

1 patient/client is located at the time of the patient/client
2 encounter. This compact preserves the regulatory authority of
3 states to protect public health and safety through the current
4 system of state licensure.

5 This compact is designed to achieve the following
6 objectives:

7 (1) Increase public access to occupational therapy
8 services by providing for the mutual recognition of other member
9 state licenses;

10 (2) Enhance the states' ability to protect the public's
11 health and safety;

12 (3) Encourage the cooperation of member states in
13 regulating multistate occupational therapy practice;

14 (4) Support spouses of relocating military members;

15 (5) Enhance the exchange of licensure, investigative, and
16 disciplinary information between member states;

17 (6) Allow a remote state to hold a provider of services
18 with a compact privilege in that state accountable to that
19 state's practice standards; and

20 (7) Facilitate the use of telehealth technology in order
21 to increase access to occupational therapy services.



1 licensee from another member state to practice as an
2 occupational therapist or practice as an occupational therapy
3 assistant in the remote state under its laws and rules. The
4 practice of occupational therapy occurs in the member state
5 where the patient/client is located at the time of the
6 patient/client encounter;

7 (5) "Continuing competence/education" means a requirement,
8 as a condition of license renewal, to provide evidence of
9 participation in, and/or completion of, educational and
10 professional activities relevant to practice or area of work;

11 (6) "Current significant investigative information" means
12 investigative information that a licensing board, after an
13 inquiry or investigation that includes notification and an
14 opportunity for the occupational therapist or occupational
15 therapy assistant to respond, if required by state law, has
16 reason to believe is not groundless and, if proved true, would
17 indicate more than a minor infraction;

18 (7) "Data system" means a repository of information about
19 licensees including, but not limited to, license status,
20 investigative information, compact privileges, and adverse
21 actions;



1 (8) "Encumbered license" means a license in which an
2 adverse action restricts the practice of occupational therapy by
3 the licensee or said adverse action has been reported to the
4 national practitioners data bank;

5 (9) "Executive committee" means a group of directors
6 elected or appointed to act on behalf of, and within the powers
7 granted to them by, the commission;

8 (10) "Home state" means the member state that is the
9 licensee's primary state of residence;

10 (11) "Impaired practitioner" means an individual whose
11 professional practice is adversely affected by substance abuse,
12 addiction, or other health-related conditions;

13 (12) "Investigative information" means information,
14 records, and/or documents received or generated by an
15 occupational therapy licensing board pursuant to an
16 investigation;

17 (13) "Jurisprudence requirement" means the assessment of
18 an individual's knowledge of the laws and rules governing the
19 practice of occupational therapy in a state;



1 (14) "Licensee" means an individual who currently holds an
2 authorization from the state to practice as an occupational
3 therapist or as an occupational therapy assistant;

4 (15) "Member state" means a state that has enacted the
5 compact;

6 (16) "Occupational therapist" means an individual who is
7 licensed by a state to practice occupational therapy;

8 (17) "Occupational therapy," "occupational therapy
9 practice," and "practice of occupational therapy" mean the care
10 and services provided by an occupational therapist or an
11 occupational therapy assistant as set forth in the member
12 state's statutes and regulations;

13 (18) "Occupational therapy assistant" means an individual
14 who is licensed by a state to assist in the practice of
15 occupational therapy;

16 (19) "Occupational therapy compact commission" or
17 "commission" means the national administrative body whose
18 membership consists of all states that have enacted the compact;

19 (20) "Occupational therapy licensing board" or "licensing
20 board" means the agency of a state that is authorized to license



1 and regulate occupational therapists and occupational therapy
2 assistants;

3 (21) "Primary state of residence" means the state, also
4 known as the home state, in which an occupational therapist or
5 occupational therapy assistant who is not active duty military
6 declares a primary residence for legal purposes as verified by:
7 Driver's license, federal income tax return, lease, deed,
8 mortgage, or voter registration, or other verifying
9 documentation as further defined by commission rules;

10 (22) "Remote state" means a member state other than the
11 home state, where a licensee is exercising or seeking to
12 exercise the compact privilege;

13 (23) "Rule" means a regulation promulgated by the
14 commission that has the force of law;

15 (24) "Single-state license" means an occupational
16 therapist or occupational therapy assistant license issued by a
17 member state that authorizes practice only within the issuing
18 state and does not include a compact privilege in any other
19 member state;



1 (e) Implement or utilize procedures for considering the
2 criminal history records of applicants for an initial
3 compact privilege. These procedures shall include the
4 submission of fingerprints or other biometric-based
5 information by applicants for the purpose of obtaining
6 an applicant's criminal history record information
7 from the federal bureau of investigation and the
8 agency responsible for retaining that state's criminal
9 records.

10 (i) A member state shall, within a time frame
11 established by the commission, require a criminal
12 background check for a licensee seeking or
13 applying for a compact privilege whose primary
14 state of residence is that member state, by
15 receiving the results of the federal bureau of
16 investigation criminal record search, and shall
17 use the results in making licensure decisions;

18 (ii) Communication between a member state, the
19 commission, and among member states regarding the
20 verification of eligibility for licensure through
21 this compact shall not include any information



1 received from the federal bureau of investigation
2 relating to a federal criminal records check
3 performed by a member state under P.L. 92-544;

4 (f) Comply with the rules of the commission;

5 (g) Utilize only a recognized national examination as a
6 requirement for licensure pursuant to the rules of the
7 commission; and

8 (h) Have continuing competence/education requirements as a
9 condition for license renewal.

10 (2) A member state shall grant the compact privilege to a
11 licensee holding a valid unencumbered license in another member
12 state in accordance with the terms of this compact and rules;

13 (3) Member states may charge a fee for granting a compact
14 privilege;

15 (4) A member state shall provide for the state's delegate
16 to attend all occupational therapy compact commission meetings;

17 (5) Individuals not residing in a member state shall
18 continue to be able to apply for a member state's single-state
19 license as provided under the laws of each member state.

20 However, the single-state license granted to these individuals



1 shall not be recognized as granting the compact privilege in any
2 other member state;

3 (6) Nothing in this compact shall affect the requirements
4 established by a member state for the issuance of a single-state
5 license.

6 **ARTICLE 4**

7 **COMPACT PRIVILEGE**

8 (1) To exercise the compact privilege under the terms and
9 provisions of this compact, the licensee shall:

- 10 (a) Hold a license in the home state;
- 11 (b) Have a valid United States social security number or
12 national practitioner identification number;
- 13 (c) Have no encumbrance on any state license;
- 14 (d) Be eligible for a compact privilege in any member
15 state in accordance with subsections (4), (6), (7),
16 and (8) of this Article;
- 17 (e) Have paid all fines and completed all requirements
18 resulting from any adverse action against any license
19 or compact privilege, and two years have elapsed from
20 the date of such completion;



- 1 (f) Notify the commission that the licensee is seeking the
2 compact privilege within a remote state or states;
- 3 (g) Pay any applicable fees, including any state fee, for
4 the compact privilege;
- 5 (h) Complete a criminal background check in accordance
6 with subsection (1)(e) of Article 3 of this compact.
7 The licensee shall be responsible for the payment of
8 any fee associated with the completion of a criminal
9 background check;
- 10 (i) Meet any jurisprudence requirements established by the
11 remote state or states in which the licensee is
12 seeking a compact privilege; and
- 13 (j) Report to the commission adverse action taken by any
14 nonmember state within 30 days from the date the
15 adverse action is taken.
- 16 (2) The compact privilege is valid until the expiration
17 date of the home state license. The licensee must comply with
18 the requirements of subsection (1) of this Article to maintain
19 the compact privilege in the remote state;



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1 (3) A licensee providing occupational therapy in a remote
2 state under the compact privilege shall function within the laws
3 and regulations of the remote state;

4 (4) Occupational therapy assistants practicing in a remote
5 state shall be supervised by an occupational therapist licensed
6 or holding a compact privilege in that remote state;

7 (5) A licensee providing occupational therapy in a remote
8 state is subject to that state's regulatory authority. A remote
9 state may, in accordance with due process and that state's laws,
10 remove a licensee's compact privilege in the remote state for a
11 specific period of time, impose fines, and/or take any other
12 necessary actions to protect the health and safety of its
13 citizens. The licensee may be ineligible for a compact privilege
14 in any state until the specific time for removal has passed and
15 all fines are paid;

16 (6) If a home state license is encumbered, the licensee
17 shall lose the compact privilege in any remote state until the
18 following occur:

19 (a) The home state license is no longer encumbered; and



1 (b) Two years have elapsed from the date on which the home
2 state license is no longer encumbered in accordance
3 with (a) of this subsection;

4 (7) Once an encumbered license in the home state is
5 restored to good standing, the licensee must meet the
6 requirements of subsection (1) of this Article to obtain a
7 compact privilege in any remote state;

8 (8) If a licensee's compact privilege in any remote state
9 is removed, the individual may lose the compact privilege in any
10 other remote state until the following occur:

11 (a) The specific period of time for which the compact
12 privilege was removed has ended;

13 (b) All fines have been paid and all conditions have been
14 met;

15 (c) Two years have elapsed from the date of completing
16 requirements for (a) and (b) of this subsection; and

17 (d) The compact privileges are reinstated by the
18 commission, and the compact data system is updated to
19 reflect reinstatement;



1 current and new home state in accordance with
2 applicable rules adopted by the commission;

3 (b) Upon receipt of an application for obtaining a new
4 home state license by virtue of compact privilege, the
5 new home state shall verify that the occupational
6 therapist or occupational therapy assistant meets the
7 pertinent criteria outlined in Article 4 of this
8 compact via the data system, without need for primary
9 source verification except for:

10 (i) A federal bureau of investigation fingerprint-
11 based criminal background check if not previously
12 performed or updated pursuant to applicable rules
13 adopted by the commission in accordance with P.L.
14 92-544;

15 (ii) Other criminal background check as required by
16 the new home state; and

17 (iii) Submission of any requisite jurisprudence
18 requirements of the new home state;

19 (c) The former home state shall convert the former home
20 state license into a compact privilege once the new
21 home state has activated the new home state license in



1 accordance with applicable rules adopted by the
2 commission;

3 (d) Notwithstanding any other provision of this compact,
4 if the occupational therapist or occupational therapy
5 assistant cannot meet the criteria in Article 4 of
6 this compact, the new home state shall apply its
7 requirements for issuing a new single-state license;

8 (e) The occupational therapist or the occupational therapy
9 assistant shall pay all applicable fees to the new
10 home state in order to be issued a new home state
11 license;

12 (3) If an occupational therapist or occupational therapy
13 assistant changes primary state of residence by moving from a
14 member state to a nonmember state, or from a nonmember state to
15 a member state, the state criteria shall apply for issuance of a
16 single-state license in the new state;

17 (4) Nothing in this compact shall interfere with a
18 licensee's ability to hold a single-state license in multiple
19 states; however, for the purposes of this compact, a licensee
20 shall have only one home state license;



1 (2) In addition to the other powers conferred by state
2 law, a remote state shall have the authority, in accordance with
3 existing state due process law, to:

4 (a) Take adverse action against an occupational
5 therapist's or occupational therapy assistant's
6 compact privilege within that member state; and

7 (b) Issue subpoenas for both hearings and investigations
8 that require the attendance and testimony of
9 witnesses, as well as the production of evidence.

10 Subpoenas issued by a licensing board in a member
11 state for the attendance and testimony of witnesses or
12 the production of evidence from another member state
13 shall be enforced in the latter state by any court of
14 competent jurisdiction, according to the practice and
15 procedure of that court applicable to subpoenas issued
16 in proceedings pending before it. The issuing
17 authority shall pay any witness fees, travel expenses,
18 mileage, and other fees required by the service
19 statutes of the state in which the witnesses or
20 evidence are located;



1 (3) For purposes of taking adverse action, the home state
2 shall give the same priority and effect to reported conduct
3 received from a member state as it would if the conduct had
4 occurred within the home state. In so doing, the home state
5 shall apply its own state laws to determine appropriate action;

6 (4) The home state shall complete any pending
7 investigations of an occupational therapist or occupational
8 therapy assistant who changes primary state of residence during
9 the course of the investigations. The home state, where the
10 investigations were initiated, shall also have the authority to
11 take appropriate action or actions and shall promptly report the
12 conclusions of the investigations to the occupational therapy
13 compact commission data system. The occupational therapy compact
14 commission data system administrator shall promptly notify the
15 new home state of any adverse actions;

16 (5) A member state, if otherwise permitted by state law,
17 may recover from the affected occupational therapist or
18 occupational therapy assistant the costs of investigations and
19 disposition of cases resulting from any adverse action taken
20 against that occupational therapist or occupational therapy
21 assistant;



1 (6) A member state may take adverse action based on the
2 factual findings of the remote state, provided that the member
3 state follows its own procedures for taking the adverse action;

4 (7) Joint investigations;

5 (a) In addition to the authority granted to a member state
6 by its respective state occupational therapy laws and
7 regulations or other applicable state law, any member
8 state may participate with other member states in
9 joint investigations of licensees;

10 (b) Member states shall share any investigative,
11 litigation, or compliance materials in furtherance of
12 any joint or individual investigation initiated under
13 this compact;

14 (8) If an adverse action is taken by the home state
15 against an occupational therapist's or occupational therapy
16 assistant's license, the occupational therapist's or
17 occupational therapy assistant's compact privilege in all other
18 member states shall be deactivated until all encumbrances have
19 been removed from the state license. All home state disciplinary
20 orders that impose adverse action against an occupational
21 therapist's or occupational therapy assistant's license shall



1 include a statement that the occupational therapist's or
2 occupational therapy assistant's compact privilege is
3 deactivated in all member states during the pendency of the
4 order;

5 (9) If a member state takes adverse action, it shall
6 promptly notify the administrator of the data system. The
7 administrator of the data system shall promptly notify the home
8 state of any adverse actions by remote states;

9 (10) Nothing in this compact shall override a member
10 state's decision that participation in an alternative program
11 may be used in lieu of adverse action;

12 ARTICLE 8

13 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

14 (1) The compact member states hereby create and establish
15 a joint public agency known as the occupational therapy compact
16 commission;

17 (a) The commission is an instrumentality of the compact
18 states;

19 (b) Venue is proper, and judicial proceedings by or
20 against the commission shall be brought solely and
21 exclusively in a court of competent jurisdiction where



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- 1 the principal office of the commission is located. The
2 commission may waive venue and jurisdictional defenses
3 to the extent it adopts or consents to participate in
4 alternative dispute resolution proceedings;
- 5 (c) Nothing in this compact shall be construed to be a
6 waiver of sovereign immunity;
- 7 (2) Membership, voting, and meetings;
- 8 (a) Each member state shall have and be limited to one
9 delegate selected by that member state's licensing
10 board;
- 11 (b) The delegate shall be either:
- 12 (i) A current member of the licensing board, who is an
13 occupational therapist, occupational therapy
14 assistant, or public member; or
- 15 (ii) An administrator of the licensing board;
- 16 (c) Any delegate may be removed or suspended from office
17 as provided by the law of the state from which the
18 delegate is appointed;
- 19 (d) The member state board shall fill any vacancy
20 occurring in the commission within 90 days;



- 1 (e) Each delegate shall be entitled to one vote with
2 regard to the promulgation of rules and creation of
3 bylaws and shall otherwise have an opportunity to
4 participate in the business and affairs of the
5 commission. A delegate shall vote in person or by such
6 other means as provided in the bylaws. The bylaws may
7 provide for delegates' participation in meetings by
8 telephone or other means of communication;
- 9 (f) The commission shall meet at least once during each
10 calendar year. Additional meetings shall be held as
11 set forth in the bylaws;
- 12 (g) The commission shall establish by rule a term of
13 office for delegates;
- 14 (3) The commission shall have the following powers and
15 duties:
- 16 (a) Establish a code of ethics for the commission;
17 (b) Establish the fiscal year of the commission;
18 (c) Establish bylaws;
19 (d) Maintain its financial records in accordance with the
20 bylaws;



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- 1 (e) Meet and take such actions as are consistent with the
2 provisions of this compact and the bylaws;
- 3 (f) Promulgate uniform rules to facilitate and coordinate
4 implementation and administration of this compact. The
5 rules shall have the force and effect of law and shall
6 be binding in all member states;
- 7 (g) Bring and prosecute legal proceedings or actions in
8 the name of the commission, provided that the standing
9 of any state occupational therapy licensing board to
10 sue or be sued under applicable law shall not be
11 affected;
- 12 (h) Purchase and maintain insurance and bonds;
- 13 (i) Borrow, accept, or contract for services of personnel
14 including, but not limited to, employees of a member
15 state;
- 16 (j) Hire employees, elect or appoint officers, fix
17 compensation, define duties, grant such individuals
18 appropriate authority to carry out the purposes of
19 this compact, and establish the commission's personnel
20 policies and programs relating to conflicts of



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- 1 interest, qualifications of personnel, and other
2 related personnel matters;
- 3 (k) Accept any and all appropriate donations and grants of
4 money, equipment, supplies, materials, and services,
5 and receive, utilize, and dispose of the same;
6 provided that at all times the commission shall avoid
7 any appearance of impropriety and/or conflict of
8 interest;
- 9 (l) Lease, purchase, accept appropriate gifts or donations
10 of, or otherwise own, hold, improve, or use, any
11 property, real, personal, or mixed; provided that at
12 all times the commission shall avoid any appearance of
13 impropriety;
- 14 (m) Sell, convey, mortgage, pledge, lease, exchange,
15 abandon, or otherwise dispose of any property, real,
16 personal, or mixed;
- 17 (n) Establish a budget and make expenditures;
- 18 (o) Borrow money;
- 19 (p) Appoint committees, including standing committees
20 composed of members, state regulators, state
21 legislators or their representatives, and consumer



- 1 representatives, and such other interested persons as
2 may be designated in this compact and the bylaws;
- 3 (q) Provide and receive information from, and cooperate
4 with, law enforcement agencies;
- 5 (r) Establish and elect an executive committee; and
- 6 (s) Perform such other functions as may be necessary or
7 appropriate to achieve the purposes of this compact
8 consistent with the state regulation of occupational
9 therapy licensure and practice;
- 10 (4) The executive committee shall have the power to act on
11 behalf of the commission according to the terms of this compact;
- 12 (a) The executive committee shall be composed of nine
13 members:
- 14 (i) Seven voting members who are elected by the
15 commission from the current membership of the
16 commission;
- 17 (ii) One ex officio, nonvoting member from a
18 recognized national occupational therapy
19 professional association; and



- 1 (iii) One ex officio, nonvoting member from a
- 2 recognized national occupational therapy
- 3 certification organization;
- 4 (b) The ex officio members will be selected by their
- 5 respective organizations;
- 6 (c) The commission may remove any member of the executive
- 7 committee as provided in the bylaws;
- 8 (d) The executive committee shall meet at least annually;
- 9 (e) The executive committee shall have the following
- 10 duties and responsibilities:
- 11 (i) Recommend to the entire commission changes to the
- 12 rules or bylaws, changes to this compact
- 13 legislation, fees paid by compact member states
- 14 such as annual dues, and any commission compact
- 15 fee charged to licensees for the compact
- 16 privilege;
- 17 (ii) Ensure compact administration services are
- 18 appropriately provided, contractual or otherwise;
- 19 (iii) Prepare and recommend the budget;
- 20 (iv) Maintain financial records on behalf of the
- 21 commission;



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- 1 (v) Monitor compact compliance of member states and
2 provide compliance reports to the commission;
- 3 (vi) Establish additional committees as necessary; and
4 (vii) Perform other duties as provided in the rules or
5 bylaws;
- 6 (5) Meetings of the commission;
- 7 (a) All meetings shall be open to the public, and public
8 notice of meetings shall be given in the same manner
9 as required under the rule-making provisions in
10 Article 10 of this compact;
- 11 (b) The commission or the executive committee or other
12 committees of the commission may convene in a closed,
13 nonpublic meeting if the commission or executive
14 committee or other committees of the commission must
15 discuss:
- 16 (i) Noncompliance of a member state with its
17 obligations under this compact;
- 18 (ii) The employment, compensation, discipline, or
19 other matters, practices, or procedures related
20 to specific employees or other matters related to



- 1 the commission's internal personnel practices and
- 2 procedures;
- 3 (iii) Current, threatened, or reasonably anticipated
- 4 litigation;
- 5 (iv) Negotiation of contracts for the purchase, lease,
- 6 or sale of goods, services, or real estate;
- 7 (v) Accusing any person of a crime or formally
- 8 censuring any person;
- 9 (vi) Disclosure of trade secrets or commercial or
- 10 financial information that is privileged or
- 11 confidential;
- 12 (vii) Disclosure of information of a personal nature
- 13 where disclosure would constitute a clearly
- 14 unwarranted invasion of personal privacy;
- 15 (viii) Disclosure of investigative records compiled for
- 16 law enforcement purposes;
- 17 (ix) Disclosure of information related to any
- 18 investigative reports prepared by or on behalf of
- 19 or for use of the commission or other committee
- 20 charged with responsibility of investigation or



- 1 determination of compliance issues pursuant to
2 this compact; or
- 3 (x) Matters specifically exempted from disclosure by
4 federal or member state statute;
- 5 (c) If a meeting, or portion of a meeting, is closed
6 pursuant to this provision, the commission's legal
7 counsel or designee shall certify that the meeting may
8 be closed and shall reference each relevant exempting
9 provision;
- 10 (d) The commission shall keep minutes that fully and
11 clearly describe all matters discussed in a meeting
12 and shall provide a full and accurate summary of
13 actions taken, and the reasons therefore, including a
14 description of the views expressed. All documents
15 considered in connection with an action shall be
16 identified in such minutes. All minutes and documents
17 of a closed meeting shall remain under seal, subject
18 to release by a majority vote of the commission or
19 order of a court of competent jurisdiction;
- 20 (6) Financing of the commission;



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- 1 (a) The commission shall pay, or provide for the payment
2 of, the reasonable expenses of its establishment,
3 organization, and ongoing activities;
- 4 (b) The commission may accept any and all appropriate
5 revenue sources, donations, and grants of money,
6 equipment, supplies, materials, and services;
- 7 (c) The commission may levy on and collect an annual
8 assessment from each member state or impose fees on
9 other parties to cover the cost of the operations and
10 activities of the commission and its staff, which must
11 be in a total amount sufficient to cover its annual
12 budget as approved by the commission each year for
13 which revenue is not provided by other sources. The
14 aggregate annual assessment amount shall be allocated
15 based upon a formula to be determined by the
16 commission, which shall promulgate a rule binding upon
17 all member states;
- 18 (d) The commission shall not incur obligations of any kind
19 prior to securing the funds adequate to meet the same;
20 nor shall the commission pledge the credit of any of



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- 1 the member states, except by and with the authority of
2 the member state;
- 3 (e) The commission shall keep accurate accounts of all
4 receipts and disbursements. The receipts and
5 disbursements of the commission shall be subject to
6 the audit and accounting procedures established under
7 its bylaws. However, all receipts and disbursements of
8 funds handled by the commission shall be audited
9 yearly by a certified or licensed public accountant,
10 and the report of the audit shall be included in, and
11 become part of, the annual report of the commission;
- 12 (7) Qualified immunity, defense, and indemnification;
- 13 (a) The members, officers, executive director, employees,
14 and representatives of the commission shall be immune
15 from suit and liability, either personally or in their
16 official capacity, for any claim for damage to, or
17 loss of, property or personal injury or other civil
18 liability caused by, or arising out of, any actual or
19 alleged act, error, or omission that occurred, or that
20 the person against whom the claim is made had a
21 reasonable basis for believing occurred within the



1 scope of commission employment, duties, or
2 responsibilities; provided that nothing in this
3 subsection (7) (a) shall be construed to protect any
4 such person from suit and/or liability for any damage,
5 loss, injury, or liability caused by the intentional
6 or willful or wanton misconduct of that person;

7 (b) The commission shall defend any member, officer,
8 executive director, employee, or representative of the
9 commission in any civil action seeking to impose
10 liability arising out of any actual or alleged act,
11 error, or omission that occurred within the scope of
12 commission employment, duties, or responsibilities, or
13 that the person against whom the claim is made had a
14 reasonable basis for believing occurred within the
15 scope of commission employment, duties, or
16 responsibilities; provided that nothing herein shall
17 be construed to prohibit that person from retaining
18 his or her own counsel; and provided further, that the
19 actual or alleged act, error, or omission did not
20 result from that person's intentional or willful or
21 wanton misconduct;



1 (2) A member state shall submit a uniform data set to the
2 data system on all individuals to whom this compact is
3 applicable, utilizing a unique identifier, as required by the
4 rules of the commission, including:

5 (a) Identifying information;

6 (b) Licensure data;

7 (c) Adverse actions against a license or compact
8 privilege;

9 (d) Nonconfidential information related to alternative
10 program participation;

11 (e) Any denial of application for licensure, and the
12 reason or reasons for such denial;

13 (f) Other information that may facilitate the
14 administration of this compact, as determined by the
15 rules of the commission; and

16 (g) Current significant investigative information;

17 (3) Current significant investigative information and
18 other investigative information pertaining to a licensee in any
19 member state will only be available to other member states;

20 (4) The commission shall promptly notify all member states
21 of any adverse action taken against a licensee or an individual



1 applying for a license. Adverse action information pertaining to
2 a licensee in any member state will be available to any other
3 member state;

4 (5) Member states contributing information to the data
5 system may designate information that may not be shared with the
6 public without the express permission of the contributing state;

7 (6) Any information submitted to the data system that is
8 subsequently required to be expunged by the laws of the member
9 state contributing the information shall be removed from the
10 data system.

11 **ARTICLE 10**

12 **RULE MAKING**

13 (1) The commission shall exercise its rule-making powers
14 pursuant to the criteria set forth in this Article and the rules
15 adopted thereunder. Rules and amendments shall become binding as
16 of the date specified in each rule or amendment;

17 (2) The commission shall promulgate reasonable rules in
18 order to effectively and efficiently achieve the purposes of
19 this compact. Notwithstanding the foregoing, in the event the
20 commission exercises its rule-making authority in a manner that
21 is beyond the scope of the purposes of this compact, or the



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1 powers granted hereunder, then such an action by the commission
2 shall be invalid and have no force and effect;

3 (3) If a majority of the legislatures of the member states
4 rejects a rule, by enactment of a statute or resolution in the
5 same manner used to adopt this compact within four years of the
6 date of adoption of the rule, then such rule shall have no
7 further force and effect in any member state;

8 (4) Rules or amendments to the rules shall be adopted at a
9 regular or special meeting of the commission;

10 (5) Prior to promulgation and adoption of a final rule or
11 rules by the commission, and at least 30 days in advance of the
12 meeting at which the rule will be considered and voted upon, the
13 commission shall file a notice of proposed rule making:

14 (a) On the website of the commission or other publicly
15 accessible platform; and

16 (b) On the website of each member state occupational
17 therapy licensing board or other publicly accessible
18 platform or the publication in which each state would
19 otherwise publish proposed rules;

20 (6) The notice of proposed rule making shall include:



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- 1 (a) The proposed time, date, and location of the meeting
2 in which the rule will be considered and voted upon;
- 3 (b) The text of the proposed rule or amendment and the
4 reason for the proposed rule;
- 5 (c) A request for comments on the proposed rule from any
6 interested person; and
- 7 (d) The manner in which interested persons may submit
8 notice to the commission of their intention to attend
9 the public hearing and any written comments;
- 10 (7) Prior to adoption of a proposed rule, the commission
11 shall allow persons to submit written data, facts, opinions, and
12 arguments, which shall be made available to the public;
- 13 (8) The commission shall grant an opportunity for a public
14 hearing before it adopts a rule or amendment if a hearing is
15 requested by:
- 16 (a) At least 25 persons;
- 17 (b) A state or federal governmental subdivision or agency;
18 or
- 19 (c) An association or organization having at least 25
20 members;



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1 (9) If a hearing is held on the proposed rule or
2 amendment, the commission shall publish the place, time, and
3 date of the scheduled public hearing. If the hearing is held via
4 electronic means, the commission shall publish the mechanism for
5 access to the electronic hearing;

6 (a) All persons wishing to be heard at the hearing shall
7 notify the executive director of the commission or
8 other designated member in writing of their desire to
9 appear and testify at the hearing not less than five
10 business days before the scheduled date of the
11 hearing;

12 (b) Hearings shall be conducted in a manner providing each
13 person who wishes to comment a fair and reasonable
14 opportunity to comment orally or in writing;

15 (c) All hearings will be recorded. A copy of the recording
16 will be made available on request;

17 (d) Nothing in this section shall be construed as
18 requiring a separate hearing on each rule. Rules may
19 be grouped for the convenience of the commission at
20 hearings required by this Article;



1 (10) Following the scheduled hearing date, or by the close
2 of business on the scheduled hearing date if the hearing was not
3 held, the commission shall consider all written and oral
4 comments received;

5 (11) If no written notice of intent to attend the public
6 hearing by interested parties is received, the commission may
7 proceed with promulgation of the proposed rule without a public
8 hearing;

9 (12) The commission shall, by majority vote of all
10 members, take final action on the proposed rule and shall
11 determine the effective date of the rule, if any, based on the
12 rule-making record and the full text of the rule;

13 (13) Upon determination that an emergency exists, the
14 commission may consider and adopt an emergency rule without
15 prior notice, opportunity for comment, or hearing, provided that
16 the usual rule-making procedures provided in this compact and in
17 this Article shall be retroactively applied to the rule as soon
18 as reasonably possible, in no event later than 90 days after the
19 effective date of the rule. For the purposes of this subsection,
20 an emergency rule is one that must be adopted immediately in
21 order to:



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- 1 (a) Meet an imminent threat to public health, safety, or
- 2 welfare;
- 3 (b) Prevent a loss of commission or member state funds;
- 4 (c) Meet a deadline for the promulgation of an
- 5 administrative rule that is established by federal law
- 6 or rule; or
- 7 (d) Protect public health and safety;

8 (14) The commission or an authorized committee of the
9 commission may direct revisions to a previously adopted rule or
10 amendment for purposes of correcting typographical errors,
11 errors in format, errors in consistency, or grammatical errors.
12 Public notice of any revisions shall be posted on the website of
13 the commission. The revision shall be subject to challenge by
14 any person for a period of 30 days after posting. The revision
15 may be challenged only on grounds that the revision results in a
16 material change to a rule. A challenge shall be made in writing
17 and delivered to the chair of the commission prior to the end of
18 the notice period. If no challenge is made, the revision will
19 take effect without further action. If the revision is
20 challenged, the revision may not take effect without the
21 approval of the commission.



ARTICLE 11

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1) Oversight;

(a) 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 this compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law;

(b) All courts shall take judicial notice of this 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;

(c) 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.



- 1 (2) Default, technical assistance, and termination;
- 2 (a) If the commission determines that a member state has
- 3 defaulted in the performance of its obligations or
- 4 responsibilities under this compact or the promulgated
- 5 rules, the commission shall:
- 6 (i) Provide written notice to the defaulting state
- 7 and other member states of the nature of the
- 8 default, the proposed means of curing the
- 9 default, and/or any other action to be taken by
- 10 the commission; and
- 11 (ii) Provide remedial training and specific technical
- 12 assistance regarding the default;
- 13 (b) If a state in default fails to cure the default, the
- 14 defaulting state may be terminated from this compact
- 15 upon an affirmative vote of a majority of the member
- 16 states, and all rights, privileges, and benefits
- 17 conferred by this compact may be terminated on the
- 18 effective date of termination. A cure of the default
- 19 does not relieve the offending state of obligations or
- 20 liabilities incurred during the period of default;



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- 1 (c) Termination of membership in this compact shall be
2 imposed only after all other means of securing
3 compliance have been exhausted. Notice of intent to
4 suspend or terminate shall be given by the commission
5 to the governor, the majority and minority leaders of
6 the defaulting state's legislature, and each of the
7 member states;
- 8 (d) A state that has been terminated is responsible for
9 all assessments, obligations, and liabilities incurred
10 through the effective date of termination, including
11 obligations that extend beyond the effective date of
12 termination;
- 13 (e) The commission shall not bear any costs related to a
14 state that is found to be in default or that has been
15 terminated from this compact, unless agreed upon in
16 writing between the commission and the defaulting
17 state;
- 18 (f) The defaulting state may appeal the action of the
19 commission by petitioning the United States district
20 court for the District of Columbia or the federal
21 district where the commission has its principal



1 offices. The prevailing member shall be awarded all
2 costs of such litigation, including reasonable
3 attorneys' fees;

4 (3) Dispute resolution;

5 (a) Upon request by a member state, the commission shall
6 attempt to resolve disputes related to the compact
7 that arise among member states and between member and
8 nonmember states;

9 (b) The commission shall promulgate a rule providing for
10 both mediation and binding dispute resolution for
11 disputes as appropriate;

12 (4) Enforcement;

13 (a) The commission, in the reasonable exercise of its
14 discretion, shall enforce the provisions and rules of
15 this compact;

16 (b) By majority vote, the commission may initiate legal
17 action in the United States district court for the
18 District of Columbia or the federal district where the
19 commission has its principal offices against a member
20 state in default to enforce compliance with the
21 provisions of this compact and its promulgated rules



1 and bylaws. The relief sought may include both
2 injunctive relief and damages. In the event judicial
3 enforcement is necessary, the prevailing member shall
4 be awarded all costs of such litigation, including
5 reasonable attorneys' fees;

6 (c) The remedies herein shall not be the exclusive
7 remedies of the commission. The commission may pursue
8 any other remedies available under federal or state
9 law.

10 ARTICLE 12

11 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR 12 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, 13 AND AMENDMENT

14 (1) The compact shall come into effect on the date on
15 which the compact statute is enacted into law in the tenth
16 member state. The provisions, which become effective at that
17 time, shall be limited to the powers granted to the commission
18 relating to assembly and the promulgation of. Thereafter, the
19 commission shall meet and exercise rule-making powers necessary
20 to the implementation and administration of this compact;



1 (2) Any state that joins this compact subsequent to the
2 commission's initial adoption of the rules shall be subject to
3 the rules as they exist on the date on which this compact
4 becomes law in that state. Any rule that has been previously
5 adopted by the commission shall have the full force and effect
6 of law on the day this compact becomes law in that state;

7 (3) Any member state may withdraw from this compact by
8 enacting a statute repealing the same;

9 (a) A member state's withdrawal shall not take effect
10 until six months after enactment of the repealing
11 statute;

12 (b) Withdrawal shall not affect the continuing requirement
13 of the withdrawing state's occupational therapy
14 licensing board to comply with the investigative and
15 adverse action reporting requirements of this compact
16 prior to the effective date of withdrawal;

17 (4) Nothing contained in this compact shall be construed
18 to invalidate or prevent any occupational therapy licensure
19 agreement or other cooperative arrangement between a member
20 state and a nonmember state that does not conflict with the
21 provisions of this compact;



1 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

2 (1) A licensee providing occupational therapy in a remote
3 state under the compact privilege shall function within the laws
4 and regulations of the remote state.

5 (2) Nothing herein prevents the enforcement of any other
6 law of a member state that is not inconsistent with this
7 compact.

8 (3) Any laws in a member state in conflict with this
9 compact are superseded to the extent of the conflict.

10 (4) Any lawful actions of the commission, including all
11 rules and bylaws promulgated by the commission, are binding upon
12 the member states.

13 (5) All agreements between the commission and the member
14 states are binding in accordance with their terms.

15 (6) In the event any provision of this compact exceeds the
16 constitutional limits imposed on the legislature of any member
17 state, the provision shall be ineffective to the extent of the
18 conflict with the constitutional provision in question in that
19 member state."



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1 SECTION 2. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but it appears to be a name with several loops and flourishes.

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Report Title:

Occupational Therapy; Licensure; Interstate Compact

Description:

Adopts the Occupational Therapy Licensure Compact allowing occupational therapists and occupational therapy assistants licensed in a member state to practice in other member states.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

