Effective Date:
TBD

Scope:
This policy applies to OTCC staff, the OTCC Executive Committee, and legal counsel involved in reviewing proposed legislation from states that have not enacted the OTC and are considering joining the Compact.

This policy applies to any bill, draft bill, amendment, or other legislative proposal/proposed legislation that would enact the OT Compact in a state that is not currently a Member State. It applies from the earliest point at which draft text is available through final enactment, and to any post-enactment amendment affecting the Compact language.

Purpose:
The purpose of this policy is to establish a consistent process for determining when legal counsel shall be engaged to review proposed legislation from a non-member state seeking to join the Occupational Therapy Compact (OTC). The process is intended to identify substantive deviations from the original OTC model legislation, preserve the uniformity and integrity of the Compact, and promote compliance with the Compact's terms and requirements.

Policy Statement:
The OTCC shall facilitate the review of proposed OTC legislation to determine whether the legislation substantially conforms to the original OTC model legislation. Legal counsel shall be engaged when an initial comparison of the OTC model language against a proposed state enactment identifies, or reasonably raises a question about, a substantive deviation from the original model legislation that may affect the Compact's meaning, legal effect, uniform application, or administration.

Routine legislative variations that do not require legal review to determine if they substantively alter the meaning or effect of the model legislation may be documented and addressed through an administrative review without referral to legal counsel, provided no material legal question is identified.

Procedure:

A. Initial Legislative Review

Upon receipt of proposed OTC legislation from an interested non-member state, designated OTCC staff and Executive Committee members shall compare the proposed legislation with the original OTC model legislation.

The initial review shall identify and document any additions, deletions, substitutions, amendments, or other variations from the model legislation. The review should distinguish between formatting, numbering, grammatical, and other non-substantive changes and changes that may affect the operation or interpretation of the Compact.

B. Threshold for Engaging Legal Counsel

Legal counsel shall be engaged when the initial review identifies a potential substantive deviation from the original OTC model legislation. Referral shall occur as early as practicable and before the OTCC communicates a definitive assessment of the proposed legislation's conformity to the interested state.

A referral is warranted when a proposed change may:

1. Alter the meaning, scope, or intent of a provision of the Compact.
2. Modify the rights, responsibilities, authority, or obligations of the Commission or a member state.

3. Affect the eligibility requirements or process for obtaining or maintaining a compact privilege.
4. Change provisions governing the Commission's powers, rulemaking authority, governance, or administration.
5. Affect the exchange of licensure, investigative, or disciplinary information, or the enforcement of the Compact.
6. Create a potential conflict with another provision of the Compact or an adopted Commission rule.
7. Affect the uniform application of the Compact across member states.
8. Raise a question concerning whether the proposed legislation is legally sufficient to enact the Compact as contemplated by the model legislation.

C. Legal Counsel Review

When the referral threshold is met, OTCC staff shall provide legal counsel with the proposed legislation, the original OTC model legislation, a comparison identifying the apparent deviations, and any relevant background or correspondence from the interested state.

Legal counsel shall review the proposed legislation and determine whether the identified deviations are substantive and whether they may affect conformity with the model legislation or the legal operation of the Compact.

Legal counsel may recommend that the proposed legislation be accepted as substantially conforming, revised to address identified concerns, or referred for further legal or Commission consideration when the issues cannot be resolved through routine review.

D. Documentation and Communication

OTCC staff shall maintain a record of the review, including identified deviations, referrals to legal counsel, legal recommendations, and communications with the interested state.

When appropriate, OTCC staff shall communicate requested revisions or legal concerns to the interested state and may provide technical assistance to support alignment with the model legislation. Any communication regarding legal conformity shall accurately reflect the scope and conclusions of the review.

E. Escalation of Unresolved Issues

If legal counsel determines that a proposed deviation may materially affect the Compact or that conformity cannot be established without further consideration, the matter shall be referred to the Executive Committee if time permits in accordance with legislative calendars in the instance of proposed legislation, or the Commission, as appropriate, for consideration and direction consistent with the Commission's governing authority.

F. Guiding Principle

The purpose of legal review is to protect the uniformity, enforceability, and effective administration of the OTC. The threshold for engaging legal counsel is the identification of a potential substantive deviation, not proof that a deviation has already created a legal conflict. When uncertainty exists as to whether a proposed change is substantive, the matter shall be referred to legal counsel for review.

Nothing herein shall prevent the delegation of substantive deviation determination to legal counsel, in consultation with the Chair of the commission, when prompt attention is required due to legislative sessions.

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 October 2026. It became effective on TBD.			
POLICY REVISION HISTORY			
Date of Revision	**Revised by (author)**	**Final approval authority**	**Effective Date of Revised Policy**