



OCCUPATIONAL THERAPY
L I C E N S U R E C O M P A C T

AOTA and NBCOT Occupational Therapy Licensure Compact Joint Initiative

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AOTA and NBCOT Joint Initiative

- AOTA met with NBCOT to discuss working together on this initiative
- AOTA and NBCOT Joint initiative announced September 2019
 - NBCOT is providing significant funding to support the initiative
 - AOTA and state occupational therapy associations are leading advocacy efforts at the state level with support from NBCOT and CSG
- AOTA and NBCOT are projecting a unified effort on behalf of the profession

American Journal of Occupational Therapy

AOTA–NBCOT® Joint Initiative: Developing the Occupational Therapy Licensure Compact

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This article explains the need for a licensure compact in the occupational therapy profession and describes the joint American Occupational Therapy Association (AOTA) and National Board for Certification in Occupational Therapy (NBCOT®) initiative to develop and implement the compact. Despite uniformity in occupational therapy licensure laws across the states, the ability to obtain and maintain licenses in multiple jurisdictions remains complicated and time consuming. Occupational therapy practitioners will benefit from an improvement to the existing state licensure system that would allow them to obtain a privilege to practice in multiple states through an interstate licensure compact. The licensure compact will be implemented by a commission composed of state regulators from each participating state. In September 2019, AOTA and NBCOT issued a joint statement announcing that the two organizations would be collaborating to support the development of an interstate licensure compact for occupational therapy. This article highlights the need for the Occupational Therapy Licensure Compact, the process used to develop the compact's language, and the state legislative progress made to date. It also outlines the next steps needed to advance Occupational Therapy Licensure Compact legislation as well as efforts needed to operationalize the Occupational Therapy Compact Commission.

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The American Occupational Therapy Association (AOTA) and state occupational therapy

for both levels, there is remarkable uniformity in terms of the core requirements for education, field-

Under the existing licensure system, occupational therapy practitioners must apply for a license in

OT Compact Project Team

- State OT regulatory board members, board administrators, board legal counsel, OT practitioners, employers, AOTA board representative, AOTA Taskforce on Portability Chair
- American Occupational Therapy Association
- National Board for Certification in Occupational Therapy
- The Council of State Governments

Compact Development Team

Advisory Group

- 👤 state officials, issue experts, and other stakeholders
- ✍️ provides recommendations for compact legislation

Drafting Team

- 👤 state officials, issue experts, and other stakeholders
- ✍️ crafts compact legislation

Stakeholder Review

- 👤 professional and regulatory members; members of the public
- ✍️ provides review and feedback on draft compact legislation

Compact Development - Timeline

- | | |
|----------------------------|--|
| Oct. '19 – Feb. '20 | Advisory Group convenes to develop compact recommendations |
| Feb. – May '20 | Drafting team convenes to write compact legislation |
| May – Aug. '20 | Draft compact is submitted back to Advisory Group; CSG conducts stakeholder review |
| Sept. – Oct. '20 | Drafting Team and Advisory Group incorporate feedback and finalize compact legislation |

The Occupational Therapy Licensure Compact

An Overview



What is an interstate compact?

A legal, legislatively enacted contract between two or more states that allows states to:

#1 Cooperatively address shared problems

#2 Maintain sovereignty over issues belonging to states

#3 Respond to national priorities with one voice



Occupational Licensing Interstate Compacts

Facilitate
Multistate
Practice

Maintain or
Improve Public
Health and
Safety

Preserve State
Authority Over
Professional
Licensing



45 states (+ DC, Guam, USVI) have adopted at least 1 compact
35 states (+ DC) have adopted at least 3 compacts



Over 230 pieces of occupational licensure compact legislation
have been enacted since January 2016



15 professions have interstate licensure compacts

Compact Policy Objectives

- Ensures OTs and OTAs meet acceptable standards of practice
- Expands the availability of occupational therapy services
- Promotes cooperation among OT Compact member states in the areas of licensure and regulation
- Offers a high degree of consumer protection across state lines

Benefits for Practitioners



Authorizes practice in other member states



Improves licensure portability



Reduces effort needed to maintain individual state licenses



Takes advantage of new telehealth opportunities

Benefits for Consumers



Increases access to services



Improves continuity of care



Promotes practitioner diversity



Enhances consumer protection

Benefits for Regulators



States retain control of scope of practice.



States retain control of initial licensure process.



Compacts facilitate the exchange of licensure and disciplinary information.



Compacts improve cooperation in regulating the profession.

How the OT Compact Works

- OT Compact is open to OTs and OTAs
- OT Compact is a **Mutual Recognition Model** licensure compact that is similar in form and function to other occupational licensing compacts
- **Mutual recognition** means that compact member states agree to **mutually recognize** a valid, unrestricted licenses of other compact member states
- OT Compact allows practitioners to practice in compact member states via a **Compact Privilege**
- The **Compact Privilege** provides the same benefits as licensure

State Eligibility to Join

In order to participate in the compact, a member state must:

- ✓ License Occupational Therapists and Occupational Therapy Assistants
- ✓ Have a continuing competence/education requirement as a condition for license renewal
- ✓ Utilize a recognized national exam as a requirement for licensure
- ✓ Utilize a criminal background check for initial compact privileges
- ✓ Comply with the rules of the compact commission

Accessing an OT Compact Privilege

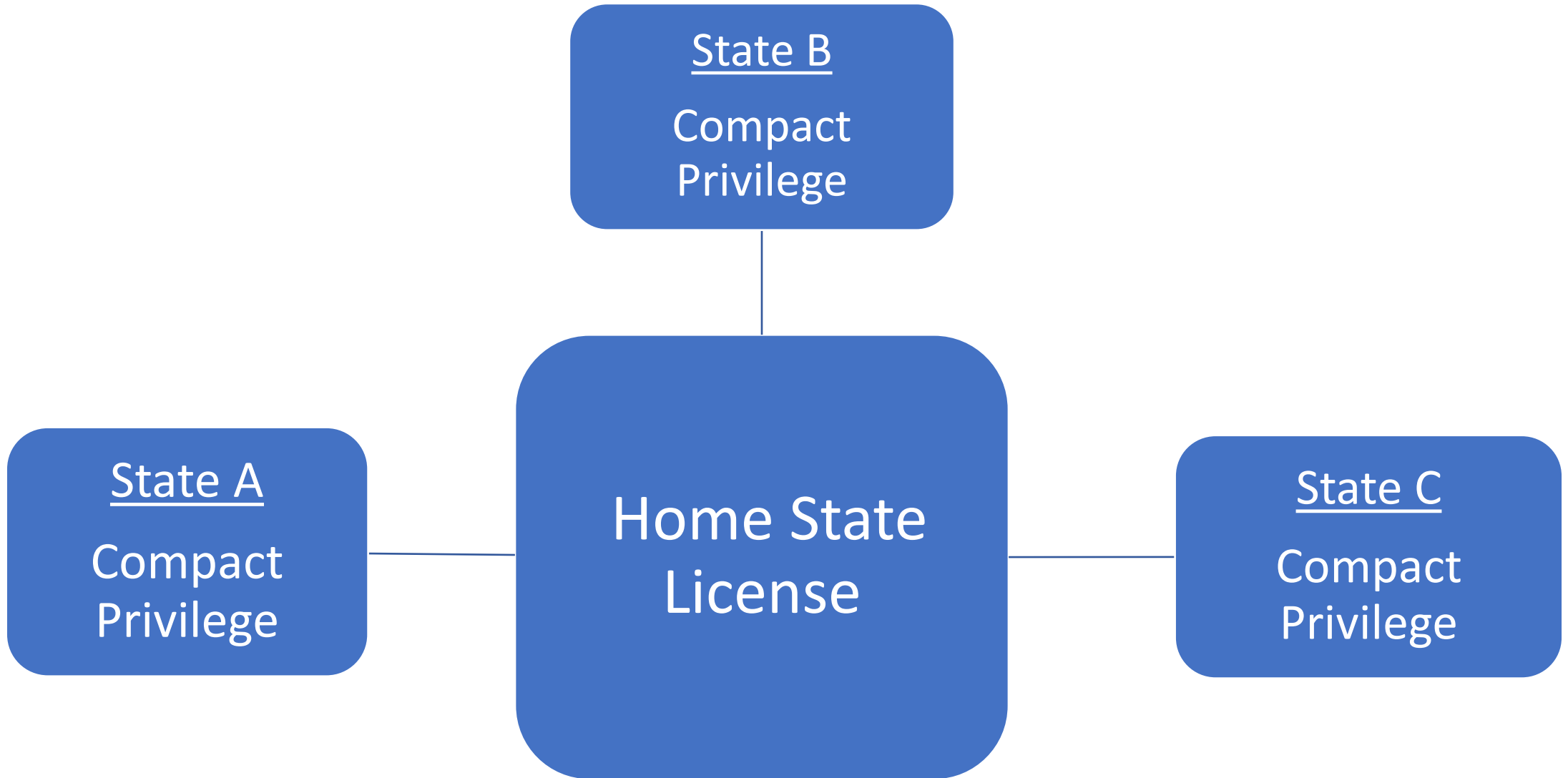
In order to receive a **Compact Privilege** an OT/OTA must:

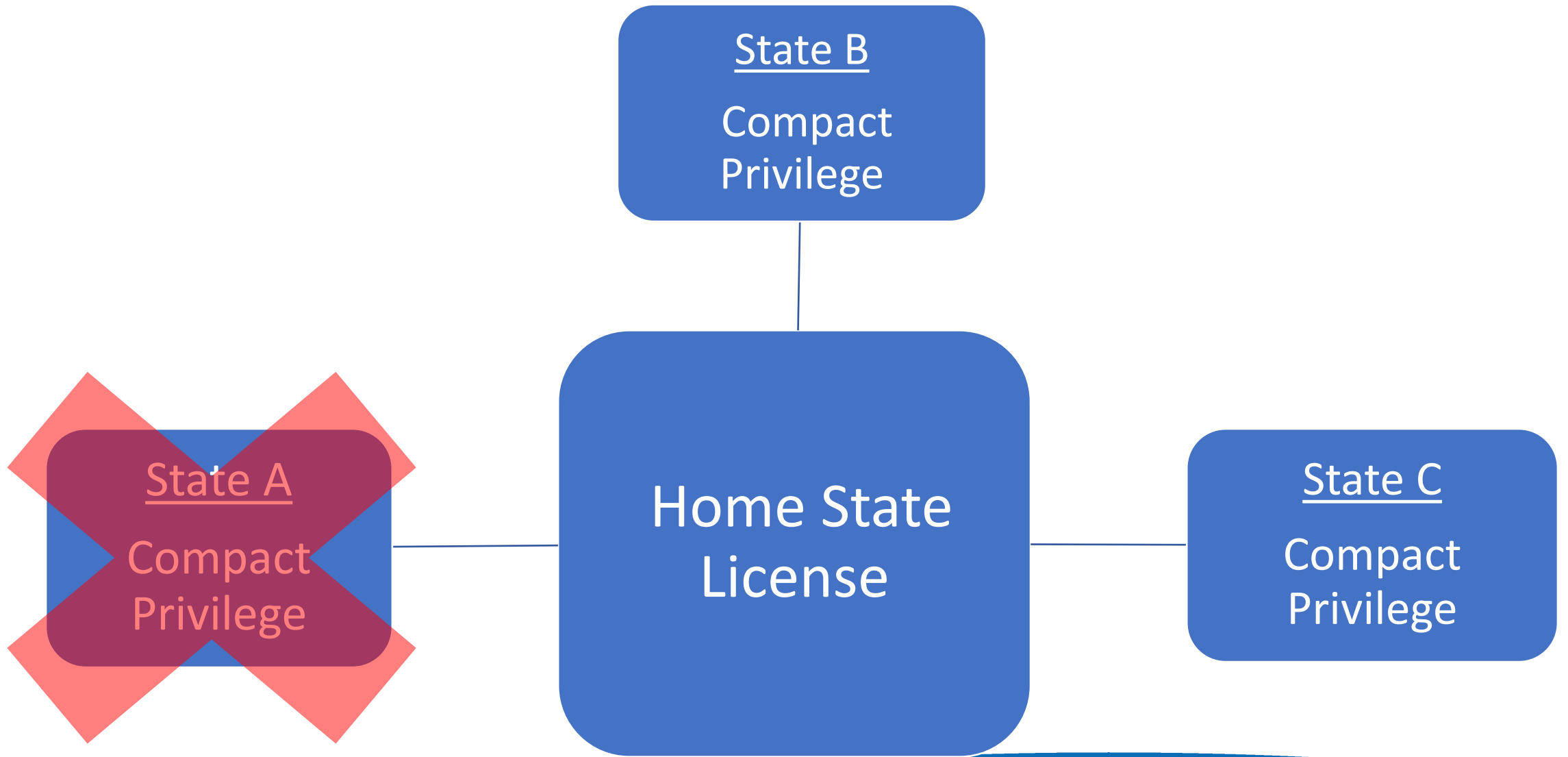
- ✓ Hold a license in their home state which is a compact member state
- ✓ Have no encumbrance on **any** state license currently, and no adverse actions against any license or compact privilege within the previous 2 years
- ✓ Submit information for an FBI Criminal Background Check
- ✓ OTs and OTAs must meet any jurisprudence requirement for the member state where they are seeking a privilege
- ✓ **Practitioners must adhere to the laws and regulations of the compact member state in which they are practicing**

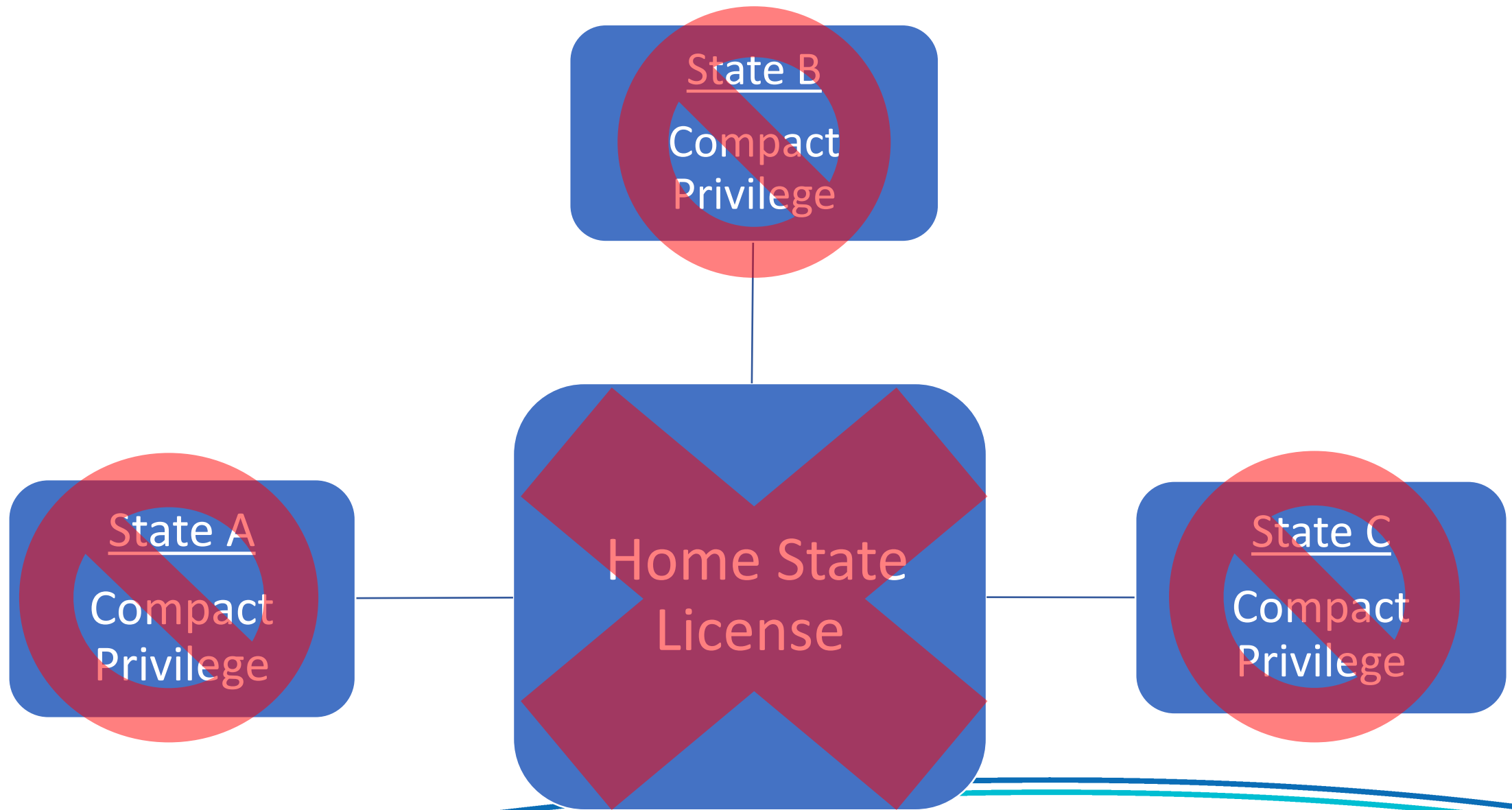
Compact Privileges



Used with permission from the PT Compact







FAQs

- Does a compact privilege allow the privilege holder to practice via telehealth in a remote state?
- Will an OT or OTA need to complete CEUs in each state they hold a privilege to practice?
- What will the cost be for a privilege to practice?

The Occupational Therapy Licensure Compact

Current Status



Current State Participation

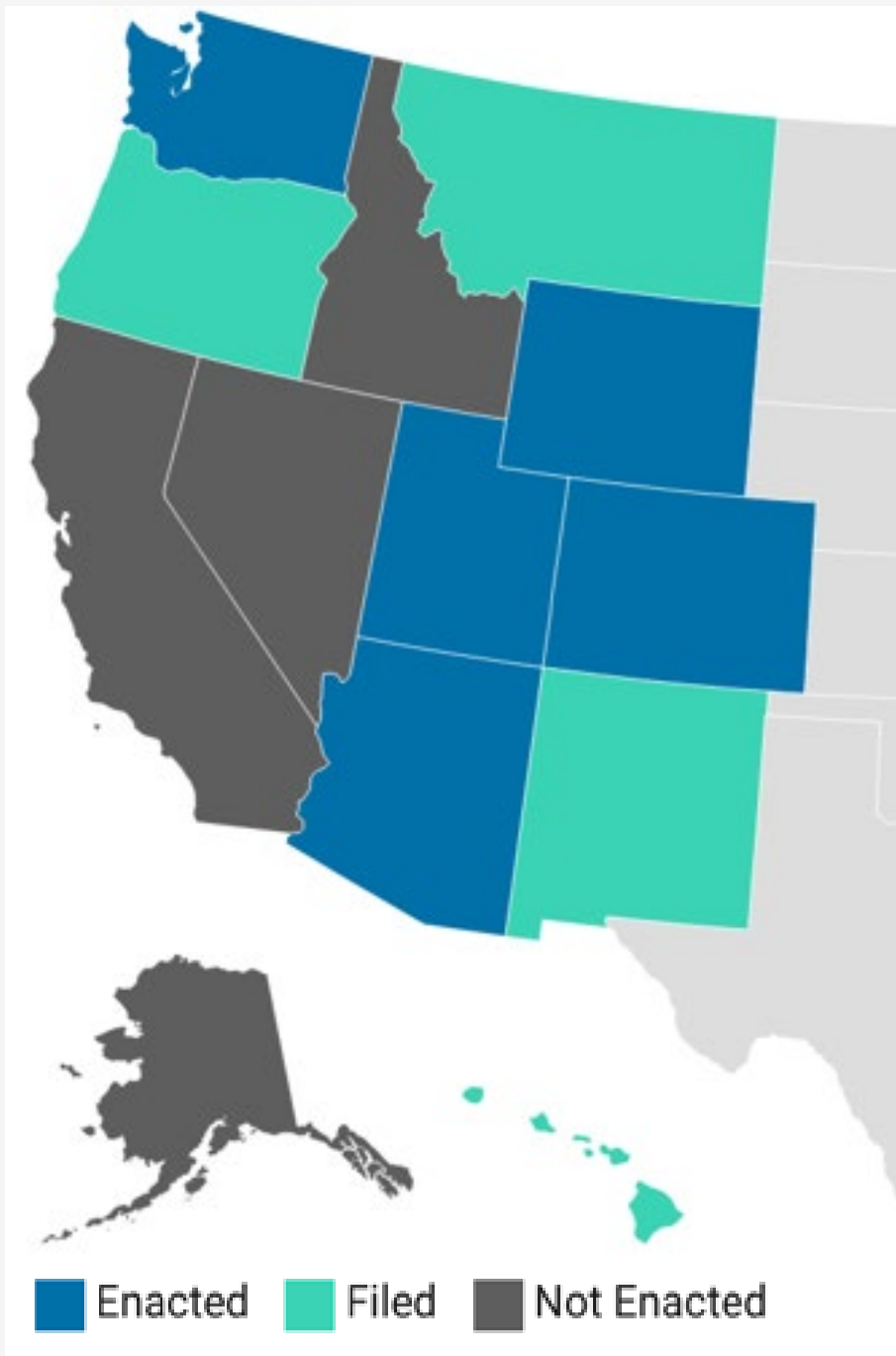
Information current as of February 24, 2023

2021	2022
Virginia	Wisconsin
Ohio	West Virginia
Maryland	Alabama
Georgia	Wyoming
North Carolina	Utah
Missouri	Washington
Maine	Arizona
Colorado	Kentucky
New Hampshire	Nebraska
	Tennessee
	South Carolina
	Iowa
	Delaware

2023 State Introductions

Information current as of February 24, 2023

- Arkansas
- Hawaii
- Indiana
- Massachusetts
- Minnesota
- Mississippi
- Montana
- New York
- New Mexico
- Oregon
- South Dakota
- Texas
- Vermont



OT Compact Legislative History - WROTSS States

OT Compact Operations

- OT Compact establishes an **Interstate Commission**
- The Interstate Commission is responsible for implementing and administering the provisions of the OT Compact
- OT Compact **Commissioners** are appointed by the regulatory agencies/boards of compact member states

OT Compact Commission Committees

Executive Committee

Finance Committee

Rules Committee

Compliance

Nominations/Elections

Training/Public
Relations and
Communications
Committee

OT Compact Status and Next Steps

- **August 2022:** OT Compact Commission Inaugural Meeting Held
 - ✓ Executive Committee Elected
 - ✓ Began formation of Committees
 - ✓ Adoption of Commission By-laws
 - ✓ Adoption of Rule on Rule Making
- **August 2022 - Early 2024:** Commission works towards issuing compact privileges

Current Primary Commission Objectives

Hire Exec. Director and Secretariat

Database

Commission Rules

Compact Commission Budget

Commission Updates

- Public updates will be made to the OT Compact Website
- OT Compact website (otcompact.org) has a “Commission” tab where you can access commission documents and see updates

Additional Resources

- FAQ
- State Enactment Map
- Webinar Recordings
- Compact Toolkit (sample legislative testimony, fact sheets, model legislation)



Fact Sheet: Practitioners and the Occupational Therapy Licensure Compact

The Basics

- The **Occupational Therapy Licensure Compact** (OT Compact) is an **interstate compact**, which is a constitutionally authorized contract between states.
- The OT Compact is the same in form and function as other occupational licensure compacts like the Nurse Licensure Compact, the Physical Therapy Compact, and the Interstate Medical Licensure Compact.
- The OT Compact authorizes in-person practice and telepractice based on a valid, unrestricted home state license in other compact member states for both Occupational Therapists (OTs) and Occupational Therapy Assistants (OTAs).
- The OT Compact will take effect when 10 states have enacted authorizing legislation.
- The American Occupational Therapy Association (AOTA) is leading the initiative in collaboration with the National Board for Certification in Occupational Therapy (NBCOT®). The National Center for Interstate Compacts at the Council of State Governments facilitated the development of the Compact and is providing technical assistance.

The Bottom Line for Practitioners

The OT Compact will allow licensed OTs and OTAs to practice *in all states that join the compact*. This will remove the hurdle of getting an individual license in each state where they want to practice. The broad goal is to eliminate barriers to OT practice and patient care by ensuring cooperation among state regulatory entities for those states that join the compact.

Questions?

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