

1 **Occupational Therapy Compact Commission (OTCC)**

2 **Title of Rule:** Rule on Implementation of Federal Bureau of Investigations Criminal Background Check
3 (FBI CBC) Requirement

4 **Drafted:** April 16, 2024

5 **Effective Date:** *TBD By OTCC upon approval of full commission*

6 **History for Rule:**

7 April 16, 2024: Rules Committee drafts and votes to forward to Executive Committee.

8 April 22, 2024: Executive Committee votes to move draft to public comment x30 days.

9 May 1 – 30, 2024: Public Comment Period is Closed

10 June 18, 2024: Public Comments reviewed and addressed by OTCC Rules Committee

11 July 8, 2024: Executive Committee approved to send to OTCC for full commission vote

12 TBD DATE: OTCC Vote

13 **Chapter 3:**

14 Rulemaking on Implementing Criminal Background Checks

15 **Authority:**

16 Section 3: State Participation in the Compact

17 Section 8: Establishment of the Occupational Therapy Compact Commission (OTCC)

18 Section 10: Rulemaking

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20 **3.0 Purpose:**

21 Pursuant to Section 3.A.5, and Section 10, a state must implement or utilize procedures for considering

22 the criminal history records of applicants for initial privilege to practice. These procedures shall include

23 the submission of fingerprints or other biometric-based information by applicants for the purpose of

24 obtaining an applicant's criminal history record information from the Federal Bureau of Investigation

25 and the agency responsible for retaining that state's criminal records. A member state must fully

26 implement a criminal background check requirement, within a time frame established by rule, by

27 receiving the results of the Federal Bureau of Investigation record search on criminal background check

28 and utilize the results in making licensure decisions. The Occupational Therapy Compact Commission

29 shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and

30 administration of the Occupational Therapy Compact. This rule will become effective upon passage by

31 the Occupational Therapy Compact Commission as provided in Section 10 of the Occupational Therapy

32 Interstate Compact.

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36 **3.1 Implementation of Criminal Background Check:**

37 To avoid default, member states must have completed all required processes, requirements, and
38 applications necessary to request the ability to receive the results of the Federal Bureau of Investigation
39 (FBI) record search on criminal background checks, as required by the Compact. Deference will be given
40 to member states who can demonstrate that they have engaged in good faith efforts to implement the
41 FBI Criminal Background Check including, but not limited to, introduction of related legislation,
42 negotiations with FBI state information bureaus, etc.

43 Results of the criminal background check shall be reviewed solely by the member state.

44 Communication between a member board and the Occupational Therapy Compact Commission and
45 communications between member boards regarding verification of Occupational Therapist and/or
46 Occupational Therapy Assistants' eligibility for a license/privilege through the Compact shall not include
47 any information received from the FBI relating to a federal criminal records check performed by a
48 member board under Public Law 92-544.

49 A member state cannot participate in issuing or recognizing compact privileges until such member state
50 has completed the requirements to fully implement the FBI Criminal Background Check requirement.