



April 1, 2026

Re: Public Comment Notice for Occupational Therapy Compact Commission (OTCC):

Draft Rule on Investigations

The OTCC welcomes public input on the proposed *Draft Rule on Investigations*. This 30-day public comment period provides an opportunity for interested individuals and organizations to express their opinions, concerns, and suggestions on the proposed *Draft Rule on Investigations*. Your feedback is valuable to us and will be considered in the rule-making process.

Purpose:

The purpose of this public comment notice is to encourage and facilitate public input on the proposed *Draft Rule on Investigations*. We are committed to transparency and accountability in our rule-making process, and your comments will assist us in refining and finalizing this Rule.

Comment Period:

The public comment period for the proposed *Draft Rule on Investigations* will be open for 30 days, starting from Wednesday, April 1, 2026, and closing on Friday, May 1, 2026. **All comments must be received by 5:00p.m. EST on Friday, May 1, 2026.**

How to Submit Comments:

Email your comments to executivedirector@otcompact.gov. Please indicate “*Public Comment for Investigations Rule*” in the subject line of your email. All comments received will be considered part of the public record and may be subject to disclosure under applicable laws.

Public Hearing:

A public hearing on the proposed *Draft Rule on Investigations* will be held if necessitated.

Contact Information:

As necessary, please contact the OTCC Executive Director at ExecutiveDirector@otcompact.gov. We look forward to receiving your comments and thank you for your participation in shaping the future of the Occupational Therapy Compact Commission.

Kind regards,

Dr. Lesly Wilson James, Chair

Occupational Therapy Compact Commission

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: April 1 – May 1, 2026 • Public Comment Responses by Rules Committee: May 5, 2026 • Voted by the OTCC: tentative vote on May 6, 2026 • Effective: XXX
Public Comment Instructions	Submit public comments via email to executivedirector@otcompact.gov . Use the subject line <i>Public Comment for Investigations Rule</i> . Or you may attend the meeting at which the rule will be discussed and voted on. Written comments must be received by close of business on Friday, May 1, 2026.
Rule Title	Investigations

1

2 **Chapter 10: Investigations**

3 **Section 1: Authority**

4 Authority for this rule is in the [Occupational Therapy Licensure Compact Model Legislation](#).

5 §Section 1: Purpose

6 §Section 3: State Participation in the Compact

7 §Section 7: Adverse Actions

8 §Section 8: Establishment of the Occupational Therapy Compact Commission

9 §Section 9: Data System

10 **§Section 2: Purpose**

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

15 **§Section 3: Definitions**

16 A. **“Adverse Actions”** means any administrative, civil, equitable, or criminal action permitted by a
 17 State’s laws which is imposed by a Licensing Board or other authority against an Occupational
 18 Therapist or Occupational Therapy Assistant, including actions against an individual’s license or
 19 Compact Privilege such as censure, revocation, suspension, probation, monitoring of the Licensee, or
 20 restriction on the Licensee’s practice.

21 B. **“Compact”** means the Occupational Therapy Interstate Licensure Compact (OTC)

22 C. **“Compact Privilege”** means the authorization, which is equivalent to a license, granted by a Remote
 23 State to allow a Licensee from another Member State to practice as an Occupational Therapist or
 24 practice as an Occupational Therapy Assistant in the Remote State under its laws and rules. The
 25 Practice of Occupational Therapy occurs in the Member State where the patient/client is located at the
 26 time of the patient/client encounter.

27 D. **“Confidential and filed under seal”** means all information and documents required to be shared in
 28 compliance with the Compact shall be transmitted confidentially and may not be discoverable in civil

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

44 §Section 4: Rule Content

45 Rule 10.1

46 Investigations

- 47 A. Any Member State may participate with other Member States in joint investigations.
- 48 B. Member States shall share any investigative, litigation, or compliance materials in furtherance of any
49 joint or individual investigation initiated under the Compact.
- 50 C. If a Member State seeks to initiate a joint investigation, it may obtain a list of all other Member States
51 where the occupational therapist or occupational therapy assistant holds Compact Privileges or a
52 Home State License from the Compact Commission or the Data System.
- 53 D. States participating in a Joint Investigation shall designate a lead investigative state.
- 54 E. The lead investigative state shall direct the investigation and update the other members of the joint
55 investigation upon any significant developments in the joint investigation.
- 56 F. The lead investigative state may request the other States participating in the joint investigation to
57 conduct investigatory tasks in their own states.
- 58 G. A non-lead investigative state may continue its own investigation but shall keep the lead investigative
59 state apprised of its investigatory actions and shall coordinate its actions with the lead investigative
60 state.
- 61 H. States participating in the joint investigation shall share investigative, litigation, or compliance
62 materials in furtherance of the investigation.
- 63 I. During a joint investigation, a Member State may request that another Member State issue a subpoena
64 on behalf of the joint investigation or assist in the enforcement of a lawful subpoena issued by the
65 joint investigation.
- 66 J. A Member State may elect to withdraw from a joint investigation at any time, however upon doing so
67 it shall share with the remaining members of the joint investigation any investigative information,
68 litigation, and compliance materials in its custody and control which were obtained or generated
69 during the joint investigation.

- 70 K. If a joint investigation results in Current Significant Investigative Information, the lead investigative
71 state shall be responsible for making a report to the Compact Commission on behalf of all participants
72 in the joint investigation.
- 73 L. Any adverse action resulting from a joint investigation shall be reported to the Compact Commission
74 by the Member State which took the adverse action.
- 75 M. States who participate in joint investigations do so at their own expense.

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

79 **Adopted XXX; Effective XXX**
80 **Authority: §1,3, & 7-9 of the OTC Legislation**