



June 4, 2024

Re: Public Comments (compiled and summarized) regarding *rules on FBI CBC*

Comment period: May 1 – May 30, 2024

- **Comments on *rules on FBI CBCs***

1. From V. Sullivan (OTR/L, CHT) 5.6.24: I am absolutely opposed to the proposition of this unnecessary excessive oversight for this Practice Compact. Therapists are already overburdened w/ national certification, state licensing, specialty certifications and continuing education expenses. Many of which are no longer being reimbursed by employers as it is. This is just another way for an additional third party organization to prey on and receive funds from workers. There is no indication whatsoever that this additional layer of policing is remotely needed in our profession. Our OT practice is already mandated by our National Board (NBCOT) and individual state licensing boards. All of these certification and licensing boards require attestations, fees, and ever increasing continuing ed requirements at every renewal. There are formal complaint systems already established for reporting any unprofessional conduct with ALL of these organizations. There are also formal complaint processes with every employer, hospital, or clinic that employs OTs. It is extremely unlikely that the limited number of annual complaints either the state or national level is at all indicative of a need for FBI level background checks. All employers hiring OT's as well as national and regional traveling therapist agencies are also already running their own background, credit, and reference checks regularly. What data (if any) do you actually have on the prevalence of VALID practice act violations that have actually occurred within the last 5-10 years that would warrant such unnecessary oversight ?? Show me some actual data, please. This proposition does not appear to be indicated and would not provide any further 'protection' than the systems that are already in place. Strongly opposed.
2. From V. Sullivan (OTR/L, CHT) 5.7.24: A situation that actually would help OTs in limiting their annual expenses, make working easier across the country, and promote job mobility, where the FBI BGCs would be warranted: Have ONE single National Organization responsible for it all and fund that organization so it can do the extra work (like NBCOT). END State Licensure Requirements altogether !! Then a Federal/National-level BGC would be useful. (Even in that situation, employers would still continue w/ their own background and credit checks.)
3. From M. Moore (OTR/L) 5.8.24: As a traveling occupational therapist, I am frequently applying for licensure in other states. Most require fingerprinted background checks to be performed. I have found that this is often the most time consuming portion of the application process; not to mention how it usually tends to be a logistical nightmare, especially when you are working full time. If the implementation of this ruling means the elimination of the repetition of background checks for each state, and ensures that one



- background check will suffice for all states, as long as the licensee passes the original check, then I wholeheartedly support this as a clinician, as I know it will give back time that would otherwise be lost trying to figure out how to get fingerprints sent across states. Thank you so much for your time and listening to my support regarding this ruling.
4. From WV Board of OT (WVBOT): In Section 5 of the Compact language, *Obtaining a New Home State License by Virtue of Compact Privilege*, the following is stated:
- *B. If an Occupational Therapist or Occupational Therapy Assistant changes Primary State of Residence by Moving between two Member States:*
 - *2. Upon receipt of an application for obtaining a new Home State license by virtue of compact privilege, the new Home State shall verify that the Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria outlined in Section 4 via the Data System, without need for primary source verification except for:*
 - *A. an FBI fingerprint based criminal background check if not previously performed or updated pursuant to the applicable Rules adopted by the Commission in accordance with Public Law 92-544;*

- According to this, the Rule of FBI CBCs may need to include a time period after which the FBI CBC must be updated in the event an OT or OTA moves to a new home state. If this is the case, how would the therapist and the new home state know whether a new background check is required or not?
5. Commissioner comments from OTCC Committee meetings: Concern that this phrase “in accordance with state law” in the second paragraph of section 3.1 (of compact model legislation) might empower state entities that perform FBI CBCs to not comply: Results of the criminal background check shall be reviewed solely by the member state in accordance with state law.