

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 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.