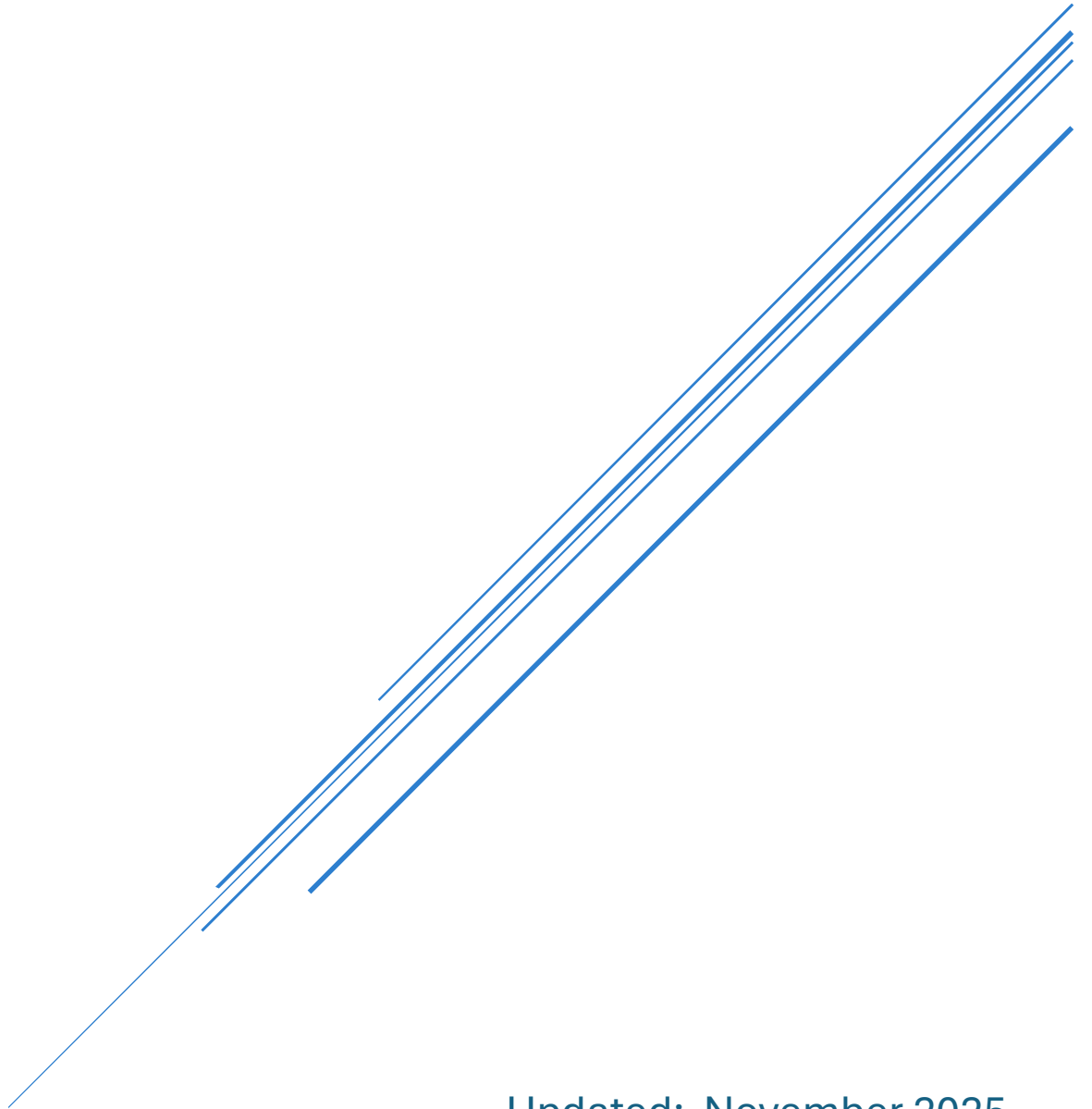


OCCUPATIONAL THERAPY COMPACT COMMISSION

RULES



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Chapter 1: Rulemaking

§1 Definitions

- A. **“Commission”** means: the Occupational Therapy Interstate Compact Commission, which is the national administrative body whose membership consists of all states that have enacted the Compact.
- B. **“Compact”** means: Occupational Therapy Interstate Compact (OT Compact).
- C. **“Delegate”** means: the appointed delegate from each state as described in §8 of the Compact and further rules promulgated by the Commission pursuant to the criteria set forth in §10.
- D. **“Member state”** means a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to §12 or has not been discharged pursuant to §11 due to non-compliance with the provisions of §3.
- E. **“Rule”** means: a regulation, principle or directive promulgated by the Commission pursuant to the criteria set forth in §10 that has the force and effect of statutory law in a Member State and includes the amendment, repeal, or suspension of an existing rule.
- F. **“Rules Committee”** means: a committee that is established as a standing committee to develop reasonable and lawful uniform rules for consideration by the Commission and subsequent implementation by the states and to review existing rules and recommend necessary changes to the Commission for consideration.
- G. **“Scope of Practice”** means: the procedures, actions, and processes an Occupational Therapist or Occupational Therapy Assistant licensed in a state is permitted to undertake in that state and the circumstances under which the Occupational Therapist or Occupational Therapy Assistant is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through official means, including, but not limited to, statute, rules and regulations, case law, and other processes available to the State Regulatory Authority or other government agency.
- H. **“State”** means: any state, commonwealth, territory, or possession of the United States, the District of Columbia.

Rule 1.1

Proposed rules or amendments

Rules shall be adopted by the majority vote of the Member States of the Commission pursuant to the criteria set forth in §10 of the Occupational Therapy Licensure Compact Model Legislation and in the following manner:

- A. New rules and amendments to existing rules proposed pursuant to §8 and §10 and the Commission Bylaws shall be submitted to the Commission office for referral to the Rules Committee as follows:
 - 1. Any Delegate may submit a proposed rule or rule amendment for referral to the Rules Committee during the next scheduled Commission meeting.
 - 2. Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee.
 - 3. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Chair of the Commission prior to the end of the notice period. If

no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Rule 1.2

The Rules Committee

The Rules Committee shall prepare a draft of all proposed rules and provide the draft to the Executive Committee to provide to all Delegates for review and comments. Based on the comments made by the Delegates the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than thirty (30) days prior to the next Commission meeting.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Rule 1.3

Prior to promulgation and adoption of a final rule:

In accordance with §10 of the *Occupational Therapy Licensure Compact Model Legislation*, the Commission shall publish the text of the proposed rule or amendment prepared by the Rules Committee not later than thirty (30) days prior to the meeting at which the vote is scheduled, on the official web site of the Commission and on the website of each member state licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules. All written comments received by the Rules Committee on proposed rules shall be made available to the public upon request. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Rule 1.4

The Notice of Proposed Rulemaking shall include:

- A. The proposed time, date and location of the meeting in which the rule shall be considered and voted upon.
- B. The text of the proposed rule or amendment and the reason for the proposed rule.
- C. A request for comments on the proposed rule from any interested person; and
- D. The manner in which interested persons may submit notice to the Commission of their intention to attend the public meeting and any written comments.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Rule 1.5

Public Hearings:

The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- A. At least twenty-five (25) persons;
- B. A state or federal governmental subdivision or agency; or
- C. An association having at least twenty-five (25) members.

If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to electronic hearing. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded. A copy of the recording shall be made available on request. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

Adopted August 3, 2022; Effective September 2, 2022

Authority: §8, 10, 12 of the OTC Legislation

Rule 1.6

Final adoption of rule:

The Commission shall, by majority vote of all Member States, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

- A. If a majority of the legislatures of the Member States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.
- B. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

Adopted August 3, 2022; Effective September 2, 2022

Authority: §8, 10, 12 of the OTC Legislation

Rule 1.7

Status of Rules upon adoption of Compact additional member states and applicability

Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state. No Member State's rulemaking requirements shall apply under this compact. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's Scope of Practice as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

Adopted August 3, 2022; Effective September 2, 2022

Authority: §8, 10, 12 of the OTC Legislation

Rule 1.8

Emergency Rulemaking:

Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- A. Meet an imminent threat to public health, safety, or welfare,

- B. Prevent a loss of Commission or member state funds; or
- C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Rule 1.9

Non-substantive Rule revision:

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

The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in §10 of the *Occupational Therapy Licensure Compact Model Legislation* and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

Adopted August 3, 2022; Effective September 2, 2022
Authority: §8, 10, 12 of the OTC Legislation

Chapter 2: Definitions

Rule 2.1

Home State License:

as distinguished from a single-state license means an active license issued without any encumbrance by the primary state of residence which allows the licensee to be eligible to become authorized to practice in all compact member states.

Adopted March 20, 2024; Effective April 20, 2024

Authority: §2, 8, 10 of the OTC Legislation

Rule 2.2

Initial Privilege to Practice

means the eligibility of an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) to become authorized to practice in all member states upon the issuance of an unencumbered home state license in a state which is a member of the compact.

Adopted March 20, 2024; Effective April 20, 2024

Authority: §2, 8, 10 of the OTC Legislation

Rule 2.3

Minor Infraction

means an infraction not related to the practice of occupational therapy as determined by each state's regulatory authority which will not prevent a licensee from retaining or renewing a home state license or privilege to practice and which does not result in an encumbered license or is not reportable to the National Practitioners Data Bank.

Adopted March 20, 2024; Effective April 20, 2024

Authority: §2, 8, 10 of the OTC Legislation

Rule 2.4

Unencumbered License

means a license issued to an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) that is currently in good standing and not restricted by any terms, conditions, limitations, or sanctions attached to it or imposed by a state licensing board or authority. "Encumbered License" is defined in the OT Compact Model Legislation, §2.H.

Adopted March 20, 2024; Effective April 20, 2024

Authority: §2, 8, 10 of the OTC Legislation

Chapter 3: Data System Reporting Requirements

Rule 3.1

Uniform Data Set and Levels of Access:

- A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:
 - i. Identifying information – including but not limited to:
 - a. First name
 - b. Middle name
 - c. Last name
 - d. Suffix, if applicable
 - e. Birth date (mm/dd/yyyy)
 - f. Unique identifier
 - i. United States' Social Security Number or
 - ii. NBCOT certification number (as accommodated in the data system) or
 - iii. National Provider Identification Number (NPI) (as accommodated in the data system) or
 - iv. other unique identifier(s) as approved by the Commission (as accommodated in the data system)
 - g. Home state address
 - h. Email address (as accommodated by states)
 - ii. Licensure Data – including but not limited to:
 - a. Jurisdiction of license
 - b. License type (occupational therapist or occupational therapy assistant)
 - c. License number
 - d. Initial issuance date
 - e. Most recent renewal date
 - f. Expiration date
 - g. License status
 - iii. Adverse action(s) against a license or compact privilege to practice including but not limited to:
 - a. type of adverse action
 - b. status and change in status of adverse action
 - c. effective dates of adverse action
 - d. the existence of current significant investigative information
 - e. summary suspension and final disciplinary actions, as defined by the member state authority
 - f. non-confidential information related to alternative program participation including but not limited to current participation by the occupational therapist or occupational therapy assistant in an alternative program
 - g. any denial of application for licensure, and the reason(s) for denial
 - h. other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to a correction to a licensee's data.

- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The home state shall be responsible for verification of uniform requirements for participation as described in §3 and 4 of the Compact.
- F. Current significant investigative information pertaining to a licensee in any member state shall only be available to other member states.
- G. If a member state takes adverse action, it shall notify the administrator of the data system within ten business days of the date action was taken. The administrator of the data system shall notify the home state of any adverse actions by remote states.
- H. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- I. In the event an occupational therapist or occupational therapy assistant asserts that any coordinated licensure information system data is inaccurate, the burden shall be upon the occupational therapist or occupational therapy assistant to provide evidence in a manner determined by the member state that substantiates such claim.
- J. Member states shall submit the data system information required above to the Commission at least one time per week.
- K. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information, shall be removed from the data system.
- L. No member state shall submit any information that constitutes non-administrative criminal history record information, as defined by applicable federal law, to the data system established hereunder.

**Adopted March 20, 2024; Effective April 20, 2024;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §8, 9, 10 in the OTC Legislation**

Chapter 4: Implementation of Federal Bureau of Investigations Criminal Background Check (FBI CBC) Requirement

Rule 4.1

Requirements for Member States Implementing Federal Bureau of Investigation Criminal Background Checks:

- A. The Home state must implement or utilize procedures for considering the criminal history records of applicants for a compact privilege to practice who are licensed within their Home state and who are applying for their initial, e.g., very first time, privilege to practice in one or more states under the Occupational Therapy Compact.
- B. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from:
 - i. The Federal Bureau of Investigation (FBI); and
 - ii. The agency responsible for retaining their Home state's criminal records, as authorized by the member Home state's laws.
- C. Results of the criminal background check shall be reviewed solely by the Home state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states, or the Commission.
- D. The Home state shall use the results of the background check in determining the applicant's eligibility for a compact privilege in accordance with Section 3.A.5. of the Occupational Therapy Compact (OTC) statutes.
- E. The Home state shall report all persons not eligible to participate in the Occupational Therapy Compact to the OTC Commission.

Adopted April 16, 2025; Effective May 16, 2025;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §3, 8, 10 of the OTC Legislation

Rule 4.2

Timeframe for Member States to Apply for Criminal Background Check

- A. If a state does not already hold an ORI, a member state must submit an ORI application (in accordance with Section 3.A.5) within sixty (60) days of the member state's effective date of the OTC in that state or within sixty (60) days of the effective date of this rule, whichever comes first.

Adopted April 16, 2025; Effective May 16, 2025;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §3, 8, 10 of the OTC Legislation

Rule 4.3

Timeframe for Member States to Implement Criminal Background Checks and Exceptions

In accordance with Section 3.A.5, a member state must fully implement a criminal background check as demonstrated by receiving the results of criminal history record information from the FBI and the agency responsible for retaining their Home state's criminal records, as authorized by the member Home state's laws, within thirty (30) days of the member state's approval of their ORI application.

The OTCC Executive Committee has the discretion to grant member states additional time to fully implement a criminal background check based on the member state demonstrating their due diligence to

implement a criminal background check or demonstrating a legal impossibility to implement a criminal background check.

Adopted April 16, 2025; Effective May 16, 2025;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §3, 8, 10 of the OTC Legislation

Rule 4.4

Legal Impossibility for States Meeting the Criminal Background Check Requirement

Due to the legal impossibility of a member state's ability to comply with the FBI CBC requirement as outlined in Section 3.A.5 of the OTC and the resulting prevention of the Compact to become operational in the member state, the member state who does not already require a FBI CBC may also issue and accept privileges from applicants that have not yet had a member state board reviewed FBI CBC under the following conditions:

- A. The Member State board can provide evidence to the Executive Committee that it has attempted and been refused the assignment of an ORI number for the purpose of receiving and reviewing CBCs of those interested in compact participation; and
- B. The licensee who is applying for entry into the Compact meets all other statutory requirements and has attested to the fact they have no FBI Criminal Background History and acknowledges and accepts that they will be subject to an FBI CBC once their member state has the ability to perform an FBI CBC (or at the compact applicant's first renewal cycle after their Home state has been given the permission to conduct FBI CBCs); and
- C. The Member State Board agrees to immediately reapply for an ORI number upon a change of position by the FBI, or passage of federal legislation that explicitly authorizes compact member states to conduct FBI CBCs, whichever comes first, and provides evidence to the Executive Committee of same and requires all new license applicants to undergo an FBI CBC if they apply for the Compact.

Adopted April 16, 2025; Effective May 16, 2025;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §3, 8, 10 of the OTC Legislation

Rule 4.5

Criminal Background Check Requirements for Compact Privilege Applicants

- A. To be able to obtain a compact privilege under the Occupational Therapy Compact, a compact privilege seeker shall submit to a criminal background check, including fingerprint-based state and federal background checks, as required by the Compact and authorized by the member state's laws.
 - i. The applicant shall provide a full set of fingerprints to the Home state's designated agency for the purpose of conducting a criminal history record check through;
 - a. The Federal Bureau of Investigation (FBI); and
 - b. The state agency responsible for retaining the criminal records in the applicant's Home state.
- B. Results of the criminal background check shall be reviewed solely by the Home state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states, or the Commission.
 - i. The Home state shall use the results of the background check in determining the applicant's eligibility for a compact privilege in accordance with Section 3.A.5 of the Occupational Therapy Compact statutes.

- ii. An applicant who does not submit to an FBI fingerprint-based criminal background check or whose background check reveals disqualifying offenses, as determined by the Home state and in accordance with Compact statutes and rules, shall be deemed ineligible to obtain a compact privilege
- C. An applicant who is unable to submit to an FBI fingerprint-based criminal background check due to legal impossibility in the Home state shall be required to do the following:
 - i. Attest to having disclosed any and all criminal history to the Home State for review and consideration by the Home State;
 - ii. Submit to a state based criminal background check for review by the Home state board; and
 - iii. Submit to an FBI fingerprint-based criminal background check for review by the Home state board within 60 days of receiving notification from the state that it has become legally possible for the state to comply with Section 3.A.5 to conduct FBI CBCs of any privileges obtained under the Home state license. Failure to comply with this requirement within the timeframe may result in the removal of compact privileges to practice.
- D. An applicant who does not submit to an FBI fingerprint-based criminal background check or whose background check reveals disqualifying offenses, as determined by the Home state and in accordance with Compact statutes and rules, shall be deemed ineligible to obtain a compact privilege or whose state or FBI background check reveals disqualifying offenses, as determined by the Home state and in accordance with compact statutes and rules, shall be deemed ineligible to obtain, retain, or renew a compact privilege.
- E. If the Home state deems any person no longer eligible to participate in the Compact, it shall report those persons to the OT Compact Commission as defined in the Rule on Data System Reporting Requirements.
- F. The requirement for a criminal background check shall apply to all compact privilege applicants.

Adopted April 16, 2025; Effective May 16, 2025;
Amendments Adopted October 30, 2025; Amendments Effective December 1, 2025
Authority: §3, 8, 10 of the OTC Legislation

Chapter 5: Member State Implementation

Rule 5.1

Implementation by new Member States

A member state cannot participate in issuing or recognizing compact Privileges to Practice until such Member State has completed all the following requirements:

- A. Fully implement the FBI Criminal Background Check requirement established in the *Implementation of Federal Bureau of Investigations Criminal Background Check Requirement* rule (Chapter 4 of OTCC Rules).
- B. Require continuing competence/education for renewal for occupational therapists and occupational therapy assistants.
- C. Utilize only a recognized national examination as a requirement for licensure pursuant to §3.A.7 of the *Occupational Therapy Licensure Compact Model Legislation* and the *National Exam Definition* rule (Chapter 7 of the OTCC Rules).
- D. Fully implement the requirements of *Data System Reporting Requirements* rule (Chapter 3 of the OTCC Rules).

**Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation**

Chapter 6: Occupational Therapy Compact Fees (Administrative & State)

§1: Definitions

- A. **“Commission Administrative Fee”** means a fee paid as part of a Privilege to Practice request and paid to the Commission.
- B. **“State Fee”** means a non-refundable fee established by each individual Member State. The fee is collected by the Commission and forwarded to the Member State.

Rule 6.1

Commission Administrative Fees:

A non-refundable Commission Administrative Fee of \$75.00 (seventy-five dollars) shall be paid by the licensee to the Commission for each state in which a Privilege to Practice is requested in addition to each individual State’s Fee, if applicable.

The Commission Administrative Fee is subject to change through the Rule Making authority of the Commission.

**Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation**

Rule 6.2

State Fees:

Member States may establish their State Fee in accordance with the Member State’s required processes to be paid by the licensee to the Commission.

The Commission shall remit to the Member State 100 percent (one hundred percent) of the State Fee on a basis as established in this Rule.

State Fees may be changed by the Member State with 30 (thirty) days’ notice of intent to the Commission to change the fee in accordance with the Member State’s required processes. The notice shall be posted to the Member State’s website and the Commission website.

**Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation**

Rule 6.3

Delegation of collection and disbursement of fees:

On its behalf and on behalf of the Member State, the Commission shall provide and administer a process to collect Commission Administrative Fees and State Fees from licensees. The Commission shall remit the collected fees to the Member States in accordance with the provisions of this rule.

The Commission shall provide an itemization sufficient to permit the Member State to reconcile the fees.

**Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation**

Rule 6.4

Insufficient funds; Failed payments; Disputed charges:

A non-refundable service fee of \$100.00 shall be imposed on an individual who submits a payment to the Commission for administrative or state fees without sufficient funds in the payer's account. One hundred

percent (100%) of the fee shall be deposited in the Commission's general fund to cover costs incurred in attempting to process failed payment transaction(s).

Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation

Chapter 7: Occupational Therapy National Exam

Rule 7.1

Occupational Therapy National Exam:

“Recognized national exam” as referenced in §3.A.7 of the *Occupational Therapy Licensure Compact Model Legislation* means the National Board for Certification in Occupational Therapy (NBCOT) exam, its predecessor, its successor, or other recognized national exam as determined by rule of the commission.

**Adopted April 16, 2025; Effective May 16, 2025
Authority: §3 of the OTC Legislation**