

Representative Joel Ferry proposes the following substitute bill:

OCCUPATIONAL THERAPY LICENSURE COMPACT

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel Ferry

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill enacts the Occupational Therapy Licensure Compact.

Highlighted Provisions:

This bill:

- ▶ enacts the Occupational Therapy Licensure Compact; and
- ▶ authorizes the Division of Occupational and Professional Licensing to make rules to implement the Occupational Therapy Licensure Compact.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-1-301.5, as last amended by Laws of Utah 2020, Chapter 339

58-42a-302, as last amended by Laws of Utah 2020, Chapter 339

ENACTS:

58-42a-302.1, Utah Code Annotated 1953

58-42b-101, Utah Code Annotated 1953



26 [58-42b-102](#), Utah Code Annotated 1953
 27 [58-42b-103](#), Utah Code Annotated 1953
 28 [58-42b-104](#), Utah Code Annotated 1953
 29 [58-42b-105](#), Utah Code Annotated 1953
 30 [58-42b-106](#), Utah Code Annotated 1953
 31 [58-42b-107](#), Utah Code Annotated 1953
 32 [58-42b-108](#), Utah Code Annotated 1953
 33 [58-42b-109](#), Utah Code Annotated 1953
 34 [58-42b-110](#), Utah Code Annotated 1953
 35 [58-42b-111](#), Utah Code Annotated 1953
 36 [58-42b-112](#), Utah Code Annotated 1953
 37 [58-42b-113](#), Utah Code Annotated 1953
 38 [58-42b-114](#), Utah Code Annotated 1953
 39 [58-42b-201](#), Utah Code Annotated 1953

40

41 *Be it enacted by the Legislature of the state of Utah:*

42 Section 1. Section **58-1-301.5** is amended to read:

43 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

44 (1) The division shall have direct access to local files maintained by the Bureau of
 45 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,
 46 for background screening of persons who are applying for licensure, licensure renewal,
 47 licensure reinstatement, or relicensure, as required in:

48 (a) Section [58-17b-307](#) of [~~Title 58;~~] Chapter 17b, Pharmacy Practice Act;

49 (b) Sections [58-24b-302](#) and [58-24b-302.1](#) of [~~Title 58;~~] Chapter 24b, Physical
 50 Therapy Practice Act;

51 (c) Section [58-31b-302](#) of [~~Title 58;~~] Chapter 31b, Nurse Practice Act;

52 (d) Section [58-47b-302](#) of [~~Title 58;~~] Chapter 47b, Massage Therapy Practice Act;

53 (e) Section [58-55-302](#) of [~~Title 58;~~] Chapter 55, Utah Construction Trades Licensing
 54 Act, as it applies to alarm companies and alarm company agents;

55 (f) Section [58-42a-302](#) and [58-42a-302.1](#) of Chapter ~~H~~→ **42b, Occupational Therapy**
 56 **Licensure Compact** **42a, Occupational Therapy Practice Act** ←~~H~~ ;

57 ~~[(f)]~~ (g) Sections 58-61-304 and 58-61-304.1 of ~~[Title 58,]~~ Chapter 61, Psychologist
58 Licensing Act;

59 ~~[(g)]~~ (h) Section 58-63-302 of ~~[Title 58,]~~ Chapter 63, Security Personnel Licensing
60 Act;

61 ~~[(h)]~~ (i) Section 58-64-302 of ~~[Title 58,]~~ Chapter 64, Deception Detection Examiners
62 Licensing Act;

63 ~~[(i)]~~ (j) Sections 58-67-302 and 58-67-302.1 of ~~[Title 58,]~~ Chapter 67, Utah Medical
64 Practice Act; and

65 ~~[(j)]~~ (k) Sections 58-68-302 and 58-68-302.1 of ~~[Title 58,]~~ Chapter 68, Utah
66 Osteopathic Medical Practice Act.

67 (2) The division's access to criminal background information under this section:

68 (a) shall meet the requirements of Section 53-10-108; and

69 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
70 held in abeyance, dismissed charges, and charges without a known disposition.

71 (3) The division may not disseminate outside of the division any criminal history
72 record information that the division obtains from the Bureau of Criminal Identification or the
73 Federal Bureau of Investigation under the criminal background check requirements of this
74 section.

75 Section 2. Section 58-42a-302 is amended to read:

76 **58-42a-302. Qualifications for licensure.**

77 (1) An applicant for licensure as an occupational therapist shall:

78 (a) submit an application in a form as prescribed by the division;

79 (b) pay a fee as determined by the department under Section 63J-1-504;

80 (c) graduate with a bachelor's or graduate degree for the practice of occupational
81 therapy from an education program accredited by the American Occupational Therapy
82 Association's Accreditation Council for Occupational Therapy Education, a predecessor
83 organization, or an equivalent organization as determined by division rule;

84 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks
85 of supervised fieldwork experience; ~~[and]~~

86 (e) pass an examination approved by the division in consultation with the board and
87 administered by the National Board for Certification in Occupational Therapy, or by another

88 nationally recognized credentialing body as approved by division rule, to demonstrate
89 knowledge of the practice, skills, theory, and professional ethics related to occupational
90 therapy[-]; and

91 (f) if the applicant is applying to participate in the Occupational Therapy Licensure
92 Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal
93 background check in accordance with Section 58-42b-302.1 and any requirements established
94 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

95 (2) All applicants for licensure as an occupational therapy assistant shall:

96 (a) submit an application in a form as prescribed by the division;

97 (b) pay a fee as determined by the department under Section 63J-1-504;

98 (c) graduate from an educational program for the practice of occupational therapy as an
99 occupational therapy assistant that is accredited by the American Occupational Therapy
100 Association's Accreditation Council for Occupational Therapy Education, a predecessor
101 organization, or an equivalent organization as determined by division rule;

102 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks
103 of supervised fieldwork experience; [~~and~~]

104 (e) pass an examination approved by the division in consultation with the board and
105 administered by the National Board for Certification in Occupational Therapy, or by another
106 nationally recognized credentialing body as approved by division rule, to demonstrate
107 knowledge of the practice, skills, theory, and professional ethics related to occupational
108 therapy[-]; and

109 (f) if the applicant is applying to participate in the Occupational Therapy Licensure
110 Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal
111 background check in accordance with Section 58-42a-302.1 and any requirements established
112 by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

113 (3) Notwithstanding the other requirements of this section, the division may issue a
114 license as an occupational therapist or as an occupational therapy assistant to an applicant who:

115 (a) consents to a criminal background check in accordance with Section 58-42a-302
116 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
117 Administrative Rulemaking Act; and

118 [~~(a)~~] (b) (i) meets the requirements of receiving a license by endorsement under Section

119 [58-1-302](#); or

120 ~~[(b)]~~ (ii) has been licensed in a state, district, or territory of the United States, or in a
121 foreign country, where the education, experience, or examination requirements are not
122 substantially equal to the requirements of this state, if the applicant passes the applicable
123 examination described in Subsection (1)(e) or (2)(e).

124 Section 3. Section **58-42a-302.1** is enacted to read:

125 **58-42a-302.1. Criminal background check.**

126 (1) An applicant for licensure under this chapter who requires a criminal background
127 check shall:

128 (a) submit fingerprint cards in a form acceptable to the division at the time the license
129 application is filed; and

130 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
131 Identification and the Federal Bureau of Investigation regarding the application.

132 (2) The division shall:

133 (a) in addition to other fees authorized by this chapter, collect from each applicant
134 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
135 Identification is authorized to collect for the services provided under Section [53-10-108](#) and the
136 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
137 obtaining federal criminal history record information;

138 (b) submit from each applicant the fingerprint card and the fees described in
139 Subsection (2)(a) to the Bureau of Criminal Identification; and

140 (c) obtain and retain in division records a signed waiver approved by the Bureau of
141 Criminal Identification in accordance with Section [53-10-108](#) for each applicant.

142 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
143 Section [53-10-108](#):

144 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
145 and regional criminal records databases;

146 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
147 criminal history background check; and

148 (c) provide the results from the state, regional, and nationwide criminal history
149 background checks to the division.

150 (4) For purposes of conducting a criminal background check required under this
151 section, the division shall have direct access to criminal background information maintained
152 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

153 (5) The division may not disseminate outside of the division any criminal history
154 record information that the division obtains from the Bureau of Criminal Identification or the
155 Federal Bureau of Investigation under the criminal background check requirements of this
156 section.

157 (6) (a) A new occupational therapist assistant license issued under Subsection
158 58-42a-302(2) is conditional pending completion of the criminal background check.

159 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
160 criminal background check required in Subsection 58-42a-302(2) demonstrates the applicant
161 has failed to accurately disclose a criminal history, the license is immediately and automatically
162 revoked upon notice to the licensee by the division.

163 (c) A person whose conditional license has been revoked under Subsection (6)(b) is
164 entitled to a postrevocation hearing to challenge the revocation.

165 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,
166 Chapter 4, Administrative Procedures Act.

167 (7) The division may not issue a letter of qualification to participate in the
168 Occupational Therapy Licensure Compact until the criminal background check described in
169 this section is completed.

170 Section 4. Section **58-42b-101** is enacted to read:

171 **CHAPTER 42b. OCCUPATIONAL THERAPY LICENSURE COMPACT**

172 **Part 1. Compact Text**

173 **58-42b-101. Section 1 -- Purpose.**

174 The purpose of this Compact is to facilitate interstate practice of Occupational Therapy
175 with the goal of improving public access to Occupational Therapy services. The Practice of
176 Occupational Therapy occurs in the State where the patient/client is located at the time of the
177 patient/client encounter. The Compact preserves the regulatory authority of States to protect
178 public health and safety through the current system of State licensure.

179 This Compact is designed to achieve the following objectives:

180 (A) Increase public access to Occupational Therapy services by providing for the

181 mutual recognition of other Member State licenses;

182 (B) Enhance the States' ability to protect the public's health and safety;

183 (C) Encourage the cooperation of Member States in regulating multi-State

184 Occupational Therapy Practice;

185 (D) Support spouses of relocating military members;

186 (E) Enhance the exchange of licensure, investigative, and disciplinary information

187 between Member States;

188 (F) Allow a Remote State to hold a provider of services with a Compact Privilege in

189 that State accountable to that State's practice standards; and

190 (G) Facilitate the use of Telehealth technology in order to increase access to

191 Occupational Therapy services.

192 Section 5. Section **58-42b-102** is enacted to read:

193 **58-42b-102. Section 2 -- Definitions.**

194 As used in this Compact, and except as otherwise provided, the following definitions

195 shall apply:

196 (A) "Active Duty Military" means full-time duty status in the active uniformed service

197 of the United States, including members of the National Guard and Reserve on active duty

198 orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.

199 (B) "Adverse Action" means any administrative, civil, equitable, or criminal action

200 permitted by a State's laws which is imposed by a Licensing Board or other authority against an

201 Occupational Therapist or Occupational Therapy Assistant, including actions against an

202 individual's license or Compact Privilege such as censure, revocation, suspension, probation,

203 monitoring of the Licensee, or restriction on the Licensee's practice.

204 (C) "Alternative Program" means a non-disciplinary monitoring process approved by

205 an Occupational Therapy Licensing Board.

206 (D) "Compact Privilege" means the authorization, which is equivalent to a license,

207 granted by a Remote State to allow a Licensee from another Member State to practice as an

208 Occupational Therapist or practice as an Occupational Therapy Assistant in the Remote State

209 under its laws and rules. The Practice of Occupational Therapy occurs in the Member State

210 where the patient/client is located at the time of the patient/client encounter.

211 (E) "Continuing Competence/Education" means a requirement, as a condition of

212 license renewal, to provide evidence of participation in, and/or completion of, educational and
213 professional activities relevant to practice or area of work.

214 (F) "Current Significant Investigative Information" means Investigative Information
215 that a Licensing Board, after an inquiry or investigation that includes notification and an
216 opportunity for the Occupational Therapist or Occupational Therapy Assistant to respond, if
217 required by State law, has reason to believe is not groundless and, if proved true, would
218 indicate more than a minor infraction.

219 (G) "Data System" means a repository of information about Licensees, including but
220 not limited to license status, Investigative Information, Compact Privileges, and Adverse
221 Actions.

222 (H) "Encumbered License" means a license in which an Adverse Action restricts the
223 Practice of Occupational Therapy by the Licensee or said Adverse Action has been reported to
224 the National Practitioners Data Bank (NPDB).

225 (I) "Executive Committee" means a group of directors elected or appointed to act on
226 behalf of, and within the powers granted to them by, the Commission.

227 (J) "Home State" means the Member State that is the Licensee's Primary State of
228 Residence.

229 (K) "Impaired Practitioner" means an individual whose professional practice is
230 adversely affected by substance abuse, addiction, or other health-related conditions.

231 (L) "Investigative Information" means information, records, and/or documents received
232 or generated by an Occupational Therapy Licensing Board pursuant to an investigation.

233 (M) "Jurisprudence Requirement" means the assessment of an individual's knowledge
234 of the laws and rules governing the Practice of Occupational Therapy in a State.

235 (N) "Licensee" means an individual who currently holds an authorization from the
236 State to practice as an Occupational Therapist or as an Occupational Therapy Assistant.

237 (O) "Member State" means a State that has enacted the Compact.

238 (P) "Occupational Therapist" means an individual who is licensed by a State to practice
239 Occupational Therapy.

240 (Q) "Occupational Therapy Assistant" means an individual who is licensed by a State
241 to assist in the Practice of Occupational Therapy.

242 (R) "Occupational Therapy," "Occupational Therapy Practice," and the "Practice of

243 Occupational Therapy" mean the care and services provided by an Occupational Therapist or
244 an Occupational Therapy Assistant as set forth in the Member State's statutes and regulations.

245 (S) "Occupational Therapy Compact Commission" or "Commission" means the
246 national administrative body whose membership consists of all States that have enacted the
247 Compact.

248 (T) "Occupational Therapy Licensing Board" or "Licensing Board" means the agency
249 of a State that is authorized to license and regulate Occupational Therapists and Occupational
250 Therapy Assistants.

251 (U) "Primary State of Residence" means the state (also known as the Home State) in
252 which an Occupational Therapist or Occupational Therapy Assistant who is not Active Duty
253 Military declares a primary residence for legal purposes as verified by: driver's license, federal
254 income tax return, lease, deed, mortgage or voter registration or other verifying documentation
255 as further defined by Commission Rules.

256 (V) "Remote State" means a Member State other than the Home State, where a
257 Licensee is exercising or seeking to exercise the Compact Privilege.

258 (W) "Rule" means a regulation promulgated by the Commission that has the force of
259 law.

260 (X) "State" means any state, commonwealth, district, or territory of the United States of
261 America that regulates the Practice of Occupational Therapy.

262 (Y) "Single-State License" means an Occupational Therapist or Occupational Therapy
263 Assistant license issued by a Member State that authorizes practice only within the issuing
264 State and does not include a Compact Privilege in any other Member State.

265 (Z) "Telehealth" means the application of telecommunication technology to deliver
266 Occupational Therapy services for assessment, intervention and/or consultation.

267 Section 6. Section **58-42b-103** is enacted to read:

268 **58-42b-103. Section 3 -- State participation in the compact.**

269 (A) To participate in the Compact, a Member State shall:

270 (1) License Occupational Therapists and Occupational Therapy Assistants;

271 (2) Participate fully in the Commission's Data System, including but not limited to
272 using the Commission's unique identifier as defined in Rules of the Commission;

273 (3) Have a mechanism in place for receiving and investigating complaints about

274 Licenses;

275 (4) Notify the Commission, in compliance with the terms of the Compact and Rules, of
276 any Adverse Action or the availability of Investigative Information regarding a Licensee;

277 (5) Implement or utilize procedures for considering the criminal history records of
278 applicants for an initial Compact Privilege. These procedures shall include the submission of
279 fingerprints by applicants for the purpose of obtaining an applicant's criminal history record
280 information from the Federal Bureau of Investigation and the agency responsible for retaining
281 that State's criminal records

282 (a) A Member State shall, within a time frame established by the Commission, require
283 a criminal background check for a Licensee seeking/applying for a Compact Privilege whose
284 Primary State of Residence is that Member State, by receiving the results of the Federal Bureau
285 of Investigation criminal record search, and shall use the results in making licensure decisions;

286 (b) Communication between a Member State, the Commission and among Member
287 States regarding the verification of eligibility for licensure through the Compact shall not
288 include any information received from the Federal Bureau of Investigation relating to a federal
289 criminal records check performed by a Member State under Public Law 92-544;

290 (6) Comply with the Rules of the Commission;

291 (7) Utilize only a recognized national examination as a requirement for licensure
292 pursuant to the Rules of the Commission; and

293 (8) Have Continuing Competence/Education requirements as a condition for license
294 renewal.

295 (B) A Member State shall grant the Compact Privilege to a Licensee holding a valid
296 unencumbered license in another Member State in accordance with the terms of the Compact
297 and Rules.

298 (C) Member States may charge a fee for granting a Compact Privilege.

299 (D) A Member State ~~shall~~ may provide for the State's delegate to attend all

299a Occupational

300 Therapy Compact Commission meetings.

301 (E) Individuals not residing in a Member State shall continue to be able to apply for a
302 Member State's Single-State License as provided under the laws of each Member State.
303 However, the Single-State License granted to these individuals shall not be recognized as
304 granting the Compact Privilege in any other Member State.

305 (F) Nothing in this Compact shall affect the requirements established by a Member
306 State for the issuance of a Single-State License.

307 Section 7. Section **58-42b-104** is enacted to read:

308 **58-42b-104. Section 4 -- Compact privilege.**

309 (A) To exercise the Compact Privilege under the terms and provisions of the Compact,
310 the Licensee shall:

311 (1) Hold a license in the Home State;

312 (2) Have a valid United States Social Security Number or National Provider Identifier
313 number;

314 (3) Have no encumbrance on any State license;

315 (4) Be eligible for a Compact Privilege in any Member State in accordance with
316 Subsections (D), (F), (G), and (H);

317 (5) Have paid all fines and completed all requirements resulting from any Adverse
318 Action against any license or Compact Privilege, and two years have elapsed from the date of
319 such completion;

320 (6) Notify the Commission that the Licensee is seeking the Compact Privilege within a
321 Remote State(s);

322 (7) Pay any applicable fees, including any State fee, for the Compact Privilege;

323 (8) Complete a criminal background check in accordance with Subsection
324 58-42b-103(A)(5). The Licensee shall be responsible for the payment of any fee associated
325 with the completion of a criminal background check;

326 (9) Meet any Jurisprudence Requirements established by the Remote State(s) in which
327 the Licensee is seeking a Compact Privilege; and

328 (10) Report to the Commission Adverse Action taken by any non-Member State within
329 30 days from the date the Adverse Action is taken.

330 (B) The Compact Privilege is valid until the expiration date of the Home State license.
331 The Licensee must comply with the requirements of Subsection 58-42b-104(A) to maintain the
332 Compact Privilege in the Remote State.

333 (C) A Licensee providing Occupational Therapy in a Remote State under the Compact
334 Privilege shall function within the laws and regulations of the Remote State.

335 (D) Occupational Therapy Assistants practicing in a Remote State shall be supervised

336 by an Occupational Therapist licensed or holding a Compact Privilege in that Remote State.

337 (E) A Licensee providing Occupational Therapy in a Remote State is subject to that
338 State's regulatory authority. A Remote State may, in accordance with due process and that
339 State's laws, remove a Licensee's Compact Privilege in the Remote State for a specific period
340 of time, impose fines, and/or take any other necessary actions to protect the health and safety of
341 its citizens. The Licensee may be ineligible for a Compact Privilege in any State until the
342 specific time for removal has passed and all fines are paid.

343 (F) If a Home State license is encumbered, the Licensee shall lose the Compact
344 Privilege in any Remote State until the following occur:

345 (1) The Home State license is no longer encumbered; and

346 (2) Two years have elapsed from the date on which the Home State license is no longer
347 encumbered in accordance with Subsection 58-42b-104(F)(1).

348 (G) Once an Encumbered License in the Home State is restored to good standing, the
349 Licensee must meet the requirements of Subsection (A) to obtain a Compact Privilege in any
350 Remote State.

351 (H) If a Licensee's Compact Privilege in any Remote State is removed, the individual
352 may lose the Compact Privilege in any other Remote State until the following occur:

353 (1) The specific period of time for which the Compact Privilege was removed has
354 ended;

355 (2) All fines have been paid and all conditions have been met;

356 (3) Two years have elapsed from the date of completing requirements for Subsections
357 (H)(1) and (2); and

358 (4) The Compact Privileges are reinstated by the Commission, and the compact Data
359 System is updated to reflect reinstatement.

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

362 (J) Once the requirements of Subsection (H) have been met, the licensee must meet the
363 requirements in Subsection (A) to obtain a Compact Privilege in a Remote State.

364 Section 8. Section **58-42b-105** is enacted to read:

365 **58-42b-105. Section 5 -- Obtaining a new home state license by virtue of a**
366 **compact privilege.**

367 (A) An Occupational Therapist or Occupational Therapy Assistant may hold a Home
368 State license, which allows for Compact Privileges in Member States, in only one Member
369 State at a time.

370 (B) If an Occupational Therapist or Occupational Therapy Assistant changes Primary
371 State of Residence by moving between two Member States:

372 (1) The Occupational Therapist or Occupational Therapy Assistant shall file an
373 application for obtaining a new Home State license by virtue of a Compact Privilege, pay all
374 applicable fees, and notify the current and new Home State in accordance with applicable
375 Rules adopted by the Commission.

376 (2) Upon receipt of an application for obtaining a new Home State license by virtue of
377 Compact Privilege, the new Home State shall verify that the Occupational Therapist or
378 Occupational Therapy Assistant meets the pertinent criteria outlined in Section [58-42b-104](#) via
379 the Data System, without need for primary source verification except for:

380 (a) an FBI fingerprint based criminal background check if not previously performed or
381 updated pursuant to applicable Rules adopted by the Commission in accordance with Public
382 Law 92-544;

383 (b) other criminal background check as required by the new Home State; and

384 (c) submission of any requisite Jurisprudence Requirements of the new Home State.

385 (3) The former Home State shall convert the former Home State license into a
386 Compact Privilege once the new Home State has activated the new Home State license in
387 accordance with applicable Rules adopted by the Commission.

388 (4) Notwithstanding any other provision of this Compact, if the Occupational Therapist
389 or Occupational Therapy Assistant cannot meet the criteria in Section [58-42b-104](#), the new
390 Home State shall apply its requirements for issuing a new Single-State License.

391 (5) The Occupational Therapist or the Occupational Therapy Assistant shall pay all
392 applicable fees to the new Home State in order to be issued a new Home State license.

393 (C) If an Occupational Therapist or Occupational Therapy Assistant changes Primary
394 State of Residence by moving from a Member State to a non-Member State, or from a
395 non-Member State to a Member State, the State criteria shall apply for issuance of a
396 Single-State License in the new State.

397 (D) Nothing in this compact shall interfere with a Licensee's ability to hold a

398 Single-State License in multiple States; however, for the purposes of this compact, a Licensee
399 shall have only one Home State license.

400 (E) Nothing in this Compact shall affect the requirements established by a Member
401 State for the issuance of a Single-State License.

402 Section 9. Section **58-42b-106** is enacted to read:

403 **58-42b-106. Section 6 -- Active duty military personnel or their spouses.**

404 (A) Active Duty Military personnel, or their spouses, shall designate a Home State
405 where the individual has a current license in good standing. The individual may retain the
406 Home State designation during the period the service member is on active duty. Subsequent to
407 designating a Home State, the individual shall only change their Home State through
408 application for licensure in the new State or through the process described in Section
409 58-42b-105.

410 Section 10. Section **58-42b-107** is enacted to read:

411 **58-42b-107. Section 7 -- Adverse actions.**

412 (A) A Home State shall have exclusive power to impose Adverse Action against an
413 Occupational Therapist's or Occupational Therapy Assistant's license issued by the Home State.

414 (B) In addition to the other powers conferred by State law, a Remote State shall have
415 the authority, in accordance with existing State due process law, to:

416 (1) Take Adverse Action against an Occupational Therapist's or Occupational Therapy
417 Assistant's Compact Privilege within that Member State.

418 (2) Issue subpoenas for both hearings and investigations that require the attendance and
419 testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing
420 Board in a Member State for the attendance and testimony of witnesses or the production of
421 evidence from another Member State shall be enforced in the latter State by any court of
422 competent jurisdiction, according to the practice and procedure of that court applicable to
423 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness
424 fees, travel expenses, mileage, and other fees required by the service statutes of the State in
425 which the witnesses or evidence are located.

426 (C) For purposes of taking Adverse Action, the Home State shall give the same priority
427 and effect to reported conduct received from a Member State as it would if the conduct had
428 occurred within the Home State. In so doing, the Home State shall apply its own State laws to

429 determine appropriate action.

430 (D) The Home State shall complete any pending investigations of an Occupational
431 Therapist or Occupational Therapy Assistant who changes Primary State of Residence during
432 the course of the investigations. The Home State, where the investigations were initiated, shall
433 also have the authority to take appropriate action(s) and shall promptly report the conclusions
434 of the investigations to the Occupational Therapy Compact Commission Data System. The
435 Occupational Therapy Compact Commission Data System administrator shall promptly notify
436 the new Home State of any Adverse Actions.

437 (E) A Member State, if otherwise permitted by State law, may recover from the
438 affected Occupational Therapist or Occupational Therapy Assistant the costs of investigations
439 and disposition of cases resulting from any Adverse Action taken against that Occupational
440 Therapist or Occupational Therapy Assistant.

441 (F) A Member State may take Adverse Action based on the factual findings of the
442 Remote State, provided that the Member State follows its own procedures for taking the
443 Adverse Action.

444 (G) Joint Investigations

445 (1) In addition to the authority granted to a Member State by its respective State
446 Occupational Therapy laws and regulations or other applicable State law, any Member State
447 may participate with other Member States in joint investigations of Licensees.

448 (2) Member States shall share any investigative, litigation, or compliance materials in
449 furtherance of any joint or individual investigation initiated under the Compact.

450 (H) If an Adverse Action is taken by the Home State against an Occupational
451 Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's or
452 Occupational Therapy Assistant's Compact Privilege in all other Member States shall be
453 deactivated until all encumbrances have been removed from the State license. All Home State
454 disciplinary orders that impose Adverse Action against an Occupational Therapist's or
455 Occupational Therapy Assistant's license shall include a Statement that the Occupational
456 Therapist's or Occupational Therapy Assistant's Compact Privilege is deactivated in all
457 Member States during the pendency of the order.

458 (I) If a Member State takes Adverse Action, it shall promptly notify the administrator
459 of the Data System. The administrator of the Data System shall promptly notify the Home State

460 of any Adverse Actions by Remote States.

461 (J) Nothing in this Compact shall override a Member State's decision that participation
462 in an Alternative Program may be used in lieu of Adverse Action.

463 Section 11. Section **58-42b-108** is enacted to read:

464 **58-42b-108. Section 8 -- Establishment of the Occupational Therapy Compact**
465 **Commission.**

466 (A) The Compact Member States hereby create and establish a joint public agency
467 known as the Occupational Therapy Compact Commission.

468 (1) The Commission is an instrumentality of the Compact States.

469 (2) Venue is proper and judicial proceedings by or against the Commission shall be
470 brought solely and exclusively in a court of competent jurisdiction where the principal office of
471 the Commission is located. The Commission may waive venue and jurisdictional defenses to
472 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

473 (3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

474 (B) Membership, Voting, and Meetings

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

477 (2) The delegate shall be either:

478 (a) A current member of the Licensing Board, who is an Occupational Therapist,
479 Occupational Therapy Assistant, or public member; or

480 (b) An administrator of the Licensing Board.

481 (3) Any delegate may be removed or suspended from office as provided by the law of
482 the State from which the delegate is appointed.

483 (4) The Member State board shall fill any vacancy occurring in the Commission within
484 90 days.

485 (5) Each delegate shall be entitled to one vote with regard to the promulgation of Rules
486 and creation of bylaws and shall otherwise have an opportunity to participate in the business
487 and affairs of the Commission. A delegate shall vote in person or by such other means as
488 provided in the bylaws. The bylaws may provide for delegates' participation in meetings by
489 telephone or other means of communication.

490 (6) The Commission shall meet at least once during each calendar year. Additional

- 491 meetings shall be held as set forth in the bylaws.
- 492 (7) The Commission shall establish by Rule a term of office for delegates.
- 493 (C) The Commission shall have the following powers and duties:
- 494 (1) Establish a Code of Ethics for the Commission;
- 495 (2) Establish the fiscal year of the Commission;
- 496 (3) Establish bylaws;
- 497 (4) Maintain its financial records in accordance with the bylaws;
- 498 (5) Meet and take such actions as are consistent with the provisions of this Compact
499 and the bylaws;
- 500 (6) Promulgate uniform Rules to facilitate and coordinate implementation and
501 administration of this Compact. The Rules shall have the force and effect of law and shall be
502 binding in all Member States;
- 503 (7) Bring and prosecute legal proceedings or actions in the name of the Commission,
504 provided that the standing of any State Occupational Therapy Licensing Board to sue or be
505 sued under applicable law shall not be affected;
- 506 (8) Purchase and maintain insurance and bonds;
- 507 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,
508 employees of a Member State;
- 509 (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant
510 such individuals appropriate authority to carry out the purposes of the Compact, and establish
511 the Commission's personnel policies and programs relating to conflicts of interest,
512 qualifications of personnel, and other related personnel matters;
- 513 (11) Accept any and all appropriate donations and grants of money, equipment,
514 supplies, materials and services, and receive, utilize and dispose of the same, provided that at
515 all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;
- 516 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
517 improve or use, any property, real, personal or mixed, provided that at all times the
518 Commission shall avoid any appearance of impropriety;
- 519 (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
520 any property real, personal, or mixed;
- 521 (14) Establish a budget and make expenditures;

- 522 (15) Borrow money;
- 523 (16) Appoint committees, including standing committees composed of members, State
524 regulators, State legislators or their representatives, and consumer representatives, and such
525 other interested persons as may be designated in this Compact and the bylaws;
- 526 (17) Provide and receive information from, and cooperate with, law enforcement
527 agencies;
- 528 (18) Establish and elect an Executive Committee; and
- 529 (19) Perform such other functions as may be necessary or appropriate to achieve the
530 purposes of this Compact consistent with the State regulation of Occupational Therapy
531 licensure and practice.
- 532 (D) The Executive Committee. The Executive Committee shall have the power to act
533 on behalf of the Commission according to the terms of this Compact.
- 534 (1) The Executive Committee shall be composed of nine members:
- 535 (a) Seven voting members who are elected by the Commission from the current
536 membership of the Commission;
- 537 (b) One ex-officio, nonvoting member from a recognized national Occupational
538 Therapy professional association; and
- 539 (c) One ex-officio, nonvoting member from a recognized national Occupational
540 Therapy certification organization.
- 541 (2) The ex-officio members will be selected by their respective organizations.
- 542 (3) The Commission may remove any member of the Executive Committee as
543 provided in bylaws.
- 544 (4) The Executive Committee shall meet at least annually.
- 545 (5) The Executive Committee shall have the following Duties and responsibilities:
- 546 (a) Recommend to the entire Commission changes to the Rules or bylaws, changes to
547 this Compact legislation, fees paid by Compact Member States such as annual dues, and any
548 Commission Compact fee charged to Licensees for the Compact Privilege;
- 549 (b) Ensure Compact administration services are appropriately provided, contractual or
550 otherwise;
- 551 (c) Prepare and recommend the budget;
- 552 (d) Maintain financial records on behalf of the Commission;

- 553 (e) Monitor Compact compliance of Member States and provide compliance reports to
554 the Commission;
- 555 (f) Establish additional committees as necessary; and
556 (g) Perform other duties as provided in Rules or bylaws.
- 557 (E) Meetings of the Commission
- 558 (1) All meetings shall be open to the public, and public notice of meetings shall be
559 given in the same manner as required under the Rulemaking provisions in Section [58-42b-110](#).
- 560 (2) The Commission or the Executive Committee or other committees of the
561 Commission may convene in a closed, non-public meeting if the Commission or Executive
562 Committee or other committees of the Commission must discuss:
- 563 (a) Non-compliance of a Member State with its obligations under the Compact;
564 (b) The employment, compensation, discipline or other matters, practices or procedures
565 related to specific employees or other matters related to the Commission's internal personnel
566 practices and procedures;
- 567 (c) Current, threatened, or reasonably anticipated litigation;
568 (d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
569 estate;
- 570 (e) Accusing any person of a crime or formally censuring any person;
571 (f) Disclosure of trade secrets or commercial or financial information that is privileged
572 or confidential;
- 573 (g) Disclosure of information of a personal nature where disclosure would constitute a
574 clearly unwarranted invasion of personal privacy;
- 575 (h) Disclosure of investigative records compiled for law enforcement purposes;
576 (i) Disclosure of information related to any investigative reports prepared by or on
577 behalf of or for use of the Commission or other committee charged with responsibility of
578 investigation or determination of compliance issues pursuant to the Compact; or
- 579 (j) Matters specifically exempted from disclosure by federal or Member State statute.
- 580 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
581 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
582 reference each relevant exempting provision.
- 583 (4) The Commission shall keep minutes that fully and clearly describe all matters

584 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
585 reasons therefore, including a description of the views expressed. All documents considered in
586 connection with an action shall be identified in such minutes. All minutes and documents of a
587 closed meeting shall remain under seal, subject to release by a majority vote of the Commission
588 or order of a court of competent jurisdiction.

589 (F) Financing of the Commission

590 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
591 of its establishment, organization, and ongoing activities.

592 (2) The Commission may accept any and all appropriate revenue sources, donations,
593 and grants of money, equipment, supplies, materials, and services.

594 (3) The Commission may levy on and collect an annual assessment from each Member
595 State or impose fees on other parties to cover the cost of the operations and activities of the
596 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
597 as approved by the Commission each year for which revenue is not provided by other sources.
598 The aggregate annual assessment amount shall be allocated based upon a formula to be
599 determined by the Commission, which shall promulgate a Rule binding upon all Member
600 States.

601 (4) The Commission shall not incur obligations of any kind prior to securing the funds
602 adequate to meet the same, nor shall the Commission pledge the credit of any of the Member
603 States, except by and with the authority of the Member State.

604 (5) The Commission shall keep accurate accounts of all receipts and disbursements.
605 The receipts and disbursements of the Commission shall be subject to the audit and accounting
606 procedures established under its bylaws. However, all receipts and disbursements of funds
607 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
608 and the report of the audit shall be included in and become part of the annual report of the
609 Commission.

610 (G) Qualified Immunity, Defense, and Indemnification

611 (1) The members, officers, executive director, employees and representatives of the
612 Commission shall be immune from suit and liability, either personally or in their official
613 capacity, for any claim for damage to or loss of property or personal injury or other civil
614 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or

615 that the person against whom the claim is made had a reasonable basis for believing occurred
616 within the scope of Commission employment, duties or responsibilities, provided that nothing
617 in this paragraph shall be construed to protect any such person from suit and/or liability for any
618 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
619 that person.

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

628 (3) The Commission shall indemnify and hold harmless any member, officer, executive
629 director, employee, or representative of the Commission for the amount of any settlement or
630 judgment obtained against that person arising out of any actual or alleged act, error or omission
631 that occurred within the scope of Commission employment, duties, or responsibilities, or that
632 such person had a reasonable basis for believing occurred within the scope of Commission
633 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
634 omission did not result from the intentional or willful or wanton misconduct of that person.

635 Section 12. Section **58-42b-109** is enacted to read:

636 **58-42b-109. Section 9 -- Data system.**

637 (A) The Commission shall provide for the development, maintenance, and utilization
638 of a coordinated database and reporting system containing licensure, Adverse Action, and
639 Investigative Information on all licensed individuals in Member States.

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

643 (1) Identifying information;

644 (2) Licensure data;

645 (3) Adverse Actions against a license or Compact Privilege;

646 (4) Non-confidential information related to Alternative Program participation;
647 (5) Any denial of application for licensure, and the reason(s) for such denial;
648 (6) Other information that may facilitate the administration of this Compact, as
649 determined by the Rules of the Commission; and

650 (7) Current Significant Investigative Information.
651 (C) Current Significant Investigative Information and other Investigative Information
652 pertaining to a Licensee in any Member State will only be available to other Member States.

653 (D) The Commission shall promptly notify all Member States of any Adverse Action
654 taken against a Licensee or an individual applying for a license. Adverse Action information
655 pertaining to a Licensee in any Member State will be available to any other Member State.

656 (E) Member States contributing information to the Data System may designate
657 information that may not be shared with the public without the express permission of the
658 contributing State.

659 (F) Any information submitted to the Data System that is subsequently required to be
660 expunged by the laws of the Member State contributing the information shall be removed from
661 the Data System.

662 Section 13. Section **58-42b-110** is enacted to read:

663 **58-42b-110. Section 10 -- Rulemaking.**

664 (A) The Commission shall exercise its Rulemaking powers pursuant to the criteria set
665 forth in this Section and the Rules adopted thereunder. Rules and amendments shall become
666 binding as of the date specified in each Rule or amendment.

667 (B) The Commission shall promulgate reasonable rules in order to effectively and
668 efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event
669 the Commission exercises its rulemaking authority in a manner that is beyond the scope of the
670 purposes of the Compact, or the powers granted hereunder, then such an action by the
671 Commission shall be invalid and have no force and effect.

672 (C) If a majority of the legislatures of the Member States rejects a Rule, by enactment
673 of a statute or resolution in the same manner used to adopt the Compact within four years of
674 the date of adoption of the Rule, then such Rule shall have no further force and effect in any
675 Member State.

676 (D) Rules or amendments to the Rules shall be adopted at a regular or special meeting

677 of the Commission.

678 (E) Prior to promulgation and adoption of a final Rule or Rules by the Commission,
679 and at least thirty (30) days in advance of the meeting at which the Rule will be considered and
680 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

681 (1) On the website of the Commission or other publicly accessible platform; and

682 (2) On the website of each Member State Occupational Therapy Licensing Board or
683 other publicly accessible platform or the publication in which each State would otherwise
684 publish proposed Rules.

685 (F) The Notice of Proposed Rulemaking shall include:

686 (1) The proposed time, date, and location of the meeting in which the Rule will be
687 considered and voted upon;

688 (2) The text of the proposed Rule or amendment and the reason for the proposed Rule;

689 (3) A request for comments on the proposed Rule from any interested person; and

690 (4) The manner in which interested persons may submit notice to the Commission of
691 their intention to attend the public hearing and any written comments.

692 (G) Prior to adoption of a proposed Rule, the Commission shall allow persons to
693 submit written data, facts, opinions, and arguments, which shall be made available to the
694 public.

695 (H) The Commission shall grant an opportunity for a public hearing before it adopts a
696 Rule or amendment if a hearing is requested by:

697 (1) At least 25 persons;

698 (2) A State or federal governmental subdivision or agency; or

699 (3) An association or organization having at least 25 members.

700 (I) If a hearing is held on the proposed Rule or amendment, the Commission shall
701 publish the place, time, and date of the scheduled public hearing. If the hearing is held via
702 electronic means, the Commission shall publish the mechanism for access to the electronic
703 hearing.

704 (1) All persons wishing to be heard at the hearing shall notify the executive director of
705 the Commission or other designated member in writing of their desire to appear and testify at
706 the hearing not less than five business days before the scheduled date of the hearing.

707 (2) Hearings shall be conducted in a manner providing each person who wishes to

708 comment a fair and reasonable opportunity to comment orally or in writing.

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

711 (4) Nothing in this section shall be construed as requiring a separate hearing on each
712 Rule. Rules may be grouped for the convenience of the Commission at hearings required by
713 this section.

714 (J) Following the scheduled hearing date, or by the close of business on the scheduled
715 hearing date if the hearing was not held, the Commission shall consider all written and oral
716 comments received.

717 (K) If no written notice of intent to attend the public hearing by interested parties is
718 received, the Commission may proceed with promulgation of the proposed Rule without a
719 public hearing.

720 (L) The Commission shall, by majority vote of all members, take final action on the
721 proposed Rule and shall determine the effective date of the Rule, if any, based on the
722 Rulemaking record and the full text of the Rule.

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

729 (1) Meet an imminent threat to public health, safety, or welfare;

730 (2) Prevent a loss of Commission or Member State funds;

731 (3) Meet a deadline for the promulgation of an administrative Rule that is established
732 by federal law or Rule; or

733 (4) Protect public health and safety.

734 (N) The Commission or an authorized committee of the Commission may direct
735 revisions to a previously adopted Rule or amendment for purposes of correcting typographical
736 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
737 revisions shall be posted on the website of the Commission. The revision shall be subject to
738 challenge by any person for a period of 30 days after posting. The revision may be challenged

739 only on grounds that the revision results in a material change to a Rule. A challenge shall be
740 made in writing and delivered to the chair of the Commission prior to the end of the notice
741 period. If no challenge is made, the revision will take effect without further action. If the
742 revision is challenged, the revision may not take effect without the approval of the
743 Commission.

744 Section 14. Section **58-42b-111** is enacted to read:

745 **58-42b-111. Section 11 -- Oversight, dispute resolution, and enforcement.**

746 (A) Oversight

747 (1) The executive, legislative, and judicial branches of State government in each
748 Member State shall enforce this Compact and take all actions necessary and appropriate to
749 effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules
750 promulgated hereunder shall have standing as statutory law.

751 (2) All courts shall take judicial notice of the Compact and the Rules in any judicial or
752 administrative proceeding in a Member State pertaining to the subject matter of this Compact
753 which may affect the powers, responsibilities, or actions of the Commission.

754 (3) The Commission shall be entitled to receive service of process in any such
755 proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure
756 to provide service of process to the Commission shall render a judgment or order void as to the
757 Commission, this Compact, or promulgated Rules.

758 (B) Default, Technical Assistance, and Termination

759 (1) If the Commission determines that a Member State has defaulted in the
760 performance of its obligations or responsibilities under this Compact or the promulgated Rules,
761 the Commission shall:

762 (a) Provide written notice to the defaulting State and other Member States of the nature
763 of the default, the proposed means of curing the default, and/or any other action to be taken by
764 the Commission; and

765 (b) Provide remedial training and specific technical assistance regarding the default.

766 (2) If a State in default fails to cure the default, the defaulting State may be terminated
767 from the Compact upon an affirmative vote of a majority of the Member States, and all rights,
768 privileges, and benefits conferred by this Compact may be terminated on the effective date of
769 termination. A cure of the default does not relieve the offending State of obligations or

770 liabilities incurred during the period of default.

771 (3) Termination of membership in the Compact shall be imposed only after all other
772 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
773 shall be given by the Commission to the governor, the majority and minority leaders of the
774 defaulting State's legislature, and each of the Member States.

775 (4) A State that has been terminated is responsible for all assessments, obligations, and
776 liabilities incurred through the effective date of termination, including obligations that extend
777 beyond the effective date of termination.

778 (5) The Commission shall not bear any costs related to a State that is found to be in
779 default or that has been terminated from the Compact, unless agreed upon in writing between
780 the Commission and the defaulting State.

781 (6) The defaulting State may appeal the action of the Commission by petitioning the
782 United States District Court for the District of Columbia or the federal district where the
783 Commission has its principal offices. The prevailing member shall be awarded all costs of such
784 litigation, including reasonable attorney fees.

785 (C) Dispute Resolution

786 (1) Upon request by a Member State, the Commission shall attempt to resolve disputes
787 related to the Compact that arise among Member States and between member and non-Member
788 States.

789 (2) The Commission shall promulgate a Rule providing for both mediation and binding
790 dispute resolution for disputes as appropriate.

791 (D) Enforcement

792 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
793 provisions and Rules of this Compact.

794 (2) By majority vote, the Commission may initiate legal action in the United States
795 District Court for the District of Columbia or the federal district where the Commission has its
796 principal offices against a Member State in default to enforce compliance with the provisions
797 of the Compact and its promulgated Rules and bylaws. The relief sought may include both
798 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
799 member shall be awarded all costs of such litigation, including reasonable attorney fees.

800 (3) The remedies herein shall not be the exclusive remedies of the Commission. The

801 Commission may pursue any other remedies available under federal or State law.

802 Section 15. Section **58-42b-112** is enacted to read:

803 **58-42b-112. Section 12 -- Date of implementation of the Interstate Commission for**
804 **Occupational Therapy Practice and associated rules, withdrawal, and amendment.**

805 (A) The Compact shall come into effect on the date on which the Compact statute is
806 enacted into law in the tenth Member State. The provisions, which become effective at that
807 time, shall be limited to the powers granted to the Commission relating to assembly and the
808 promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking
809 powers necessary to the implementation and administration of the Compact.

810 (B) Any State that joins the Compact subsequent to the Commission's initial adoption
811 of the Rules shall be subject to the Rules as they exist on the date on which the Compact
812 becomes law in that State. Any Rule that has been previously adopted by the Commission shall
813 have the full force and effect of law on the day the Compact becomes law in that State.

814 (C) Any Member State may withdraw from this Compact by enacting a statute
815 repealing the same.

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

818 (2) Withdrawal shall not affect the continuing requirement of the withdrawing State's
819 Occupational Therapy Licensing Board to comply with the investigative and Adverse Action
820 reporting requirements of this act prior to the effective date of withdrawal.

821 (D) Nothing contained in this Compact shall be construed to invalidate or prevent any
822 Occupational Therapy licensure agreement or other cooperative arrangement between a
823 Member State and a non-Member State that does not conflict with the provisions of this
824 Compact.

825 (E) This Compact may be amended by the Member States. No amendment to this
826 Compact shall become effective and binding upon any Member State until it is enacted into the
827 laws of all Member States.

828 Section 16. Section **58-42b-113** is enacted to read:

829 **58-42b-113. Section 13 -- Construction and severability.**

830 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
831 provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision

832 of this Compact is declared to be contrary to the constitution of any Member State or of the
833 United States or the applicability thereof to any government, agency, person, or circumstance is
834 held invalid, the validity of the remainder of this Compact and the applicability thereof to any
835 government, agency, person, or circumstance shall not be affected thereby. If this Compact
836 shall be held contrary to the constitution of any Member State, the Compact shall remain in full
837 force and effect as to the remaining Member States and in full force and effect as to the
838 Member State affected as to all severable matters.

839 Section 17. Section **58-42b-114** is enacted to read:

840 **58-42b-114. Section 14 -- Binding effect of compact and other laws.**

841 (A) A Licensee providing Occupational Therapy in a Remote State under the Compact
842 Privilege shall function within the laws and regulations of the Remote State.

843 (B) Nothing herein prevents the enforcement of any other law of a Member State that is
844 not inconsistent with the Compact.

845 (C) Any laws in a Member State in conflict with the Compact are superseded to the
846 extent of the conflict.

847 (D) Any lawful actions of the Commission, including all Rules and bylaws
848 promulgated by the Commission, are binding upon the Member States.

849 (E) All agreements between the Commission and the Member States are binding in
850 accordance with their terms.

851 (F) In the event any provision of the Compact exceeds the constitutional limits
852 imposed on the legislature of any Member State, the provision shall be ineffective to the extent
853 of the conflict with the constitutional provision in question in that Member State.

854 Section 18. Section **58-42b-201** is enacted to read:

855 **Part 2. Rulemaking**

856 **58-42b-201. Rulemaking authority.**

857 The division may make rules in accordance with Title 63G, Chapter 3, Utah
858 Administrative Rulemaking Act, to implement this chapter.