

File Date: June 13, 2025

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 28:240

"The Occupational Therapy Compact Rules", adopted by the Occupational Therapy Compact Commission at its Meeting on March 20, 2024, relating to:

- (a) Rule on Definitions, adopted March 20, 2024; and
- (b) Rule on Data System Reporting Requirements, adopted March 20, 2024.
- (c) Rule on FBI Criminal Background Checks, adopted April 16, 2025.
- (d) Rule on Member State Implementation, adopted April 16, 2025.
- (e) Rule on OTC Fees: Administrative & State adopted April 16, 2025.
- (f) Rule on National Exam Definition, adopted April 16, 2025.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 28:240

There following four rules are being added to the Occupational Therapy Licensure Compact Rules:

- (c) Rule on FBI Criminal Background Checks, adopted April 16, 2025.
- (d) Rule on Member State Implementation, adopted April 16, 2025.
- (e) Rule on OTC Fees: Administrative & State adopted April 16, 2025.
- (f) Rule on National Exam Definition, adopted April 16, 2025.

**Occupational Therapy Compact (OT Compact)**  
**OT Compact Commission**

**Title of Rule:** Rule on Definitions

**Drafted:** March 28, 2023

**Meeting at which Rule will be discussed and voted on:** January 11, 2024 @ 11:00a.m. CST

**Public comment:** Interested persons may electronically submit written comments on the proposed rule to [amanda@asmii.net](mailto:amanda@asmii.net) with the subject line “OTCC rule comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2 pm ET the day before the meeting.

**Effective:** TBD (30 days from full commission approval)

**History for Rule:** March 28, 2023: Rule Introduced at Rules Committee Meeting.

April 18, 2023: Rule Approved as Amended at Rules Committee Meeting.  
Sent to Executive Committee for consideration.

May 1, 2023: Rule Introduced at Executive Committee Meeting.

May 8, 2023: Rule reviewed and approved by EC for vote by full  
commission

November 8 – December 8, 2023: draft rule posted for public comment

December 19, 2023: OTCC Rules Committee drafted a response to the  
public comments received; Rules Committee voted to approve the  
response and post it publicly; no substantial changes made to this rule.

March 20, 2024: approved by OTCC with majority vote

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**Chapter 1:** Rulemaking on Definitions

**Authority:** Section 2: Definitions, Subsections F and H

Section 8: Establishment of the OT Compact Commission

Section 10: Rulemaking

**1.0 Purpose:** Pursuant to Section 8.C.6 and Section 10, the OT Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the OT Compact. This

rule will become effective upon passage by the OT Compact Commission as provided in Section 10 of the OT Compact.

**1.1 Definition(s):**

**(a) “Home State License”** as distinguished from a single-state license means an active license issued without any encumbrance by the primary state of residence which allows the licensee to be eligible to become authorized to practice in all compact member states.

**(b) “Initial Privilege to Practice”** means the eligibility of an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) to become authorized to practice in all member states upon the issuance of an unencumbered home state license in a state which is a member of the compact.

**(c) “Minor Infraction”** means an infraction not related to the practice of occupational therapy as determined by each state’s regulatory authority which will not prevent a licensee from retaining or renewing a home state license or privilege to practice and which does not result in an encumbered license or is not reportable to the National Practitioners Data Bank.

**(d) “Unencumbered License”** means a license issued to an Occupational Therapist (OT) or Occupational Therapy Assistant (OTA) that is currently in good standing and not restricted by any terms, conditions, limitations, or sanctions attached to it or imposed by a state licensing board or authority. “Encumbered License” is defined in the OT Compact Model Legislation, Section 2.H.

## Occupational Therapy Compact

**Title of Rule:** Rule on Data System Reporting Requirements

**Drafted:** March 2023

**Meeting at which Rule will be discussed and voted on:** January 11, 2024 @ 11:00a.m. CST

**Public comment:** Interested persons may electronically submit written comments on the proposed rule to [amanda@asmii.net](mailto:amanda@asmii.net) with the subject line “OTCC rule comment” or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 2 pm ET the day before the meeting.

**Effective:** TBD (30 days after full commission approval)

**Reason for Rule:** To further define terms pursuant to Section 8.C.6, Section 9 and 10 of the OT Compact.

**History for Rule:** March 28, 2023: Rule Introduced at Rules Committee Meeting.

April 18, 2023: Rule Approved as Amended at Rules Committee Meeting. Sent to Executive Committee for consideration.

May 1, 2023: Rule Introduced at Executive Committee Meeting.

May 8, 2023: Rule reviewed at Executive Committee meeting and EC voted to return to Rules Committee for further consideration and revisions.

May 16, 2023: Rule revised at Rules Committee meeting and approved as further amended to be sent to Executive Committee for reconsideration.

June 12, 2023: Rule, as further amended, reintroduced to Executive Committee and Executive Committee voted to return to Rules Committee for further revisions.

June 27, 2023: Rule revised at Rules Committee meeting and approved as further amended to be returned to Executive Committee for consideration.

October 12, 2023: Rule, as further amended, introduced at Executive Committee, and approved by the OTCC Executive Committee for vote by full Commission.

November 8 – December 8, 2023: draft rule posted for public comment

January 16, 2024: OTCC Rules Committee drafted and approved a response to the public comments received; no substantial changes made to this rule.

March 20, 2024: approved by OTCC with majority vote

**Chapter 2:** Rulemaking on Data System Reporting Requirements

**Authority:** Section 8: Establishment of the Occupational Therapy Interstate Compact Commission

Section 9: Data System

Section 10: Rulemaking

**2.0 Purpose:** Pursuant to Section 8.C.6 and Section 10, the Occupational Therapy Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Occupational Therapy Compact. This rule will become effective upon passage by the Occupational Therapy Compact Commission as provided in Section 10 of the Occupational Therapy Compact.

**2.1 Uniform Data Set and Levels of Access:**

- A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:
  1. Identifying information – including but not limited to:
    - a. first name
    - b. middle name
    - c. last name
    - d. suffix, if applicable
    - e. birth date (mm/dd/yyyy)
    - f. United States' Social Security Number or NBCOT certification number or other unique identifier(s) as approved by the Commission
    - g. Home state address
  2. Licensure data – including but not limited to:
    - a. jurisdiction of licensure
    - b. license type (occupational therapist or occupational therapy assistant)
    - c. license number
    - d. initial issuance date
    - e. most recent renewal date
    - f. expiration date
    - g. license status

3. Adverse action(s) against a license or compact privilege to practice including but not limited to:
  - a. type of adverse action
  - b. status and change in status of adverse action
  - c. effective dates of adverse action
  - d. the existence of current significant investigative information
  - e. summary suspension and final disciplinary actions, as defined by the member state authority
  - f. non-confidential information related to alternative program participation including but not limited to current participation by the occupational therapist or occupational therapy assistant in an alternative program
  - g. any denial of application for licensure, and the reason(s) for denial
  - h. other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to a correction to a licensee's data.
- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The home state shall be responsible for verification of uniform requirements for participation as described in sections 3 and 4 of the Compact.
- F. Current significant investigative information pertaining to a licensee in any member state shall only be available to other member states.
- G. If a member state takes adverse action, it shall notify the administrator of the data system within ten business days of the date action was taken. The administrator of the data system shall notify the home state of any adverse actions by remote states.
- H. 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.
- I. In the event an occupational therapist or occupational therapy assistant asserts that any coordinated licensure information system data is inaccurate, the burden shall be upon the occupational therapist or occupational therapy assistant to provide evidence in a manner determined by the member state that substantiates such claim.
- J. Member states shall submit the data system information required above to the Commission at least one time per week.
- K. 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.

**Occupational Therapy Compact Commission (OTCC)**

**Title of Rule:** Rule on Implementation of Federal Bureau of Investigations Criminal Background Check (FBI CBC) Requirement

**Drafted:** April 16, 2024

**Effective Date:** May 16, 2025

**History for Rule:**

April 16, 2024: Rules Committee drafts and votes to forward to Executive Committee.

April 22, 2024: Executive Committee votes to move draft to public comment x30 days.

May 1 – 30, 2024: Public Comment Period is Closed

June 18, 2024: Public Comments reviewed and addressed by OTCC Rules Committee

July 8, 2024: Executive Committee approved to send to OTCC for full commission vote

April 16, 2025: OTCC Approved during Annual Business Meeting

May 16, 2025: Effective

**Chapter 3:**

Rulemaking on Implementing Criminal Background Checks

**Authority:**

Section 3: State Participation in the Compact

Section 8: Establishment of the Occupational Therapy Compact Commission (OTCC)

Section 10: Rulemaking

**3.0 Purpose:**

Pursuant to Section 3.A.5, and Section 10, a state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background check and utilize the results in making licensure decisions. The Occupational Therapy Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Occupational Therapy Compact. This rule will become effective upon passage by the Occupational Therapy Compact Commission as provided in Section 10 of the Occupational Therapy Interstate Compact.



**3.1 Implementation of Criminal Background Check:**

To avoid default, member states must have completed all required processes, requirements, and applications necessary to request the ability to receive the results of the Federal Bureau of Investigation (FBI) record search on criminal background checks, as required by the Compact. Deference will be given to member states who can demonstrate that they have engaged in good faith efforts to implement the FBI Criminal Background Check including, but not limited to, introduction of related legislation, negotiations with FBI state information bureaus, etc.

Results of the criminal background check shall be reviewed solely by the member state.

Communication between a member board and the Occupational Therapy Compact Commission and communications between member boards regarding verification of Occupational Therapist and/or Occupational Therapy Assistants' eligibility for a license/privilege through the Compact shall not include any information received from the FBI relating to a federal criminal records check performed by a member board under Public Law 92-544.

A member state cannot participate in issuing or recognizing compact privileges until such member state has completed the requirements to fully implement the FBI Criminal Background Check requirement.



1                                   **Occupational Therapy Compact (OT Compact)**

2   **OT Compact Commission**

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4   **Title of Rule:**           Member State Implementation

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6   **Drafted:**               October 15, 2024

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8   **OTCC meeting at which Rule will be discussed and voted on:** April 16, 2025

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10   **Public Comment:**   Public Comments were received January 13 – February 14, 2025

11  
12   **Effective:**           May 16, 2025

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14   **Reason for Rule:**   To further outline Member State requirements in accordance with Section  
15                                   3.

16  
17   **History for Rule:**   *October 15, 2024:* Rule introduced at Rules Committee meeting  
18                                   *November 19, 2024:* Rule approved at Rules Committee Meeting; sent to  
19                                   Executive Committee for consideration  
20                                   *December 9, 2024:* Rule introduced at Executive Committee meeting.  
21                                   *December 9, 2024:* Rule reviewed and approved by the Executive  
22                                   Committee for vote by full OTCC  
23                                   *January 13, 2025 – February 14, 2025:* Draft rule posted for 30-day  
24                                   public comment period  
25                                   *February 18, 2025:* OTCC Rules Committee draft a response to the  
26                                   public comments received  
27                                   *April 16, 2025:* Approved by OTCC

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30   **Chapter 4:**           Member State Implementation

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32   **Authority:**           Section 3: State Participation in the Compact

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34   **4.0 Purpose:**       **Pursuant to Section 8.C.6 and Section 10,** the Occupational Therapy  
35                                   Compact Commission shall promulgate reasonable and lawful uniform  
36                                   rules to facilitate and coordinate implementation and administration of the  
37                                   Occupational Therapy Compact. This rule will become effective upon  
38                                   passage by the Occupational Therapy Compact Commission as provided  
39                                   in Section 10 of the Occupational Therapy Compact.  
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47 **4.1 Implementation by new Member States**

48 A member state cannot participate in issuing or recognizing compact  
49 Privileges to Practice until such Member State has completed all the  
50 following requirements:

51  
52 (A) Fully implement the FBI Criminal Background Check requirement  
53 established in *Implementation of Criminal Background Check Rule*.

54  
55 (B) Require continuing competence/education for renewal for  
56 occupational therapists and occupational therapy assistants.

57  
58 (C) Utilize only a recognized national examination as a requirement for  
59 licensure pursuant to Section 3.A.7 and the *National Exam Definition*  
60 *Rule*.

61  
62 (D) Fully implement the requirements of *Data System Reporting*  
63 *Requirements Rule*.

1                                   **Occupational Therapy Compact (OT Compact)**

2   **OT Compact Commission**

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4   **Title of Rule:**           Rule on OTC Fees (Administrative and State)

5   **Drafted:**                October 15, 2024

6   **Meeting at which the Rule will be discussed and voted on:** April 16, 2025

7   **Public Comment:**    Public Comments were received January 13 - February 14, 2025

8   **Effective:**            May 16, 2025

9  
10   **History:**            *October 15, 2024:* Rule introduced at Rules Committee meeting  
11                               *November 19, 2024:* Rule approved at Rules Committee Meeting; sent to  
12                               Executive Committee for consideration  
13                               *December 9, 2024:* Rule introduced at Executive Committee meeting.  
14                               *December 9, 2024:* Rule reviewed and approved by the Executive  
15                               Committee for vote by full OTCC  
16                               *January 13, 2025 – February 14, 2025:* Draft rule posted for 30-day  
17                               public comment period  
18                               *February 18, 2025:* OTCC Rules Committee draft a response to the  
19                               public comments received  
20                               *April 16, 2025:* approved by OTCC

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24   **Chapter 7:**            Rulemaking on Fees

25   **Authority:**            Section 3: State Participation in the Compact

26   **7.0 Purpose:**        **Pursuant to Section 3.C, 4.A.7, and 8.E.2.F.3,** Member States and the  
27                               Commission may charge a fee for granting the Privilege to Practice.  
28                               Section 4.A.7 requires the licensee to pay any applicable fees, including  
29                               any State fee, for the Privilege to Practice.

30                               The Commission shall promulgate reasonable and lawful uniform  
31                               rules to facilitate and coordinate the implementation and  
32                               administration of the OT Compact. This rule will become effective  
33                               upon passage by the Commission as provided in Section 8 of the OT  
34                               Compact.

35   **7.1 Definitions:**     “Commission Administrative Fee” means a fee paid as part of a  
36                               Privilege to Practice request and paid to the Commission.  
37

“State Fee” means a non-refundable fee established by each individual Member State. The fee is collected by the Commission and forwarded to the Member State.

## **7.2 Commission Administrative Fees:**

A non-refundable Commission Administrative Fee of \$75.00 (seventy-five dollars) shall be paid by the licensee to the Commission for each state in which a Privilege to Practice is requested in addition to each individual State’s Fee, if applicable.

The Commission Administrative Fee is subject to change through the Rule Making authority of the Commission.

## **7.3 State Fees:**

Member States may establish their State Fee in accordance with the Member State’s required processes to be paid by the licensee to the Commission.

The Commission shall remit to the Member State 100 percent (one hundred percent) of the State Fee on a basis as established in this Rule.

State Fees may be changed by the Member State with 30 (thirty) days’ notice of intent to the Commission to change the fee in accordance with the Member State’s required processes. The notice shall be posted to the Member State’s website and the Commission website.

## **7.4 Delegation of collection and disbursement of fees**

On its behalf and on behalf of the Member State, the Commission shall provide and administer a process to collect Commission Administrative Fees and State Fees from licensees. The Commission shall remit the collected fees to the Member States in accordance with the provisions of this rule.

The Commission shall provide an itemization sufficient to permit the Member State to reconcile the fees.

The Commission shall effectuate fund disbursement of collected Member State Fees starting on the 15<sup>th</sup> of the month after which the fee was collected.

## **7.5 Insufficient funds; Failed payments; Disputed charges**

A non-refundable service fee of \$100.00 shall be imposed on an individual who submits a payment to the Commission for administrative or state fees without sufficient funds in the payer's account. One hundred percent (100%) of the fee shall be deposited in the Commission's general fund to

75 cover costs incurred in attempting to process failed payment  
76 transaction(s).

1                                   **Occupational Therapy Compact (OT Compact)**

2   **OT Compact Commission**

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4   **Title of Rule:**           Occupational Therapy National Exam

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6   **Drafted:**               November 19, 2024

7  
8   **OTCC meeting at which Rule will be discussed and voted on:** April 16, 2025

9  
10   **Public Comment:**   Public Comments received January 13 – February 14, 2025

11  
12   **Effective:**           May 16, 2025

13  
14   **History for Rule:**   *November 19, 2024:* Rule introduced at Rules Committee meeting  
15                                   *November 19, 2024:* Rule approved at Rules Committee Meeting; sent to  
16                                   Executive Committee for consideration  
17                                   *December 9, 2024:* Rule introduced at Executive Committee meeting.  
18                                   *December 9, 2024:* Rule reviewed and approved by the Executive  
19                                   Committee for vote by full OTCC  
20                                   *January 13, 2025 – February 14, 2025:* Draft rule posted for 30-day  
21                                   public comment period  
22                                   *February 18, 2025:* OTCC Rules Committee drafted a response to the  
23                                   public comments received; Rules Committee voted to approve the  
24                                   response and post it publicly; no substantial changes made to this rule.  
25                                   *April 16, 2025:* approved by OTCC

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28   **Chapter 4:**           Occupational Therapy National Exam

29  
30   **Authority:**           Section 3: State Participation in Compact

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32   **4.0 Purpose:**       **Pursuant to Section 8.C.6 and Section 10,** the Occupational Therapy  
33                                   Compact Commission shall promulgate reasonable and lawful uniform  
34                                   rules to facilitate and coordinate implementation and administration of the  
35                                   Occupational Therapy Compact. This rule will become effective upon  
36                                   passage by the Occupational Therapy Compact Commission as provided  
37                                   in Section 10 of the Occupational Therapy Compact.

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39   **4.1 Occupational Therapy National Exam**

40                                   “Recognized national exam” as referenced in Section 3.A.7 of the OT  
41                                   Compact means the National Board for Certification in Occupational  
42                                   Therapy (NBCOT) exam, its predecessor, its successor, or other  
43                                   recognized national exam as determined by rule of the commission.