



Occupational Therapy Compact (OT Compact) – Summary of Key Provisions

Section 1: Purpose

The purpose of the OT Compact is to facilitate interstate practice of occupational therapy, with the goal of improving public access to occupational therapy services while preserving the regulatory authority of states to protect public health and safety through the current system of state licensure.

The OT Compact:

- Provides for the mutual recognition of other member state licenses.
- Enhances states' abilities to protect public health and safety.
- Encourages cooperation of member states in regulating multi-state OT practice.
- Supports spouses of relocating military members.
- Enhances the exchange of licensure, investigative, and disciplinary information between member states.
- Allows a state to hold a provider practicing in that state via the compact accountable to that state's standards of practice.
- Facilitates the use of telehealth technology to provide OT services across state lines.

Section 2: Definitions

This section establishes the definitions of key terms as used throughout the compact, to alleviate confusion on the part of practitioners and jurisdictions. Defined terms are capitalized throughout the document.

Section 3: State Participation in the Compact

This section establishes the duties of states participating in the compact.

A member state must:

- License occupational therapists and occupational therapy assistants.
- Participate in the compact commission's licensure database.
- Have a mechanism in place for receiving and investigating complaints against licensees.
- Notify the commission of any adverse action against or investigation of a licensee.
- Conduct criminal background checks of applicants for an initial compact privilege.
- Comply with the rules of the compact commission.
- Utilize only a recognized national exam as a requirement for an occupational therapist's and occupational therapy assistant's licensure.
- Require continuing education for license renewal.
- Grant the compact privilege to a holder of a valid license in another member state.
- Provide for the state's delegate to attend all compact commission meetings.

States may charge a fee for granting the compact privilege.

A licensee may only access the compact privilege if their *primary state of residence* joins the compact.

A state's requirements for issuance of a single-state license are not affected.

Section 4: Compact Privilege

Section 4 establishes licensees' requirements for exercising the compact privilege to practice occupational therapy in a remote state.

To exercise the compact privilege, a licensee must:

- Hold a license in their state of residence, which *must be a member of the compact*.
- Have a social security number or NPI.
- Have no encumbrance on any state license or compact privilege in the previous two years.
- Notify the compact commission of their intent to seek the compact privilege in a remote state.
- Meet any jurisprudence requirements in the remote state and pay any fees.
- Report to the commission any adverse action taken by a non-member state within 30 days after the action is taken.

If a practitioner's home state license is encumbered, the practitioner shall remain ineligible for the compact privilege in any remote state until two years have passed from the date the home state license is no longer encumbered.

If a practitioner's compact privilege in any remote state is removed, they may lose the compact privilege in any other remote state. The licensee may remain ineligible for the compact privilege in any other remote state until two years have elapsed for the period which the compact privilege was removed and all fines and conditions, if any, have been met.

Section 5: Obtaining a New Home State License by Virtue of Compact Privilege

This section creates an alternative pathway to licensure for compact privilege holders who change their primary state of residence between compact member states.

A licensee may obtain a new home state license by virtue of their compact privilege in their new home state in accordance with Rules established by the Commission.

The licensee will be required to complete a new FBI Fingerprint based criminal background check, any state required criminal background check, and submit to any jurisprudence requirements of the new home state.

If a practitioner moves from a non-member state to a member state, or from a member state to a non-member state, the practitioner must apply for a single-state license in the new state, under the new state's licensure requirements.

Licensees may hold more than one single-state license at the same time, but only the license tied to the primary state of residence may serve as the licensee's "home state" license for the purposes of the compact.

Nothing in the compact affects a member state's requirements for issuance of a *single-state* license.

Section 6: Active Duty Military Personnel or their Spouses

This section allows an active duty servicemember, or their spouse, to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the servicemember is on active duty.

Section 7: Adverse Actions

This section clarifies that *only* a licensee's home state may take adverse action against a *home state* license.

However, remote states may take adverse action against a licensee's compact privilege in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Home states must take reported adverse action from any member state into account, in accordance with the home state's own laws.

If an occupational therapist or occupational therapy assistant changes their home state during an active investigation by their former home state, the former home state completes the investigation, takes appropriate action under its laws, and then reports its findings to the compact commission's data system. The data system administrator then notifies the licensee's new home state of any adverse action taken by the former home state.

Member states may initiate joint investigations of licensees and are required to share investigative materials in furtherance of any joint *or* single-state investigation of a licensee.

Member states must report any adverse action to the compact data system, which then promptly alerts the home state of this adverse action.

Any member state may take adverse action based on the factual findings of a remote state.

Member states retain the right to require a licensee to participate in an alternative program for mental health-related concerns in lieu of adverse action.

Section 8: Establishment of the Occupational Therapy Compact Commission

This section outlines the composition and powers of the compact commission and executive committee. The compact is not a waiver of sovereign immunity.

- Each member state is entitled to exactly one delegate, who is selected by the member state's licensing board from among the board's members and employees.
- Each delegate has one (1) vote on commission rules and bylaws.
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission may elect an executive committee composed of seven delegates, one member of a national occupational therapy professional organization, and one member of a national occupational therapy certification organization.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

Section 9: Data System

This section requires the sharing of licensee information by all compact states.

A compact state shall submit a uniform dataset to the data system on all occupational therapists and occupational therapy assistants to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary information.

Investigative information pertaining to a licensee in any member state will only be available to other Member States.

A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state.

Section 10: Rulemaking

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing if one is requested by 25 people, by an association having at least 25 members, or by a government agency.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

Section 11: Oversight, Dispute Resolution, and Enforcement

Ensures compliance with the compact by member states. The procedures to be followed in the event of a failure by a member state to comply with the compact include:

- A period of technical assistance in remedying the situation;
- Dispute resolution, including mediation and binding processes; and
- Termination from the compact if no other means of compliance is successful.

The commission shall attempt to resolve any compact-related disputes that may arise between states.

Section 12: Date of Implementation, Withdrawal, and Amendment

The compact takes effect on the date of enactment by the tenth state.

States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.

Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 6 months after enactment of such law.

Section 13: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States constitution, all other provisions remain valid for all member states, and
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Section 14: Binding Effect of Compact and Other Laws

This section reiterates that occupational therapists and occupational therapy assistants are subject to the scope of practice of the state in which they are exercising the compact privilege.

It also reiterates that rules and bylaws of the commission are binding on member states.

According to legal precedent, if a conflict exists between a state law and the compact, the state law is superseded to the extent of the conflict.