



Occupational Therapy Compact Executive Committee Meeting Minutes

December 9, 2024

| Name | Member Role | Attendance |
|-------------------------------------|------------------------------|--------------|
| Lesly James | Chair | A |
| Teri Black | Vice Chair | P |
| Renee Causey-Upton | Secretary | P |
| Danielle Ward | Treasurer | P |
| Missy Anthony | Member at Large | P |
| Vanessa Beauchamp | Member at Large | A |
| Vacant | Member at Large | Vacant |
| Total voting members present | | 4/6 = quorum |
| Shaun Conway | Ex-Officio – NBCOT | P |
| Chuck Willmarth | Ex-Officio – AOTA | P |
| Name | Non-Member Role | Attendance |
| Nahale Kalfas | Legal Counsel | P |
| Amanda Perry | Executive Director | P |
| Isabel Eliassen | Council of State Governments | P |
| Jessica Bolduc | OTCC Commissioner: Maine | P |
| Claire Covert-Bybee | OTCC Commissioner: Nebraska | P |

| VOTES | | | | | | | |
|-----------------|-------------------|-------------------|-------------------|----------------------|----------------------|--------------------------------|-----------------|
| Name | Agenda | Minutes | Fee Rule | State Implement Rule | Exam Definition Rule | T.Gahl appoint as Chair to ENC | Adjourn |
| L. James | --- | --- | --- | --- | --- | --- | Via acclimation |
| V. Beauchamp | --- | --- | --- | --- | --- | --- | |
| D. Ward | Y | Y | Y | Y | Y | --- | |
| M. Anthony | Y | Y | Y | Y | Y | --- | |
| R. Causey-Upton | Y | Y | Y | Y | Y | --- | |
| T. Black | Y | Y | Y | Y | Y | --- | |
| Vacant | --- | --- | --- | --- | --- | --- | |
| TOTALS | 4/4 motion passes | 4/4 motion passes | 4/4 motion passes | 4/4 motion passes | 4/4 motion passes | | |

--- indicates member was absent during vote or there was no voting item for that column.

Welcome/Call to Order

- Vice-Chair T.Black called the meeting to order at 1:04p CST
 - Chair L. James was unable to attend; scheduled time off

Roll Call

- A. Perry called the roll.
 - 4/6 voting members present = quorum at roll call
 - 6/8 total members present at role call

Review and Adopt Agenda

- Vice-Chair Black reviewed the agenda and called for a motion to approve it as presented.
- **Motion:**
 - **R. Causey-Upton motioned to adopt the agenda.**
 - **M. Anthony seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Review and Adoption of Meeting Minutes

- Committee reviewed the draft minutes from the October 21, 2024 Executive Committee meeting.
- Vice-Chair Black called for a motion to adopt the draft minutes as written.
- **Motion:**
 - **R. Causey-Upton motioned that the committee adopt the minutes with no amendments.**
 - **D. Ward seconded the motion.**
 - **All voted in favor; no one abstained; motion carried.**

Updates

Data System Update (from I. Eliassen, CSG)

- I. Eliassen explained:
 - Sprint updates are posted on www.compactconnect.org
 - Pilot states showing interest but having concerns about getting state IT teams to join the conversations about onboarding. Isabel and Inspiring Apps need to have meetings with state IT teams to move forward with onboarding pilot states.
 - a. A. Perry will work on communicating this to state administrators

State Updates

- No new states joined the OTC since the last meeting

Commissioner Updates

- R. Causey-Upton informed the EC that her term on the KYBLOT expires on December 31, 2024. She will no longer serve on the OTCC or any of the Committees after that date. She will fulfill her duties through the remainder of December.
 - KBLOT is in the process of appointing Jill Phelps as the official OTCC commissioner. J. Phelps currently serves as KY's designated alternate commissioner for OTCC.

Funding Request Updates

- A. Perry explained that grant funding is difficult to find because many grants that might be a fit only allow “research” entities to apply for the funding. She and ASMI continue to actively search for grant funding.
 - I. Eliassen (in chat comments) noted that *CompactConnect*, when completed, will be able to accommodate some research data.
- C. Willmarth explained that the AOTA BoD voted in November not to pass the motion to fund the OTCC in FY25 and FY26 (\$100,000/year). This request was presented to the AOTA BoD by Chair James, N. Kalfas, and A. Perry. C. Willmarth shared that he met with his AOTA leadership to develop a plan to present the funding request to the BoD in early 2025 with a staff recommendation to approve the funding for at least FY25 and, hopefully, FY26.
- A. Perry and Chair James have plans to meet with NBCOT’s newly seated Executive Director in early 2025. A date has not been set; however, a request to meet will be sent to NBCOT’s leadership via email. The intent is to discuss their continued financial support in the amount of \$100,000 each year for FY26 and FY27.

Draft Rules* (voting items) – all draft rules were presented by OTCC Rules Chair, Claire Covert-Bybee

- Draft Rule on OTCC Administrative Fee
 - C. Covert-Bybee presented the draft rule on the OTCC Administrative Fee. The Executive Committee (EC) asked clarifying questions regarding fee collection processes.
 - Q: How will credit card fees be accounted for?
 - A: OTC applicants will have any credit card transaction fees imposed on them at the time they purchase/apply for the OTC privilege to practice.
 - Q: Will ACH fund transfers be an option for payment?
 - No. Because *CompactConnect* will issue privileges to practice within minutes of a transaction, it will be legally challenging to revoke a privilege if ACH funds come back as insufficient or unable to be processed.
 - Credit and debit cards are the only payment options when applications launch.
 - Future discussions about accepting Apple Pay, Venmo, Pay Pal, etc. may occur at a later date.
 - Suggestion to use Physical Therapy (PT) Compact policies as an example for refunds/non-payments.
 - The EC reviewed emailed comments from V. Beauchamp regarding the draft fee rule. They agreed with the suggested edits to the language, nothing substantive.
- **Motion:**
 - **M. Anthony motioned that the committee vote to move the draft rule on OTCC Administrative Fee, with the suggested edits, forward to the Public Comment period.**
 - **D. Ward seconded the motion.**
 - **all voted in favor; no one abstained; motion carried.**
- Draft Rule on State Implementation of the OT Compact
 - C. Covert-Bybee presented the draft rule on State Implementation of the OT Compact.
 - The EC did not have any questions, comments, or discussions regarding this rule.
- **Motion:**

- **M. Anthony motioned that the committee vote to move the draft rule on State Implementation of the OT Compact forward to the Public Comment period.**
- **R. Causey-Upton seconded the motion.**
- **all voted in favor; no one abstained; motion carried.**
- Draft Rule on Definition of “national exam”
 - C. Covert-Bybee presented the draft rule on Definition of “national exam.”
 - The EC did not have any questions, comments, or discussions regarding this rule.
- **Motion:**
 - **R. Causey-Upton motioned that the committee vote to move the draft rule on Definition of “national exam” forward to the Public Comment period.**
 - **D. Ward seconded the motion.**
 - **all voted in favor; no one abstained; motion carried.**

Committee Appointments

- A. Perry sent out bios/CVs and displayed them during the meeting for the following OTCC Commissioners seeking the respective committee positions:
 - Trent Gahl (Montana): seeking Chair or Vice-Chair appointment on the Elections & Nominations Committee (ENC)
- **Motion:**
 - **M. Anthony motioned to appoint T. Gahl as the Chair of the OTCC Elections & Nominations Committee**
 - **R. Causey-Upton seconded the motion.**
 - **all voted in favor; no one abstained; motion carried.**
 - **A. Perry will follow up with T. Gahl to inform him of the appointment**

FBI CBC Discussion

- A. Perry expressed her concern that OTCC does not have a timeline to implement FBI CBCs, and it needs one to reduce confusion.
- A. Perry is occasionally asked by Commissioners and/or state board administrators how long states have before they are required to conduct FBI CBCs.
 - There is no clear answer to this since the model legislation says, “A Member State shall, within a time frame established by the Commission, require a criminal background check for a Licensee seeking/applying for a Compact Privilege ...” (Sect. 3.A.5.a).
 - The *draft FBI CBC rule* (awaiting full OTCC vote) does not specify a timeframe with which states need to comply.
 - The *draft State Implementation of OT Compact rule* voted forward to public comment in today’s meeting does not specify a timeframe.
- A. Perry expressed concern that not specifying a timeline puts the OTCC at risk and puts her, personally and professionally, on the line – unable to adequately protect the OTCC because a clear answer is not available.
- A. Perry understands some states’ hesitations, delays, and inability to comply with this requirement. So, she suggests that she, N. Kalfas, and I. Eliassen (CSG) meet with state board administrators (commissioners and non-commissioners) to hear directly from them about their concerns, if any.

- The EC supports A. Perry’s idea to have discussions with state board administrators.
 - Suggestion to have state board administrators invite their IT teams to these discussions so they can be fully aware of the necessary data fields for FBI CBCs and the onboarding to *CompactConnect*.
 - Suggestion to create a one-pager fact sheet about the OTC Legislative requirements and include some of the concerns already known regarding FBI CBC implementation.
- The EC shared some concerns about FBI CBC implementation
 - The OT Compact language is very clear that states must implement a background check requirement for initial licensure. States are in various stages of implementation:
 - Some states have not implemented a background check. It is clear that they will need to do so in order to gain entry into the compact.
 - Some states implemented a background check at a date in the past. This gains those states entry into the compact.
 - The language of the compact requires members states to do this within a timeframe established by the commission. So, the commission has some discretion on this point.
 - Scenarios:
 - A state implemented background checks for the purposes of licensure at a point in time in the past. The state statute is clear that the basis for these background checks is initial license – does not mention the privilege to practice. This state faces a bifurcation of eligibility for the compact:
 - Individuals licensed prior to implementation of a background check have never had one and may not have clear ability to get one under the state’s current agreement with the state entity that administers the background check.
 - Individuals licensed after the implementation of a background check have had one, but the results have not been retained since checks must be destroyed after a certain period of time.
 - Q: Will this still be adequate for the compact privilege given that the background check is “expired?”
 - Asking current licensees who were licensed prior to the state’s background check requirements will likely require a new agreement with the FBI.
 - States only require background checks for individuals who are seeking a compact privilege.
 - This will slow down the process of obtaining a compact privilege – which is one of the primary selling points for the compact. Ideally, an individual can log onto the system and get privileges within minutes if they are eligible. If they need to go get a background check, they will need to find the time to do so, wait several days for the results to reach their Board, wait for those results to be processed, and wait for them to be made eligible by their Board prior to being able to obtain a compact privilege.
 - Most – if not all – states ask about criminal history on both initial and renewal applications. While it is probable that people have failed to answer these questions

accurately and disclose convictions, for most states, this has been the standard used for the purposes of licensure for a long time.

- There is precedent in other licensure compacts to implement this provision based on a state's requiring background checks for initial licensure to gain entry for that home state's license holders to be eligible for the compact. Doing so elevates public protection for the profession as a whole.
- The Executive Committee will continue to evaluate this provision by talking to individual states to gain more information on their current status for background checks. This will require careful consideration of the long-term viability of the compact versus the appropriate level of public protection.

Committee Reports

- Finance Committee = D. Ward stated that she and A. Perry are working with ASMI and with an external accounting firm to complete a comprehensive financial review for FY24, which ended on Sept. 30, 2024. N. Kalfas, D. Ward, A. Perry, and the ASMI Finance Department determined that a comprehensive review is more than sufficient (as opposed to a financial audit) for OTCC this year since the incoming and outgoing transactions do not include collecting any fees from OTC applicants or states, and since outgoing payments for state fees are not yet occurring. This review will take place through December 2024. Next meeting is scheduled for 2.4.24.
- Public Relations Committee = A. Perry shared that the PRC published the OTCC FY24 Annual Report. The PRC will formulate communications to states regarding findings from the compliance committee research (jurisprudence, FBICBC, CEUs, scopes of practice, etc.). They are also planning a series of weekly LinkedIn posts based on FAQs and Q&As from previous webinars. Next meeting is 12.16.24.
- Rules Committee = C. Covert-Bybee shared that the draft rules voted forward in today's EC meeting are the general update. The next few meetings will involve discussions and brainstorming for draft rules related to military families. Next meeting is 1.21.25 (12.17.24 meeting is cancelled).
- Compliance Committee = J. Bolduc (Vice-Chair of the CC) shared that the committee has been conducting research on state websites to find information related to jurisprudence, FBICBC, CEUs, scopes of practice, etc. The members submitted information to A. Perry. She is compiling it ahead of the next PR Committee meeting for their discussion. Next meeting is 2.19.25.
- Elections & Nominations Committee = A. Perry shared that this committee did not meet in October as originally planned; At their inaugural meeting, the members will discuss pathways to fill the EC Member-at-large vacancies, how to solicit OTCC committee nominations, and the rotation of Executive Committee members who will expire in 2025. Next meeting is 12.16.24

Questions and Comments

- Vice-Chair Black opened the floor for further questions or comments from committee members.
 - Everyone bid R. Causey-Upton a farewell and thanked her for her service on the OTCC.
- Vice-Chair Black opened the floor for public comments.
 - No comments.

Meeting Closure

- Motion:
 - Meeting adjourned at 3:54p CST via acclamation.