**Occupational Therapy Compact Commission**

**Rules Committee Meeting**

**Minutes: December 19, 2023**

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | VOTES | | | | | |
| Member | **Attendance** | **Agenda** | **Minutes** | **Rule**  **Definition** | **Data System**  **Definition** | **\*no item\*** | **Adjourn** |
| Claire Covert-Bybee, Chair | P | Y | Y | Y | Y | --- | --- |
| Nate Brown | P | Y | Y | Y | Y | --- | --- |
| Adrienne Price | A/P  Joined at 3:19p | --- | --- | --- | Y | --- | --- |
| Vanessa Beauchamp | A | --- | --- | ---- | ---- | --- | --- |
| Teri Black | P | Y | Y | Y | Y | --- | --- |
| Kathryn Skibek | P | Y | Y | Y | Y | --- | --- |
| TOTALS | **4/6 voting members; quorum present** | 4/4 motion  carries | 4/4 motion carries | 4/4  motion  carries | 5/5  motion  carries | --- | Chair adjourned by acclimation |

|  |  |  |
| --- | --- | --- |
| **Other attendees (non-voting)** | | |
| **Name** | **Role** | **Organization** |
| **Nahale Kalfas** | Legal Counsel | OTCC |
| **Amanda Perry** | Executive Director | OTCC |
| **Shaun Conway** | Ex Officio | NBCOT |
| **Vonda Malnikoff** | Delegate | State of West Virginia |
| **Missy Anthony** | Delegate | State Ohio |

**Welcome/Call to Order**

* Chair C. Covert-Bybee called the meeting to order at 2:33p CST.

**Roll Call**

* A. Perry called the roll; quorum was present; attendance reflected in chart above.
  + A. Price joined the meeting at 3:19p CST and was marked present at the time she joined.

**Review and Adoption of the Agenda**

* Chair C. Covert-Bybee reviewed and called for a motion to adopt the agenda.
* **Motion**:
  + **T. Black motioned that the committee adopt the agenda as presented.**
  + **K. Skibek seconded the motion.**
  + **All voted in favor; 0 abstained; the motion carried.**

**Review and Adoption of the Minutes**

* Chair Covert-Bybee reviewed the minutes from the previous meeting and called for a motion to adopt them.
* **Motion:** 
  + **N. Brown moved that the committee adopt the minutes as presented.**
  + **K. Skibek seconded the motion.**
  + **All voted in favor; 0 abstained; the motion carried.**

**Draft Response to the Public Comments Received: Rule on Definitions**

* A. Perry displayed public comments received regarding the Rule on Definitions. One public comment was received which requested that “encumbered license” be explained.
  + The Rules Committee members discussed an appropriate response to the public comment and determined that the response is as follows: *Encumbered license is defined in the OT Compact model legislation, Section 2.H.*
  + The committee agreed that adding context to this rule will amplify the definition section of the OT Compact model legislation.
* **Motion:**
  + **T. Black motioned to approve the response as discussed, including a reference to the model legislation in the Rule on Definitions.**
  + **N. Brown seconded the motion.**
  + **All voted in favor; 0 abstained; the motion carried.**
  + **A. Perry will post the approved response to the public comments on the OTC website.**

**Draft Response to the Public Comments Received: Rule on Data System**

* To prepare for this discussion clarification was presented about the differences between what is considered Personally Identifiable Information (PII), what is publicly available from the OTCC, and what is publicly available from individual states.
  + In the draft Rule on Data System, Section 2.1.C clarifies the information available to compact member states via the data system.
  + In the draft Rule on Data System, Section 2.1.D clarifies the information available to the public via the OTC website, which is “limited to the verification of compact privilege(s) held by individuals.”
* A suggestion was made for the OTC to create unique identifiers (similar to what EMS providers have from NREMT) for OTs/OTAs, which will be used to verify individuals’ identities without states having to share PII
  + Comment: unique identifiers are essential to public protection
  + Comment: states have a difficult time incorporating unique identifiers into existing data systems and subsequently are not able to share/verify the data with other states who do not have that field in their systems
* A. Perry displayed public comments received regarding the Rule on Data System. There were three substantive public comments received, each with multiple layers of context for consideration.
  + (1) The public should not be allowed to have access to personal information. To access information about therapists’ licenses, individuals should have to apply to get that information; it should not be publicly available.
    - The Rules Committee members discussed an appropriate response to the public comment and determined that the response is as follows: *The draft rules indicate in section 2.1.D that "The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals." The committee agrees to amend the draft rules to read: “The public shall have access, via the Commissions’ website, to information limited to the verification of the jurisdiction and status of compact privilege(s) held by individuals.”*
  + (2) Modify section 2.1.B.1 (e, f, g) to remove the following personally identifiable information (PII) data sets to be provided by states: birth date, Social Security number, home state address.
    - The Rules Committee members discussed an appropriate response to the public comment and determined that the response is as follows:
      * Birth date: *Full birth date will be required as a data set as a point of verification of identity.*
      * Social security number: *The language in section 2.1.B.f. of the draft Rule on Data System states “…Social Security Number or NBCOT certification number or other unique identifier(s) as approved by the Commission.” Because the language is "or", and not "and" it provides options for states to comply with the uniform data set.*
      * Home state address: The Rules Committee members began the discussion regarding a response to the public comment about whether to include (or not) the home state address as information that will be shared among states. This discussion was tabled until the next OTCC RC meeting because of time constraints in today’s meeting.
  + (3) The rules should address the disposition of the data when it is no longer applicable, for example, when a home state license has expired.
    - This discussion was tabled until the next OTCC RC meeting because of time constraints in today’s meeting.
* **Motion:**
  + **A. Price motioned that the discussion regarding the draft response to the public comments regarding the Rule on Data System be tabled until the January 2024 meeting because of time constraints in this meeting.**
  + **T. Black seconded the motion.**
  + **All voted in favor; 0 abstained; the motion carried.**
  + **A. Perry will inform OTCC Chair James that the OTCC Special Meeting in January will need to be cancelled; the OTCC will need to postpone the vote on the draft Rules until the March 2024 full Commission meeting.**
  + **A. Perry will post a notice on the OTC website that the public comments are under review and consideration and the discussion will resume in the January OTCC RC meeting.**

**Questions and Comments**

* Chair C. Covert-Bybee asked for additional questions and comments from attendees.
  + No comments or questions noted.

**Adjournment**

* **Motion:**
  + **Chair Covert-Bybee adjourned the meeting via acclimation at 4:04 CST with no opposition from the members.**