

SENATE BILL 139

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(PRE-FILED)

1lr1182
CF HB 540

By: **Senators Carozza and Beidle**

Requested: October 28, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 2021

CHAPTER _____

1 AN ACT concerning

2 **Interstate Occupational Therapy Licensure Compact**

3 FOR the purpose of entering into the Interstate Occupational Therapy Licensure Compact;
4 stating the purpose of the Compact; requiring a state to meet certain requirements
5 to participate in the Compact; establishing certain duties of member states;
6 authorizing a certain state to charge a certain fee for granting a certain compact
7 privilege; requiring certain occupational therapists or occupational therapy
8 assistants to meet certain eligibility requirements to receive certain licensure and
9 exercise a certain privilege; establishing certain authorizations and requirements
10 regarding the practice of occupational therapists and occupational therapy
11 assistants under a compact privilege; requiring a licensee who is active duty military
12 or the spouse of an individual who is active duty military to designate certain
13 locations as the home state under certain circumstances; establishing certain
14 authority of home states and remote states with regard to certain adverse actions;
15 establishing the Occupational Therapy Compact Commission and its duties;
16 providing for the election of an Executive Board of the Commission and establishing
17 its duties; providing for the financing of the Commission; requiring the Commission
18 to provide for the development, maintenance, and utilization of a coordinated
19 database and reporting system; requiring member states to submit certain
20 information to the data system; authorizing the Commission to adopt certain rules
21 and amendments in a certain manner; providing for certain oversight, dispute
22 resolution, and enforcement of the Compact; establishing certain requirements for
23 withdrawal by member states from the Compact; providing for the dissolution of the
24 Compact under certain circumstances; providing for the application of the Compact;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



providing for the binding effect of the Compact; establishing procedures for amending the Compact; making the provisions of the Compact severable; making this Act subject to a certain contingency; defining certain terms; and generally relating to the Interstate Occupational Therapy Licensure Compact.

BY adding to

Article – Health Occupations

Section 10–3A–01 to be under the new subtitle “Subtitle 3A. Interstate Occupational Therapy Licensure Compact”

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 3A. INTERSTATE OCCUPATIONAL THERAPY LICENSURE COMPACT.

10–3A–01.

THE INTERSTATE OCCUPATIONAL THERAPY LICENSURE COMPACT IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER STATES LEGALLY JOINING IN IT IN THE FORM SUBSTANTIALLY AS IT APPEARS IN THIS SECTION AS FOLLOWS:

SECTION 1. PURPOSE.

THE PURPOSE OF THIS COMPACT IS TO FACILITATE 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. THE COMPACT PRESERVES THE REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE. THE 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 MULTI-STATE OCCUPATIONAL THERAPY PRACTICE;

1 **(4) SUPPORT SPOUSES OF RELOCATING MILITARY MEMBERS;**

2 **(5) ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE, AND**
3 **DISCIPLINARY INFORMATION BETWEEN MEMBER STATES;**

4 **(6) ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES**
5 **WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT STATE'S**
6 **PRACTICE STANDARDS; AND**

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

9 **SECTION 2. DEFINITIONS.**

10 **AS USED IN THE COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE**
11 **FOLLOWING DEFINITIONS SHALL APPLY:**

12 **(1) "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN**
13 **THE ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS**
14 **OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO**
15 **10 U.S.C. CHAPTER 1209 AND SECTION 1211.**

16 **(2) "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,**
17 **EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS THAT IS IMPOSED**
18 **BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST AN OCCUPATIONAL**
19 **THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT, INCLUDING ACTIONS AGAINST**
20 **AN INDIVIDUAL'S LICENSE OR COMPACT PRIVILEGE SUCH AS CENSURE,**
21 **REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, OR**
22 **RESTRICTION ON THE LICENSEE'S PRACTICE.**

23 **(3) "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY**
24 **MONITORING PROCESS APPROVED BY AN OCCUPATIONAL THERAPY LICENSING**
25 **BOARD.**

26 **(4) "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION, THAT IS**
27 **EQUIVALENT TO A LICENSE, GRANTED BY A REMOTE STATE TO ALLOW A LICENSEE**
28 **FROM ANOTHER MEMBER STATE TO PRACTICE AS AN OCCUPATIONAL THERAPIST OR**
29 **PRACTICE AS AN OCCUPATIONAL THERAPY ASSISTANT IN THE REMOTE STATE**
30 **UNDER ITS LAWS AND RULES. THE PRACTICE OF OCCUPATIONAL THERAPY OCCURS**
31 **IN THE MEMBER STATE WHERE THE PATIENT/CLIENT IS LOCATED AT THE TIME OF**
32 **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 ~~ESTABLISHED IN ACCORDANCE WITH SECTION 9~~ THAT INCLUDES, BUT IS NOT LIMITED TO, LICENSE STATUS, INVESTIGATIVE INFORMATION, COMPACT PRIVILEGES, AND ADVERSE ACTIONS.

(8) "ENCUMBERED LICENSE" MEANS A LICENSE WITH RESPECT TO 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 AN INDIVIDUAL 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 A STATE TO PRACTICE AS AN OCCUPATIONAL THERAPIST OR AS AN OCCUPATIONAL THERAPY ASSISTANT.

1 (15) “MEMBER STATE” MEANS A STATE THAT HAS ENACTED THE
2 COMPACT.

3 (16) “OCCUPATIONAL THERAPIST” MEANS AN INDIVIDUAL WHO IS
4 LICENSED BY A STATE TO PRACTICE OCCUPATIONAL THERAPY.

5 (17) “OCCUPATIONAL THERAPY,” “OCCUPATIONAL THERAPY
6 PRACTICE,” AND THE “PRACTICE OF OCCUPATIONAL THERAPY” MEAN THE CARE
7 AND SERVICES PROVIDED BY AN OCCUPATIONAL THERAPIST OR AN OCCUPATIONAL
8 THERAPY ASSISTANT AS SET FORTH IN THE MEMBER STATE’S STATUTES AND
9 REGULATIONS.

10 (18) “OCCUPATIONAL THERAPY ASSISTANT” MEANS AN INDIVIDUAL
11 WHO IS LICENSED BY A STATE TO ASSIST IN THE PRACTICE OF OCCUPATIONAL
12 THERAPY.

13 (19) “OCCUPATIONAL THERAPY COMPACT COMMISSION” OR
14 “COMMISSION” MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP
15 CONSISTS OF ALL STATES THAT HAVE ENACTED THE COMPACT.

16 (20) “OCCUPATIONAL THERAPY LICENSING BOARD” OR “LICENSING
17 BOARD” MEANS THE AGENCY OF A STATE THAT IS AUTHORIZED TO LICENSE AND
18 REGULATE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY
19 ASSISTANTS.

20 (21) “PRIMARY STATE OF RESIDENCE” MEANS THE HOME STATE IN
21 WHICH AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT
22 WHO IS NOT ACTIVE DUTY MILITARY DECLARES A PRIMARY RESIDENCE FOR LEGAL
23 PURPOSES AS VERIFIED BY:

24 (I) A DRIVER’S LICENSE;

25 (II) A FEDERAL INCOME TAX RETURN;

26 (III) A LEASE;

27 (IV) A DEED;

28 (V) A MORTGAGE;

29 (VI) A VOTER REGISTRATION; OR

(VII) OTHER VERIFYING DOCUMENTATION AS 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 PROMULGATED BY THE COMMISSION THAT HAS THE FORCE OF LAW.

(24) "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.

(25) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICE OF OCCUPATIONAL THERAPY.

(26) "TELEHEALTH" MEANS THE APPLICATION OF TELECOMMUNICATION TECHNOLOGY TO DELIVER OCCUPATIONAL THERAPY SERVICES FOR ASSESSMENT, INTERVENTION AND/OR CONSULTATION.

SECTION 3. STATE PARTICIPATION IN THE COMPACT.

(A) TO PARTICIPATE IN THE COMPACT, A MEMBER STATE MUST:

(1) LICENSE OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS;

(2) PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM, INCLUDING, BUT NOT LIMITED TO, THE USE OF 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 ~~A PROCESS~~ OR UTILIZE PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR AN INITIAL COMPACT PRIVILEGE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;

1 (6) COMPLY WITH THE RULES OF THE COMMISSION;

2 (7) UTILIZE ONLY A RECOGNIZED NATIONAL EXAMINATION AS A
3 REQUIREMENT FOR LICENSURE PURSUANT TO THE RULES OF THE COMMISSION;
4 AND

5 (8) HAVE CONTINUING ~~COMPETENCY~~ ~~EDUCATION~~
6 COMPETENCE/EDUCATION REQUIREMENTS AS A CONDITION FOR LICENSE
7 RENEWAL.

8 (B) (1) A MEMBER STATE SHALL, WITHIN A TIME FRAME ESTABLISHED BY
9 THE COMMISSION, ESTABLISH A PROCESS FOR REQUIRING A CRIMINAL
10 BACKGROUND CHECK FOR A LICENSEE APPLYING FOR A COMPACT PRIVILEGE
11 WHOSE PRIMARY STATE OF RESIDENCE IS THAT MEMBER STATE, THAT INCLUDES:

12 (I) SUBMISSION OF FINGERPRINTS OR OTHER
13 BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF
14 OBTAINING AN APPLICANT'S CRIMINAL HISTORY INFORMATION FROM THE FEDERAL
15 BUREAU OF INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT
16 STATE'S CRIMINAL RECORDS; AND

17 (II) RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF
18 INVESTIGATION ~~AND THE STATE AGENCY~~ CRIMINAL RECORD SEARCH AND USING
19 THE RESULTS IN MAKING LICENSURE DECISIONS.

20 (2) COMMUNICATION BETWEEN A MEMBER STATE AND THE
21 COMMISSION OR AMONG MEMBER STATES REGARDING THE VERIFICATION OF
22 ELIGIBILITY FOR LICENSURE THROUGH THE COMPACT MAY NOT INCLUDE ANY
23 INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION
24 RELATING TO A FEDERAL CRIMINAL RECORDS CHECK PERFORMED BY A MEMBER
25 STATE UNDER PUBLIC LAW 92-544.

26 (C) A MEMBER STATE SHALL GRANT THE COMPACT PRIVILEGE TO A
27 LICENSEE HOLDING A VALID UNENCUMBERED LICENSE IN ANOTHER MEMBER STATE
28 IN ACCORDANCE WITH THE TERMS OF THE COMPACT AND RULES.

29 (D) MEMBER STATES MAY CHARGE A FEE FOR GRANTING A COMPACT
30 PRIVILEGE.

31 (E) A MEMBER STATE SHALL PROVIDE FOR THE STATE'S DELEGATE TO
32 ATTEND ALL OCCUPATIONAL THERAPY COMPACT COMMISSION MEETINGS.

(F) 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 MAY NOT BE RECOGNIZED AS GRANTING THE COMPACT PRIVILEGE IN ANY OTHER MEMBER STATE.

(G) NOTHING IN THE COMPACT MAY 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, A LICENSEE MUST:

(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 ~~(E) THROUGH (J)~~ (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(S);

(7) PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE COMPACT PRIVILEGE;

(8) COMPLETE A CRIMINAL BACKGROUND CHECK IN ACCORDANCE WITH SUBSECTION (B) OF SECTION 3 AND PAY ANY FEE ASSOCIATED WITH THE COMPLETION OF THE CRIMINAL BACKGROUND CHECK;

(9) MEET ANY JURISPRUDENCE REQUIREMENTS ESTABLISHED BY THE REMOTE STATE(S) IN WHICH THE LICENSEE IS SEEKING A COMPACT PRIVILEGE; AND

1 **(10) REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY ANY**
2 **NON-MEMBER STATE WITHIN 30 DAYS FROM THE DATE THE ADVERSE ACTION IS**
3 **TAKEN.**

4 **(B) THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE OF**
5 **THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE**
6 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION TO MAINTAIN THE COMPACT**
7 **PRIVILEGE IN THE REMOTE STATE.**

8 **(C) A LICENSEE PROVIDING OCCUPATIONAL THERAPY IN A REMOTE STATE**
9 **UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND**
10 **REGULATIONS OF THE REMOTE STATE.**

11 **(D) OCCUPATIONAL THERAPY ASSISTANTS PRACTICING IN A REMOTE STATE**
12 **SHALL BE SUPERVISED BY AN OCCUPATIONAL THERAPIST LICENSED OR HOLDING A**
13 **COMPACT PRIVILEGE IN THAT REMOTE STATE.**

14 **(E) A LICENSEE PROVIDING OCCUPATIONAL THERAPY IN A REMOTE STATE**
15 **IS SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE STATE MAY, IN**
16 **ACCORDANCE WITH DUE PROCESS AND THAT STATE'S LAWS, REMOVE A LICENSEE'S**
17 **COMPACT PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME,**
18 **IMPOSE FINES, AND/OR TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE**
19 **HEALTH AND SAFETY OF ITS CITIZENS. THE LICENSEE MAY BE INELIGIBLE FOR A**
20 **COMPACT PRIVILEGE IN ANY STATE UNTIL THE SPECIFIC TIME FOR REMOVAL HAS**
21 **PASSED AND ALL FINES ARE PAID.**

22 **(F) IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE**
23 **THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE FOLLOWING OCCUR:**

24 **(1) THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND**

25 **(2) TWO YEARS HAVE ELAPSED FROM THE DATE ON WHICH THE HOME**
26 **STATE LICENSE IS NO LONGER ENCUMBERED IN ACCORDANCE WITH SECTION**
27 **4(F)(1).**

28 **(G) ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO**
29 **GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION**
30 **(A) OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.**

31 **(H) IF A LICENSEE'S COMPACT PRIVILEGE IN ANY REMOTE STATE IS**
32 **REMOVED, THE INDIVIDUAL MAY LOSE THE COMPACT PRIVILEGE IN ANY OTHER**
33 **REMOTE STATE UNTIL THE FOLLOWING OCCUR:**

1 **(1) THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT**
2 **PRIVILEGE WAS REMOVED HAS ENDED;**

3 **(2) ALL FINES HAVE BEEN PAID AND ALL CONDITIONS HAVE BEEN**
4 **MET;**

5 **(3) TWO YEARS HAVE ELAPSED FROM THE DATE OF COMPLETING**
6 **REQUIREMENTS IN ITEMS (1) AND (2) OF THIS SUBSECTION; AND**

7 **(4) THE COMPACT PRIVILEGES ARE REINSTATED BY THE**
8 **COMMISSION, AND THE COMPACT DATA SYSTEM IS UPDATED TO REFLECT**
9 **REINSTATEMENT.**

10 **(I) IF A LICENSEE'S COMPACT PRIVILEGE IN ANY REMOTE STATE IS**
11 **REMOVED DUE TO AN ERRONEOUS CHARGE, PRIVILEGES SHALL BE RESTORED**
12 **THROUGH THE COMPACT DATA SYSTEM.**

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

16 **SECTION 5: OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF**
17 **COMPACT PRIVILEGE.**

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

21 **(B) IF AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY**
22 **ASSISTANT CHANGES PRIMARY STATE OF RESIDENCE BY MOVING BETWEEN TWO**
23 **MEMBER STATES:**

24 **(1) THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY**
25 **ASSISTANT SHALL FILE AN APPLICATION FOR OBTAINING A NEW HOME STATE**
26 **LICENSE BY VIRTUE OF A COMPACT PRIVILEGE, PAY ALL APPLICABLE FEES, AND**
27 **NOTIFY THE CURRENT AND NEW HOME STATE IN ACCORDANCE WITH APPLICABLE**
28 **RULES ADOPTED BY THE COMMISSION;**

29 **(2) UPON RECEIPT OF AN APPLICATION FOR OBTAINING A NEW HOME**
30 **STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE, THE NEW HOME STATE SHALL**
31 **VERIFY THAT THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY**
32 **ASSISTANT MEETS THE PERTINENT CRITERIA OUTLINED IN SECTION 4 VIA THE DATA**
33 **SYSTEM, WITHOUT NEED FOR PRIMARY SOURCE VERIFICATION EXCEPT FOR:**

1 (I) AN FBI FINGERPRINT BASED CRIMINAL BACKGROUND
2 CHECK IF NOT PREVIOUSLY PERFORMED OR UPDATED PURSUANT TO APPLICABLE
3 RULES ADOPTED BY THE COMMISSION IN ACCORDANCE WITH PUBLIC LAW 92-544;

4 (II) OTHER CRIMINAL BACKGROUND CHECKS AS REQUIRED BY
5 THE NEW HOME STATE; AND

6 (III) SUBMISSION OF ANY REQUISITE JURISPRUDENCE
7 REQUIREMENTS OF THE NEW HOME STATE;

8 (3) THE FORMER HOME STATE SHALL CONVERT THE FORMER HOME
9 STATE LICENSE INTO A COMPACT PRIVILEGE ONCE THE NEW HOME STATE HAS
10 ACTIVATED THE NEW HOME STATE LICENSE IN ACCORDANCE WITH APPLICABLE
11 RULES ADOPTED BY THE COMMISSION;

12 (4) NOTWITHSTANDING ANY OTHER PROVISION OF THE COMPACT, IF
13 THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT CANNOT
14 MEET THE CRITERIA IN SUBSECTION (A) OF SECTION 4, THE NEW HOME STATE
15 SHALL APPLY ITS REQUIREMENTS FOR ISSUING A NEW SINGLE-STATE LICENSE; AND

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

19 (C) IF AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY
20 ASSISTANT CHANGES PRIMARY STATE OF RESIDENCE BY MOVING FROM A MEMBER
21 STATE TO A NON-MEMBER STATE, OR FROM A NON-MEMBER STATE TO A MEMBER
22 STATE, THE STATE CRITERIA SHALL APPLY FOR ISSUANCE OF A SINGLE-STATE
23 LICENSE IN THE NEW STATE.

24 (D) NOTHING IN THE COMPACT SHALL INTERFERE WITH A LICENSEE'S
25 ABILITY TO HOLD A SINGLE-STATE LICENSE IN MULTIPLE STATES. HOWEVER, FOR
26 THE PURPOSES OF THIS COMPACT, A LICENSEE SHALL HAVE ONLY ONE HOME STATE
27 LICENSE.

28 (E) NOTHING IN THE COMPACT SHALL AFFECT THE REQUIREMENTS
29 ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE
30 LICENSE.

31 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.**

32 (A) ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSES, SHALL
33 DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN
34 GOOD STANDING.

1 **(B) THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING**
2 **THE PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY.**

3 **(C) SUBSEQUENT TO DESIGNATING A HOME STATE, THE INDIVIDUAL SHALL**
4 **ONLY CHANGE THE INDIVIDUAL'S HOME STATE THROUGH APPLICATION FOR**
5 **LICENSURE IN THE NEW STATE OR THROUGH THE PROCESS DESCRIBED IN SECTION**
6 **5.**

7 **SECTION 7. ADVERSE ACTIONS.**

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

11 **(B) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A**
12 **REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING**
13 **STATE DUE PROCESS LAW, TO:**

14 **(1) TAKE ADVERSE ACTION AGAINST AN OCCUPATIONAL**
15 **THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S COMPACT PRIVILEGE**
16 **WITHIN THAT MEMBER STATE; AND**

17 **(2) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS**
18 **THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE**
19 **PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A**
20 **MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE**
21 **PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED**
22 **IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING**
23 **TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS**
24 **ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY**
25 **ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY**
26 **THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE**
27 **LOCATED.**

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

33 **(D) THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF**
34 **AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT WHO**
35 **CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE**

1 INVESTIGATIONS. THE HOME STATE, WHERE THE INVESTIGATIONS WERE INITIATED,
2 SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL
3 PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE DATA
4 SYSTEM. THE DATA SYSTEM ADMINISTRATOR SHALL PROMPTLY NOTIFY THE NEW
5 HOME STATE OF ANY ADVERSE ACTIONS.

6 (E) A MEMBER STATE, IF OTHERWISE PERMITTED BY STATE LAW, MAY
7 RECOVER FROM THE AFFECTED OCCUPATIONAL THERAPIST OR OCCUPATIONAL
8 THERAPY ASSISTANT THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES
9 RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT OCCUPATIONAL
10 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT.

11 (F) A MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
12 FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER STATE FOLLOWS
13 ITS OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

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

18 (2) MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION,
19 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
20 INVESTIGATION INITIATED UNDER THE COMPACT.

21 (H) IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST AN
22 OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S LICENSE,
23 THE OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S
24 COMPACT PRIVILEGE IN ALL OTHER MEMBER STATES SHALL BE DEACTIVATED
25 UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL
26 HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE ACTION AGAINST AN
27 OCCUPATIONAL THERAPIST'S OR OCCUPATIONAL THERAPY ASSISTANT'S LICENSE
28 SHALL INCLUDE A STATEMENT THAT THE OCCUPATIONAL THERAPIST'S OR
29 OCCUPATIONAL THERAPY ASSISTANT'S COMPACT PRIVILEGE IS DEACTIVATED IN
30 ALL MEMBER STATES DURING THE PENDENCY OF THE ORDER.

31 (I) IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY
32 NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE
33 DATA SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE
34 ACTIONS BY REMOTE STATES.

35 (J) NOTHING IN THE COMPACT SHALL OVERRIDE A MEMBER STATE'S
36 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN
37 LIEU OF ADVERSE ACTION.

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

**(A) (1) THE MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
PUBLIC AGENCY KNOWN AS THE OCCUPATIONAL THERAPY COMPACT COMMISSION.**

**(2) THE COMMISSION IS AN INSTRUMENTALITY OF THE MEMBER
STATES.**

**(3) 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.**

**(4) NOTHING IN THE COMPACT ~~MAY~~ SHALL BE CONSTRUED TO BE A
WAIVER OF SOVEREIGN IMMUNITY.**

**(B) (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:

**(I) A CURRENT MEMBER OF THE LICENSING BOARD, WHO IS AN
OCCUPATIONAL THERAPIST, OCCUPATIONAL THERAPY ASSISTANT, OR PUBLIC
MEMBER; OR**

(II) 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 90 DAYS.**

**(5) EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH
REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL
OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND
AFFAIRS OF THE COMMISSION.**

1 **(6) A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS**
2 **AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'**
3 **PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF**
4 **COMMUNICATION.**

5 **(7) THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH**
6 **CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE**
7 **BYLAWS.**

8 **(8) THE COMMISSION SHALL ESTABLISH BY RULE A TERM OF OFFICE**
9 **FOR DELEGATES.**

10 **(C) THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:**

11 **(1) ESTABLISH A CODE OF ETHICS FOR THE COMMISSION;**

12 **(2) ESTABLISH THE FISCAL YEAR OF THE COMMISSION;**

13 **(3) ESTABLISH BYLAWS;**

14 **(4) MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE**
15 **BYLAWS;**

16 **(5) MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THE**
17 **PROVISIONS OF THE COMPACT AND THE BYLAWS;**

18 **(6) PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE**
19 **IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL**
20 **HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER**
21 **STATES;**

22 **(7) BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN**
23 **THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE**
24 **OCCUPATIONAL THERAPY LICENSING BOARD TO SUE OR BE SUED UNDER**
25 **APPLICABLE LAW SHALL NOT BE AFFECTED;**

26 **(8) PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

27 **(9) BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,**
28 **INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER STATE;**

29 **(10) HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX**
30 **COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE**
31 **AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND ESTABLISH THE**

1 COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF
2 INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL
3 MATTERS;

4 (11) ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF
5 MONEY, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND RECEIVE, UTILIZE
6 AND DISPOSE OF THE SAME; PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL
7 AVOID ANY APPEARANCE OF IMPROPRIETY AND/OR CONFLICT OF INTEREST;

8 (12) LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS
9 OF, OR OTHERWISE OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL
10 OR MIXED; PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
11 APPEARANCE OF IMPROPRIETY;

12 (13) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
13 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR MIXED;

14 (14) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

15 (15) BORROW MONEY;

16 (16) APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES
17 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR
18 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH OTHER
19 INTERESTED PERSONS AS MAY BE DESIGNATED IN THE COMPACT AND THE BYLAWS;

20 (17) PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE
21 WITH, LAW ENFORCEMENT AGENCIES;

22 (18) ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE; AND

23 (19) PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR
24 APPROPRIATE TO ACHIEVE THE PURPOSES OF THE COMPACT CONSISTENT WITH
25 THE STATE REGULATION OF OCCUPATIONAL THERAPY LICENSURE AND PRACTICE.

26 (D) (1) THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON
27 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THE COMPACT.

28 (2) THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF NINE
29 MEMBERS:

30 (I) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE
31 COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION;

1 (II) ONE EX-OFFICIO, NONVOTING MEMBER FROM A
2 RECOGNIZED NATIONAL OCCUPATIONAL THERAPY PROFESSIONAL ASSOCIATION;
3 AND

4 (III) ONE EX-OFFICIO, NONVOTING MEMBER FROM A
5 RECOGNIZED NATIONAL OCCUPATIONAL THERAPY CERTIFICATION ORGANIZATION.

6 (3) THE EX-OFFICIO MEMBERS WILL BE SELECTED BY THEIR
7 RESPECTIVE ORGANIZATIONS.

8 (4) THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE
9 COMMITTEE AS PROVIDED IN BYLAWS.

10 (5) THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

11 (6) THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
12 DUTIES AND RESPONSIBILITIES:

13 (I) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO
14 THE RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY
15 MEMBER STATES SUCH AS ANNUAL DUES, AND ANY COMMISSION COMPACT FEE
16 CHARGED TO LICENSEES FOR THE COMPACT PRIVILEGE;

17 (II) ENSURE COMPACT ADMINISTRATION SERVICES ARE
18 APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;

19 (III) PREPARE AND RECOMMEND THE BUDGET;

20 (IV) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
21 COMMISSION;

22 (V) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
23 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

24 (VI) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND

25 (VII) PERFORM OTHER DUTIES AS PROVIDED IN RULES OR
26 BYLAWS.

27 (E) (1) ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC
28 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER
29 THE RULEMAKING PROVISIONS IN SECTION 10.

1 **(2) THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER**
2 **COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC**
3 **MEETING IF THE COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES**
4 **OF THE COMMISSION MUST DISCUSS:**

5 **(I) NON-COMPLIANCE OF A MEMBER STATE WITH ITS**
6 **OBLIGATIONS UNDER THE COMPACT;**

7 **(II) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER**
8 **MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR**
9 **OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL**
10 **PRACTICES AND PROCEDURES;**

11 **(III) CURRENT, THREATENED, OR REASONABLY ANTICIPATED**
12 **LITIGATION;**

13 **(IV) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE,**
14 **OR SALE OF GOODS, SERVICES, OR REAL ESTATE;**

15 **(V) ACCUSING ANY PERSON OF A CRIME OR FORMALLY**
16 **CENSURING ANY PERSON;**

17 **(VI) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR**
18 **FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;**

19 **(VII) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE**
20 **WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF**
21 **PERSONAL PRIVACY;**

22 **(VIII) DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR**
23 **LAW ENFORCEMENT PURPOSES;**

24 **(IX) DISCLOSURE OF INFORMATION RELATED TO ANY**
25 **INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE**
26 **COMMISSION OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF**
27 **INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THE**
28 **COMPACT; OR**

29 **(X) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY**
30 **FEDERAL OR MEMBER STATE STATUTE.**

31 **(3) IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT**
32 **TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL**

1 CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH
2 RELEVANT EXEMPTING PROVISION.

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

11 (F) (1) THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
12 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND
13 ONGOING ACTIVITIES.

14 (2) THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
15 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,
16 MATERIALS, AND SERVICES.

17 (3) THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
18 ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO
19 COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND
20 ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL
21 BUDGET AS APPROVED BY THE COMMISSION EACH YEAR FOR WHICH REVENUE IS
22 NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT
23 AMOUNT SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY
24 THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER
25 STATES.

26 (4) THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
27 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL THE
28 COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND
29 WITH THE AUTHORITY OF THE MEMBER STATE.

30 (5) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
31 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE
32 COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
33 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS
34 OF FUNDS HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A
35 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT
36 SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE
37 COMMISSION.

(G) (1) THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND REPRESENTATIVES OF THE COMMISSION SHALL BE 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; PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT AND/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; PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THAT PERSON FROM RETAINING HIS OR HER OWN COUNSEL; AND PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.

(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, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL 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.

1 **(B) A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA**
2 **SYSTEM ON ALL INDIVIDUALS TO WHOM THE COMPACT IS APPLICABLE (UTILIZING A**
3 **UNIQUE IDENTIFIER) AS REQUIRED BY THE RULES OF THE COMMISSION,**
4 **INCLUDING:**

5 **(1) IDENTIFYING INFORMATION;**

6 **(2) LICENSURE DATA;**

7 **(3) ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE;**

8 **(4) NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE**
9 **PROGRAM PARTICIPATION;**

10 **(5) ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE**
11 **REASON(S) FOR SUCH DENIAL;**

12 **(6) OTHER INFORMATION THAT MAY FACILITATE THE**
13 **ADMINISTRATION OF THE COMPACT, AS DETERMINED BY THE RULES OF THE**
14 **COMMISSION; AND**

15 **(7) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.**

16 **(C) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION AND OTHER**
17 **INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER STATE**
18 **WILL ONLY BE AVAILABLE TO OTHER MEMBER STATES.**

19 **(D) THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF**
20 **ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING**
21 **FOR A LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN**
22 **ANY MEMBER STATE WILL BE AVAILABLE TO ANY OTHER MEMBER STATE.**

23 **(E) MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM**
24 **MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC**
25 **WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.**

26 **(F) ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS**
27 **SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE**
28 **CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.**

29 **SECTION 10. RULEMAKING.**

30 **(A) THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS**
31 **PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED**

1 THEREUNDER. RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE
2 SPECIFIED IN EACH RULE OR AMENDMENT.

3 (B) THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER
4 TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THE COMPACT.
5 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE COMMISSION EXERCISES
6 ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE
7 PURPOSES OF THE COMPACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH
8 AN ACTION BY THE COMMISSION SHALL BE INVALID AND HAVE NO FORCE AND
9 EFFECT.

10 (C) IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
11 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME
12 MANNER USED TO ADOPT THE COMPACT WITHIN FOUR YEARS OF THE DATE OF
13 ADOPTION OF THE RULE, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND
14 EFFECT IN ANY MEMBER STATE.

15 (D) RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A
16 REGULAR OR SPECIAL MEETING OF THE COMMISSION.

17 (E) PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR RULES
18 BY THE COMMISSION, AND AT LEAST 30 DAYS IN ADVANCE OF THE MEETING AT
19 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON, THE COMMISSION SHALL
20 FILE A NOTICE OF PROPOSED RULEMAKING:

21 (1) ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
22 ACCESSIBLE PLATFORM; AND

23 (2) ON THE WEBSITE OF EACH MEMBER STATE OCCUPATIONAL
24 THERAPY LICENSING BOARD OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE
25 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH PROPOSED
26 RULES.

27 (F) THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

28 (1) THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
29 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;

30 (2) THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
31 REASON FOR THE PROPOSED RULE;

32 (3) A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
33 INTERESTED PERSON; AND

1 **(4) THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT**
2 **NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC**
3 **HEARING AND ANY WRITTEN COMMENTS.**

4 **(G) PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL**
5 **ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND ARGUMENTS,**
6 **WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.**

7 **(H) THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC**
8 **HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED**
9 **BY:**

10 **(1) AT LEAST 25 PERSONS;**

11 **(2) A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY;**
12 **OR**

13 **(3) AN ASSOCIATION OR ORGANIZATION HAVING AT LEAST 25**
14 **MEMBERS.**

15 **(I) (1) IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT,**
16 **THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE SCHEDULED**
17 **PUBLIC HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS, THE**
18 **COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC**
19 **HEARING.**

20 **(2) ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL**
21 **NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED**
22 **MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING**
23 **NOT LESS THAN FIVE BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE**
24 **HEARING.**

25 **(3) HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH**
26 **PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO**
27 **COMMENT ORALLY OR IN WRITING.**

28 **(4) ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING**
29 **WILL BE MADE AVAILABLE ON REQUEST.**

30 **(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING**
31 **A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE**
32 **CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.**

1 **(J) FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF**
2 **BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE**
3 **COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.**

4 **(K) IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY**
5 **INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH**
6 **PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.**

7 **(L) THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS, TAKE**
8 **FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE**
9 **DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL**
10 **TEXT OF THE RULE.**

11 **(M) UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE**
12 **COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR**
13 **NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT THE USUAL**
14 **RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND IN THIS SECTION**
15 **SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY**
16 **POSSIBLE, IN NO EVENT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE**
17 **RULE. FOR THE PURPOSES OF THIS PROVISION, AN EMERGENCY RULE IS ONE THAT**
18 **MUST BE ADOPTED IMMEDIATELY IN ORDER TO:**

19 **(1) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR**
20 **WELFARE;**

21 **(2) PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;**

22 **(3) MEET A DEADLINE FOR THE PROMULGATION OF AN**
23 **ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR**

24 **(4) PROTECT PUBLIC HEALTH AND SAFETY.**

25 **(N) THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE**
26 **COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR**
27 **AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN**
28 **FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF**
29 **ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE**
30 **REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF 30**
31 **DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS**
32 **THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE**
33 **SHALL BE MADE IN WRITING AND DELIVERED TO THE CHAIR OF THE COMMISSION**
34 **PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE**
35 **REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS**

1 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF
2 THE COMMISSION.

3 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND**
4 **ENFORCEMENT.**

5 (A) (1) THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
6 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THE COMPACT AND
7 TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THE
8 COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THE COMPACT AND THE
9 RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS STATUTORY LAW.

10 (2) ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
11 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER
12 STATE PERTAINING TO THE SUBJECT MATTER OF THE COMPACT WHICH MAY AFFECT
13 THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE COMMISSION.

14 (3) THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE OF
15 PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE IN
16 SUCH A PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF
17 PROCESS TO THE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID AS TO
18 THE COMMISSION, THE COMPACT, OR PROMULGATED RULES.

19 (B) (1) IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS
20 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
21 UNDER THE COMPACT OR THE PROMULGATED RULES, THE COMMISSION SHALL:

22 (i) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE
23 AND OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED
24 MEANS OF CURING THE DEFAULT AND/OR ANY OTHER ACTION TO BE TAKEN BY THE
25 COMMISSION; AND

26 (ii) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL
27 ASSISTANCE REGARDING THE DEFAULT.

28 (2) IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE
29 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN
30 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES, AND ALL RIGHTS,
31 PRIVILEGES AND BENEFITS CONFERRED BY THE COMPACT MAY BE TERMINATED ON
32 THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT
33 RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR LIABILITIES INCURRED
34 DURING THE PERIOD OF DEFAULT.

1 **(3) TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE**
2 **IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN**
3 **EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY**
4 **THE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF**
5 **THE DEFAULTING STATE’S LEGISLATURE, AND EACH OF THE MEMBER STATES.**

6 **(4) A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL**
7 **ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE**
8 **EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND**
9 **BEYOND THE EFFECTIVE DATE OF TERMINATION.**

10 **(5) THE COMMISSION MAY NOT BEAR ANY COSTS RELATED TO A**
11 **STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM**
12 **THE COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE COMMISSION AND**
13 **THE DEFAULTING STATE.**

14 **(6) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE**
15 **COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE DISTRICT OF**
16 **COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS**
17 **PRINCIPAL OFFICES. THE PREVAILING MEMBER SHALL BE AWARDED ALL COSTS OF**
18 **SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY’S FEES.**

19 **(C) (1) UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL**
20 **ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG**
21 **MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER STATES.**

22 **(2) THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR**
23 **BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS**
24 **APPROPRIATE.**

25 **(D) (1) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS**
26 **DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THE COMPACT.**

27 **(2) BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL**
28 **ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**
29 **OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES**
30 **AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE**
31 **PROVISIONS OF THE COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE**
32 **RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE**
33 **EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL**
34 **BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE**
35 **ATTORNEY’S FEES.**

1 (3) THE REMEDIES HEREIN ARE NOT THE EXCLUSIVE REMEDIES OF
2 THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES
3 AVAILABLE UNDER FEDERAL OR STATE LAW.

4 **SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE**
5 **COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND**
6 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT.**

7 (A) THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE
8 COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE
9 PROVISIONS, WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE
10 POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE
11 PROMULGATION OF RULES. THEREAFTER, THE COMMISSION SHALL MEET AND
12 EXERCISE RULEMAKING POWERS NECESSARY TO THE IMPLEMENTATION AND
13 ADMINISTRATION OF THE COMPACT.

14 (B) ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
15 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE RULES
16 AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT
17 STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION
18 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT
19 BECOMES LAW IN THAT STATE.

20 (C) (1) ANY MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY
21 ENACTING A STATUTE REPEALING THE COMPACT.

22 (2) A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT
23 UNTIL SIX MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

24 (3) WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
25 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING BOARD TO COMPLY WITH
26 THE INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS
27 ACT PRIOR TO THE EFFECTIVE DATE OF WITHDRAWAL.

28 (D) NOTHING CONTAINED IN THE COMPACT SHALL BE CONSTRUED TO
29 INVALIDATE OR PREVENT ANY OCCUPATIONAL THERAPY LICENSURE AGREEMENT
30 OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
31 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF THE
32 COMPACT.

33 (E) THE COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
34 AMENDMENT TO THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON ANY
35 MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

SECTION 13. CONSTRUCTION AND SEVERABILITY.

THE COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES THEREOF. THE PROVISIONS OF THE 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 THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THE COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THE COMPACT IS 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) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

(C) ANY LAWS IN A MEMBER STATE 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 PROMULGATED BY THE COMMISSION, ARE BINDING UPON THE MEMBER STATES.

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

(F) IN THE EVENT 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the enacting of substantially similar legislation in nine other states. The Maryland Department of Health shall notify the Department of Legislative Services within 10 days after nine states have enacted legislation that is substantially similar to this Act.

1 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
2 Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.