

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 7**

**Senator Roegner**

**Cosponsors: Senators Huffman, S., Antonio, Blessing, Brenner, Cirino, Craig,  
Dolan, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Lang, McColley,  
O'Brien, Peterson, Reineke, Sykes, Thomas, Wilson, Yuko**

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**A BILL**

To enact sections 4755.14 and 4755.141 of the 1  
Revised Code to enter into the Occupational 2  
Therapy Licensure Compact. 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4755.14 and 4755.141 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 4755.14.** The "Occupational Therapy Licensure Compact" 6  
is hereby ratified, enacted into law, and entered into by the 7  
state of Ohio as a party to the compact with any other state 8  
that has legally joined in the compact as follows: 9

**OCCUPATIONAL THERAPY LICENSURE COMPACT** 10

**SECTION 1. PURPOSE** 11

The purpose of this Compact is to facilitate interstate 12  
practice of Occupational Therapy with the goal of improving 13  
public access to Occupational Therapy services. The Practice of 14  
Occupational Therapy occurs in the State where the 15  
patient/client is located at the time of the patient/client 16

encounter. The Compact preserves the regulatory authority of 17  
States to protect public health and safety through the current 18  
system of State licensure. 19

This Compact is designed to achieve the following 20  
objectives: 21

A. Increase public access to Occupational Therapy services 22  
by providing for the mutual recognition of other Member State 23  
licenses; 24

B. Enhance the States' ability to protect the public's 25  
health and safety; 26

C. Encourage the cooperation of Member States in 27  
regulating multi-State Occupational Therapy Practice; 28

D. Support spouses of relocating military members; 29

E. Enhance the exchange of licensure, investigative, and 30  
disciplinary information between Member States; 31

F. Allow a Remote State to hold a provider of services 32  
with a Compact Privilege in that State accountable to that 33  
State's practice standards; and 34

G. Facilitate the use of Telehealth technology in order to 35  
increase access to Occupational Therapy services. 36

**SECTION 2. DEFINITIONS** 37

As used in this Compact, and except as otherwise provided, 38  
the following definitions shall apply: 39

A. "Active Duty Military" means full-time duty status in 40  
the active uniformed service of the United States, including 41  
members of the National Guard and Reserve on active duty orders 42  
pursuant to 10 U.S.C. Chapter 1209 and Section 1211. 43

B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which 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. 44  
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C. "Alternative Program" means a non-disciplinary monitoring process approved by an Occupational Therapy Licensing Board. 52  
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D. "Compact Privilege" means the authorization, which is equivalent to a license, granted by a Remote State to allow a Licensee 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. 55  
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E. "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. 63  
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F. "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. 67  
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<u>G. "Data System" means a repository of information about</u>	74
<u>Licenses, including but not limited to license status,</u>	75
<u>Investigative Information, Compact Privileges, and Adverse</u>	76
<u>Actions.</u>	77
<u>H. "Encumbered License" means a license in which an</u>	78
<u>Adverse Action restricts the Practice of Occupational Therapy by</u>	79
<u>the Licensee or said Adverse Action has been reported to the</u>	80
<u>National Practitioners Data Bank (NPDB).</u>	81
<u>I. "Executive Committee" means a group of directors</u>	82
<u>elected or appointed to act on behalf of, and within the powers</u>	83
<u>granted to them by, the Commission.</u>	84
<u>J. "Home State" means the Member State that is the</u>	85
<u>Licensee's Primary State of Residence.</u>	86
<u>K. "Impaired Practitioner" means individuals whose</u>	87
<u>professional practice is adversely affected by substance abuse,</u>	88
<u>addiction, or other health-related conditions.</u>	89
<u>L. "Investigative Information" means information, records,</u>	90
<u>and/or documents received or generated by an Occupational</u>	91
<u>Therapy Licensing Board pursuant to an investigation.</u>	92
<u>M. "Jurisprudence Requirement" means the assessment of an</u>	93
<u>individual's knowledge of the laws and rules governing the</u>	94
<u>Practice of Occupational Therapy in a State.</u>	95
<u>N. "Licensee" means an individual who currently holds an</u>	96
<u>authorization from the State to practice as an Occupational</u>	97
<u>Therapist or as an Occupational Therapy Assistant.</u>	98
<u>O. "Member State" means a State that has enacted the</u>	99
<u>Compact.</u>	100
<u>P. "Occupational Therapist" means an individual who is</u>	101

<u>licensed by a State to practice Occupational Therapy.</u>	102
<u>Q. "Occupational Therapy Assistant" means an individual</u>	103
<u>who is licensed by a State to assist in the Practice of</u>	104
<u>Occupational Therapy.</u>	105
<u>R. "Occupational Therapy," "Occupational Therapy</u>	106
<u>Practice," and the "Practice of Occupational Therapy" mean the</u>	107
<u>care and services provided by an Occupational Therapist or an</u>	108
<u>Occupational Therapy Assistant as set forth in the Member</u>	109
<u>State's statutes and regulations.</u>	110
<u>S. "Occupational Therapy Compact Commission" or</u>	111
<u>"Commission" means the national administrative body whose</u>	112
<u>membership consists of all States that have enacted the Compact.</u>	113
<u>T. "Occupational Therapy Licensing Board" or "Licensing</u>	114
<u>Board" means the agency of a State that is authorized to license</u>	115
<u>and regulate Occupational Therapists and Occupational Therapy</u>	116
<u>Assistants.</u>	117
<u>U. "Primary State of Residence" means the state (also</u>	118
<u>known as the Home State) in which an Occupational Therapist or</u>	119
<u>Occupational Therapy Assistant who is not Active Duty Military</u>	120
<u>declares a primary residence for legal purposes as verified by:</u>	121
<u>driver's license, federal income tax return, lease, deed,</u>	122
<u>mortgage or voter registration or other verifying documentation</u>	123
<u>as further defined by Commission Rules.</u>	124
<u>V. "Remote State" means a Member State other than the Home</u>	125
<u>State, where a Licensee is exercising or seeking to exercise the</u>	126
<u>Compact Privilege.</u>	127
<u>W. "Rule" means a regulation promulgated by the Commission</u>	128
<u>that has the force of law.</u>	129

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the Practice of Occupational Therapy. 130  
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Y. "Single-State License" means an Occupational Therapist 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. 133  
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Z. "Telehealth" means the application of telecommunication technology to deliver Occupational Therapy services for assessment, intervention and/or consultation. 137  
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**SECTION 3. STATE PARTICIPATION IN THE COMPACT** 140

A. To participate in the Compact, a Member State shall: 141

1. License Occupational Therapists and Occupational Therapy Assistants 142  
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2. Participate fully in the Commission's Data System, including but not limited to using the Commission's unique identifier as defined in Rules of the Commission; 144  
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3. Have a mechanism in place for receiving and investigating complaints about Licensees; 147  
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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; 149  
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5. Implement or utilize 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 152  
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<u>the agency responsible for retaining that State's criminal</u>	158
<u>records;</u>	159
<u>a. A Member State shall, within a time frame established</u>	160
<u>by the Commission, require a criminal background check for a</u>	161
<u>Licensee seeking/applying for a Compact Privilege whose Primary</u>	162
<u>State of Residence is that Member State, by receiving the</u>	163
<u>results of the Federal Bureau of Investigation criminal record</u>	164
<u>search, and shall use the results in making licensure decisions.</u>	165
<u>b. Communication between a Member State, the Commission</u>	166
<u>and among Member States regarding the verification of</u>	167
<u>eligibility for licensure through the Compact shall not include</u>	168
<u>any information received from the Federal Bureau of</u>	169
<u>Investigation relating to a federal criminal records check</u>	170
<u>performed by a Member State under Public Law 92-544.</u>	171
<u>6. Comply with the Rules of the Commission;</u>	172
<u>7. Utilize only a recognized national examination as a</u>	173
<u>requirement for licensure pursuant to the Rules of the</u>	174
<u>Commission; and</u>	175
<u>8. Have Continuing Competence/Education requirements as a</u>	176
<u>condition for license renewal.</u>	177
<u>B. A Member State shall grant the Compact Privilege to a</u>	178
<u>Licensee holding a valid unencumbered license in another Member</u>	179
<u>State in accordance with the terms of the Compact and Rules.</u>	180
<u>C. Member States may charge a fee for granting a Compact</u>	181
<u>Privilege.</u>	182
<u>D. A Member State shall provide for the State's delegate</u>	183
<u>to attend all Occupational Therapy Compact Commission meetings.</u>	184
<u>E. Individuals not residing in a Member State shall</u>	185

<u>continue to be able to apply for a Member State's Single-State</u>	186
<u>License as provided under the laws of each Member State.</u>	187
<u>However, the Single-State License granted to these individuals</u>	188
<u>shall not be recognized as granting the Compact Privilege in any</u>	189
<u>other Member State.</u>	190
<u>F. Nothing in this Compact shall affect the requirements</u>	191
<u>established by a Member State for the issuance of a Single-State</u>	192
<u>License.</u>	193
<b><u>SECTION 4. COMPACT PRIVILEGE</u></b>	194
<u>A. To exercise the Compact Privilege under the terms and</u>	195
<u>provisions of the Compact, the Licensee shall:</u>	196
<u>1. Hold a license in the Home State;</u>	197
<u>2. Have a valid United States Social Security Number or</u>	198
<u>National Practitioner Identification number;</u>	199
<u>3. Have no encumbrance on any State license;</u>	200
<u>4. Be eligible for a Compact Privilege in any Member State</u>	201
<u>in accordance with Section 4D, F, G, and H;</u>	202
<u>5. Have paid all fines and completed all requirements</u>	203
<u>resulting from any Adverse Action against any license or Compact</u>	204
<u>Privilege, and two years have elapsed from the date of such</u>	205
<u>completion;</u>	206
<u>6. Notify the Commission that the Licensee is seeking the</u>	207
<u>Compact Privilege within a Remote State(s);</u>	208
<u>7. Pay any applicable fees, including any State fee, for</u>	209
<u>the Compact Privilege;</u>	210
<u>8. Complete a criminal background check in accordance with</u>	211
<u>Section 3A(5);</u>	212



<u>a. The Licensee shall be responsible for the payment of</u>	213
<u>any fee associated with the completion of a criminal background</u>	214
<u>check.</u>	215
<u>9. Meet any Jurisprudence Requirements established by the</u>	216
<u>Remote State(s) in which the Licensee is seeking a Compact</u>	217
<u>Privilege; and</u>	218
<u>10. Report to the Commission Adverse Action taken by any</u>	219
<u>non-Member State within 30 days from the date the Adverse Action</u>	220
<u>is taken.</u>	221
<u>B. The Compact Privilege is valid until the expiration</u>	222
<u>date of the Home State license. The Licensee must comply with</u>	223
<u>the requirements of Section 4A to maintain the Compact Privilege</u>	224
<u>in the Remote State.</u>	225
<u>C. A Licensee providing Occupational Therapy in a Remote</u>	226
<u>State under the Compact Privilege shall function within the laws</u>	227
<u>and regulations of the Remote State.</u>	228
<u>D. Occupational Therapy Assistants practicing in a Remote</u>	229
<u>State shall be supervised by an Occupational Therapist licensed</u>	230
<u>or holding a Compact Privilege in that Remote State.</u>	231
<u>E. A Licensee providing Occupational Therapy in a Remote</u>	232
<u>State is subject to that State's regulatory authority. A Remote</u>	233
<u>State may, in accordance with due process and that State's laws,</u>	234
<u>remove a Licensee's Compact Privilege in the Remote State for a</u>	235
<u>specific period of time, impose fines, and/or take any other</u>	236
<u>necessary actions to protect the health and safety of its</u>	237
<u>citizens. The Licensee may be ineligible for a Compact Privilege</u>	238
<u>in any State until the specific time for removal has passed and</u>	239
<u>all fines are paid.</u>	240
<u>F. If a Home State license is encumbered, the Licensee</u>	241

shall lose the Compact Privilege in any Remote State until the 242  
following occur: 243

1. The Home State license is no longer encumbered; and 244

2. Two years have elapsed from the date on which the Home 245  
State license is no longer encumbered in accordance with Section 246  
4(F)(1). 247

G. Once an Encumbered License in the Home State is 248  
restored to good standing, the Licensee must meet the 249  
requirements of Section 4A to obtain a Compact Privilege in any 250  
Remote State. 251

H. If a Licensee's Compact Privilege in any Remote State 252  
is removed, the individual may lose the Compact Privilege in any 253  
other Remote State until the following occur: 254

1. The specific period of time for which the Compact 255  
Privilege was removed has ended; 256

2. All fines have been paid and all conditions have been 257  
met; 258

3. Two years have elapsed from the date of completing 259  
requirements for 4(H)(1) and (2); and 260

4. The Compact Privileges are reinstated by the 261  
Commission, and the compact Data System is updated to reflect 262  
reinstatement. 263

I. If a Licensee's Compact Privilege in any Remote State 264  
is removed due to an erroneous charge, privileges shall be 265  
restored through the compact Data System. 266

J. Once the requirements of Section 4H have been met, the 267  
license must meet the requirements in Section 4A to obtain a 268

<u>Compact Privilege in a Remote State.</u>	269
<b><u>SECTION 5: OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF</u></b>	270
<b><u>COMPACT PRIVILEGE</u></b>	271
<u>A. An Occupational Therapist or Occupational Therapy</u>	272
<u>Assistant may hold a Home State license, which allows for</u>	273
<u>Compact Privileges in Member States, in only one Member State at</u>	274
<u>a time.</u>	275
<u>B. If an Occupational Therapist or Occupational Therapy</u>	276
<u>Assistant changes Primary State of Residence by moving between</u>	277
<u>two Member States:</u>	278
<u>1. The Occupational Therapist or Occupational Therapy</u>	279
<u>Assistant shall file an application for obtaining a new Home</u>	280
<u>State license by virtue of a Compact Privilege, pay all</u>	281
<u>applicable fees, and notify the current and new Home State in</u>	282
<u>accordance with applicable Rules adopted by the Commission.</u>	283
<u>2. Upon receipt of an application for obtaining a new Home</u>	284
<u>State license by virtue of compact privilege, the new Home State</u>	285
<u>shall verify that the Occupational Therapist or Occupational</u>	286
<u>Therapy Assistant meets the pertinent criteria outlined in</u>	287
<u>Section 4 via the Data System, without need for primary source</u>	288
<u>verification except for:</u>	289
<u>a. an FBI fingerprint based criminal background check if</u>	290
<u>not previously performed or updated pursuant to applicable Rules</u>	291
<u>adopted by the Commission in accordance with Public Law 92-544;</u>	292
<u>b. other criminal background check as required by the new</u>	293
<u>Home State; and</u>	294
<u>c. submission of any requisite Jurisprudence Requirements</u>	295
<u>of the new Home State.</u>	296

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. 297  
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4. Notwithstanding any other provision of this Compact, if the Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in Section 4, the new Home State shall apply its requirements for issuing a new Single-State License. 301  
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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. 305  
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C. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single-State License in the new State. 308  
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D. Nothing in this compact shall 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. 313  
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E. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single-State License. 317  
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**SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES** 320

A. 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 321  
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individual shall only change their Home State through 326  
application for licensure in the new State or through the 327  
process described in Section 5. 328

**SECTION 7. ADVERSE ACTIONS** 329

A. A Home State shall have exclusive power to impose 330  
Adverse Action against an Occupational Therapist's or 331  
Occupational Therapy Assistant's license issued by the Home 332  
State. 333

B. In addition to the other powers conferred by State law, 334  
a Remote State shall have the authority, in accordance with 335  
existing State due process law, to: 336

1. Take Adverse Action against an Occupational Therapist's 337  
or Occupational Therapy Assistant's Compact Privilege within 338  
that Member State. 339

2. Issue subpoenas for both hearings and investigations 340  
that require the attendance and testimony of witnesses as well 341  
as the production of evidence. Subpoenas issued by a Licensing 342  
Board in a Member State for the attendance and testimony of 343  
witnesses or the production of evidence from another Member 344  
State shall be enforced in the latter State by any court of 345  
competent jurisdiction, according to the practice and procedure 346  
of that court applicable to subpoenas issued in proceedings 347  
pending before it. The issuing authority shall pay any witness 348  
fees, travel expenses, mileage and other fees required by the 349  
service statutes of the State in which the witnesses or evidence 350  
are located. 351

C. For purposes of taking Adverse Action, the Home State 352  
shall give the same priority and effect to reported conduct 353  
received from a Member State as it would if the conduct had 354

occurred within the Home State. In so doing, the Home State 355  
shall apply its own State laws to determine appropriate action. 356

D. The Home State shall complete any pending 357  
investigations of an Occupational Therapist or Occupational 358  
Therapy Assistant who changes Primary State of Residence during 359  
the course of the investigations. The Home State, where the 360  
investigations were initiated, shall also have the authority to 361  
take appropriate action(s) and shall promptly report the 362  
conclusions of the investigations to the OT Compact Commission 363  
Data System. The Occupational Therapy Compact Commission Data 364  
System administrator shall promptly notify the new Home State of 365  
any Adverse Actions. 366

E. A Member State, if otherwise permitted by State law, 367  
may recover from the affected Occupational Therapist or 368  
Occupational Therapy Assistant the costs of investigations and 369  
disposition of cases resulting from any Adverse Action taken 370  
against that Occupational Therapist or Occupational Therapy 371  
Assistant. 372

F. A Member State may take Adverse Action based on the 373  
factual findings of the Remote State, provided that the Member 374  
State follows its own procedures for taking the Adverse Action. 375

G. Joint Investigations 376

1. In addition to the authority granted to a Member State 377  
by its respective State Occupational Therapy laws and 378  
regulations or other applicable State law, any Member State may 379  
participate with other Member States in joint investigations of 380  
Licensees. 381

2. Member States shall share any investigative, 382  
litigation, or compliance materials in furtherance of any joint 383

or individual investigation initiated under the Compact. 384

H. If an Adverse Action is taken by the Home State against 385  
an Occupational Therapist's or Occupational Therapy Assistant's 386  
license, the Occupational Therapist's or Occupational Therapy 387  
Assistant's Compact Privilege in all other Member States shall 388  
be deactivated until all encumbrances have been removed from the 389  
State license. All Home State disciplinary orders that impose 390  
Adverse Action against an Occupational Therapist's or 391  
Occupational Therapy Assistant's license shall include a 392  
Statement that the Occupational Therapist's or Occupational 393  
Therapy Assistant's Compact Privilege is deactivated in all 394  
Member States during the pendency of the order. 395

I. If a Member State takes Adverse Action, it shall 396  
promptly notify the administrator of the Data System. The 397  
administrator of the Data System shall promptly notify the Home 398  
State of any Adverse Actions by Remote States. 399

J. Nothing in this Compact shall override a Member State's 400  
decision that participation in an Alternative Program may be 401  
used in lieu of Adverse Action. 402

**SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY** 403  
**COMPACT COMMISSION.** 404

A. The Compact Member States hereby create and establish a 405  
joint public agency known as the Occupational Therapy Compact 406  
Commission: 407

1. The Commission is an instrumentality of the Compact 408  
States. 409

2. Venue is proper and judicial proceedings by or against 410  
the Commission shall be brought solely and exclusively in a 411  
court of competent jurisdiction where the principal office of 412

the Commission is located. The Commission may waive venue and 413  
jurisdictional defenses to the extent it adopts or consents to 414  
participate in alternative dispute resolution proceedings. 415

3. Nothing in this Compact shall be construed to be a 416  
waiver of sovereign immunity. 417

B. Membership, Voting, and Meetings 418

1. Each Member State shall have and be limited to one (1) 419  
delegate selected by that Member State's Licensing Board. 420

2. The delegate shall be either: 421

a. A current member of the Licensing Board, who is an 422  
Occupational Therapist, Occupational Therapy Assistant, or 423  
public member; or 424

b. An administrator of the Licensing Board. 425

3. Any delegate may be removed or suspended from office as 426  
provided by the law of the State from which the delegate is 427  
appointed. 428

4. The Member State board shall fill any vacancy occurring 429  
in the Commission within 90 days. 430

5. Each delegate shall be entitled to one (1) vote with 431  
regard to the promulgation of Rules and creation of bylaws and 432  
shall otherwise have an opportunity to participate in the 433  
business and affairs of the Commission. A delegate shall vote in 434  
person or by such other means as provided in the bylaws. The 435  
bylaws may provide for delegates' participation in meetings by 436  
telephone or other means of communication. 437

6. The Commission shall meet at least once during each 438  
calendar year. Additional meetings shall be held as set forth in 439



<u>the bylaws.</u>	440
<u>7. The Commission shall establish by Rule a term of office</u>	441
<u>for delegates.</u>	442
<u>C. The Commission shall have the following powers and</u>	443
<u>duties:</u>	444
<u>1. Establish a Code of Ethics for the Commission;</u>	445
<u>2. Establish the fiscal year of the Commission;</u>	446
<u>3. Establish bylaws;</u>	447
<u>4. Maintain its financial records in accordance with the</u>	448
<u>bylaws;</u>	449
<u>5. Meet and take such actions as are consistent with the</u>	450
<u>provisions of this Compact and the bylaws;</u>	451
<u>6. Promulgate uniform Rules to facilitate and coordinate</u>	452
<u>implementation and administration of this Compact. The Rules</u>	453
<u>shall have the force and effect of law and shall be binding in</u>	454
<u>all Member States;</u>	455
<u>7. Bring and prosecute legal proceedings or actions in the</u>	456
<u>name of the Commission, provided that the standing of any State</u>	457
<u>Occupational Therapy Licensing Board to sue or be sued under</u>	458
<u>applicable law shall not be affected;</u>	459
<u>8. Purchase and maintain insurance and bonds;</u>	460
<u>9. Borrow, accept, or contract for services of personnel,</u>	461
<u>including, but not limited to, employees of a Member State;</u>	462
<u>10. Hire employees, elect or appoint officers, fix</u>	463
<u>compensation, define duties, grant such individuals appropriate</u>	464
<u>authority to carry out the purposes of the Compact, and</u>	465
<u>establish the Commission's personnel policies and programs</u>	466

relating to conflicts of interest, qualifications of personnel, 467  
and other related personnel matters; 468

11. Accept any and all appropriate donations and grants of 469  
money, equipment, supplies, materials and services, and receive, 470  
utilize and dispose of the same; provided that at all times the 471  
Commission shall avoid any appearance of impropriety and/or 472  
conflict of interest; 473

12. Lease, purchase, accept appropriate gifts or donations 474  
of, or otherwise own, hold, improve or use, any property, real, 475  
personal or mixed; provided that at all times the Commission 476  
shall avoid any appearance of impropriety; 477

13. Sell, convey, mortgage, pledge, lease, exchange, 478  
abandon, or otherwise dispose of any property real, personal, or 479  
mixed; 480

14. Establish a budget and make expenditures; 481

15. Borrow money; 482

16. Appoint committees, including standing committees 483  
composed of members, State regulators, State legislators or 484  
their representatives, and consumer representatives, and such 485  
other interested persons as may be designated in this Compact 486  
and the bylaws; 487

17. Provide and receive information from, and cooperate 488  
with, law enforcement agencies; 489

18. Establish and elect an Executive Committee; and 490

19. Perform such other functions as may be necessary or 491  
appropriate to achieve the purposes of this Compact consistent 492  
with the State regulation of Occupational Therapy licensure and 493  
practice. 494

<u>D. The Executive Committee</u>	495
<u>The Executive Committee shall have the power to act on</u>	496
<u>behalf of the Commission according to the terms of this Compact.</u>	497
<u>1. The Executive Committee shall be composed of nine</u>	498
<u>members:</u>	499
<u>a. Seven voting members who are elected by the Commission</u>	500
<u>from the current membership of the Commission;</u>	501
<u>b. One ex-officio, nonvoting member from a recognized</u>	502
<u>national Occupational Therapy professional association; and</u>	503
<u>c. One ex-officio, nonvoting member from a recognized</u>	504
<u>national Occupational Therapy certification organization.</u>	505
<u>2. The ex-officio members will be selected by their</u>	506
<u>respective organizations.</u>	507
<u>3. The Commission may remove any member of the Executive</u>	508
<u>Committee as provided in bylaws.</u>	509
<u>4. The Executive Committee shall meet at least annually.</u>	510
<u>5. The Executive Committee shall have the following Duties</u>	511
<u>and responsibilities:</u>	512
<u>a. Recommend to the entire Commission changes to the Rules</u>	513
<u>or bylaws, changes to this Compact legislation, fees paid by</u>	514
<u>Compact Member States such as annual dues, and any Commission</u>	515
<u>Compact fee charged to Licensees for the Compact Privilege;</u>	516
<u>b. Ensure Compact administration services are</u>	517
<u>appropriately provided, contractual or otherwise;</u>	518
<u>c. Prepare and recommend the budget;</u>	519
<u>d. Maintain financial records on behalf of the Commission;</u>	520

<u>e. Monitor Compact compliance of Member States and provide</u>	521
<u>compliance reports to the Commission;</u>	522
<u>f. Establish additional committees as necessary; and</u>	523
<u>g. Perform other duties as provided in Rules or bylaws.</u>	524
<u>E. Meetings of the Commission</u>	525
<u>1. All meetings shall be open to the public, and public</u>	526
<u>notice of meetings shall be given in the same manner as required</u>	527
<u>under the Rulemaking provisions in Section 10.</u>	528
<u>2. The Commission or the Executive Committee or other</u>	529
<u>committees of the Commission may convene in a closed, non-public</u>	530
<u>meeting if the Commission or Executive Committee or other</u>	531
<u>committees of the Commission must discuss:</u>	532
<u>a. Non-compliance of a Member State with its obligations</u>	533
<u>under the Compact;</u>	534
<u>b. The employment, compensation, discipline or other</u>	535
<u>matters, practices or procedures related to specific employees</u>	536
<u>or other matters related to the Commission's internal personnel</u>	537
<u>practices and procedures;</u>	538
<u>c. Current, threatened, or reasonably anticipated</u>	539
<u>litigation;</u>	540
<u>d. Negotiation of contracts for the purchase, lease, or</u>	541
<u>sale of goods, services, or real estate;</u>	542
<u>e. Accusing any person of a crime or formally censuring</u>	543
<u>any person;</u>	544
<u>f. Disclosure of trade secrets or commercial or financial</u>	545
<u>information that is privileged or confidential;</u>	546
<u>g. Disclosure of information of a personal nature where</u>	547

<u>disclosure would constitute a clearly unwarranted invasion of</u>	548
<u>personal privacy;</u>	549
<u>h. Disclosure of investigative records compiled for law</u>	550
<u>enforcement purposes;</u>	551
<u>i. Disclosure of information related to any investigative</u>	552
<u>reports prepared by or on behalf of or for use of the Commission</u>	553
<u>or other committee charged with responsibility of investigation</u>	554
<u>or determination of compliance issues pursuant to the Compact;</u>	555
<u>or</u>	556
<u>j. Matters specifically exempted from disclosure by</u>	557
<u>federal or Member State statute.</u>	558
<u>3. If a meeting, or portion of a meeting, is closed</u>	559
<u>pursuant to this provision, the Commission's legal counsel or</u>	560
<u>designee shall certify that the meeting may be closed and shall</u>	561
<u>reference each relevant exempting provision.</u>	562
<u>4. The Commission shall keep minutes that fully and</u>	563
<u>clearly describe all matters discussed in a meeting and shall</u>	564
<u>provide a full and accurate summary of actions taken, and the</u>	565
<u>reasons therefore, including a description of the views</u>	566
<u>expressed. All documents considered in connection with an action</u>	567
<u>shall be identified in such minutes. All minutes and documents</u>	568
<u>of a closed meeting shall remain under seal, subject to release</u>	569
<u>by a majority vote of the Commission or order of a court of</u>	570
<u>competent jurisdiction.</u>	571
<u>F. Financing of the Commission</u>	572
<u>1. The Commission shall pay, or provide for the payment</u>	573
<u>of, the reasonable expenses of its establishment, organization,</u>	574
<u>and ongoing activities.</u>	575

2. The Commission may accept any and all appropriate 576  
revenue sources, donations, and grants of money, equipment, 577  
supplies, materials, and services. 578

3. The Commission may levy on and collect an annual 579  
assessment from each Member State or impose fees on other 580  
parties to cover the cost of the operations and activities of 581  
the Commission and its staff, which must be in a total amount 582  
sufficient to cover its annual budget as approved by the 583  
Commission each year for which revenue is not provided by other 584  
sources. The aggregate annual assessment amount shall be 585  
allocated based upon a formula to be determined by the 586  
Commission, which shall promulgate a Rule binding upon all 587  
Member States. 588

4. The Commission shall not incur obligations of any kind 589  
prior to securing the funds adequate to meet the same; nor shall 590  
the Commission pledge the credit of any of the Member States, 591  
except by and with the authority of the Member State. 592

5. The Commission shall keep accurate accounts of all 593  
receipts and disbursements. The receipts and disbursements of 594  
the Commission shall be subject to the audit and accounting 595  
procedures established under its bylaws. However, all receipts 596  
and disbursements of funds handled by the Commission shall be 597  
audited yearly by a certified or licensed public accountant, and 598  
the report of the audit shall be included in and become part of 599  
the annual report of the Commission. 600

G. Qualified Immunity, Defense, and Indemnification 601

1. The members, officers, executive director, employees 602  
and representatives of the Commission shall be immune from suit 603  
and liability, either personally or in their official capacity, 604

for any claim for damage to or loss of property or personal 605  
injury or other civil liability caused by or arising out of any 606  
actual or alleged act, error or omission that occurred, or that 607  
the person against whom the claim is made had a reasonable basis 608  
for believing occurred within the scope of Commission 609  
employment, duties or responsibilities; provided that nothing in 610  
this paragraph shall be construed to protect any such person 611  
from suit and/or liability for any damage, loss, injury, or 612  
liability caused by the intentional or willful or wanton 613  
misconduct of that person. 614

2. The Commission shall defend any member, officer, 615  
executive director, employee, or representative of the 616  
Commission in any civil action seeking to impose liability 617  
arising out of any actual or alleged act, error, or omission 618  
that occurred within the scope of Commission employment, duties, 619  
or responsibilities, or that the person against whom the claim 620  
is made had a reasonable basis for believing occurred within the 621  
scope of Commission employment, duties, or responsibilities; 622  
provided that nothing herein shall be construed to prohibit that 623  
person from retaining his or her own counsel; and provided 624  
further, that the actual or alleged act, error, or omission did 625  
not result from that person's intentional or willful or wanton 626  
misconduct. 627

3. The Commission shall indemnify and hold harmless any 628  
member, officer, executive director, employee, or representative 629  
of the Commission for the amount of any settlement or judgment 630  
obtained against that person arising out of any actual or 631  
alleged act, error or omission that occurred within the scope of 632  
Commission employment, duties, or responsibilities, or that such 633  
person had a reasonable basis for believing occurred within the 634  
scope of Commission employment, duties, or responsibilities, 635

provided that the actual or alleged act, error, or omission did 636  
not result from the intentional or willful or wanton misconduct 637  
of that person. 638

**SECTION 9. DATA SYSTEM** 639

A. The Commission shall provide for the development, 640  
maintenance, and utilization of a coordinated database and 641  
reporting system containing licensure, Adverse Action, and 642  
Investigative Information on all licensed individuals in Member 643  
States. 644

B. A Member State shall submit a uniform data set to the 645  
Data System on all individuals to whom this Compact is 646  
applicable (utilizing a unique identifier) as required by the 647  
Rules of the Commission, including: 648

1. Identifying information; 649

2. Licensure data; 650

3. Adverse Actions against a license or Compact Privilege; 651

4. Non-confidential information related to Alternative 652  
Program participation; 653

5. Any denial of application for licensure, and the 654  
reason(s) for such denial; 655

6. Other information that may facilitate the 656  
administration of this Compact, as determined by the Rules of 657  
the Commission; and 658

7. Current Significant Investigative Information. 659

C. Current Significant Investigative Information and other 660  
Investigative Information pertaining to a Licensee in any Member 661  
State will only be available to other Member States. 662



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. 663  
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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. 668  
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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. 671  
672  
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**SECTION 10. RULEMAKING** 675

A. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment. 676  
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B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect. 680  
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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 4 years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State. 687  
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D. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission. 692  
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E. Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking: 694  
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1. On the website of the Commission or other publicly accessible platform; and 699  
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2. On the website of each Member State Occupational Therapy Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules. 701  
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703  
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F. The Notice of Proposed Rulemaking shall include: 705

1. The proposed time, date, and location of the meeting in which the Rule will be considered and voted upon; 706  
707

2. The text of the proposed Rule or amendment and the reason for the proposed Rule; 708  
709

3. A request for comments on the proposed Rule from any interested person; and 710  
711

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. 712  
713  
714

G. Prior to 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. 715  
716  
717

H. The Commission shall grant an opportunity for a public 718

<u>hearing before it adopts a Rule or amendment if a hearing is</u>	719
<u>requested by:</u>	720
<u>1. At least twenty five (25) persons;</u>	721
<u>2. A State or federal governmental subdivision or agency;</u>	722
<u>or</u>	723
<u>3. An association or organization having at least twenty</u>	724
<u>five (25) members.</u>	725
<u>I. If a hearing is held on the proposed Rule or amendment,</u>	726
<u>the Commission shall publish the place, time, and date of the</u>	727
<u>scheduled public hearing. If the hearing is held via electronic</u>	728
<u>means, the Commission shall publish the mechanism for access to</u>	729
<u>the electronic hearing.</u>	730
<u>1. All persons wishing to be heard at the hearing shall</u>	731
<u>notify the executive director of the Commission or other</u>	732
<u>designated member in writing of their desire to appear and</u>	733
<u>testify at the hearing not less than five (5) business days</u>	734
<u>before the scheduled date of the hearing.</u>	735
<u>2. Hearings shall be conducted in a manner providing each</u>	736
<u>person who wishes to comment a fair and reasonable opportunity</u>	737
<u>to comment orally or in writing.</u>	738
<u>3. All hearings will be recorded. A copy of the recording</u>	739
<u>will be made available on request.</u>	740
<u>4. Nothing in this section shall be construed as requiring</u>	741
<u>a separate hearing on each Rule. Rules may be grouped for the</u>	742
<u>convenience of the Commission at hearings required by this</u>	743
<u>section.</u>	744
<u>J. Following the scheduled hearing date, or by the close</u>	745
<u>of business on the scheduled hearing date if the hearing was not</u>	746

held, the Commission shall consider all written and oral 747  
comments received. 748

K. If no written notice of intent to attend the public 749  
hearing by interested parties is received, the Commission may 750  
proceed with promulgation of the proposed Rule without a public 751  
hearing. 752

L. The Commission shall, by majority vote of all members, 753  
take final action on the proposed Rule and shall determine the 754  
effective date of the Rule, if any, based on the Rulemaking 755  
record and the full text of the Rule. 756

M. Upon determination that an emergency exists, the 757  
Commission may consider and adopt an emergency Rule without 758  
prior notice, opportunity for comment, or hearing, provided that 759  
the usual Rulemaking procedures provided in the Compact and in 760  
this section shall be retroactively applied to the Rule as soon 761  
as reasonably possible, in no event later than ninety (90) days 762  
after the effective date of the Rule. For the purposes of this 763  
provision, an emergency Rule is one that must be adopted 764  
immediately in order to: 765

1. Meet an imminent threat to public health, safety, or 766  
welfare; 767

2. Prevent a loss of Commission or Member State funds; 768

3. Meet a deadline for the promulgation of an 769  
administrative Rule that is established by federal law or Rule; 770  
or 771

4. Protect public health and safety. 772

N. The Commission or an authorized committee of the 773  
Commission may direct revisions to a previously adopted Rule or 774

amendment for purposes of correcting typographical errors, 775  
errors in format, errors in consistency, or grammatical errors. 776  
Public notice of any revisions shall be posted on the website of 777  
the Commission. The revision shall be subject to challenge by 778  
any person for a period of thirty (30) days after posting. The 779  
revision may be challenged only on grounds that the revision 780  
results in a material change to a Rule. A challenge shall be 781  
made in writing and delivered to the chair of the Commission 782  
prior to the end of the notice period. If no challenge is made, 783  
the revision will take effect without further action. If the 784  
revision is challenged, the revision may not take effect without 785  
the approval of the Commission. 786

**SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT** 787

**A. Oversight** 788

1. The executive, legislative, and judicial branches of 789  
State government in each Member State shall enforce this Compact 790  
and take all actions necessary and appropriate to effectuate the 791  
Compact's purposes and intent. The provisions of this Compact 792  
and the Rules promulgated hereunder shall have standing as 793  
statutory law. 794

2. All courts shall take judicial notice of the Compact 795  
and the Rules in any judicial or administrative proceeding in a 796  
Member State pertaining to the subject matter of this Compact 797  
which may affect the powers, responsibilities, or actions of the 798  
Commission. 799

3. The Commission shall be entitled to receive service of 800  
process in any such proceeding, and shall have standing to 801  
intervene in such a proceeding for all purposes. Failure to 802  
provide service of process to the Commission shall render a 803

judgment or order void as to the Commission, this Compact, or 804  
promulgated Rules. 805

B. Default, Technical Assistance, and Termination 806

1. If the Commission determines that a Member State has 807  
defaulted in the performance of its obligations or 808  
responsibilities under this Compact or the promulgated Rules, 809  
the Commission shall: 810

a. Provide written notice to the defaulting State and 811  
other Member States of the nature of the default, the proposed 812  
means of curing the default and/or any other action to be taken 813  
by the Commission; and 814

b. Provide remedial training and specific technical 815  
assistance regarding the default. 816

2. If a State in default fails to cure the default, the 817  
defaulting State may be terminated from the Compact upon an 818  
affirmative vote of a majority of the Member States, and all 819  
rights, privileges and benefits conferred by this Compact may be 820  
terminated on the effective date of termination. A cure of the 821  
default does not relieve the offending State of obligations or 822  
liabilities incurred during the period of default. 823

3. Termination of membership in the Compact shall be 824  
imposed only after all other means of securing compliance have 825  
been exhausted. Notice of intent to suspend or terminate shall 826  
be given by the Commission to the governor, the majority and 827  
minority leaders of the defaulting State's legislature, and each 828  
of the Member States. 829

4. A State that has been terminated is responsible for all 830  
assessments, obligations, and liabilities incurred through the 831  
effective date of termination, including obligations that extend 832

beyond the effective date of termination. 833

5. The Commission shall not bear any costs related to a 834  
State that is found to be in default or that has been terminated 835  
from the Compact, unless agreed upon in writing between the 836  
Commission and the defaulting State. 837

6. The defaulting State may appeal the action of the 838  
Commission by petitioning the U.S. District Court for the 839  
District of Columbia or the federal district where the 840  
Commission has its principal offices. The prevailing member 841  
shall be awarded all costs of such litigation, including 842  
reasonable attorney's fees. 843

C. Dispute Resolution 844

1. Upon request by a Member State, the Commission shall 845  
attempt to resolve disputes related to the Compact that arise 846  
among Member States and between member and non-Member States. 847

2. The Commission shall promulgate a Rule providing for 848  
both mediation and binding dispute resolution for disputes as 849  
appropriate. 850

D. Enforcement 851

1. The Commission, in the reasonable exercise of its 852  
discretion, shall enforce the provisions and Rules of this 853  
Compact. 854

2. By majority vote, the Commission may initiate legal 855  
action in the United States District Court for the District of 856  
Columbia or the federal district where the Commission has its 857  
principal offices against a Member State in default to enforce 858  
compliance with the provisions of the Compact and its 859  
promulgated Rules and bylaws. The relief sought may include both 860

injunctive relief and damages. In the event judicial enforcement 861  
is necessary, the prevailing member shall be awarded all costs 862  
of such litigation, including reasonable attorney's fees. 863

3. The remedies herein shall not be the exclusive remedies 864  
of the Commission. The Commission may pursue any other remedies 865  
available under federal or State law. 866

**SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE** 867  
**COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED** 868  
**RULES, WITHDRAWAL, AND AMENDMENT** 869

A. The Compact shall come into effect on the date on which 870  
the Compact statute is enacted into law in the tenth Member 871  
State. The provisions, which become effective at that time, 872  
shall be limited to the powers granted to the Commission 873  
relating to assembly and the promulgation of Rules. Thereafter, 874  
the Commission shall meet and exercise Rulemaking powers 875  
necessary to the implementation and administration of the 876  
Compact. 877

B. Any State that joins the Compact subsequent to the 878  
Commission's initial adoption of the Rules shall be subject to 879  
the Rules as they exist on the date on which the Compact becomes 880  
law in that State. Any Rule that has been previously adopted by 881  
the Commission shall have the full force and effect of law on 882  
the day the Compact becomes law in that State. 883

C. Any Member State may withdraw from this Compact by 884  
enacting a statute repealing the same. 885

1. A Member State's withdrawal shall not take effect until 886  
six (6) months after enactment of the repealing statute. 887

2. Withdrawal shall not affect the continuing requirement 888  
of the withdrawing State's Occupational Therapy Licensing Board 889



to comply with the investigative and Adverse Action reporting 890  
requirements of this act prior to the effective date of 891  
withdrawal. 892

D. Nothing contained in this Compact shall be construed to 893  
invalidate or prevent any Occupational Therapy licensure 894  
agreement or other cooperative arrangement between a Member 895  
State and a non-Member State that does not conflict with the 896  
provisions of this Compact. 897

E. This Compact may be amended by the Member States. No 898  
amendment to this Compact shall become effective and binding 899  
upon any Member State until it is enacted into the laws of all 900  
Member States. 901

**SECTION 13. CONSTRUCTION AND SEVERABILITY** 902

This Compact shall be liberally construed so as to 903  
effectuate the purposes thereof. The provisions of this Compact 904  
shall be severable and if any phrase, clause, sentence or 905  
provision of this Compact is declared to be contrary to the 906  
constitution of any Member State or of the United States or the 907  
applicability thereof to any government, agency, person, or 908  
circumstance is held invalid, the validity of the remainder of 909  
this Compact and the applicability thereof to any government, 910  
agency, person, or circumstance shall not be affected thereby. 911  
If this Compact shall be held contrary to the constitution of 912  
any Member State, the Compact shall remain in full force and 913  
effect as to the remaining Member States and in full force and 914  
effect as to the Member State affected as to all severable 915  
matters. 916

**SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS** 917

A. A Licensee providing Occupational Therapy in a Remote 918

State under the Compact Privilege shall function within the laws 919  
and regulations of the Remote State. 920

B. Nothing herein prevents the enforcement of any other 921  
law of a Member State that is not inconsistent with the Compact. 922

C. Any laws in a Member State in conflict with the Compact 923  
are superseded to the extent of the conflict. 924

D. Any lawful actions of the Commission, including all 925  
Rules and bylaws promulgated by the Commission, are binding upon 926  
the Member States. 927

E. All agreements between the Commission and the Member 928  
States are binding in accordance with their terms. 929

F. In the event any provision of the Compact exceeds the 930  
constitutional limits imposed on the legislature of any Member 931  
State, the provision shall be ineffective to the extent of the 932  
conflict with the constitutional provision in question in that 933  
Member State. 934

**Sec. 4755.141.** Not later than ninety days after the 935  
"Occupational Therapy Licensure Compact" is entered into under 936  
section 4755.14 of the Revised Code, the occupational therapy 937  
section of the Ohio occupational therapy, physical therapy, and 938  
athletic trainers board shall select an individual to serve as a 939  
delegate to the occupational therapy compact commission created 940  
under the compact. The occupational therapy section shall fill a 941  
vacancy in this position not later than ninety days after the 942  
vacancy occurs. 943