

117.16

ARTICLE 15

117.17

OCCUPATIONAL THERAPISTS

117.18 Section 1. **[148.645] OCCUPATIONAL THERAPY LICENSURE COMPACT.**

117.19

ARTICLE I

117.20

TITLE

117.21 This statute shall be known and cited as the occupational therapist licensure compact.

117.22

ARTICLE II

117.23

DEFINITIONS

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

117.26 (A) "Active duty military" means full-time duty status in the active uniformed service
117.27 of the United States, including members of the National Guard and Reserve on active duty
117.28 orders pursuant to United States Code, title 10, sections 1209 and 1211.

118.1 (B) "Adverse action" means any administrative, civil, equitable, or criminal action
118.2 permitted by a state's laws which is imposed by a licensing board or other authority against
118.3 an occupational therapist or occupational therapy assistant, including actions against an
118.4 individual's license or compact privilege such as censure, revocation, suspension, probation,
118.5 monitoring of the licensee, or restriction on the licensee's practice.

118.6 (C) "Alternative program" means a nondisciplinary monitoring process approved by an
118.7 occupational therapy licensing board.

118.8 (D) "Compact privilege" means the authorization, which is equivalent to a license,
118.9 granted by a remote state to allow a licensee from another member state to practice as an
118.10 occupational therapist or practice as an occupational therapy assistant in the remote state
118.11 under its laws and rules. The practice of occupational therapy occurs in the member state
118.12 where the patient or client is located at the time of the patient or client encounter.

118.13 (E) "Continuing competence" or "continuing education" means a requirement, as a
118.14 condition of license renewal, to provide evidence of participation in, and completion of,
118.15 educational and professional activities relevant to practice or area of work.

118.16 (F) "Current significant investigative information" means investigative information that
118.17 a licensing board, after an inquiry or investigation that includes notification and an
118.18 opportunity for the occupational therapist or occupational therapy assistant to respond, if
118.19 required by state law, has reason to believe is not groundless and, if proven true, would
118.20 indicate more than a minor infraction.

118.21 (G) "Data system" means a repository of information about licensees, including but not
118.22 limited to license status, investigative information, compact privileges, and adverse actions.

118.23 (H) "Encumbered license" means a license in which an adverse action restricts the
118.24 practice of occupational therapy by the licensee or said adverse action has been reported to
118.25 the National Practitioners Data Bank (NPDB).

118.26 (I) "Executive committee" means a group of directors elected or appointed to act on
118.27 behalf of, and within the powers granted to them by, the commission.

118.28 (J) "Home state" means the member state that is the licensee's primary state of residence.

118.29 (K) "Impaired practitioner" means an individual whose professional practice is adversely
118.30 affected by substance abuse, addiction, or other health-related conditions.

118.31 (L) "Investigative information" means information, records, or documents received or
118.32 generated by an occupational therapy licensing board pursuant to an investigation.

119.1 (M) "Jurisprudence requirement" means the assessment of an individual's knowledge
119.2 of the laws and rules governing the practice of occupational therapy in a state.

119.3 (N) "Licensee" means an individual who currently holds an authorization from the state
119.4 to practice as an occupational therapist or as an occupational therapy assistant.

119.5 (O) "Member state" means a state that has enacted the compact.

119.6 (P) "Occupational therapist" means an individual who is licensed by a state to practice
119.7 occupational therapy.

119.8 (Q) "Occupational therapy assistant" means an individual who is licensed by a state to
119.9 assist in the practice of occupational therapy.

119.10 (R) "Occupational therapy," "occupational therapy practice," and "the practice of
119.11 occupational therapy" mean the care and services provided by an occupational therapist or
119.12 an occupational therapy assistant as set forth in the member state's statutes and regulations.

119.13 (S) "Occupational therapy compact commission" or "commission" means the national
119.14 administrative body whose membership consists of all states that have enacted the compact.

119.15 (T) "Occupational therapy licensing board" or "licensing board" means the agency of a
119.16 state that is authorized to license and regulate occupational therapists and occupational
119.17 therapy assistants.

119.18 (U) "Primary state of residence" means the state, also known as the home state, in which
119.19 an occupational therapist or occupational therapy assistant who is not active duty military
119.20 declares a primary residence for legal purposes as verified by driver's license, federal income
119.21 tax return, lease, deed, mortgage, or voter registration or other verifying documentation as
119.22 further defined by commission rules.

119.23 (V) "Remote state" means a member state other than the home state where a licensee is
119.24 exercising or seeking to exercise the compact privilege.

119.25 (W) "Rule" means a regulation promulgated by the commission that has the force of
119.26 law.

119.27 (X) "State" means any state, commonwealth, district, or territory of the United States
119.28 of America that regulates the practice of occupational therapy.

119.29 (Y) "Single-state license" means an occupational therapist or occupational therapy
119.30 assistant license issued by a member state that authorizes practice only within the issuing
119.31 state and does not include a compact privilege in any other member state.

120.1 (Z) "Telehealth" means the application of telecommunication technology to deliver
120.2 occupational therapy services for assessment, intervention, or consultation.

120.3

ARTICLE III

STATE PARTICIPATION IN THE COMPACT

120.5 (A) To participate in the compact, a member state shall:

120.6 (1) license occupational therapists and occupational therapy assistants;

120.7 (2) participate fully in the commission's data system, including but not limited to using
120.8 the commission's unique identifier as defined in rules of the commission;

120.9 (3) have a mechanism in place for receiving and investigating complaints about licensees;

120.10 (4) notify the commission, in compliance with the terms of the compact and rules, of
120.11 any adverse action or the availability of investigative information regarding a licensee;

120.12 (5) implement or utilize procedures for considering the criminal history records of
120.13 applicants for an initial compact privilege. These procedures shall include the submission
120.14 of fingerprints or other biometric-based information by applicants for the purpose of obtaining
120.15 an applicant's criminal history record information from the Federal Bureau of Investigation
120.16 and the agency responsible for retaining that state's criminal records;

120.17 (i) A member state shall, within a time frame established by the commission, require a
120.18 criminal background check for a licensee seeking or applying for a compact privilege whose
120.19 primary state of residence is that member state by receiving the results of the Federal Bureau
120.20 of Investigation criminal record search, and shall use the results in making licensure
120.21 decisions.

120.22 (ii) Communication between a member state, the commission, and among member states
120.23 regarding the verification of eligibility for licensure through the compact shall not include
120.24 any information received from the Federal Bureau of Investigation relating to a federal
120.25 criminal records check performed by a member state under Public Law 92-544;

120.26 (6) comply with the rules of the commission;

120.27 (7) utilize only a recognized national examination as a requirement for licensure pursuant
120.28 to the rules of the commission; and

120.29 (8) have continuing competence or education requirements as a condition for license
120.30 renewal.

121.1 (B) A member state shall grant the compact privilege to a licensee holding a valid
121.2 unencumbered license in another member state in accordance with the terms of the compact
121.3 and rules.

121.4 (C) Member states may charge a fee for granting a compact privilege.

121.5 (D) A member state shall provide for the state's delegate to attend all occupational therapy
121.6 compact commission meetings.

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

121.9 However, the single-state license granted to these individuals shall not be recognized as
121.10 granting the compact privilege in any other member state.

121.11 (F) Nothing in this compact shall affect the requirements established by a member state
121.12 for the issuance of a single-state license.

121.13 **ARTICLE IV**

121.14 **COMPACT PRIVILEGE**

121.15 (A) To exercise the compact privilege under the terms and provisions of the compact,
121.16 the licensee shall:

121.17 (1) hold a license in the home state;

121.18 (2) have a valid United States Social Security number or national practitioner
121.19 identification number;

121.20 (3) have no encumbrance on any state license;

121.21 (4) be eligible for a compact privilege in any member state in accordance with Article
121.22 IV, (D), (F), (G), and (H);

121.23 (5) have paid all fines and completed all requirements resulting from any adverse action
121.24 against any license or compact privilege, and two years have elapsed from the date of such
121.25 completion;

121.26 (6) notify the commission that the licensee is seeking the compact privilege within a
121.27 remote state or states;

121.28 (7) pay any applicable fees, including any state fee, for the compact privilege;

121.29 (8) complete a criminal background check in accordance with Article III, (A)(5). The
121.30 licensee shall be responsible for the payment of any fee associated with the completion of
121.31 a criminal background check;

122.1 (9) meet any jurisprudence requirements established by the remote state or states in
122.2 which the licensee is seeking a compact privilege; and

122.3 (10) report to the commission adverse action taken by any nonmember state within 30
122.4 days from the date the adverse action is taken.

122.5 (B) The compact privilege is valid until the expiration date of the home state license.
122.6 The licensee must comply with the requirements of Article IV, (A), to maintain the compact
122.7 privilege in the remote state.

122.8 (C) A licensee providing occupational therapy in a remote state under the compact
122.9 privilege shall function within the laws and regulations of the remote state.

122.10 (D) Occupational therapy assistants practicing in a remote state shall be supervised by
122.11 an occupational therapist licensed or holding a compact privilege in that remote state.

122.12 (E) A licensee providing occupational therapy in a remote state is subject to that state's
122.13 regulatory authority. A remote state may, in accordance with due process and that state's
122.14 laws, remove a licensee's compact privilege in the remote state for a specific period of time,
122.15 impose fines, or take any other necessary actions to protect the health and safety of its
122.16 citizens. The licensee may be ineligible for a compact privilege in any state until the specific
122.17 time for removal has passed and all fines are paid.

122.18 (F) If a home state license is encumbered, the licensee shall lose the compact privilege
122.19 in any remote state until the following occur:

122.20 (1) the home state license is no longer encumbered; and

122.21 (2) two years have elapsed from the date on which the home state license is no longer
122.22 encumbered in accordance with Article IV, (F)(1).

122.23 (G) Once an encumbered license in the home state is restored to good standing, the
122.24 licensee must meet the requirements of Article IV, (A), to obtain a compact privilege in any
122.25 remote state.

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

122.28 (1) the specific period of time for which the compact privilege was removed has ended;

122.29 (2) all fines have been paid and all conditions have been met;

122.30 (3) two years have elapsed from the date of completing requirements for Article IV,
122.31 (H)(1) and (2); and

123.1 (4) the compact privileges are reinstated by the commission and the compact data system
123.2 is updated to reflect reinstatement.

123.3 (I) If a licensee's compact privilege in any remote state is removed due to an erroneous
123.4 charge, privileges shall be restored through the compact data system.

123.5 (J) Once the requirements of Article IV, (H), have been met, the licensee must meet the
123.6 requirements in Article IV, (A), to obtain a compact privilege in a remote state.

123.7

ARTICLE V

OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

123.9 (A) An occupational therapist or occupational therapy assistant may hold a home state
123.10 license, which allows for compact privileges in member states, in only one member state
123.11 at a time.

123.12 (B) If an occupational therapist or occupational therapy assistant changes their primary
123.13 state of residence by moving between two member states:

123.14 (1) the occupational therapist or occupational therapy assistant shall file an application
123.15 for obtaining a new home state license by virtue of a compact privilege, pay all applicable
123.16 fees, and notify the current and new home state in accordance with applicable rules adopted
123.17 by the commission;

123.18 (2) upon receipt of an application for obtaining a new home state license by virtue of
123.19 compact privilege, the new home state shall verify that the occupational therapist or
123.20 occupational therapy assistant meets the pertinent criteria outlined in Article IV via the data
123.21 system, without need for primary source verification except for:

123.22 (i) an FBI fingerprint-based criminal background check if not previously performed or
123.23 updated pursuant to applicable rules adopted by the commission in accordance with Public
123.24 Law 92-544;

123.25 (ii) other criminal background checks as required by the new home state; and

123.26 (iii) submission of any requisite jurisprudence requirements of the new home state;

123.27 (3) the former home state shall convert the former home state license into a compact
123.28 privilege once the new home state has activated the new home state license in accordance
123.29 with applicable rules adopted by the commission;

123.30 (4) notwithstanding any other provision of this compact, if the occupational therapist or
123.31 occupational therapy assistant cannot meet the criteria in Article IV, the new home state
123.32 shall apply its requirements for issuing a new single-state license; and

124.1 (5) the occupational therapist or the occupational therapy assistant shall pay all applicable
124.2 fees to the new home state in order to be issued a new home state license.

124.3 (C) If an occupational therapist or occupational therapy assistant changes their primary
124.4 state of residence by moving from a member state to a nonmember state, or from a
124.5 nonmember state to a member state, the state criteria shall apply for issuance of a single-state
124.6 license in the new state.

124.7 (D) Nothing in this compact shall interfere with a licensee's ability to hold a single-state
124.8 license in multiple states; however, for the purposes of this compact, a licensee shall have
124.9 only one home state license.

124.10 (E) Nothing in this compact shall affect the requirements established by a member state
124.11 for the issuance of a single-state license.

124.12 **ARTICLE VI**

124.13 **ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES**

124.14 Active duty military personnel, or their spouses, shall designate a home state where the
124.15 individual has a current license in good standing. The individual may retain the home state
124.16 designation during the period the service member is on active duty. Subsequent to designating
124.17 a home state, the individual shall only change their home state through application for
124.18 licensure in the new state or through the process described in Article V.

124.19 **ARTICLE VII**

124.20 **ADVERSE ACTIONS**

124.21 (A) A home state shall have exclusive power to impose adverse action against an
124.22 occupational therapist's or occupational therapy assistant's license issued by the home state.

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

124.25 (1) take adverse action against an occupational therapist's or occupational therapy
124.26 assistant's compact privilege within that member state; and

124.27 (2) issue subpoenas for both hearings and investigations that require the attendance and
124.28 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
124.29 board in a member state for the attendance and testimony of witnesses or the production of
124.30 evidence from another member state shall be enforced in the latter state by any court of
124.31 competent jurisdiction, according to the practice and procedure of that court applicable to
124.32 subpoenas issued in proceedings pending before that court. The issuing authority shall pay
125.1 any witness fees, travel expenses, mileage, and other fees required by the service statutes
125.2 of the state in which the witnesses or evidence are located.

125.3 (C) For purposes of taking adverse action, the home state shall give the same priority
125.4 and effect to reported conduct received from a member state as it would if the conduct had
125.5 occurred within the home state. In so doing, the home state shall apply its own state laws
125.6 to determine appropriate action.

125.7 (D) The home state shall complete any pending investigations of an occupational therapist
125.8 or occupational therapy assistant who changes their primary state of residence during the
125.9 course of the investigations. The home state, where the investigations were initiated, shall
125.10 also have the authority to take appropriate action and shall promptly report the conclusions

125.11 of the investigations to the compact commission data system. The occupational therapy
125.12 compact commission data system administrator shall promptly notify the new home state
125.13 of any adverse actions.

125.14 (E) A member state, if otherwise permitted by state law, may recover from the affected
125.15 occupational therapist or occupational therapy assistant the costs of investigations and
125.16 disposition of cases resulting from any adverse action taken against that occupational
125.17 therapist or occupational therapy assistant.

125.18 (F) A member state may take adverse action based on the factual findings of the remote
125.19 state, provided that the member state follows its own procedures for taking the adverse
125.20 action.

125.21 (G) Joint Investigations:

125.22 (1) In addition to the authority granted to a member state by its respective state
125.23 occupational therapy laws and regulations or other applicable state law, any member state
125.24 may participate with other member states in joint investigations of licensees.

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

125.27 (H) If an adverse action is taken by the home state against an occupational therapist's
125.28 or occupational therapy assistant's license, the occupational therapist's or occupational
125.29 therapy assistant's compact privilege in all other member states shall be deactivated until
125.30 all encumbrances have been removed from the state license. All home state disciplinary
125.31 orders that impose adverse action against an occupational therapist's or occupational therapy
125.32 assistant's license shall include a statement that the occupational therapist's or occupational
126.1 therapy assistant's compact privilege is deactivated in all member states during the pendency
126.2 of the order.

126.3 (I) If a member state takes adverse action, the member state shall promptly notify the
126.4 administrator of the data system. The administrator of the data system shall promptly notify
126.5 the home state of any adverse actions by remote states.

126.6 (J) Nothing in this compact shall override a member state's decision that participation
126.7 in an alternative program may be used in lieu of adverse action.

126.8 ARTICLE VIII

126.9 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION
126.10 (A) The compact member states hereby create and establish a joint public agency known
126.11 as the occupational therapy compact commission:

126.12 (1) The commission is an instrumentality of the compact states.

126.13 (2) Except as provided under paragraph (I), venue is proper and judicial proceedings by
126.14 or against the commission shall be brought solely and exclusively in a court of competent

126.15 jurisdiction where the principal office of the commission is located. The commission may
126.16 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
126.17 alternative dispute resolution proceedings.

126.18 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

126.19 (B) Membership, Voting, and Meetings:

126.20 (1) Each member state shall have and be limited to one delegate selected by that member
126.21 state's licensing board.

126.22 (2) The delegate shall be either:

126.23 (i) a current member of the licensing board who is an occupational therapist, occupational
126.24 therapy assistant, or public member; or

126.25 (ii) an administrator of the licensing board.

126.26 (3) Any delegate may be removed or suspended from office as provided by the law of
126.27 the state from which the delegate is appointed.

126.28 (4) The member state board shall fill any vacancy occurring in the commission within
126.29 90 days.

126.30 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules
126.31 and creation of bylaws and shall otherwise have an opportunity to participate in the business
127.1 and affairs of the commission. A delegate shall vote in person or by such other means as
127.2 provided in the bylaws. The bylaws may provide for delegates' participation in meetings
127.3 by telephone or other means of communication.

127.4 (6) The commission shall meet at least once during each calendar year. Additional
127.5 meetings shall be held as set forth in the bylaws.

127.6 (7) The commission shall establish by rule a term of office for delegates.

127.7 (C) The commission shall have the following powers and duties:

127.8 (1) establish a code of ethics for the commission;

127.9 (2) establish the fiscal year of the commission;

127.10 (3) establish bylaws;

127.11 (4) maintain its financial records in accordance with the bylaws;

127.12 (5) meet and take such actions as are consistent with the provisions of this compact and
127.13 the bylaws;

127.14 (6) promulgate uniform rules to facilitate and coordinate implementation and
127.15 administration of this compact. The rules shall have the force and effect of law and shall
127.16 be binding in all member states;

127.17 (7) bring and prosecute legal proceedings or actions in the name of the commission,
127.18 provided that the standing of any state occupational therapy licensing board to sue or be
127.19 sued under applicable law shall not be affected;
127.20 (8) purchase and maintain insurance and bonds;
127.21 (9) borrow, accept, or contract for services of personnel, including but not limited to
127.22 employees of a member state;
127.23 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant
127.24 such individuals appropriate authority to carry out the purposes of the compact, and establish
127.25 the commission's personnel policies and programs relating to conflicts of interest,
127.26 qualifications of personnel, and other related personnel matters;
127.27 (11) accept any and all appropriate donations and grants of money, equipment, supplies,
127.28 materials, and services, and receive, utilize, and dispose of the same; provided that at all
127.29 times the commission shall avoid any appearance of impropriety or conflict of interest;
128.1 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
128.2 improve, or use any property, real, personal, or mixed; provided that at all times the
128.3 commission shall avoid any appearance of impropriety;
128.4 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
128.5 any property real, personal, or mixed;
128.6 (14) establish a budget and make expenditures;
128.7 (15) borrow money;
128.8 (16) appoint committees, including standing committees composed of members, state
128.9 regulators, state legislators or their representatives, and consumer representatives, and other
128.10 interested persons as may be designated in this compact and the bylaws;
128.11 (17) provide and receive information from, and cooperate with, law enforcement agencies;
128.12 (18) establish and elect an executive committee; and
128.13 (19) perform other functions as may be necessary or appropriate to achieve the purposes
128.14 of this compact consistent with the state regulation of occupational therapy licensure and
128.15 practice.
128.16 (D) The Executive Committee:
128.17 (1) The executive committee shall have the power to act on behalf of the commission
128.18 according to the terms of this compact.
128.19 (2) The executive committee shall be composed of nine members:
128.20 (i) seven voting members who are elected by the commission from the current
128.21 membership of the commission;

128.22 (ii) one ex-officio, nonvoting member from a recognized national occupational therapy
128.23 professional association; and
128.24 (iii) one ex-officio, nonvoting member from a recognized national occupational therapy
128.25 certification organization.
128.26 (3) The ex-officio members will be selected by their respective organizations.
128.27 (4) The commission may remove any member of the executive committee as provided
128.28 in the bylaws.
128.29 (5) The executive committee shall meet at least annually.
128.30 (6) The executive committee shall have the following duties and responsibilities:
129.1 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
129.2 compact legislation, fees paid by compact member states such as annual dues, and any
129.3 commission compact fee charged to licensees for the compact privilege;
129.4 (ii) ensure compact administration services are appropriately provided, contractual or
129.5 otherwise;
129.6 (iii) prepare and recommend the budget;
129.7 (iv) maintain financial records on behalf of the commission;
129.8 (v) monitor compact compliance of member states and provide compliance reports to
129.9 the commission;
129.10 (vi) establish additional committees as necessary; and
129.11 (vii) perform other duties as provided in rules or bylaws.
129.12 (E) Meetings of the Commission:
129.13 (1) All meetings shall be open to the public, and public notice of meetings shall be given
129.14 in the same manner as required under the rulemaking provisions in Article X.
129.15 (2) The commission or the executive committee or other committees of the commission
129.16 may convene in a closed, nonpublic meeting if the commission or executive committee or
129.17 other committees of the commission must discuss:
129.18 (i) noncompliance of a member state with its obligations under the compact;
129.19 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
129.20 related to specific employees or other matters related to the commission's internal personnel
129.21 practices and procedures;
129.22 (iii) current, threatened, or reasonably anticipated litigation;

129.23 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
129.24 estate;
129.25 (v) accusing any person of a crime or formally censuring any person;
129.26 (vi) disclosure of trade secrets or commercial or financial information that is privileged
129.27 or confidential;
129.28 (vii) disclosure of information of a personal nature where disclosure would constitute a
129.29 clearly unwarranted invasion of personal privacy;
129.30 (viii) disclosure of investigative records compiled for law enforcement purposes;
130.1 (ix) disclosure of information related to any investigative reports prepared by or on
130.2 behalf of or for use of the commission or other committee charged with responsibility of
130.3 investigation or determination of compliance issues pursuant to the compact; or
130.4 (x) matters specifically exempted from disclosure by federal or member state statute.
130.5 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
130.6 commission's legal counsel or designee shall certify that the meeting may be closed and
130.7 shall reference each relevant exempting provision.
130.8 (4) The commission shall keep minutes that fully and clearly describe all matters
130.9 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
130.10 the reasons therefore, including a description of the views expressed. All documents
130.11 considered in connection with an action shall be identified in such minutes. All minutes and
130.12 documents of a closed meeting shall remain under seal, subject to release by a majority vote
130.13 of the commission or order of a court of competent jurisdiction.
130.14 (F) Financing of the Commission:
130.15 (1) The commission shall pay, or provide for the payment of, the reasonable expenses
130.16 of its establishment, organization, and ongoing activities.
130.17 (2) The commission may accept any and all appropriate revenue sources, donations, and
130.18 grants of money, equipment, supplies, materials, and services.
130.19 (3) The commission may levy on and collect an annual assessment from each member
130.20 state or impose fees on other parties to cover the cost of the operations and activities of the
130.21 commission and its staff, which must be in a total amount sufficient to cover its annual
130.22 budget as approved by the commission each year for which revenue is not provided by other
130.23 sources. The aggregate annual assessment amount shall be allocated based upon a formula
130.24 to be determined by the commission, which shall promulgate a rule binding upon all member
130.25 states.
130.26 (4) The commission shall not incur obligations of any kind prior to securing the funds
130.27 adequate to meet the same; nor shall the commission pledge the credit of any of the member
130.28 states, except by and with the authority of the member state.

130.29 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
130.30 receipts and disbursements of the commission shall be subject to the audit and accounting
130.31 procedures established under its bylaws. However, all receipts and disbursements of funds
130.32 handled by the commission shall be audited yearly by a certified or licensed public
131.1 accountant, and the report of the audit shall be included in and become part of the annual
131.2 report of the commission.

131.3 (G) Qualified Immunity, Defense, and Indemnification:

131.4 (1) The members, officers, executive director, employees, and representatives of the
131.5 commission shall be immune from suit and liability, either personally or in their official
131.6 capacity, for any claim for damage to or loss of property or personal injury or other civil
131.7 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
131.8 or that the person against whom the claim is made had a reasonable basis for believing
131.9 occurred within the scope of commission employment, duties, or responsibilities; provided
131.10 that nothing in this paragraph shall be construed to protect any such person from suit or
131.11 liability for any damage, loss, injury, or liability caused by the intentional or willful or
131.12 wanton misconduct of that person.

131.13 (2) The commission shall defend any member, officer, executive director, employee, or
131.14 representative of the commission in any civil action seeking to impose liability arising out
131.15 of any actual or alleged act, error, or omission that occurred within the scope of commission
131.16 employment, duties, or responsibilities, or that the person against whom the claim is made
131.17 had a reasonable basis for believing occurred within the scope of commission employment,
131.18 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
131.19 person from retaining their own counsel; and provided further, that the actual or alleged
131.20 act, error, or omission did not result from that person's intentional or willful or wanton
131.21 misconduct.

131.22 (3) The commission shall indemnify and hold harmless any member, officer, executive
131.23 director, employee, or representative of the commission for the amount of any settlement
131.24 or judgment obtained against that person arising out of any actual or alleged act, error, or
131.25 omission that occurred within the scope of commission employment, duties, or
131.26 responsibilities, or that such person had a reasonable basis for believing occurred within
131.27 the scope of commission employment, duties, or responsibilities; provided that the actual
131.28 or alleged act, error, or omission did not result from the intentional or willful or wanton
131.29 misconduct of that person.

131.30 (H) Notwithstanding paragraph (G), clause (1), the liability of the executive director,
131.31 employees, or representatives of the interstate commission, acting within the scope of their
131.32 employment or duties, may not exceed the limits of liability set forth under the constitution
131.33 and laws of this state for state officials, employees, and agents. This paragraph expressly
132.1 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
132.2 under that statute.

132.3 (I) Except for a claim alleging a violation of this compact, a claim against the commission,
132.4 its executive director, employees, or representatives alleging a violation of the constitution
132.5 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
132.6 this paragraph creates a private right of action.

132.7 (J) Nothing in this compact shall be construed as a limitation on the liability of any
132.8 licensee for professional malpractice or misconduct, which shall be governed solely by any
132.9 other applicable state laws.

132.10

ARTICLE IX

132.11

DATA SYSTEM

132.12 (A) The commission shall provide for the development, maintenance, and utilization of
132.13 a coordinated database and reporting system containing licensure, adverse action, and
132.14 investigative information on all licensed individuals in member states.

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

132.18 (1) identifying information;

132.19 (2) licensure data;

132.20 (3) adverse actions against a license or compact privilege;

132.21 (4) nonconfidential information related to alternative program participation;

132.22 (5) any denial of application for licensure and the reason or reasons for such denial;

132.23 (6) other information that may facilitate the administration of this compact, as determined
132.24 by the rules of the commission; and

132.25 (7) current significant investigative information.

132.26 (C) Current significant investigative information and other investigative information
132.27 pertaining to a licensee in any member state will only be available to other member states.

132.28 (D) The commission shall promptly notify all member states of any adverse action taken
132.29 against a licensee or an individual applying for a license. Adverse action information
132.30 pertaining to a licensee in any member state will be available to any other member state.

133.1 (E) Member states contributing information to the data system may designate information
133.2 that may not be shared with the public without the express permission of the contributing
133.3 state.

133.4 (F) Any information submitted to the data system that is subsequently required to be
133.5 expunged by the laws of the member state contributing the information shall be removed
133.6 from the data system.

133.7 ARTICLE X

133.8 RULEMAKING

133.9 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
133.10 forth in this Article and the rules adopted thereunder. Rules and amendments shall become
133.11 binding as of the date specified in each rule or amendment.

133.12 (B) The commission shall promulgate reasonable rules in order to effectively and
133.13 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event
133.14 the commission exercises its rulemaking authority in a manner that is beyond the scope of
133.15 the purposes of the compact, or the powers granted hereunder, then such an action by the
133.16 commission shall be invalid and have no force and effect.

133.17 (C) If a majority of the legislatures of the member states rejects a rule, by enactment of
133.18 a statute or resolution in the same manner used to adopt the compact within four years of
133.19 the date of adoption of the rule, then such rule shall have no further force and effect in any
133.20 member state.

133.21 (D) Rules or amendments to the rules shall be adopted at a regular or special meeting
133.22 of the commission.

133.23 (E) Prior to promulgation and adoption of a final rule or rules by the commission, and
133.24 at least 30 days in advance of the meeting at which the rule will be considered and voted
133.25 upon, the commission shall file a notice of proposed rulemaking:

133.26 (1) on the website of the commission or other publicly accessible platform; and
133.27 (2) on the website of each member state occupational therapy licensing board or other
133.28 publicly accessible platform or the publication in which each state would otherwise publish
133.29 proposed rules.

133.30 (F) The notice of proposed rulemaking shall include:

133.31 (1) the proposed time, date, and location of the meeting in which the rule will be
133.32 considered and voted upon;

134.1 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

134.2 (3) a request for comments on the proposed rule from any interested person; and

134.3 (4) the manner in which interested persons may submit notice to the commission of their
134.4 intention to attend the public hearing and any written comments.

134.5 (G) Prior to adoption of a proposed rule, the commission shall allow persons to submit
134.6 written data, facts, opinions, and arguments, which shall be made available to the public.

134.7 (H) The commission shall grant an opportunity for a public hearing before it adopts a
134.8 rule or amendment if a hearing is requested by:
134.9 (1) at least 25 persons;
134.10 (2) a state or federal governmental subdivision or agency; or
134.11 (3) an association or organization having at least 25 members.
134.12 (I) If a hearing is held on the proposed rule or amendment, the commission shall publish
134.13 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
134.14 means, the commission shall publish the mechanism for access to the electronic hearing:
134.15 (1) All persons wishing to be heard at the hearing shall notify the executive director of
134.16 the commission or other designated member in writing of their desire to appear and testify
134.17 at the hearing not less than five business days before the scheduled date of the hearing.
134.18 (2) Hearings shall be conducted in a manner providing each person who wishes to
134.19 comment a fair and reasonable opportunity to comment orally or in writing.
134.20 (3) All hearings will be recorded. A copy of the recording will be made available on
134.21 request.
134.22 (4) Nothing in this Article shall be construed as requiring a separate hearing on each
134.23 rule. Rules may be grouped for the convenience of the commission at hearings required by
134.24 this Article.
134.25 (J) Following the scheduled hearing date, or by the close of business on the scheduled
134.26 hearing date if the hearing was not held, the commission shall consider all written and oral
134.27 comments received.
134.28 (K) If no written notice of intent to attend the public hearing by interested parties is
134.29 received, the commission may proceed with promulgation of the proposed rule without a
134.30 public hearing.
135.1 (L) The commission shall, by majority vote of all members, take final action on the
135.2 proposed rule and shall determine the effective date of the rule, if any, based on the
135.3 rulemaking record and the full text of the rule.
135.4 (M) Upon determination that an emergency exists, the commission may consider and
135.5 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided
135.6 that the usual rulemaking procedures provided in the compact and in this Article shall be
135.7 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
135.8 days after the effective date of the rule. For the purposes of this provision, an emergency
135.9 rule is one that must be adopted immediately in order to:
135.10 (1) meet an imminent threat to public health, safety, or welfare;
135.11 (2) prevent a loss of commission or member state funds;

135.12 (3) meet a deadline for the promulgation of an administrative rule that is established by
135.13 federal law or rule; or

135.14 (4) protect public health and safety.

135.15 (N) The commission or an authorized committee of the commission may direct revisions
135.16 to a previously adopted rule or amendment for purposes of correcting typographical errors,
135.17 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
135.18 shall be posted on the website of the commission. The revision shall be subject to challenge
135.19 by any person for a period of 30 days after posting. The revision may be challenged only
135.20 on grounds that the revision results in a material change to a rule. A challenge shall be made
135.21 in writing and delivered to the chair of the commission prior to the end of the notice period.
135.22 If no challenge is made, the revision will take effect without further action. If the revision
135.23 is challenged, the revision may not take effect without the approval of the commission.

135.24 ARTICLE XI

135.25 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

135.26 (A) Oversight:

135.27 (1) The executive, legislative, and judicial branches of state government in each member
135.28 state shall enforce this compact and take all actions necessary and appropriate to effectuate
135.29 the compact's purposes and intent. The provisions of this compact and the rules promulgated
135.30 hereunder shall have standing as statutory law.

136.1 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
136.2 administrative proceeding in a member state pertaining to the subject matter of this compact
136.3 which may affect the powers, responsibilities, or actions of the commission.

136.4 (3) The commission shall be entitled to receive service of process in any such proceeding,
136.5 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
136.6 service of process to the commission shall render a judgment or order void as to the
136.7 commission, this compact, or promulgated rules.

136.8 (B) Default, Technical Assistance, and Termination:

136.9 (1) If the commission determines that a member state has defaulted in the performance
136.10 of its obligations or responsibilities under this compact or the promulgated rules, the
136.11 commission shall:

136.12 (i) provide written notice to the defaulting state and other member states of the nature
136.13 of the default, the proposed means of curing the default, or any other action to be taken by
136.14 the commission; and

136.15 (ii) provide remedial training and specific technical assistance regarding the default.

136.16 (2) If a state in default fails to cure the default, the defaulting state may be terminated
136.17 from the compact upon an affirmative vote of a majority of the member states, and all rights,
136.18 privileges, and benefits conferred by this compact may be terminated on the effective date
136.19 of termination. A cure of the default does not relieve the offending state of obligations or
136.20 liabilities incurred during the period of default.

136.21 (3) Termination of membership in the compact shall be imposed only after all other
136.22 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
136.23 shall be given by the commission to the governor, the majority and minority leaders of the
136.24 defaulting state's legislature, and each of the member states.

136.25 (4) A state that has been terminated is responsible for all assessments, obligations, and
136.26 liabilities incurred through the effective date of termination, including obligations that
136.27 extend beyond the effective date of termination.

136.28 (5) The commission shall not bear any costs related to a state that is found to be in default
136.29 or that has been terminated from the compact, unless agreed upon in writing between the
136.30 commission and the defaulting state.

136.31 (6) The defaulting state may appeal the action of the commission by petitioning the
136.32 United States District Court for the District of Columbia or the federal district where the
137.1 commission has its principal offices. The prevailing member shall be awarded all costs of
137.2 such litigation, including reasonable attorney fees.

137.3 (C) Dispute Resolution:

137.4 (1) Upon request by a member state, the commission shall attempt to resolve disputes
137.5 related to the compact that arise among member states and between member and nonmember
137.6 states.

137.7 (2) The commission shall promulgate a rule providing for both mediation and binding
137.8 dispute resolution for disputes as appropriate.

137.9 (D) Enforcement:

137.10 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
137.11 provisions and rules of this compact.

137.12 (2) By majority vote, the commission may initiate legal action in the United States
137.13 District Court for the District of Columbia or the federal district where the commission has
137.14 its principal offices against a member state in default to enforce compliance with the
137.15 provisions of the compact and its promulgated rules and bylaws. The relief sought may
137.16 include both injunctive relief and damages. In the event that judicial enforcement is necessary,
137.17 the prevailing member shall be awarded all costs of such litigation, including reasonable
137.18 attorney fees.

137.19 (3) The remedies herein shall not be the exclusive remedies of the commission. The
137.20 commission may pursue any other remedies available under federal or state law.

137.21 ARTICLE XIII

137.22 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
137.23 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
137.24 AND AMENDMENT

137.25 (A) The compact shall come into effect on the date on which the compact statute is
137.26 enacted into law in the tenth member state. The provisions, which become effective at that
137.27 time, shall be limited to the powers granted to the commission relating to assembly and the
137.28 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
137.29 powers necessary to the implementation and administration of the compact.

137.30 (B) Any state that joins the compact subsequent to the commission's initial adoption of
137.31 the rules shall be subject to the rules as they exist on the date on which the compact becomes
138.1 law in that state. Any rule that has been previously adopted by the commission shall have
138.2 the full force and effect of law on the day the compact becomes law in that state.

138.3 (C) Any member state may withdraw from this compact by enacting a statute repealing
138.4 the same:

138.5 (1) A member state's withdrawal shall not take effect until six months after enactment
138.6 of the repealing statute.

138.7 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
138.8 occupational therapy licensing board to comply with the investigative and adverse action
138.9 reporting requirements of this compact prior to the effective date of withdrawal.

138.10 (D) Nothing contained in this compact shall be construed to invalidate or prevent any
138.11 occupational therapy licensure agreement or other cooperative arrangement between a
138.12 member state and a nonmember state that does not conflict with the provisions of this
138.13 compact.

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

138.17 ARTICLE XIII

138.18 CONSTRUCTION AND SEVERABILITY

138.19 This compact shall be liberally construed so as to effectuate the purposes thereof. The
138.20 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
138.21 of this compact is declared to be contrary to the constitution of any member state or of the
138.22 United States or the applicability thereof to any government, agency, person, or circumstance
138.23 is held invalid, the validity of the remainder of this compact and the applicability thereof

138.24 to any government, agency, person, or circumstance shall not be affected thereby. If this
138.25 compact shall be held contrary to the constitution of any member state, the compact shall
138.26 remain in full force and effect as to the remaining member states and in full force and effect
138.27 as to the member state affected as to all severable matters.

138.28

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

138.30 (A) A licensee providing occupational therapy in a remote state under the compact
138.31 privilege shall function within the laws and regulations of the remote state.

139.1 (B) Nothing herein prevents the enforcement of any other law of a member state that is
139.2 not inconsistent with the compact.

139.3 (C) Any laws in a member state in conflict with the compact are superseded to the extent
139.4 of the conflict.

139.5 (D) Any lawful actions of the commission, including all rules and bylaws promulgated
139.6 by the commission, are binding upon the member states.

139.7 (E) All agreements between the commission and the member states are binding in
139.8 accordance with their terms.

139.9 (F) In the event any provision of the compact exceeds the constitutional limits imposed
139.10 on the legislature of any member state, the provision shall be ineffective to the extent of the
139.11 conflict with the constitutional provision in question in that member state.