State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 116

SENATE BILL 1468

AN ACT

AMENDING TITLE 32, CHAPTER 34, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3431; RELATING TO OCCUPATIONAL THERAPY LICENSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 32, chapter 34, article 2, Arizona Revised Statutes, is amended by adding section 32-3431, to read:

32-3431. Occupational therapy licensure compact

THE OCCUPATIONAL THERAPY LICENSURE COMPACT MODEL LEGISLATION IS ADOPTED AND ENACTED INTO LAW AS FOLLOWS:

SECTION 1

PURPOSE

THE PURPOSE OF THIS COMPACT IS TO FACILITATE THE INTERSTATE PRACTICE OF OCCUPATIONAL THERAPY WITH THE GOAL OF IMPROVING PUBLIC ACCESS TO OCCUPATIONAL THERAPY SERVICES. THE PRACTICE OF OCCUPATIONAL THERAPY OCCURS IN THE STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT ENCOUNTER. THIS COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

1. INCREASE PUBLIC ACCESS TO OCCUPATIONAL THERAPY SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER STATE LICENSES.

2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND SAFETY.

3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING MULTISTATE OCCUPATIONAL THERAPY PRACTICE.

4. SUPPORT SPOUSES OF RELOCATING MILITARY MEMBERS.

5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND DISCIPLINARY INFORMATION BETWEEN MEMBER STATES.

6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT STATE'S PRACTICE STANDARDS.

7. FACILITATE THE USE OF TELEHEALTH TECHNOLOGY IN ORDER TO INCREASE ACCESS TO OCCUPATIONAL THERAPY SERVICES.

SECTION 2

DEFINITIONS

AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE FOLLOWING DEFINITIONS APPLY:

1. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE CHAPTER 1209 AND 10 UNITED STATES CODE CHAPTER 1211.

2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR COMPACT PRIVILEGE SUCH AS CENSURE, REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE LICENSEE OR RESTRICTION ON THE LICENSEE'S PRACTICE.
3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING PROCESS APPROVED BY AN OCCUPATIONAL THERAPY LICENSING BOARD.

4. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION, WHICH IS EQUIVALENT TO A LICENSE, GRANTED BY A REMOTE STATE TO ALLOW A LICENSEEE FROM ANOTHER MEMBER STATE TO PRACTICE AS AN OCCUPATIONAL THERAPIST OR PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT IN THE REMOTE STATE UNDER ITS LAWS AND RULES. THE PRACTICE OF OCCUPATIONAL THERAPY OCCURS IN THE MEMBER STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF THE PATIENT/CLIENT ENCOUNTER.

5. "CONTINUING COMPETENCE/EDUCATION" MEANS A REQUIREMENT, AS A CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF PARTICIPATION IN, AND/OR COMPLETION OF, EDUCATIONAL AND PROFESSIONAL ACTIVITIES RELEVANT TO PRACTICE OR AREA OF WORK.

6. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER AN INQUIRY OR INVESTIGATION THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT TO RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR INFRACTION.

7. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES, INCLUDING BUT NOT LIMITED TO LICENSE STATUS, INVESTIGATIVE INFORMATION, COMPACT PRIVILEGES, AND ADVERSE ACTIONS.

8. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN ADVERSE ACTION RESTRICTS THE PRACTICE OF OCCUPATIONAL THERAPY BY THE LICENSEE OR SAID ADVERSE ACTION HAS BEEN REPORTED TO THE NATIONAL PRACTITIONERS DATA BANK.

9. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM BY, THE COMMISSION.

10. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE’S PRIMARY STATE OF RESIDENCE.

11. "IMPAIRED PRACTITIONER" MEANS INDIVIDUALS WHOSE PROFESSIONAL PRACTICE IS ADVERSELY AFFECTED BY SUBSTANCE ABUSE, ADDICTION, OR OTHER HEALTH-RELATED CONDITIONS.

12. "INVESTIGATIVE INFORMATION" MEANS INFORMATION, RECORDS, AND/OR DOCUMENTS RECEIVED OR GENERATED BY AN OCCUPATIONAL THERAPY LICENSING BOARD PURSUANT TO AN INVESTIGATION.

13. "JURISPRUDENCE REQUIREMENT" MEANS THE ASSESSMENT OF AN INDIVIDUAL’S KNOWLEDGE OF THE LAWS AND RULES GOVERNING THE PRACTICE OF OCCUPATIONAL THERAPY IN A STATE.

14. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN AUTHORIZATION FROM THE STATE TO PRACTICE AS AN OCCUPATIONAL THERAPIST OR AS AN OCCUPATIONAL THERAPY ASSISTANT.

15. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

16. "OCCUPATIONAL THERAPIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE TO PRACTICE OCCUPATIONAL THERAPY.
17. "OCCUPATIONAL THERAPY ASSISTANT" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE TO ASSIST IN THE PRACTICE OF OCCUPATIONAL THERAPY.

18. "OCCUPATIONAL THERAPY", "OCCUPATIONAL THERAPY PRACTICE" AND "PRACTICE OF OCCUPATIONAL THERAPY" MEAN THE CARE AND SERVICES PROVIDED BY AN OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL THERAPY ASSISTANT AS SET FORTH IN THE MEMBER STATE'S STATUTES AND REGULATIONS.

19. "OCCUPATIONAL THERAPY COMPACT COMMISSION" OR "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED THIS COMPACT.

20. "OCCUPATIONAL THERAPY LICENSING BOARD" OR "LICENSING BOARD" MEANS THE AGENCY OF A STATE THAT IS AUTHORIZED TO LICENSE AND REGULATE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS.

21. "PRIMARY STATE OF RESIDENCE" MEANS THE STATE IN WHICH AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT WHO IS NOT ACTIVE DUTY MILITARY DECLARES A PRIMARY RESIDENCE FOR LEGAL PURPOSES AS VERIFIED BY A DRIVER LICENSE, FEDERAL INCOME TAX RETURN, LEASE, DEED, MORTGAGE OR VOTER REGISTRATION OR OTHER VERIFYING DOCUMENTATION AS FURTHER DEFINED BY COMMISSION RULES.

22. "REMOTE STATE" MEANS A MEMBER STATE, OTHER THAN THE HOME STATE, WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT PRIVILEGE.

23. "RULE" MEANS A REGULATION ADOPTED BY THE COMMISSION THAT HAS THE FORCE OF LAW.

24. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF THE UNITED STATES THAT REGULATES THE PRACTICE OF OCCUPATIONAL THERAPY.

25. "SINGLE-STATE LICENSE" MEANS AN OCCUPATIONAL THERAPIST LICENSE OR OCCUPATIONAL THERAPY ASSISTANT LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A COMPACT PRIVILEGE IN ANY OTHER MEMBER STATE.

26. "TELEHEALTH" MEANS THE APPLICATION OF TELECOMMUNICATION TECHNOLOGY TO DELIVER OCCUPATIONAL THERAPY SERVICES FOR ASSESSMENT, INTERVENTION OR CONSULTATION, OR ANY COMBINATION OF THESE.

SECTION 3

STATE PARTICIPATION IN THE COMPACT

A. TO PARTICIPATE IN THE COMPACT, A MEMBER STATE SHALL:

1. LICENSE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS.

2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING USING THE COMMISSION'S UNIQUE IDENTIFIER AS DEFINED IN RULES OF THE COMMISSION.

3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING COMPLAINTS ABOUT LICENSEES.

4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE COMPACT AND RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF INVESTIGATIVE INFORMATION REGARDING A LICENSEE.
5. Implement or use procedures for considering the criminal history records of applicants for an initial compact privilege. 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 the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records, subject to the following:

(a) A member state, within a time frame established by the commission, shall require a criminal background check for a licensee seeking or applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

(b) Communication between a member state, the commission and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a Federal criminal records check performed by a member state under Public Law 92-544.

6. Comply with the rules of the commission.

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

8. Have continuing competence and education requirements as a condition for license renewal.

B. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

C. Member states may charge a fee for granting a compact privilege.

D. A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.

E. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the compact privilege in any other member state.

F. This compact does not affect the requirements established by a member state for the issuance of a single-state license.

SECTION 4

COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall meet all of the following requirements:

1. Hold a license in the home state.

2. Have a valid United States social security number or national practitioner identification number.

3. Have no encumbrance on any state license.
4. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE IN
   ACCORDANCE WITH SUBSECTIONS D, F, G AND H OF THIS SECTION.
5. HAVE PAID ALL FINES AND COMPLETED ALL REQUIREMENTS RESULTING
   FROM ANY ADVERSE ACTION AGAINST ANY LICENSE OR COMPACT PRIVILEGE, AND TWO
   YEARS HAVE ELAPSED FROM THE DATE OF SUCH COMPLETION.
6. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE COMPACT
   PRIVILEGE WITHIN A REMOTE STATE OR STATES.
7. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
   COMPACT PRIVILEGE.
8. COMPLETE A CRIMINAL BACKGROUND CHECK IN ACCORDANCE WITH SECTION
   3, SUBSECTION A, PARAGRAPH 5 OF THIS COMPACT. THE LICENSEE IS RESPONSIBLE
   FOR THE PAYMENT OF ANY FEE ASSOCIATED WITH THE COMPLETION OF A CRIMINAL
   BACKGROUND CHECK.
9. MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY THE REMOTE
   STATE OR STATES IN WHICH THE LICENSEE IS SEEKING A COMPACT PRIVILEGE.
10. REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY ANY NONMEMBER
    STATE WITHIN THIRTY DAYS AFTER THE DATE THE ADVERSE ACTION IS TAKEN.
B. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE OF THE
   HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF
   SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN THE
   REMOTE STATE.
C. A LICENSEE PROVIDING OCCUPATIONAL THERAPY IN A REMOTE STATE
   UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND REGULATIONS
   OF THE REMOTE STATE.
D. OCCUPATIONAL THERAPY ASSISTANTS PRACTICING IN A REMOTE STATE
   SHALL BE SUPERVISED BY AN OCCUPATIONAL THERAPIST LICENSED OR HOLDING A
   COMPACT PRIVILEGE IN THAT REMOTE STATE.
E. A LICENSEE PROVIDING OCCUPATIONAL THERAPY IN A REMOTE STATE IS
   SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE STATE, IN
   ACCORDANCE WITH DUE PROCESS AND THAT STATE'S LAWS, MAY REMOVE A LICENSEE'S
   COMPACT PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME,
   IMPOSE FINES, OR TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH
   AND SAFETY OF ITS CITIZENS. THE LICENSEE MAY BE INELIGIBLE FOR A COMPACT
   PRIVILEGE IN ANY STATE UNTIL THE SPECIFIC TIME FOR REMOVAL HAS PASSED AND
   ALL FINES ARE PAID.
F. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE
   THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL BOTH OF THE FOLLOWING
   OCCUR:
   1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED.
   2. TWO YEARS HAVE ELAPSED FROM THE DATE ON WHICH THE HOME STATE
      LICENSE IS NO LONGER ENCUMBERED IN ACCORDANCE WITH PARAGRAPH 1 OF THIS
      SUBSECTION.
G. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO GOOD
   STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS
   SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.
H. IF A LICENSEE'S COMPACT PRIVILEGE IN ANY REMOTE STATE IS REMOVED, THE INDIVIDUAL MAY LOSE THE COMPACT PRIVILEGE IN ANY OTHER REMOTE STATE UNTIL THE FOLLOWING OCCUR:

1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT PRIVILEGE WAS REMOVED HAS ENDDED.
2. ALL FINES HAVE BEEN PAID AND ALL CONDITIONS HAVE BEEN MET.
3. TWO YEARS HAVE ELAPSED FROM THE DATE OF COMPLETING REQUIREMENTS FOR PARAGRAPHS 1 AND 2 OF THIS SUBSECTION.
4. THE COMPACT PRIVILEGES ARE REINSTATED BY THE COMMISSION, AND THE COMPACT DATA SYSTEM IS UPDATED TO REFLECT REINSTATEMENT.

J. ONCE THE REQUIREMENTS OF SUBSECTION H OF THIS SECTION HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

SECTION 5
OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT MAY HOLD A HOME STATE LICENSE, WHICH ALLOWS FOR COMPACT PRIVILEGES IN MEMBER STATES, IN ONLY ONE MEMBER STATE AT A TIME.

B. IF AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT CHANGES PRIMARY STATE OF RESIDENCE BY MOVING BETWEEN TWO MEMBER STATES:

1. THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT SHALL FILE AN APPLICATION FOR OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF A COMPACT PRIVILEGE, PAY ALL APPLICABLE FEES AND NOTIFY THE CURRENT AND NEW HOME STATES IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.

2. ON RECEIPT OF AN APPLICATION FOR OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE, THE NEW HOME STATE SHALL VERIFY THAT THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT MEETS THE PERTINENT CRITERIA OUTLINED IN SECTION 4 OF THIS COMPACT VIA THE DATA SYSTEM, WITHOUT NEED FOR PRIMARY SOURCE VERIFICATION, EXCEPT FOR:
(a) A FEDERAL BUREAU OF INVESTIGATION 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.
(b) ANOTHER CRIMINAL BACKGROUND CHECK AS REQUIRED BY THE NEW HOME STATE.
(c) SUBMISSION OF ANY REQUISITE JURISPRUDENCE REQUIREMENTS OF THE NEW HOME STATE.

3. THE FORMER HOME STATE SHALL CONVERT THE FORMER HOME STATE LICENSE INTO A COMPACT PRIVILEGE ONCE THE NEW HOME STATE HAS ACTIVATED THE
NEW HOME STATE LICENSE IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.

4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS COMPACT, IF THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT CANNOT MEET THE CRITERIA IN SECTION 4 OF THIS COMPACT, THE NEW HOME STATE SHALL APPLY ITS REQUIREMENTS FOR ISSUING A NEW SINGLE-STATE LICENSE.

5. THE OCCUPATIONAL THERAPIST OR THE OCCUPATIONAL THERAPY ASSISTANT SHALL PAY ALL APPLICABLE FEES TO THE NEW HOME STATE IN ORDER TO BE ISSUED A NEW HOME STATE LICENSE.

C. IF AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT CHANGES PRIMARY STATE OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A NONMEMBER STATE, OR FROM A NONMEMBER STATE TO A MEMBER STATE, THE STATE CRITERIA SHALL APPLY FOR ISSUANCE OF A SINGLE-STATE LICENSE IN THE NEW STATE.

D. THIS COMPACT DOES NOT INTERFERE WITH A LICENSEE'S ABILITY TO HOLD A SINGLE-STATE LICENSE IN MULTIPLE STATES. HOWEVER, FOR THE PURPOSES OF THIS COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE LICENSE.

E. THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

SECTION 6

ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSES, SHALL DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN GOOD STANDING. THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING THE PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY. SUBSEQUENT TO DESIGNATING A HOME STATE, THE INDIVIDUAL SHALL CHANGE THE HOME STATE ONLY THROUGH APPLICATION FOR LICENSURE IN THE NEW STATE OR THROUGH THE PROCESS DESCRIBED IN SECTION 5 OF THIS COMPACT.

SECTION 7

ADVERSE ACTIONS

A. A HOME STATE SHALL HAVE EXCLUSIVE POWER TO IMPOSE ADVERSE ACTION AGAINST AN OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S LICENSE ISSUED BY THE HOME STATE.

B. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAW, TO:

1. TAKE ADVERSE ACTION AGAINST AN OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S COMPACT PRIVILEGE WITHIN THAT MEMBER STATE.

2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND
PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE IS LOCATED.

C. FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

D. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE, WHERE THE INVESTIGATIONS WERE INITIATED, SHALL ALSO HAVE THE AUTHORITY TO TAKE ANY APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE OCCUPATIONAL THERAPY COMPACT COMMISSION DATA SYSTEM. THE OCCUPATIONAL THERAPY COMPACT COMMISSION DATA SYSTEM ADMINISTRATOR SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE ACTIONS.

E. A MEMBER STATE, IF OTHERWISE ALLOWED BY STATE LAW, MAY RECOVER FROM THE AFFECTED OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT.

F. A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER STATE Follows ITS OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

G. JOINT INVESTIGATIONS ARE AS FOLLOWS:

1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS RESPECTIVE STATE OCCUPATIONAL THERAPY LAWS AND REGULATIONS OR OTHER APPLICABLE STATE LAW, ANY MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS OF LICENSEES.

2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THIS COMPACT.

H. IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST AN OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S LICENSE, THE OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S COMPACT PRIVILEGE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST AN OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S LICENSE SHALL INCLUDE A STATEMENT THAT THE OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S COMPACT PRIVILEGE IS DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF THE ORDER.
I. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY
THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM
SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE ACTIONS BY REMOTE
STATES.

J. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
ACTION.

SECTION 8
ESTABLISHMENT OF THE OCCUPATIONAL
THERAPY COMPACT COMMISSION

A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
PUBLIC AGENCY KNOWN AS THE OCCUPATIONAL THERAPY COMPACT COMMISSION TO
WHICH THE FOLLOWING APPLY:

1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES.
2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
PROCEEDINGS.

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF
SOVEREIGN IMMUNITY.

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:
1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE
SELECTED BY THAT MEMBER STATE'S LICENSING BOARD.
2. THE DELEGATE SHALL BE EITHER:
   (a) A CURRENT MEMBER OF THE LICENSING BOARD WHO IS AN OCCUPATIONAL
       THERAPIST, OCCUPATIONAL THERAPY ASSISTANT OR PUBLIC MEMBER.
   (b) AN ADMINISTRATOR OF THE LICENSING BOARD.
3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED
   BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.
4. THE MEMBER STATE BOARD SHALL FILL ANY VACANCY OCCURRING IN THE
   COMMISSION WITHIN NINETY DAYS.
5. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE
   ADOPTION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN
   OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.
   A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE
   BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES' PARTICIPATION IN MEETINGS
   BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.
6. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
   YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.
7. THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF OFFICE FOR
   DELEGATES.

C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:
1. ESTABLISH A CODE OF ETHICS FOR THE COMMISSION.
2. Establish the fiscal year of the Commission.

3. Establish bylaws.

4. Maintain its financial records in accordance with the bylaws.

5. Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

6. Adopt uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

7. Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected.

8. Purchase and maintain insurance and bonds.

9. Borrow, accept or contract for services of personnel, including employees of a member state.

10. Hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission’s personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters.

11. Accept any and all appropriate donations and grants of monies, equipment, supplies, materials and services, and receive, use and dispose of the same, if at all times the commission avoids any appearance of impropriety or conflict of interest.

12. Lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property, real, personal or mixed, if at all times the commission avoids any appearance of impropriety.

13. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal, or mixed.

14. Establish a budget and make expenditures.

15. Borrow monies.

16. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

17. Provide and receive information from, and cooperate with, law enforcement agencies.

18. Establish and elect an executive committee.

19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice.

D. The executive committee shall have the power to act on behalf of the commission according to the terms of this compact as follows:

1. The executive committee shall be composed of nine members as follows: 

- 10 -
(a) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE 
CURRENT MEMBERSHIP OF THE COMMISSION.

(b) ONE EX OFFICIO, NONVOTING MEMBER FROM A RECOGNIZED NATIONAL 
OCCUPATIONAL THERAPY PROFESSIONAL ASSOCIATION.

(c) ONE EX OFFICIO, NONVOTING MEMBER FROM A RECOGNIZED NATIONAL 
OCCUPATIONAL THERAPY CERTIFICATION ORGANIZATION.

2. THE EX OFFICIO MEMBERS WILL BE SELECTED BY THEIR RESPECTIVE 
ORGANIZATIONS.

3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE COMMITTEE 
AS PROVIDED IN BYLAWS.

4. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

5. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES AND 
RESPONSIBILITIES:

(a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR 
BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY COMPACT MEMBER 
STATES SUCH AS ANNUAL DUES, AND ANY COMMISSION COMPACT FEE CHARGED TO 
LICENSEES FOR THE COMPACT PRIVILEGE.

(b) ENSURE COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY 
PROVIDED, CONTRACTUAL OR OTHERWISE.

(c) PREPARE AND RECOMMEND THE BUDGET.

(d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

(e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE 
COMPLIANCE REPORTS TO THE COMMISSION

(f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.

(g) PERFORM OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

E. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

1. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF 
MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE 
RULEMAKING PROVISIONS IN SECTION 10 OF THIS COMPACT.

2. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF 
THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE 
COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION 
MUST DISCUSS:

(a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE 
COMPACT.

(b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OR ANY OTHER MATTER, 
PRACTICE OR PROCEDURE RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS 
RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

(c) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

(d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF 
GOODS, SERVICES OR REAL ESTATE.

(e) THE ACCUSATION OF ANY PERSON OF A CRIME OR FORMALLY CENSURING 
ANY PERSON.

(f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL 
INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.
(g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE THAT WOULD
CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.
(h) THE DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
ENFORCEMENT PURPOSES.
(i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE
REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR
ANOTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR
DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THIS COMPACT.
(j) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
MEMBER STATE STATUTE.

3. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO
THIS SECTION, THE COMMISSION’S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY
THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING
PROVISION.

4. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A
DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF
COMPETENT JURISDICTION.

F. FINANCING OF THE COMMISSION IS AS FOLLOWS:

1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
ACTIVITIES.

2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE SOURCES,
DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND
SERVICES.

3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED BY THE
COMMISSION EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES.
THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A
FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL ADOPT A RULE THAT
IS BINDING ON ALL MEMBER STATES.

4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
SECURING THE MONIES ADEQUATE TO MEET THESE OBLIGATIONS, AND THE COMMISSION
MAY NOT PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH
THE AUTHORITY OF THE MEMBER STATE.

5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
DISBURSEMENTS, WHICH ARE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES
HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR

G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION PROVISIONS ARE AS FOLLOWS:

1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT PERSON.

2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON MISCONDUCT. THIS PARAGRAPH DOES NOT PROHIBIT THE PERSON AGAINST WHOM THE CLAIM IS MADE FROM RETAINING THE PERSON'S OWN COUNSEL.

3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES IF THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

SECTION 9

DATA SYSTEM

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. A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT APPLIES, USING A UNIQUE IDENTIFIER, AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING ALL OF THE FOLLOWING:

1. IDENTIFYING INFORMATION.
2. LICENSURE DATA.
3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE.
4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM PARTICIPATION.
5. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR REASONS FOR SUCH DENIAL.
6. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.
7. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.
8. CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND OTHER INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL ONLY BE AVAILABLE TO OTHER MEMBER STATES.

D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING FOR A LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE WILL BE AVAILABLE TO ANY OTHER MEMBER STATE.
E. 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.
F. 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.

SECTION 10
RULEMAKING

A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED UNDER THIS SECTION. RULES AND AMENDMENTS BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.
B. THE COMMISSION SHALL ADOPT REASONABLE RULES IN ORDER TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT. NOTWITHSTANDING THE FOREGOING, IF THE COMMISSION EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE PURPOSES OF THIS COMPACT OR THE POWERS GRANTED UNDER THIS COMPACT, SUCH AN ACTION BY THE COMMISSION IS INVALID AND HAS NO FORCE AND EFFECT.
C. 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 FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, THE RULE HAS NO FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.
D. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE COMMISSION.
E. BEFORE THE ADOPTION OF A FINAL RULE OR RULES BY THE COMMISSION, AND AT LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE RULE WILL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED RULEMAKING ON BOTH:
1. The website of the commission or other publicly accessible platform.

2. The website of each member state's occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

F. The notice of proposed rulemaking shall include all of the following:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted on.

2. The text of the proposed rule or amendment and the reason for the proposed rule.

3. A request for comments on the proposed rule from any interested person.

4. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

G. Before the adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

H. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following:

1. At least twenty-five persons.

2. A state or federal governmental subdivision or agency.

3. An association or organization having at least twenty-five members.

I. 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 the electronic hearing. Additionally:

1. 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 at least five business days before the scheduled date of the hearing.

2. 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.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. This section does not require a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
J. 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.

K. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH THE ADOPTION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

L. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL 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.

M. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, AN OPPORTUNITY FOR COMMENT OR A HEARING IF THE USUAL RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND IN THIS SECTION ARE RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, BUT NOT LATER THAN NINETY DAYS AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY OF THE FOLLOWING:

1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS.
3. MEET A DEADLINE FOR THE ADOPTION OF AN ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.
4. PROTECT PUBLIC HEALTH AND SAFETY.

N. 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 IS SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY 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 CHAIRPERSON OF THE COMMISSION BEFORE 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.

SECTION 11
OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE COMPACT’S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT AND THE RULES ADOPTED UNDER THIS COMPACT HAVE STANDING AS STATUTORY LAW.
2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission.

3. The commission is entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or rules adopted under this compact.

B. Default, technical assistance and termination provisions are as follows:

1. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or rules adopted under this compact, the commission shall do both of the following:
   a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission.
   b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact on an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed on in writing between the commission and the defaulting state.

6. The defaulting state may appeal the action of the commission by petitioning the United States district court for the district of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.
C. DISPUTE RESOLUTION PROVISIONS ARE AS FOLLOWS:
1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NONMEMBER STATES.
2. THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.
D. ENFORCEMENT PROVISIONS ARE AS FOLLOWS:
1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.
2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS ADOPTED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.
3. THE REMEDIES IN THIS COMPACT ARE NOT THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

SECTION 12
DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT
A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS, WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE ADOPTION OF RULES. THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING POWERS NECESSARY TO IMPLEMENT AND ADMINISTER THIS COMPACT.
B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE COMMISSION'S INITIAL ADOPTION OF THE RULES IS 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.
C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A STATUTE REPEALING THE SAME. THE FOLLOWING APPLY WITH RESPECT TO WITHDRAWAL:
1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.
2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE WITHDRAWING STATE'S OCCUPATIONAL THERAPY LICENSING BOARD TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT BEFORE THE EFFECTIVE DATE OF WITHDRAWAL.
D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY OCCUPATIONAL
THERAPY LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A
MEMBER STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE
PROVISIONS OF THIS COMPACT.

E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

SECTION 13

CONSTRUCTION AND SEVERABILITY

THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE, AND
IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED
TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE OR OF THE UNITED
STATES OR IF THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON
OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS
COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT IS HELD
CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN
IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL
FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE
MATTERS.

SECTION 14

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A LICENSEE PROVIDING OCCUPATIONAL THERAPY IN A REMOTE STATE
UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND REGULATIONS
OF THE REMOTE STATE.

B. THIS COMPACT DOES NOT PREVENT THE ENFORCEMENT OF ANY OTHER LAW
OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

C. ANY LAWS IN A MEMBER STATE THAT ARE IN CONFLICT WITH THE COMPACT
ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

D. ANY LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES AND
BYLAWS ADOPTED BY THE COMMISSION, ARE BINDING ON THE MEMBER STATES.

E. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER STATES ARE
BINDING IN ACCORDANCE WITH THEIR TERMS.

F. IF ANY PROVISION OF THE COMPACT EXCEEDS THE CONSTITUTIONAL
LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, THE PROVISION SHALL
BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL
PROVISION IN QUESTION IN THAT MEMBER STATE.

APPROVED BY THE GOVERNOR APRIL 6, 2022.