. Lease, purchase, accept appropriate gifts or donations of, or otherwise to 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, personal, or mixed;
13. Establish a budget and make expenditures;
14. Borrow money;
15. Appoint committees, including standing committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;
16. Provide and receive information from, and cooperate with, law enforcement agencies;
17. Establish and elect an Executive Board; and
18. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of physical therapy licensure and practice.

D. The Executive Board.

The Executive Board shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of nine (9) members:
  - a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;
  - b. One (1) ex-officio, nonvoting member from the recognized national physical therapy professional association; and
  - c. One (1) 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 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. 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 Section 9.
- 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. Accusing 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 such 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 on 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 and/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 herein shall be construed to prohibit that person from retaining his or her 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.

## **SECTION 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 reason(s) 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 will only be available 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 will 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.

## **SECTION 9.**

### **RULEMAKING**

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section 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 (4) 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 (30) 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:
1. On the website of the Commission or other publicly accessible platform; and

2. On the website of 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, which 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 (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) 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 the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section 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 section.

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 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) 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 (30) 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 will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## **SECTION 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 which 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:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

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

4. A 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 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 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's 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 judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.
3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

**SECTION 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 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 same.
  1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing 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.

## SECTION 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.

#### Credits

Added by [Laws 2017, Ch. 326 \(H.B. No. 309\)](#), § 1, eff. July 1, 2017.

Miss. Code Ann. § 73-23-101, MS ST § 73-23-101

The Statutes and Constitution are current with laws from the 2023 Regular Session effective through July 1, 2023. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.