**Occupational Therapy Compact Rules Committee Meeting Minutes**

June 27, 2023

**Committee Members Present:**

Michael Sobowale, Chair

Teri Black

Nate Brown

Ann Cosby

Claire Covert-ByBee

**Committee Members Absent:**

Vanessa Beauchamp

Adrienne Price

**Executive Committee Members Present:**

Shaun Conway

Chuck Willmarth

**Commissioners Present:**

None

**Legal Counsel Present:**

Nahale Kalfas, OTCC Legal Counsel

**ASMI Staff Present:**

Amanda Perry, OTCC Executive Director

**CSG Staff Present**

Isabel Eliassen

**Members of the Public Present:**

None

**Welcome/Call to Order**

* M. Sobowale called the meeting to order at 2:32 p.m. CST.

**Roll Call**

* A. Perry called the roll; quorum was present

**Review and Adoption of the Agenda**

* Chair Sobowale called for a motion to adopt the agenda.
* **Motion**:
  + T. Black moved that the committee adopt the agenda.
  + A. Cosby seconded the motion.
  + All voted in favor, no one abstained; the motion carried.

**Review and Adoption of the Minutes**

* M. Sobowale reviewed the minutes and called for a motion to adopt the minutes from the previous meeting.
  + N. Kalfas suggested an edit to her title be changed to “OTCC Legal Counsel”
* **Motion**:
  + T. Black moved that the committee adopt the minutes with the suggested edit.
  + A. Cosby seconded the motion.
  + N. Brown and C. Covert-ByBee abstained due to absence at the previous meeting.
  + All others voted in favor; the motion carried.

**Discussion of Survey for the Rules of Data System Requirements**

* Chair Sobowale explained why the Rules Committee is readdressing the language in the Rule for Data System Requirements
  + Language could be interpreted to mean that states are providing FBI background check information to other states, which the FBI frown on
* Executive Committee wants Rules Committee to survey the states to determine whether they already require FBI background checks for occupational licenses; if so, what has been their experience?
* Chair Sobowale explained the questions on the draft survey
  + Edits to the draft survey were suggested by all members
  + The members had engaging conversation about the questions, ensuring each one had intent and purpose
  + As needed, each member suggested clarifying language to the survey questions until the group came to a consensus about the draft questions
* C. Covert-ByBee requested more context regarding the OTCC Executive Committee’s concerns and charge to RC to create/send the survey
  + Chair Sobowale explained that the Executive Committee concerns are related to the language in the Compact that might be frowned upon by the FBI because the language could be interpreted to mean that states will share FBI background check results/details
  + Additionally, some states have implemented FBI CBC and may not be experiencing the anticipated challenges; the survey will help determine and allay those concerns.
  + The survey response data will inform the rule writing language – data drive decisions
  + N. Kalfas gave an example of PT compact – FBI CBCs are inferred, since to become a member state of the PT Compact the CBC is already required.
  + N. Kalfas suggests that it may make sense to have the language in a section other than the one related to the Data System Reporting requirements.
  + A. Cosby asks if there is any existing data on whether states already do FBI CBCs?
    - Consensus is no
  + A. Cosby asks whether the compact should do the CBC for compact applicants – as opposed to the state licensing boards
    - There is no requirement in the compact for states to perform CBCs on all state licensure applicants; only compact applicants need a completed FBI CBC
* The survey draft questions were finalized by the Rules Committee; I. Eliassen mentioned that the survey can be approved by Executive Committee Chair, Lesly James, without having to be reviewed by the entire Executive Committee.
* **Motion**:
  + C. Covert-Bybee motioned to send the survey draft questions to Chair James for approval.
  + N. Brown seconded the motion.
  + All voted in favor; no one abstained; motion carried.

**Discussion to send back original rule to Executive Committee**

* Related to the concerns raised in the Executive Committee, the Rules Committee members discussed reverting back to the [original draft Rule on Data System Reporting Requirements, specifically language in section B.3.h](https://otcompact.org/wp-content/uploads/2023/03/OT-Compact-Rule-on-Data-Set-Requirement-Post.pdf). This mitigates the language in the [current draft Rule on Data System Reporting Requirements, specifically language in section B.3.h.ii](https://otcompact.org/wp-content/uploads/2023/06/Occupational-Therapy-Compact-Data-System-Rules-Draft-Exec-Comm.pdf)
* N. Kalfas gave a brief synopsis of proposed language in the [Share Act](https://www.congress.gov/bill/118th-congress/house-bill/1310/text?s=1&r=55) and how this act, if passed, would solve concerns of any compact requiring FBI CBCs
* **Motion:** 
  + T. Black motioned to send the [original Rule on Data Systems](https://otcompact.org/wp-content/uploads/2023/03/OT-Compact-Rule-on-Data-Set-Requirement-Post.pdf) reporting requirements back to Executive Committee with the explanation that the FBI CBC language will be addressed in another section
  + A. Cosby seconded the motion.
  + All voted in favor, no one abstained; the motion carried.

**Discussion of Bylaws**

* Conversation was tabled.
* **Motion**:

**September Meeting Conflict**

* August 15 & September 19 are currently scheduled with multiple members’ having conflicts.
* **Motion:**
  + C. Covert-ByBee motioned to combine those meetings into one longer meeting on August 22 from 2:00 - 4:00 CST.
  + N. Brown seconded the motion.
  + All voted in favor, no one abstained, motion carried

**Questions and Comments**

* Chair Sobowale asked for additional questions and comments from the delegates.
* Chair Sobowale informed group that they would discuss bylaws in future meeting.

**Meeting Closure**

* Hearing no further comments, Chair Sobowale called for the meeting to be adjourned.
* With no other business to conduct, the OTCC Rule Committee meeting adjourned at 4:08 p.m. CST.