

Occupational Therapy Compact Commission (OTCC)

Chapter 10: Investigations

DRAFT RULE

Rule Title	Investigations
Rule History	<ul style="list-style-type: none">• Drafted by Rules Committee: March 24, 2026• Vote to Public Comment by Executive Committee: March 30, 2026• Public Comment Period: XXX• Public Comment Responses by Rules Committee: XXX• Voted by the OTCC: XXX• Effective: XXX
Public Comment Instructions	

§Section 1: Authority

Authority for this rule is in the *Occupational Therapy Licensure Compact Model Legislation*.

§Section 1: *Purpose*

§Section 3: *State Participation in the Compact*

§Section 7: *Adverse Actions*

§Section 8: Establishment of the Occupational Therapy Compact Commission

§Section 9: Data System

§Section 2: Purpose

Pursuant to §Section 10 of the *Occupational Therapy Licensure Compact Model Legislation*, the Occupational Therapy Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Occupational Therapy Interstate Compact.

§Section 3: Definitions

- A. “**Adverse Actions**” means any administrative, civil, equitable, or criminal action permitted by a State’s laws which is imposed by a Licensing Board or other authority against an Occupational Therapist or Occupational Therapy Assistant, including actions against an individual’s license or Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or restriction on the Licensee’s practice.
- B. “**Compact**” means the Occupational Therapy Interstate Licensure Compact (OTC)
- C. “**Compact Privilege**” means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee from another Member State to practice as an Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the time of the patient/client encounter.

- 28 D. **“Confidential and filed under seal”** means all information and documents required to be
29 shared in compliance with the Compact shall be transmitted confidentially and may not be
30 discoverable in civil litigation, re-disclosed voluntarily or pursuant to a public records
31 request, or produced pursuant to civil or criminal subpoena, except that such information
32 may be used for the purpose of investigating and taking disciplinary action and may be
33 disclosed as part of any public disciplinary action resulting from the investigation.
- 34 E. **“Data System”** means a repository of information about Licensees, including but not limited
35 to license status, Investigative Information, Compact Privileges, and Adverse Actions.
- 36 F. **“Current significant investigative information”** means Investigative Information that a
37 Licensing Board, after an inquiry or investigation that includes notification and an
38 opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if
39 required by State law, has reason to believe is not groundless and, if proved true, would
40 indicate more than a minor infraction.
- 41 G. **“Joint investigation”** means an investigation conducted jointly by two or more Member
42 States.
- 43 H. **“Licensee”** means an individual who currently holds an authorization from the State to
44 practice as an Occupational Therapist or as an Occupational Therapy Assistant.
- 45 I. **“Minor infraction”** see Rule 2.3
- 46 J. **“Member state”** see Chapter 1.D

47 §Section 4: Rule Content

48 *Rule 10.1*

49 Investigations

- 50 A. Any Member State may participate with other Member States in joint investigations.
- 51 B. Member States shall share any investigative, litigation, or compliance materials in
52 furtherance of any joint or individual investigation initiated under the Compact.
- 53 C. If a Member State seeks to initiate a joint investigation, it may obtain a list of all other
54 Member States where the occupational therapist or occupational therapy assistant holds
55 Compact Privileges or a Home State License from the Compact Commission or the Data
56 System.
- 57 D. States participating in a Joint Investigation shall designate a lead investigative state.
- 58 E. The lead investigative state shall direct the investigation and update the other members of the
59 joint investigation upon any significant developments in the joint investigation.
- 60 F. The lead investigative state may request the other States participating in the joint
61 investigation to conduct investigatory tasks in their own states.
- 62 G. A non-lead investigative state may continue its own investigation but shall keep the lead
63 investigative state apprised of its investigatory actions and shall coordinate its actions with
64 the lead investigative state.
- 65 H. States participating in the joint investigation shall share investigative, litigation, or
66 compliance materials in furtherance of the investigation.

- 67 I. During a joint investigation, a Member State may request that another Member State issue a
68 subpoena on behalf of the joint investigation or assist in the enforcement of a lawful
69 subpoena issued by the joint investigation.
- 70 J. A Member State may elect to withdraw from a joint investigation at any time, however upon
71 doing so it shall share with the remaining members of the joint investigation any
72 investigative information, litigation, and compliance materials in its custody and control
73 which were obtained or generated during the course of the joint investigation.
- 74 K. If a joint investigation results in Current Significant Investigative Information, the lead
75 investigative state shall be responsible for making a report to the Compact Commission on
76 behalf of all participants in the joint investigation.
- 77 L. Any adverse action resulting from a joint investigation shall be reported to the Compact
78 Commission by the Member State which took the adverse action.
- 79 M. States who participate in joint investigations do so at their own expense.

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



OCCUPATIONAL THERAPY
LICENSURE COMPACT