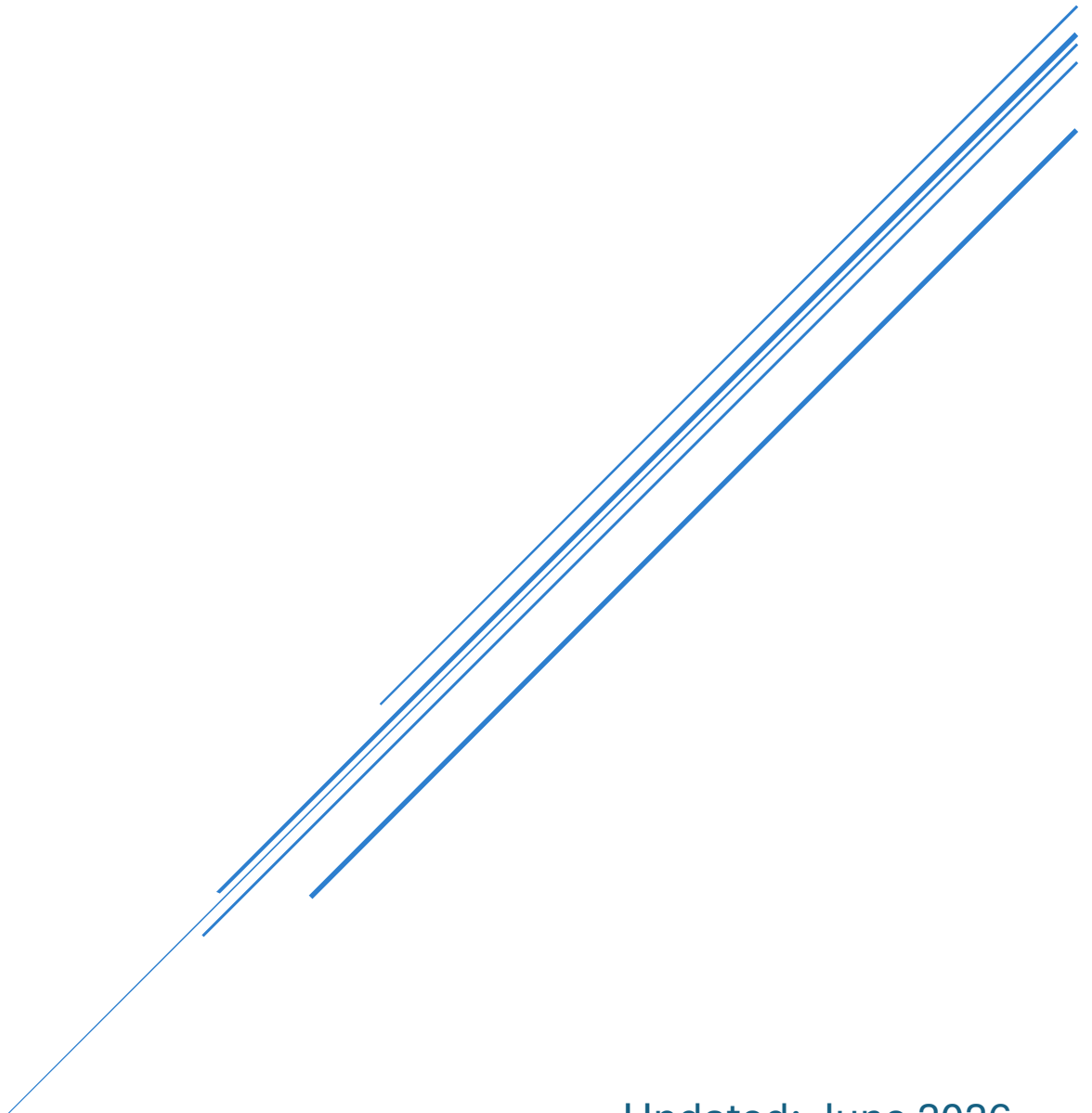


OCCUPATIONAL THERAPY COMPACT COMMISSION

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state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to §12 or has not been discharged pursuant to §11 due to non-compliance with the provisions of §3.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**

Chapter 8: Member State Default, Non-Compliance, and Dispute Resolution

§1: Definitions

C. “Party state” means a state that is a part of a dispute.

Rule 8.1

Dispute Resolution Process – Informal, Mediation, and Arbitration:

- A. The Delegate in each member state shall enforce the Compact and take all actions necessary and appropriate to effectuate the Compact’s purposes and intent. The Commission supports collaborative efforts to resolve disputes or controversies between and among all member states. All affected parties are encouraged to communicate with each other directly and make every effort to resolve issues informally prior to application of paragraphs (B) and (C) of this rule.
- i. Any member state may submit a written request to the Executive Committee for assistance in interpreting the law, rules, and policies of the Compact. The Executive Committee may seek the assistance of the Commission’s legal counsel in interpreting the Compact. The Executive Committee shall issue the Commission interpretation of the Compact to all parties to the dispute.
 - ii. A member state that is party to a dispute may request the submission of a matter in controversy to mediation. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators, unless a mediator is otherwise agreed to by all parties to the dispute and pursuant to procedures customarily used in mediation proceedings.
- B. When disputes among party states are unresolved through informal attempts, the Commission shall request assistance from the Executive Committee.
- i. It is the duty of the Executive Committee to address disputes between or among the member states concerning the Compact when informal attempts between the member states to resolve disputes have been unsuccessful.
 - ii. The Executive Committee, on behalf of the Commission, in the reasonable exercise of its discretion, has the authority to assist in the resolution of disputes between and among member states concerning the Compact. This rule defines the course of action the Executive Committee may take when such disputes cannot be informally resolved and the matter is received by or referred to the Executive Committee.
- C. Disputes between two (2) or more member states which cannot be resolved through informal resolution or through the Executive Committee may be referred to an arbitration panel.
- D. Informal Resolution
- i. The Delegate of the state disputing another member state’s interpretation or application of the Compact shall contact the Delegate of the member state with which the dispute has arisen. A written statement describing the situation should be provided

and sufficient time allowed for response and opportunity for the other Delegate to review and investigate the issues raised in the dispute.

- ii. If interpretation of the Compact is necessary, the Delegate shall contact the Executive Committee and request assistance in interpreting relevant provisions. This communication to the Executive Committee should be made through the Compact Executive Director.
- iii. The Delegate raising the concern shall document attempts to resolve the issues.
- iv. If all issues are resolved to the satisfaction of all party states involved, no further action is required.

E. Mediation

- i. A state that is a party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- ii. If a member of the Executive Committee is a party to the dispute, that individual must recuse themselves from participating in the matter.
- iii. Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators, or a mediator is otherwise agreed to by all parties to the dispute and pursuant to procedures customarily used in mediation proceedings.
- iv. If all issues are resolved through mediation to the satisfaction of all party states involved, no further action is required.

F. Executive Committee Resolution

- i. Member states shall report to the Executive Committee, through the Compact Executive Director, issues pertaining to disputes concerning the interpretation or application of the Compact in a timely fashion.
- ii. If the Executive Committee determines that the dispute arises from non-compliance with the Compact, the Committee may, in its discretion, reclassify the dispute as a non-compliance case and will provide a written notice to all parties of the dispute citing the allegation(s) of non-compliance and follow the procedures in the Bylaws and as provided in Section 11 of the Compact.
- iii. In the event there are factual and/or legal issues to be resolved, the states involved in the dispute shall provide written responses regarding the factual and/or legal issues in dispute and the position of each party to the dispute on those issues to the Executive Committee within thirty (30) days after receipt of the report referenced in paragraph (D) of this rule for distribution to the Executive Committee.
- iv. Upon receipt of the party states' responses, the Executive Committee shall develop a dispute resolution proposal or plan within sixty (60) days and submit the proposal or plan to the party states unless all parties agree that a longer period of time is needed to address the issues in dispute.

- v. Any controversy or dispute not resolved in accordance with paragraphs (D) through (F) of this rule may result in dispute arbitration, as recommended by the Executive Committee pursuant to paragraph (G) of this rule.

G. Arbitration

- i. In the event of a dispute between states that cannot be resolved through informal means, and upon the recommendation by the Executive Committee, the Delegate of the initiating state(s) shall submit an Arbitration Request form to the Compact Executive Director with a copy to be sent by the initiating state to the other party state(s) involved.
- ii. Each state party to the dispute and the Executive Committee shall submit a signed Arbitration Agreement form which shall include:
 - a. Consent that the decision of the majority of the arbitrators is final and binding;
 - b. The name of an appointee representing each state, unless more than two (2) states are parties, on an arbitration panel. In the event there are more than two (2) states that are parties to the dispute, the parties must agree on an arbitrator selected by the state or states arguing either the affirmative or the negative of the issue in dispute so that only one (1) arbitrator is selected by the state or states on either side of the controversy. In the event an agreement cannot be reached, such selection shall be made by the Executive Committee.
 - c. The name of a third arbitration panel appointee mutually agreed upon and independent of all the states involved in the dispute.
 - d. The Compact Executive Director shall coordinate the arbitration process.
 - e. Pursuant to paragraph G.ii.b of this rule, appointment of the arbitration panel shall be completed by the party states involved within thirty (30) days of the decision to appoint a panel.
 - f. All involved states shall agree on arbitration procedures, including a date and location for the arbitration to take place which shall be within forty-five (45) days of the appointment of the arbitration panel. In the event the parties cannot agree, the arbitration panel shall make these and other procedural decisions.
 - g. The panel shall render a decision within forty-five (45) days of the completion of the arbitration.
 - h. The panel shall forward its decision to the Compact Executive Director and Chair of the Commission and to each involved party state within seven (7) days of its decision.
 - i. The decision of the arbitration panel shall be final and binding.
 - j. In the event arbitration is necessary, and unless otherwise agreed by the parties, at the discretion of the arbitration panel, the prevailing party or

parties may be entitled to recover the costs of such arbitration, including reasonable attorneys' fees, to the extent permitted by state law of the prevailing party state.

- k. Arbitration award decisions may be enforced in a court of competent jurisdiction.

Adopted May 6, 2026; Effective June 8, 2026
Authority: §3 & §10 of the OTC Legislation

Rule 8.2

Compliance and Enforcement

- A. The Delegate in each party state shall enforce the Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The Commission supports voluntary, collaborative efforts to resolve compliance and enforcement issues in lieu of formal dispute resolution procedures or other legal enforcement action between and among all Compact party states. All affected parties are encouraged to communicate with each other directly and make every effort to resolve issues informally prior to application of paragraphs (E) through (G) of rule 8.2 and paragraphs (E) and (F) of this rule.
 - i. Any party state may submit a written request to the Executive Committee for assistance in interpreting the Compact. The Executive Committee may seek the assistance of legal counsel in interpreting the Compact, particularly concerning compliance and enforcement. The Executive Committee's interpretation of the Compact will be issued in writing to all parties to the dispute.
 - ii. At the discretion of the Executive Committee, appropriate technical assistance and training may be provided to any party state seeking to voluntarily address a compliance issue.
- B. When compliance or enforcement is unresolved through informal attempts, the Delegate shall request assistance from the Executive Committee.
 - i. It is the duty of the Executive Committee to address alleged substantive or recurrent violations of the Compact when informal attempts to attain compliance have been unsuccessful.
 - ii. The Commission, in the reasonable exercise of its discretion, shall enforce the Compact.
- C. Compliance and enforcement issues that cannot be resolved through informal resolution or through the Executive Committee shall be referred to an arbitration panel or other appropriate legal action as provided in Section 11 of the Compact at the discretion of the Executive Committee.
- D. Informal Resolution
 - i. When an alleged violation of the Compact comes to the attention of the Compact Executive Director or Executive Committee, a written statement describing the situation should be provided, and sufficient time allowed for response and opportunity for other Delegate(s) to review and investigate the issues raised in the dispute. The Compact Executive Director, on behalf of the Executive Committee,

shall contact the Delegate of the state(s) alleged to be in non-compliance with the Compact and, when applicable, the Delegate of the state alleging non-compliance with the provisions of the Compact.

- ii. If the party state alleged to be in non-compliance with the Compact requires assistance with interpretation of the Compact, the Delegate of that state, or the state's legal representative may contact the Executive Committee to request assistance in interpreting relevant Compact provisions and identifying steps to achieve compliance.
- iii. The Executive Committee may consult with legal counsel and shall document efforts to resolve the issues.
- iv. If all issues are resolved to the satisfaction of the Executive Committee and the state(s) involved, the Compact Executive Director shall prepare a written report to document the resolution, and no further action is required.

E. Executive Committee Resolution

- i. If informal resolution of alleged non-compliance is not possible, the Compact Executive Director shall notify the Executive Committee and furnish a report of all issues pertaining to noncompliance allegations, including details of informal resolution efforts, in a timely fashion.
- ii. If the Executive Committee determines that a state is not in compliance with the Compact, the Executive Committee shall provide a written notice to the state(s) citing the specific allegation(s) of non-compliance or default.
- iii. The state(s) shall provide a written response regarding the alleged default or noncompliance to the Executive Committee within forty-five (45) days.
- iv. The Executive Committee, Compact Executive Director, and legal counsel shall develop and propose a plan for voluntary resolution of the allegation(s) of default or non-compliance within sixty (60) days, which may include technical assistance and training, and submit such plan to the involved state(s) for approval unless all parties agree that a longer period of time is needed to address the default/noncompliance or related issues.
- v. If the state alleged to be in non-compliance or default does not agree with the Executive Committee's proposed plan for resolution, or if the state fails to cure the default or non-compliance after initially agreeing with the Executive Committee to follow a remediation plan, the Executive Committee may conduct an investigation to examine any evidence relevant to the allegation(s). Such evidence may include, but is not limited to, statements and/or testimony of witnesses, documents, and other information. An investigator may be appointed by the Executive Committee to conduct the investigation.
- vi. The Commission shall bear the expense of any investigation.
- vii. The state alleged to be non-compliant or in default will be informed by the Executive Committee in writing if additional incidents of apparent non-compliance are discovered during the course of the investigation.

- viii. All information obtained during the investigation, and reports prepared by the Commission, shall be confidential and not subject to public disclosure unless otherwise required by the laws of any state involved in the dispute.
- ix. The state alleged to be non-compliant will be provided an opportunity to submit a written response to the preliminary findings within twenty (20) days, including documentary evidence, and to meet with the investigator, if any, at the expense of the Commission.
- x. Within forty-five (45) days after the conclusion of the investigation, the Executive Committee or its investigator shall prepare a written report including a summary of factual findings. The report is provided to the state who is the subject of the investigation for review and comment, including the opportunity to provide corrections to the report, as appropriate. Any comments and/or corrections are returned to the Executive Committee, through the Compact Executive Director, within fourteen (14) days of issuance of the initial report.
- xi. After review of the response of the state alleged to be non-compliant, the Executive Committee shall determine, based on a preponderance of the evidence standard, violation(s), if any, of the Compact. If the Executive Committee substantiates the allegations based on the evidence and legal authorities cited, the Executive Committee shall schedule a conference, either in person or by telephonic or electronic means, with the non-compliant state's Delegate, Assistant Attorney General (or other legal representative), and Presiding Officer of the State's Licensing Board (or designee) to determine if the violations may be remedied through training, technical assistance, or other voluntary means within forty-five (45) days, unless all parties agree that a longer period of time is needed to address the default/non-compliance.
- xii. Any compliance or enforcement issue pursuant to this section not resolved may result in formal dispute arbitration, or other appropriate enforcement action pursuant to Section 10. of the Compact, as determined by the Executive Committee.
- xiii. Any member(s) of the Executive Committee whose state is involved in any compliance or enforcement issue shall be recused from consideration, discussion, or voting on any such case.

F. Dispute Arbitration

- i. If a member state's Compact default/non-compliance cannot be resolved through the procedures described in Chapter 8 of the rules, the Executive Committee may order arbitration before a three (3) member arbitration panel for determination of the default/non-compliance and enforcement of the Compact.
- ii. Each involved state shall submit a signed Arbitration Agreement form which shall include:
 - a. Consent that the decision of the majority of the arbitrators is final and binding;

- b. The name of an appointee to the arbitration panel selected by the state(s) alleged to be in default/non-compliance;
 - c. The name of an appointee to the arbitration panel selected by the Commission, or
 - d. A suggested arbitration panel appointee mutually agreed upon by all parties and independent of the involved state(s).
- iii. The Compact Executive Director shall coordinate the arbitration process.
- iv. Selection of the panel of arbitrators shall be completed, at the direction of the Compact Executive Director, within forty (40) days of the decision to appoint a panel.
- v. All parties shall agree on a date for the arbitration to take place, as well as applicable deadlines and procedures for any necessary discovery. In the event no agreement can be reached, these and other procedural decisions shall be made by the arbitration panel.
- vi. The location of arbitration shall be the principal offices of the Commission.
- vii. The panel shall render a decision within forty-five (45) days of the completion of the arbitration based upon the facts as stipulated or proven by preponderance of the evidence at any hearing, and as required under the provisions of the Compact and any other applicable statutes, regulations and/or case law.
- viii. The panel shall forward its decision to the Chair of the Commission, via the Compact Executive Director, and to each involved party state within twenty-one (21) days of its decision.
- ix. The decision of the arbitration panel is final and binding.
- x. Unless otherwise agreed by the parties, and at the discretion of the arbitration panel, the prevailing party or parties may be entitled to recover the costs of the arbitration, including reasonable attorneys' fees, if permitted by the laws of the prevailing state.

**Adopted May 6, 2026; Effective June 8, 2026
Authority: §3 & §10 of the OTC Legislation**

Rule 8.3

Enforcement Remedies against a defaulting state

- A. Notwithstanding the provisions of paragraphs (D) through (G) of rule 8.1 and paragraphs (D) and (E) of rule 8.2, if the Commission determines that any state has at any time defaulted (“defaulting state”) in the performance of any of its obligations or responsibilities under this Compact, or the provisions of the Bylaws or any duly promulgated rules, the Commission may impose any or all of the following penalties:
 - i. Remedial training and technical assistance as directed by the Commission;
 - ii. Damages or costs in such amounts as are deemed to be reasonable as fixed by the Commission;
 - iii. Suspension of membership in the Compact; and
 - iv. Termination of membership in the Compact.

- a. Suspension and termination shall be imposed only after all other reasonable means of securing compliance under the Bylaws and rules have been exhausted.
 - b. Notice of suspension or notice of termination shall be sent by the Commission in accordance with the Bylaws.
- B. The grounds for default include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by this Compact, Commission Bylaws, or duly promulgated rules. The Commission shall notify the defaulting state in writing of the penalty imposed by the Commission on the defaulting state pending a cure of the default within a reasonable timeframe. The Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this Compact shall be terminated from the effective date of termination.
- C. The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination including any obligations, the performance of which extends beyond the effective date of termination.
- D. The Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Commission and the defaulting state.
- E. Reinstatement following termination of any party state requires both a reenactment of the Compact by the defaulting state and the approval of the Commission pursuant to the rules.

**Adopted May 6, 2026; Effective June 8, 2026
Authority: §3 & §10 of the OTC Legislation**

Rule 8.4

Judicial Enforcement

The Commission may also, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Commission, in the United States District Court for the Eastern District of Virginia, to enforce compliance with the provisions of the Compact, its duly promulgated rules, and Bylaws, against any member state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

**Adopted May 6, 2026; Effective June 8, 2026
Authority: §3 & §10 of the OTC Legislation**

Chapter 9: Converting a Privilege to Practice to a Home State License (PtP to HSL)

§1: Definitions

No definitions

Rule 9.1

Member State Requirements

H. A Member State shall:

- i. Provide a process to convert the privilege to practice to a home state license.
- ii. Convert the Privilege to Practice to a Home State License, if requested by the licensee.
- iii. Utilize CompactConnect (the data system) to verify the eligibility for a new Home State License by virtue of a compact privilege pursuant to Section 5 of the Compact Law.
- iv. Conduct a Federal Bureau of Investigation (FBI) fingerprint based criminal background check if not previously performed or updated pursuant to applicable Rules adopted by the Commission in accordance with Public Law 92-544

I. A Member State may require:

- i. Payment of a new home state license fee as determined and set by that Member State.
- ii. Other criminal background check as required by the new Home State.
- iii. Completion of any jurisprudence requirements required by the new Home State.
- iv. Any licensure disciplinary information not attainable through CompactConnect.

J. The Occupational Therapist (OT) / Occupational Therapy Assistant (OTA) shall:

- i. Designate one Home State license in a Member State at a time.
- ii. Within thirty (30) days of a primary change in residency request conversion of their Privilege to Practice to a Home State License by virtue of a compact privilege in the Member State directly with that Member State Board.
- iii. File an application to obtain a new Home State License following a change in primary residency.
- iv. Satisfactorily complete a Criminal Background Check (CBC) as required by the new Home State.

**Adopted May 6, 2026; Effective June 8, 2026
Authority: §5 & §10 of the OTC Legislation**

Chapter 10: Joint Investigations

§1: Definitions

- A. **“Joint investigation”** means an investigation conducted jointly by two or more Member States.

Rule 10.1

Joint Investigations

- A. Any Member State may participate with other Member States in joint investigations.
- B. If a Member State seeks to initiate a joint investigation, it may obtain a list of all other Member States where the occupational therapist or occupational therapy assistant holds Compact Privileges and their designated Home State from the Compact Commission or the Data System.
- C. States participating in a Joint Investigation shall designate a lead investigative state.
- D. The lead investigative state shall direct the investigation and update the other members of the joint investigation upon any significant developments in the joint investigation.
- E. The lead investigative state may request the other States participating in the joint investigation to conduct investigatory tasks in their own states.
- F. A non-lead investigative state may continue its own investigation but shall keep the lead investigative state apprised of its investigatory actions and shall coordinate its actions with the lead investigative state.
- G. States participating in the joint investigation shall share investigative, litigation, or compliance materials in furtherance of the investigation.
- H. During a joint investigation, a Member State may request that another Member State issue a subpoena on behalf of the joint investigation or assist in the enforcement of a lawful subpoena issued by the joint investigation.
- I. A Member State may elect to withdraw from a joint investigation at any time, however upon doing so it shall share with the remaining members of the joint investigation any investigative information, litigation, and compliance materials in its custody and control which were obtained or generated during the joint investigation.
- J. If a joint investigation results in Current Significant Investigative Information, the lead investigative state shall be responsible for making a report to the Compact Commission on behalf of all participants in the joint investigation.
- K. Any adverse action resulting from a joint investigation shall be reported to the Compact Commission by the Member State which took the adverse action.
- L. States who participate in joint investigations do so at their own expense.

Adopted May 6, 2026; Effective June 8, 2026
Authority: §1, §3, §7, §8, & §9 of the OTC Legislation