



**Occupational Therapy Compact Commission
Compliance Committee Meeting**

Minutes: February 18, 2026

Member	Attendance	VOTES					
		Agenda	Minutes	Amend Agenda to add voting item	Request Rules Com. to consider amending Chapter 4 Rules (FBI CBC)	No item	Adjourn
Jessica Bolduc	P	Y	Y	Y	Y	---	---
Adrienne Price	P	Y	Y	Y	Y	---	---
Danielle Ward	P	---	Y	Y	Y	---	---
TOTALS	3/3 voting members; quorum present	2/3 motion carries	3/3 motion carries	3/3 motion carries	3/3 motion carries	---	Adjourned by acclimation at 10:11a CT

--- indicates no voting item or member did not vote (ex: technical difficulties)

Other attendees (non-voting)		
Name	Role	Organization
Nahale Kalfas	Legal Counsel	OTCC
Amanda Perry	Executive Director	OTCC
Francielle Pineda	Member of the public	NBCOT

Welcome/Call to Order

- Chair Price called the meeting to order at 9:05a CT.

Roll Call

- A. Perry called the roll; quorum was present; attendance reflected in chart above.

Review and Adoption of the Agenda

- Chair Price reviewed and called for a motion to adopt the agenda as presented.
- **Motion:**
 - **J. Bolduc motioned that the committee adopt the agenda as presented.**
 - **A. Price seconded the motion.**
 - **2 voted in favor; 0 abstained; 1 did not vote; the motion carried.**

Review and Adoption of the Minutes

- A. Perry displayed the minutes from the previous meeting. Chair Price called for a motion to adopt the minutes.
- **Motion:**
 - **D. Ward motioned to adopt the minutes as presented.**
 - **J. Bolduc seconded the motion.**
 - **All voted in favor; 0 abstained; the motion carried.**

Legal Impossibility (LI) Rule (State Compliance Discussion and Vote)

- A. Perry displayed the checklist created by her and Counsel Kalfas. The checklist aligns with Chapter 4 Rules related to the Legal Impossibility pathway.
- Counsel Kalfas explained the checklist line-by-line, including its purpose and utility to help determine whether a state can operationalize the OT Compact (OTC) under the LI rule.
 - It is designed to continue following up every three months with states after they operationalize under the LI pathway to ensure they do not go stagnant in their attempts to obtain the ability to perform Federal Bureau of Investigations Criminal Background Check (FBI CBCs).
- Q: What does the Compliance Committee (CC) want to see regarding states (who operationalize under the LI pathway) continuing to move forward with meeting the FBI CBC requirements under the OTC law?
 - A: States must continue to pursue the ability to perform FBI CBCs even after they operationalize using the LI pathway. LI pathway is temporary – but the current rule does not have a time limit for states utility.
- Q: Are the steps to obtain an Originating Agency Number (ORI) from the FBI the same for every state, or are there variations in the process?
 - A: There are variations at both the state and federal levels. At the state level boards must get various levels of permissions to even apply for an ORI. Some cannot get that permission at all (delayed indefinitely); some can independently get the permission to move forward; some must collaborate with other compacts to do a joint application. At the federal level, each regional office has its own requirements for receiving and approving applications. It is not consistent and often seems very subjective.

- Q: With the variations in mind, should the Commission (OTCC) consider creating variable pathways of accountability based on state's experiences?
 - A: It is likely not necessary to create variable pathways because the end result of seeking an ORI will be the same – denied. The result of states' attempts is what should be considered for consistency.
- Q: Should the CC follow up with states every three months? Is that too often?
 - A: Following up every six months is realistic. If movement occurs within the six month cadence, states can proactively reach out to the OTCC Executive Director to provide updates.
- Q: Is it too resource taxing (time, personnel) to even follow up? If states are approved to use the LI pathway, is that not enough?
 - A: Following up every six months is a way for the OTCC to demonstrate its attempts to honor the public protection piece of the OTC. From a court/litigation perspective, it demonstrates that the OTCC attempts to enforce OTC law/rule/policy requirements. If follow up is not occurring, a court could determine that the OTCC is not acting as a governing body of the Compact requirements, which would have its own ramifications. Also, the intention of ongoing follow-up is to ensure that states do not go stagnant in their efforts to meet the overall OTC requirement to perform FBI CBCs on practitioners seeking OTC privileges to practice (PtPs).
- Q: What is the outcome if there is no movement/no progress at the check points (ex: 6m, 12m, 18m, etc)? Are states considered non-compliant? If so, what accountability is there?
 - A: This is something to consider.
 - Suggestion to have LI states attest every six months that they are actively pursuing the ability to perform FBI CBCs. This could be an electronic attestation. OTCC Staff can utilize Monday.com to auto-prompt communication to the states (auto reminders), for efficiency.
- Q: Should the FBI CBC / LI rule (Chapter 4) be amended to include a time frame that states can use the LI pathway while they seek FBI CBCs? If so, what happens to the PtPs issued to practitioners in LI pathway states when the state runs out of time?
 - A: This is something to consider. The Rules Committee might consider amending the LI pathway part of the rule to include an expiration date specific to each state that is approved to operationalize under the LI pathway (ex: 5y from the date of approval).
 - A: The Rules Committee might consider a rule that accounts for PtP statuses: For example, practitioners in LI states that run out of time will not be eligible to purchase them after the state's LI expiration date. PtPs that expire after the state runs out of time will be valid until they expire (even after the state's LI expiration date) but will not be able to be repurchased/renewed when they expire.
- Q: Can the LI checklist be used to create individual timelines for states to become compliant?
 - A: That may be possible, but it is not advised. If the Rules Committee determines to implement a timeframe, it should be consistent for all LI states (ex: 5y from the date of approval).
- Q: What does progress look like from the CC perspective? How is the CC going to report progress?
 - A: There will be a need for the CC to report an aggregate status of LI states' compliance with continued pursuit of an ORI/ability to perform FBI CBCs. This will be necessary whether the Rules Committee edits the existing rule or not.

- Concern that states are investing resources (money, time, personnel) into the IT side of operationalizing, planning to use the LI pathway. If the Rules Committee implements a deadline (ex: 5y from date of LI approval), those states may decide not to utilize the LI pathway and, instead, continue to wait until full ORI/FBI CBC approval is granted, so states do not risk running out of time and their practitioners' ability to obtain PtPs is retracted in that scenario.
 - Counter argument:
 - States who choose this option are still non-compliant with the OTC law when a reasonable pathway to operationalize exits.
- Concern about implementing an LI expiration date is that boards have no control over how long legislation will take. It may be years before a bill is sponsored (ex: years to turn over political parties which support Compacts abilities to perform FBI CBCs).
 - Counter argument:
 - Implementing an expiration timeline might prompt boards, executives, and/or legislators to really push forward with FBI CBC compliance. A deadline might be the nudge needed to break down barriers to getting ORI approval. *Practitioners will lose their ability to practice via the Compact if we are not compliant by XXX date.* That reality might be what is needed for progress and accountability.
- Considerations: It has been realized that most states who cannot perform FBI CBCs also cannot perform state level background checks either. Since this is a LI pathway requirement, those states are not eligible anyway. This strengthens the public protection piece.
- The CC members agreed that the Executive Committee's charge to the Rules and Compliance Committees to work together allows the CC to bypass the Executive Committee and go straight to the Rules Committee to request that they consider amending the current FBI CBC rule.
- A. Perry noted that this agenda item is a discussion item only and that the agenda should be amended to add it as a voting item.
- Q: What are the possible implications of opening this rule for edits?
 - A: The OTCC could make any substantiative changes or withdraw the rule altogether. This is a concern given the very narrow margin on which it passed the OTCC initially.
- Q: Will opening it for edits delay current progress in the LI pathway for states using/seeking it?
 - A: No. The rule remains effective in its current approved status until any new edits become effective (edits must go through full rulemaking process, including OTCC vote).
- **Motion:**
 - **D. Ward motioned that the agenda be amended to add this discussion as a voting item to move it forward to the Rules Committee for consideration and that the remaining discussion items be tabled until a later meeting due to time considerations.**
 - **J. Bolduc seconded the motion.**
 - **All voted in favor; 0 abstained; motion carried.**
- **Motion:**
 - **J. Bolduc motioned that the Compliance Committee recommends to the Rules Committee to consider revising the existing FBI CBC Rule 4.4 to include a deadline for states to fully comply with the FBI CBC requirement, because the Legal Impossibility pathway is intended to be a temporary pathway for states to operationalize the OTC.**
 - **D. Ward seconded the motion.**
 - **All voted in favor; 0 abstained; motion carried.**

Questions and Comments

- Chair Price called for further comments and discussions from the Compliance Committee members
 - No further comments
- Chair Price called for comments from members of the public
 - F. Pineda complimented the CC members for a thoughtful, thorough discussion.

Adjournment

- Chair Price adjourned the meeting via acclamation at 10:11a CT with no opposition from the members.
- Next meeting is Wednesday, June 17, 2026