



January 29, 2024

Re: Response to Public Comments regarding OTCC Rule on Data System

The Occupational Therapy Compact Commission (OTCC) posted the draft Rule on Data System for public comment from November 8 – December 8, 2023. During this comment period the Commission received multiple comments. On January 16, 2024, the OTCC Rules Committee held a regularly scheduled meeting at which time they expressed appreciation for comments received. The committee members finalized the following responses to the public comments received. Below are the comments received and the OTCC Rules Committee approved responses.

| PUBLIC COMMENTS | RESPONSE FROM OTCC RULES COMMITTEE |
|--|---|
| <p>Public should not be allowed to have access to personal information</p> <ul style="list-style-type: none"> To access information about therapists' licenses, individuals should have to apply to get that information; it should not be publicly available | <p><i>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."</i></p> |
| <p>Modify section 2.1.B.1 (e, f, g) to remove the following personally identifiable information (PII) data sets to be provided by states: birthdate, social security number, home state address</p> <p><i>These specific PII data sets are individually addressed below.</i></p> | <p><i>The OTCC recognizes the need to protect confidential information. Thus, items listed under Section 2.1.B.1 of the Data System Rules are not made available to the public. The OT Compact Model Legislation (Section 9.B.1) expressly requires that the member states provide identifying information to the data system in order to protect the public. Conflicting state laws are superseded by the terms and requirements of the compact (which is also member state law) to the extent of compact law. The commission will ensure appropriate security measures for the data system, procure cybersecurity insurance, and collaborate with member states to ensure a secure onboarding process for the transfer of information from member states to the commission data system.</i></p> |
| <p>Birthdate</p> | <p><i>Full birth date will be required as a data set as a point of verification of identity.</i></p> |
| <p>Social security number</p> | <p><i>The language in section 2.1.B.f. of the draft Rule on Data System states "...Social Security Number</i></p> |



| | |
|--|---|
| | <p><i>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.</i></p> |
| Home state address | <p><i>The reporting of identifying information is required by the Compact Model Legislation. The OTCC has interpreted home state address as part of the identifying information necessary for public protection.</i></p> |
| The rules should address the disposition of the data when it is no longer applicable, for example, when a home state license has expired. | <p><i>The Commission will assess this policy with the data system development vendor in conjunction with proposed Data System Rule 2.1.K. and the Model Legislation language in Section 9.F.</i></p> |