

Effective Date: September 10, 2026	Scope: This policy applies to OT Compact member states.
Purpose: This policy is to establish a consistent and transparent decision-making process for determining when compliance with conducting Federal Bureau of Investigation Criminal Background Checks (FBI CBCs), a provision of the Occupational Therapy Compact, is legally impossible for a member state due to conflicts with applicable state or federal law or other administrative barriers. This policy defines the criteria, documentation requirements, and review procedures used by the Occupational Therapy Compact Commission to effectuate Rule 4.4 – <i>Legal Impossibility for States Meeting the Criminal Background Check Requirement</i> – evaluate requests and ensure that legal impossibility determinations are made fairly, consistently, and in accordance with the Compact.	
Policy Statement: The Occupational Therapy Compact Commission (OTCC) is committed to ensuring the consistent and equitable administration of the Occupational Therapy Compact while recognizing that, in limited circumstances, a member state is prevented from fully effectuating the FBI CBC provision of the Compact due to administrative barriers. The OTCC shall evaluate claims of legal impossibility through a standardized decision-making process that is objective, transparent, and based on sufficient legal and factual documentation. A determination of legal impossibility shall be made only when the requesting member state can demonstrate the attempt to comply and adherence to all requirements in Rule 4.4 – <i>Legal Impossibility for States Meeting the Criminal Background Check Requirement</i> . To effectuate Rule 4.4 and in accordance with the Occupational Therapy Compact, member states and Commission staff shall follow the legal impossibility determination process established in Rule 4.4 and in this policy. The process is initiated by the requesting member state through submission of the required documentation, reviewed by the Commission's legal counsel for legal sufficiency and compliance with the Compact and Commission Rules, and presented to the Executive Committee for consideration and vote. Legal impossibility determinations shall be made on a case-by-case basis and shall be limited to the specific Compact provision and legal conflict identified in the request. Such determinations do not waive any other member-state obligations under the Compact. An approved finding of legal impossibility is subject to the scope and limited time frame outlined in Rule 4.4. An approved finding of legal impossibility does not establish precedent for other member states or future requests involving different facts or legal circumstances. The Commission shall document its decision and any conditions or limitations associated with the determination to ensure accountability, preserve the integrity of the Compact, and promote consistent application across all member states.	
Policy Review: This policy will be reviewed annually to ensure its relevance and effectiveness. Any updates or changes to the policy will be communicated to all Delegates and staff.	

This policy was originally approved by the OTCC Executive Committee in August 2026. It became effective on September 10, 2026.

POLICY REVISION HISTORY			
Date of Revision	Revised by (author)	Final approval authority	Effective Date of Revised Policy