



# Alaska Board of Physical Therapy and Occupational Therapy Board Meeting - April 18, 2025

Alaska Division of Corporations, Business and Professional Licensing

Zoom

2025-04-18 12:00 - 14:00 AKDT

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#### A. Roll Call

Board members:

Valerie Phelps, Chair

Victoria "Tori" Daugherty, Secretary

Rebecca Dean, Public Member

Jonathan Gates

Michelle Scott-Weber

Staff members:

Reid Bowman, Program Coordinator 2

Shane Bannarbie, Program Coordinator I

Sheri Ryan, Licensing Examiner 3

Alaska State Physical Therapy and Occupational Therapy Mission Statement

The mission of the Alaska State Physical and Occupational Therapy Board is to promote healthy, independent, productive Alaskans. The board strives to do this by:

Adopting regulations necessary for the safe and efficient practice of Physical Therapy and Occupational Therapy in the State of Alaska.

Reviewing and approving the qualification of applicants to ensure a competent and effective work force of therapists and assistants.

Issuing temporary permits and licenses to qualified persons.

Monitoring compliance with continuing education requirements.

Reviewing and acting on any report or documentation of any unsafe, unethical or unlawful actions of a licensee.

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## Alaska Board of Physical Therapy and Occupational Therapy Board Meeting - April 18, 2025

Alaska Division of Corporations, Business and Professional Licensing  
Friday, April 18, 2025 at 12:00 PM AKDT to 2:00 PM AKDT  
Zoom

**Meeting Details:** [https://us02web.zoom.us/meeting/register/FSa9C5\\_CRx-1XaiT9CMiCA](https://us02web.zoom.us/meeting/register/FSa9C5_CRx-1XaiT9CMiCA)

**Additional Meeting Details:** Registration required

### Agenda

#### 1. Call to Order/Roll Call

##### A. Roll Call

**12:00 PM**

Board members:

- Valerie Phelps, Chair
- Victoria "Tori" Daugherty, Secretary
- Rebecca Dean, Public Member
- Jonathan Gates
- Michelle Scott-Weber

Staff members:

- Reid Bowman, Program Coordinator 2
- Shane Bannarbie, Program Coordinator I
- Sheri Ryan, Licensing Examiner 3

#### Alaska State Physical Therapy and Occupational Therapy Mission Statement

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1. Adopting regulations necessary for the safe and efficient practice of Physical Therapy and Occupational Therapy in the State of Alaska.
2. Reviewing and approving the qualification of applicants to ensure a competent and effective work force of therapists and assistants.
3. Issuing temporary permits and licenses to qualified persons.
4. Monitoring compliance with continuing education requirements.
5. Reviewing and acting on any report or documentation of any unsafe, unethical or unlawful actions of a licensee.

##### B. Ethics Reporting

**12:03 PM**

<b>C. Review/Approval Agenda</b>	<b>12:05 PM</b>
<b>2. Public Comment</b>	<b>12:07 PM</b>
<b>3. PT Compact - Jurisprudence Requirement</b>	<b>12:22 PM</b>
Presenters: Glenn Saviers, Sylvan Robb	
<b>4. Universal Temporary Licensure - HB158/SB145</b>	<b>12:37 PM</b>
Presenters: Sylvan Robb, Glenn Saviers	
SB145--> <a href="https://www.akleg.gov/basis/Bill/Detail/34?Root=sb145">https://www.akleg.gov/basis/Bill/Detail/34?Root=sb145</a> <i>Draft Letter of Support included.</i>	
<b>5. Nurse Compact Licensure SB124/HB131</b>	<b>12:47 PM</b>
Presenters: Sylvan Robb, Glenn Saviers	
SB124 --> <a href="https://www.akleg.gov/PDF/34/Bills/SB0124A.PDF">https://www.akleg.gov/PDF/34/Bills/SB0124A.PDF</a> <i>Draft Letter of Support included.</i>	
<b>6. Health Insurance Allowable Charges SB121</b>	<b>12:57 PM</b>
Presenter: Victoria Daugherty	
SB121 --> <a href="https://www.akleg.gov/basis/Bill/Detail/34?Root=SB121">https://www.akleg.gov/basis/Bill/Detail/34?Root=SB121</a> Sponsor Statement -- > <a href="https://www.akleg.gov/basis/get_documents.asp?session=34&amp;docid=2885">https://www.akleg.gov/basis/get_documents.asp?session=34&amp;docid=2885</a> <i>Draft Letter of Support included.</i>	
<b>7. Occupational Therapy Licensure Compact - HB173</b>	<b>1:07 PM</b>
HB173-- <a href="https://www.akleg.gov/basis/Bill/Detail/34?Root=HB173">https://www.akleg.gov/basis/Bill/Detail/34?Root=HB173</a>	
<b>8. Administrative Business</b>	
<b>A. Tabled Items</b>	<b>1:22 PM</b>
<b>i. Tabled Application - Sarah McCarroll</b>	
<b>9. Meeting Summary - Action Items</b>	<b>1:52 PM</b>
<b>10. Adjourn</b>	<b>2:00 PM</b>



## **HB 158 & SB 145: Universal Temporary Licensure & Federal SCRA Licensure Portability Requirements**

### **What is Universal Temporary Licensure (UTL)?**

Establishes a pathway for the Division of Corporations, Business and Professional Licensing (“division”) to issue temporary licenses to qualified professionals who:

- Hold substantially equivalent licenses in good standing from another U.S. jurisdiction; or
- Meet the qualifications for Alaska licensure through military education, training, and service per AS 08.01.064(a) and do not already hold a license in another jurisdiction.

### **What are the qualifications for a professional to qualify for the temporary license?**

- Submit an application and pay required fees;
- Provide verification that all qualifications listed above are met; and
- If required for the profession’s initial/permanent license, undergo a criminal history background check.
- Applicants cannot have been the subject of disciplinary action related to their profession, be the subject of ongoing review or disciplinary proceedings by the professional licensing entity in another jurisdiction or have committed an act in another jurisdiction within the past ten (10) years that would have constituted grounds for denial or revocation of a license in Alaska at the time the act was committed.

### **What are the stipulations of the temporary licenses?**

These temporary licenses are valid for 180-days with an option for a 180-day extension. Temporary license holders must practice in compliance with Alaska’s laws. The division has the authority to revoke a temporary license if the license was secured under deceit, fraud, or intentional misrepresentation.

### **What licensing programs would this new temporary license provision apply to?**

All professional licensing programs within the division except Big Game Guides and Related Occupations (AS 08.54) and Marine Pilots (AS 08.62), as those programs require Alaska-specific training.

### **Why is UTL needed?**

Alaska is behind the curve in streamlining the process to allow qualified professionals to quickly get to work.

### **How will UTL work?**

The division will issue the temporary license once an applicant meets the qualifications for the temporary license. That temporary license can then be converted to a permanent license once the Alaska-specific requirements have been met. This is similar to the process in place for medical and nursing licenses now and it works very well.

### **How do we know UTL will help?**

This will eliminate the need for professionals to submit applications for both the temporary and permanent licenses, reducing the number of redundant applications that staff must process for one person. These qualified professionals can then work in Alaska while licensing examiners wait on items from third parties required for permanent licensure (such as verifications of work experience, verification of hospital privileges, etc.).

### **What happens to the existing temporary licensure statutes under each programs' statutes?**

They will be repealed to allow for a standard and streamlined temporary licensure process and requirements that's the same across all boards. Temporary licenses currently available for specific types of events or circumstances (need to fill long-term absence of an Alaska professional, special events, etc.) will continue on as courtesy licenses under AS 08.01.062.

### **Why is this necessary if boards already offer temporary licenses?**

Despite all boards having the authority to offer temporary licenses, only some do. Alaska needs to make it easier for qualified licensees in good standing to come to Alaska to fill vacancies and assist Alaskans in need of their services.

### **How do we know the professionals working under this temporary license are safe to practice in the state?**

Because a professional can only qualify for the temporary license if they hold a license in good standing in another state, have not received disciplinary action on any license, and have not committed an act in another jurisdiction within the last ten (10) years that would have constituted grounds for denial in Alaska.

### **What are the federal Servicemembers Civil Relief Act (SCRA) licensure portability requirements?**

The federal SCRA licensure portability provisions initially took effect on January 5, 2023 and were amended effective March 23, 2025. The federal law requires a state to issue a license to a servicemember or servicemember spouse within 30 days of a complete application packet being submitted if the individual:

- Submit an application and pay the required (but reduced) SCRA application fee;
- Is in good standing with all U.S. jurisdictions where they are, or have ever been licensed;
- Provides proof of military orders to the state they are applying for the license in;
- If the individual is a servicemember spouse, provides a copy of the marriage certificate; and
- Provides a notarized affidavit affirming, under the penalty of law, that:
  - They are the person described and identified in the application;
  - All statements made in the application are true and correct;
  - The applicant has read and understands the scope of practice for their license in the new state;
  - The applicant meets and shall comply with all SCRA licensure portability requirements and scope of practice laws in the new state; and
  - The applicant is in good standing with all U.S. jurisdictions where they hold or have ever held a license.

*\*NOTE: The SCRA licensure portability provisions do not apply to a servicemember or spouse who has a covered license to operate in multiple states pursuant to an interstate licensure compact.*

### **How is “good standing” defined in the federal SCRA licensure portability laws?**

A license that has not been revoked or had discipline imposed by any state; does not have an investigation relating to unprofessional conduct pending in any State; and has not been voluntarily surrendered while under investigation for unprofessional conduct.

### **Why do we need to pass a bill on SCRA if it's already required in federal law?**

It is extremely helpful to the division, and its 21 licensing boards, if the federal SCRA licensure portability laws are codified into Alaska law, to remove any contradictions and ensure Alaska licensees and applicants can clearly see the options for licensure, and requirements for each pathway.

### **How does a license issued under SCRA differ from a license under Alaska-specific requirements?**

Once the license is issued, it doesn't. The licensee must comply with all Alaska laws, including continuing competency, renewal, and/or prescription drug monitoring program (PDMP) requirements, as applicable for the license type.

### **Is the division issuing licenses under SCRA now?**

Yes, the division has been issuing license under SCRA since July 2024 in compliance with federal law. However, it's been confusing to division staff, boards, and applicants due to it not being addressed in state statute.

**From:** [Saviers, Glenn A \(CED\)](#)  
**To:**  
  
**Cc:**  
**Subject:** For Boards - HB 158/SB 145: Professional Licensing; Temp Permits  
**Date:** Wednesday, April 2, 2025 11:25:51 AM  
**Attachments:** [HB 158 & SB 145 - DCCED White Paper - 4.2.25.pdf](#)  
[image001.png](#)  
**Importance:** High

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Good morning!

Last week, Governor Dunleavy introduced **HB 158 & SB 145: PROFESSIONAL LICENSING; TEMP PERMITS**. This is legislation desired, supported, and being carried by our division, and we request each of our board's consider supporting these bills as well. This legislation accomplishes two key policies Alaska needs:

- 1. Establishes Universal Temporary Licensure (UTL) in Alaska:** UTL is a pathway for the department to issue temporary licenses to qualified professionals who hold substantially equivalent licenses in good standing in another U.S. jurisdiction or meet the qualifications for Alaska licensure through military education, training, and service and do not already hold licensure in another state. These temporary licenses would be valid for 180-days and would be part of the permanent licensure process, to eliminate redundant paperwork and reviews by applicants, staff, and boards. *(This would not apply to licenses under the Big Game Commercial Services Board or Board of Marine Pilots, since those professions require extensive Alaska-specific training.)*
- 2. Codifies the Federal Servicemembers Civil Relief Act (SCRA) Licensure Portability laws into Alaska statute:** Many of our boards have already seen applications come through that they were required to approve based on the federal SCRA requirements. This legislation would codify those requirements into State law and remove any contradicting law, since the State has no choice but to comply with federal law. The department would have the authority to issue these licenses, since board's do not have a choice anyway. Of course, the department would bring any SCRA applications to the appropriate board if there was a question of whether the applicant qualifies.

That is the very short version. This legislation is important in eliminating redundant and unnecessary work, streamlining licensure processes, and removing state laws that are now in conflict with federal requirements. For more information on UTL and the SCRA licensure portability requirements, please review the attached two-page white paper. If you or your board has any questions, please let us know. If your board vote to support this legislation in a public meeting, we'd appreciate it and can assist with the letter of support if needed.

**Board liaisons – please forward this email and attachment to your respective board members.**



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF PHYSICAL THERAPY AND  
OCCUPATIONAL THERAPY

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Juneau, Alaska 99811-0806  
Main: 907.269.6425  
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April 18, 2025

The Honorable Scott Kawasaki  
Chair, Senate State Affairs Committee  
Alaska State Capitol, Room 119  
Juneau, Alaska 99801

The Honorable Ted Eischeid  
Chair, House Military and Veterans' Affairs  
Alaska State Capitol, Room 412  
Juneau, Alaska 99801

Dear Senator Kawasaki and Representative Eischeid,

The Alaska Board of Physical Therapy and Occupational Therapy supports SB 145 and HB 158, Universal Temporary Licensure. The board supports the bill because it establishes a single, streamlined temporary license, replacing the various temporary privileges found across Alaska's professional licensing laws. This will make it easier for the applicant to determine what license to apply for. This new license grants a qualified applicant holding a valid out-of-state license the ability to practice in the state for a specified period. Additionally, this bill brings Alaska into compliance with federal professional license portability under the Servicemembers Civil Relief Act (SCRA) by requiring DCCED to issue a professional license to a military servicemember or spouse who holds an out-of-state license and relocates to Alaska under military orders.

We urge the Legislature to pass SB 145 or HB 158.

Sincerely,

Valerie A. Phelps, PT, ScD  
Chair, Board of Physical Therapy and Occupational Therapy





THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF PHYSICAL THERAPY AND  
OCCUPATIONAL THERAPY

P.O. Box 110806  
Juneau, Alaska 99811-0806  
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April 18, 2025

The Honorable Jesse Bjorkman  
Chair, Senate Labor and Commerce Committee  
Alaska State Capitol, Room 427  
Juneau, Alaska 99801

The Honorable Zach Fields  
Chair, House Labor and Commerce Committee  
Alaska State Capitol, Room 24  
Juneau, Alaska 99801

Dear Senator Bjorkman and Representative Fields,

The Alaska Board of Physical Therapy and Occupational Therapy supports SB 124 and HB 131, Nurse Licensure Compact (NLC). Physical therapy and occupational therapy have a long-standing professional relationship with RNs and LPNs and value their expertise and collaboration. NLC addresses the nursing shortage and lack of access to healthcare for Alaskans in the most direct way, without giving up any state sovereignty, public safety measures, or Alaska laws. Alaska needs to do everything it can to fill nursing vacancies to improve access to health care for Alaskans. We support the ability for nurses to join this compact to minimize administrative workload and strengthen Alaska's healthcare workforce. We urge the Legislature to pass SB 124 or HB 131.

Sincerely,

Valerie A. Phelps, PT, ScD  
Chair, Board of Physical Therapy and Occupational Therapy

**HOUSE BILL NO. 173**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES JIMMIE, Prax, Stutes, Nelson, Schwanke, Bynum**

**Introduced: 4/7/25**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to occupational therapist licensure; relating to occupational therapy**  
2 **assistant licensure; and relating to an occupational therapist licensure compact."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 08.84.010(b) is amended to read:

5 (b) The board shall control all matters pertaining to the licensing of physical  
6 therapists, physical therapist assistants, occupational therapists, and occupational  
7 therapy assistants and the practice of physical therapy and the practice of occupational  
8 therapy. The board shall

9 (1) pass upon the qualifications of applicants;

10 (2) provide for the examination of applicants;

11 (3) issue temporary permits and licenses to persons qualified under this  
12 chapter;

13 (4) suspend, revoke, or refuse to issue or renew a license under  
14 AS 08.84.120;

1 (5) keep a current register listing the name, business address, date, and  
2 number of the license of each person who is licensed to practice under this chapter;

3 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)  
4 necessary to carry out the purposes of this chapter, including regulations establishing  
5 qualifications for licensure and renewal of licensure under this chapter;

6 (7) implement the Interstate Physical Therapy Licensure Compact  
7 **enacted by [UNDER] AS 08.84.188 and the Occupational Therapy Licensure**  
8 **Compact enacted by AS 08.84.189.**

9 \* **Sec. 2.** AS 08.84.150(b) is amended to read:

10 (b) A person may not provide services that the person describes as  
11 occupational therapy without being licensed under this chapter unless the person is

12 (1) a student in an accredited occupational therapy program or in a  
13 supervised field work program;

14 (2) a graduate of a foreign school of occupational therapy fulfilling the  
15 internship requirement of AS 08.84.032, and then only unless under the continuous  
16 direction and immediate supervision of an occupational therapist;

17 (3) an occupational therapist or occupational therapy assistant  
18 employed by the United States government while in the discharge of official duties;

19 (4) granted a limited permit under AS 08.84.075;

20 (5) licensed under this title and uses occupational therapy skills in the  
21 practice of the profession for which the license is issued; [OR]

22 (6) employed as a teacher or teacher's aide by an educational  
23 institution and is required to use occupational therapy skills during the course of  
24 employment, if

25 (A) the occupational therapy skills are used under a program  
26 implemented by the employer and developed by a licensed occupational  
27 therapist;

28 (B) the employer maintains direct supervision of the person's  
29 use of occupational therapy skills; and

30 (C) the person does not represent to

31 (i) be an occupational therapist or occupational therapy

1 assistant; and

2 (ii) practice occupational therapy; or

3 (7) granted a compact privilege under AS 08.84.189.

4 \* **Sec. 3.** AS 08.84 is amended by adding a new section to read:

5 **Article 3A. Occupational Therapy Licensure Compact.**

6 **Sec. 08.84.189. Compact enacted.** The Occupational Therapy Licensure  
7 Compact as contained in this section is enacted into law and entered into on behalf of  
8 the state with all other states and jurisdictions legally joining it in a form substantially  
9 as follows:

10 SECTION 1. PURPOSE

11 The purpose of this Compact is to facilitate interstate practice of Occupational  
12 Therapy with the goal of improving public access to Occupational Therapy services.  
13 The Practice of Occupational Therapy occurs in the State where the patient/client is  
14 located at the time of the patient/client encounter. The Compact preserves the  
15 regulatory authority of States to protect public health and safety through the current  
16 system of State licensure.

17 This Compact is designed to achieve the following objectives:

18 (A) Increase public access to Occupational Therapy services by providing for  
19 the mutual recognition of other Member State licenses;

20 (B) Enhance the States' ability to protect the public's health and safety;

21 (C) Encourage the cooperation of Member States in regulating multi-State  
22 Occupational Therapy Practice;

23 (D) Support spouses of relocating military members;

24 (E) Enhance the exchange of licensure, investigative, and disciplinary  
25 information between Member States;

26 (F) Allow a Remote State to hold a provider of services with a Compact  
27 Privilege in that State accountable to that State's practice standards; and

28 (G) Facilitate the use of Telehealth technology in order to increase access to  
29 Occupational Therapy services.

30 SECTION 2. DEFINITIONS

31 As used in this Compact, and except as otherwise provided, the following

1 definitions shall apply:

2 (A) "Active Duty Military" means full-time duty status in the active  
3 uniformed service of the United States, including members of the National Guard and  
4 Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C.  
5 Chapter 1211.

6 (B) "Adverse Action" means any administrative, civil, equitable, or criminal  
7 action permitted by a State's laws which is imposed by a Licensing Board or other  
8 authority against an Occupational Therapist or Occupational Therapy Assistant,  
9 including actions against an individual's license or Compact Privilege such as censure,  
10 revocation, suspension, probation, monitoring of the Licensee, or restriction on the  
11 Licensee's practice.

12 (C) "Alternative Program" means a non-disciplinary monitoring process  
13 approved by an Occupational Therapy Licensing Board.

14 (D) "Compact Privilege" means the authorization, which is equivalent to a  
15 license, granted by a Remote State to allow a Licensee from another Member State to  
16 practice as an Occupational Therapist or practice as an Occupational Therapy  
17 Assistant in the Remote State under its laws and rules. The Practice of Occupational  
18 Therapy occurs in the Member State where the patient/client is located at the time of  
19 the patient/client encounter.

20 (E) "Continuing Competence/Education" means a requirement, as a condition  
21 of license renewal, to provide evidence of participation in, and/or completion of,  
22 educational and professional activities relevant to practice or area of work.

23 (F) "Current Significant Investigative Information" means Investigative  
24 Information that a Licensing Board, after an inquiry or investigation that includes  
25 notification and an opportunity for the Occupational Therapist or Occupational  
26 Therapy Assistant to respond, if required by State law, has reason to believe is not  
27 groundless and, if proved true, would indicate more than a minor infraction.

28 (G) "Data System" means a repository of information about Licensees,  
29 including but not limited to license status, Investigative Information, Compact  
30 Privileges, and Adverse Actions.

31 (H) "Encumbered License" means a license in which an Adverse Action

1 restricts the Practice of Occupational Therapy by the Licensee or said Adverse Action  
2 has been reported to the National Practitioner Data Bank (NPDB).

3 (I) "Executive Committee" means a group of directors elected or appointed to  
4 act on behalf of, and within the powers granted to them by, the Commission.

5 (J) "Home State" means the Member State that is the Licensee's Primary State  
6 of Residence.

7 (K) "Impaired Practitioner" means individuals whose professional practice is  
8 adversely affected by substance abuse, addiction, or other health-related conditions.

9 (L) "Investigative Information" means information, records, and/or documents  
10 received or generated by an Occupational Therapy Licensing Board pursuant to an  
11 investigation.

12 (M) "Jurisprudence Requirement" means the assessment of an individual's  
13 knowledge of the laws and rules governing the Practice of Occupational Therapy in a  
14 State.

15 (N) "Licensee" means an individual who currently holds an authorization from  
16 the State to practice as an Occupational Therapist or as an Occupational Therapy  
17 Assistant.

18 (O) "Member State" means a State that has enacted the Compact.

19 (P) "Occupational Therapist" means an individual who is licensed by a State  
20 to practice Occupational Therapy.

21 (Q) "Occupational Therapy Assistant" means an individual who is licensed by  
22 a State to assist in the Practice of Occupational Therapy.

23 (R) "Occupational Therapy," "Occupational Therapy Practice," and the  
24 "Practice of Occupational Therapy" mean the care and services provided by an  
25 Occupational Therapist or an Occupational Therapy Assistant as set forth in the  
26 Member State's statutes and regulations.

27 (S) "Occupational Therapy Compact Commission" or "Commission" means  
28 the national administrative body whose membership consists of all States that have  
29 enacted the Compact.

30 (T) "Occupational Therapy Licensing Board" or "Licensing Board" means the  
31 agency of a State that is authorized to license and regulate Occupational Therapists

1 and Occupational Therapy Assistants.

2 (U) "Primary State of Residence" means the state (also known as the Home  
3 State) in which an Occupational Therapist or Occupational Therapy Assistant who is  
4 not Active Duty Military declares a primary residence for legal purposes as verified  
5 by: driver's license, federal income tax return, lease, deed, mortgage or voter  
6 registration or other verifying documentation as further defined by Commission Rules.

7 (V) "Remote State" means a Member State other than the Home State, where a  
8 Licensee is exercising or seeking to exercise the Compact Privilege.

9 (W) "Rule" means a regulation promulgated by the Commission that has the  
10 force of law.

11 (X) "State" means any state, commonwealth, district, or territory of the United  
12 States of America that regulates the Practice of Occupational Therapy.

13 (Y) "Single-State License" means an Occupational Therapist or Occupational  
14 Therapy Assistant license issued by a Member State that authorizes practice only  
15 within the issuing State and does not include a Compact Privilege in any other  
16 Member State.

17 (Z) "Telehealth" means the application of telecommunication technology to  
18 deliver Occupational Therapy services for assessment, intervention and/or  
19 consultation.

### 20 SECTION 3. STATE PARTICIPATION IN THE COMPACT

21 (A) To participate in the Compact, a Member State shall:

22 (1) License Occupational Therapists and Occupational Therapy  
23 Assistants;

24 (2) Participate fully in the Commission's Data System, including but  
25 not limited to using the Commission's unique identifier as defined in Rules of the  
26 Commission;

27 (3) Have a mechanism in place for receiving and investigating  
28 complaints about Licensees;

29 (4) Notify the Commission, in compliance with the terms of the  
30 Compact and Rules, of any Adverse Action or the availability of Investigative  
31 Information regarding a Licensee;

1 (5) Implement or utilize procedures for considering the criminal  
2 history records of applicants for an initial Compact Privilege. These procedures shall  
3 include the submission of fingerprints or other biometric-based information by  
4 applicants for the purpose of obtaining an applicant's criminal history record  
5 information from the Federal Bureau of Investigation and the agency responsible for  
6 retaining that State's criminal records;

7 (a) A Member State shall, within a time frame established by  
8 the Commission, require a criminal background check for a Licensee  
9 seeking/applying for a Compact Privilege whose Primary State of Residence is  
10 that Member State, by receiving the results of the Federal Bureau of  
11 Investigation criminal record search, and shall use the results in making  
12 licensure decisions.

13 (b) Communication between a Member State, the Commission  
14 and among Member States regarding the verification of eligibility for licensure  
15 through the Compact shall not include any information received from the  
16 Federal Bureau of Investigation relating to a federal criminal records check  
17 performed by a Member State under Public Law 92-544.

18 (6) Comply with the Rules of the Commission;

19 (7) Utilize only a recognized national examination as a requirement for  
20 licensure pursuant to the Rules of the Commission; and

21 (8) Have Continuing Competence/Education requirements as a  
22 condition for license renewal.

23 (B) A Member State shall grant the Compact Privilege to a Licensee holding a  
24 valid unencumbered license in another Member State in accordance with the terms of  
25 the Compact and Rules.

26 (C) Member States may charge a fee for granting a Compact Privilege.

27 (D) A Member State shall provide for the State's delegate to attend all  
28 Occupational Therapy Compact Commission meetings.

29 (E) Individuals not residing in a Member State shall continue to be able to  
30 apply for a Member State's Single-State License as provided under the laws of each  
31 Member State. However, the Single-State License granted to these individuals shall



1 not be recognized as granting the Compact Privilege in any other Member State.

2 (F) Nothing in this Compact shall affect the requirements established by a  
3 Member State for the issuance of a Single-State License.

#### 4 SECTION 4. COMPACT PRIVILEGE

5 (A) To exercise the Compact Privilege under the terms and provisions of the  
6 Compact, the Licensee shall:

7 (1) Hold a license in the Home State;

8 (2) Have a valid United States Social Security Number or National  
9 Practitioner Identification number;

10 (3) Have no encumbrance on any State license;

11 (4) Be eligible for a Compact Privilege in any Member State in  
12 accordance with Section 4D, F, G, and H;

13 (5) Have paid all fines and completed all requirements resulting from  
14 any Adverse Action against any license or Compact Privilege, and two years have  
15 elapsed from the date of such completion;

16 (6) Notify the Commission that the Licensee is seeking the Compact  
17 Privilege within a Remote State(s);

18 (7) Pay any applicable fees, including any State fee, for the Compact  
19 Privilege;

20 (8) Complete a criminal background check in accordance with Section  
21 3A(5);

22 (a) The Licensee shall be responsible for the payment of any  
23 fee associated with the completion of a criminal background check.

24 (9) Meet any Jurisprudence Requirements established by the Remote  
25 State(s) in which the Licensee is seeking a Compact Privilege; and

26 (10) Report to the Commission Adverse Action taken by any non-  
27 Member State within 30 days from the date the Adverse Action is taken.

28 (B) The Compact Privilege is valid until the expiration date of the Home State  
29 license. The Licensee must comply with the requirements of Section 4A to maintain  
30 the Compact Privilege in the Remote State.

31 (C) A Licensee providing Occupational Therapy in a Remote State under the

1 Compact Privilege shall function within the laws and regulations of the Remote State.

2 (D) Occupational Therapy Assistants practicing in a Remote State shall be  
3 supervised by an Occupational Therapist licensed or holding a Compact Privilege in  
4 that Remote State.

5 (E) A Licensee providing Occupational Therapy in a Remote State is subject  
6 to that State's regulatory authority. A Remote State may, in accordance with due  
7 process and that State's laws, remove a Licensee's Compact Privilege in the Remote  
8 State for a specific period of time, impose fines, and/or take any other necessary  
9 actions to protect the health and safety of its citizens. The Licensee may be ineligible  
10 for a Compact Privilege in any State until the specific time for removal has passed and  
11 all fines are paid.

12 (F) If a Home State license is encumbered, the Licensee shall lose the  
13 Compact Privilege in any Remote State until the following occur:

14 (1) The Home State license is no longer encumbered; and

15 (2) Two years have elapsed from the date on which the Home State  
16 license is no longer encumbered in accordance with Section 4F(1).

17 (G) Once an Encumbered License in the Home State is restored to good  
18 standing, the Licensee must meet the requirements of Section 4A to obtain a Compact  
19 Privilege in any Remote State.

20 (H) If a Licensee's Compact Privilege in any Remote State is removed, the  
21 individual may lose the Compact Privilege in any other Remote State until the  
22 following occur:

23 (1) The specific period of time for which the Compact Privilege was  
24 removed has ended;

25 (2) All fines have been paid and all conditions have been met;

26 (3) Two years have elapsed from the date of completing requirements  
27 for Section 4H(1) and (2); and

28 (4) The Compact Privileges are reinstated by the Commission, and the  
29 compact Data System is updated to reflect reinstatement.

30 (I) If a Licensee's Compact Privilege in any Remote State is removed due to  
31 an erroneous charge, privileges shall be restored through the compact Data System.

1 (J) Once the requirements of Section 4H have been met, the Licensee must  
2 meet the requirements in Section 4A to obtain a Compact Privilege in a Remote State.

3 SECTION 5. OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF  
4 COMPACT PRIVILEGE

5 (A) An Occupational Therapist or Occupational Therapy Assistant may hold a  
6 Home State license, which allows for Compact Privileges in Member States, in only  
7 one Member State at a time.

8 (B) If an Occupational Therapist or Occupational Therapy Assistant changes  
9 Primary State of Residence by moving between two Member States:

10 (1) The Occupational Therapist or Occupational Therapy Assistant  
11 shall file an application for obtaining a new Home State license by virtue of a  
12 Compact Privilege, pay all applicable fees, and notify the current and new Home State  
13 in accordance with applicable Rules adopted by the Commission.

14 (2) Upon receipt of an application for obtaining a new Home State  
15 license by virtue of compact privilege, the new Home State shall verify that the  
16 Occupational Therapist or Occupational Therapy Assistant meets the pertinent criteria  
17 outlined in Section 4 via the Data System, without need for primary source  
18 verification except for:

19 (a) an FBI fingerprint based criminal background check if not  
20 previously performed or updated pursuant to applicable Rules adopted by the  
21 Commission in accordance with Public Law 92-544;

22 (b) other criminal background check as required by the new  
23 Home State; and

24 (c) submission of any requisite Jurisprudence Requirements of  
25 the new Home State.

26 (3) The former Home State shall convert the former Home State  
27 license into a Compact Privilege once the new Home State has activated the new  
28 Home State license in accordance with applicable Rules adopted by the Commission.

29 (4) Notwithstanding any other provision of this Compact, if the  
30 Occupational Therapist or Occupational Therapy Assistant cannot meet the criteria in  
31 Section 4, the new Home State shall apply its requirements for issuing a new Single-

1 State License.

2 (5) The Occupational Therapist or the Occupational Therapy Assistant  
3 shall pay all applicable fees to the new Home State in order to be issued a new Home  
4 State license.

5 (C) If an Occupational Therapist or Occupational Therapy Assistant changes  
6 Primary State of Residence by moving from a Member State to a non-Member State,  
7 or from a non-Member State to a Member State, the State criteria shall apply for  
8 issuance of a Single-State License in the new State.

9 (D) Nothing in this compact shall interfere with a Licensee's ability to hold a  
10 Single-State License in multiple States; however, for the purposes of this compact, a  
11 Licensee shall have only one Home State license.

12 (E) Nothing in this Compact shall affect the requirements established by a  
13 Member State for the issuance of a Single-State License.

#### 14 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

15 (A) Active Duty Military personnel, or their spouses, shall designate a Home  
16 State where the individual has a current license in good standing. The individual may  
17 retain the Home State designation during the period the service member is on active  
18 duty. Subsequent to designating a Home State, the individual shall only change their  
19 Home State through application for licensure in the new State or through the process  
20 described in Section 5.

#### 21 SECTION 7. ADVERSE ACTIONS

22 (A) A Home State shall have exclusive power to impose Adverse Action  
23 against an Occupational Therapist's or Occupational Therapy Assistant's license issued  
24 by the Home State.

25 (B) In addition to the other powers conferred by State law, a Remote State  
26 shall have the authority, in accordance with existing State due process law, to:

27 (1) Take Adverse Action against an Occupational Therapist's or  
28 Occupational Therapy Assistant's Compact Privilege within that Member State.

29 (2) Issue subpoenas for both hearings and investigations that require  
30 the attendance and testimony of witnesses as well as the production of evidence.  
31 Subpoenas issued by a Licensing Board in a Member State for the attendance and

1 testimony of witnesses or the production of evidence from another Member State shall  
2 be enforced in the latter State by any court of competent jurisdiction, according to the  
3 practice and procedure of that court applicable to subpoenas issued in proceedings  
4 pending before it. The issuing authority shall pay any witness fees, travel expenses,  
5 mileage and other fees required by the service statutes of the State in which the  
6 witnesses or evidence are located.

7 (C) For purposes of taking Adverse Action, the Home State shall give the  
8 same priority and effect to reported conduct received from a Member State as it would  
9 if the conduct had occurred within the Home State. In so doing, the Home State shall  
10 apply its own State laws to determine appropriate action.

11 (D) The Home State shall complete any pending investigations of an  
12 Occupational Therapist or Occupational Therapy Assistant who changes Primary State  
13 of Residence during the course of the investigations. The Home State, where the  
14 investigations were initiated, shall also have the authority to take appropriate action(s)  
15 and shall promptly report the conclusions of the investigations to the OT Compact  
16 Commission Data System. The Occupational Therapy Compact Commission Data  
17 System administrator shall promptly notify the new Home State of any Adverse  
18 Actions.

19 (E) A Member State, if otherwise permitted by State law, may recover from  
20 the affected Occupational Therapist or Occupational Therapy Assistant the costs of  
21 investigations and disposition of cases resulting from any Adverse Action taken  
22 against that Occupational Therapist or Occupational Therapy Assistant.

23 (F) A Member State may take Adverse Action based on the factual findings of  
24 the Remote State, provided that the Member State follows its own procedures for  
25 taking the Adverse Action.

26 (G) Joint Investigations

27 (1) In addition to the authority granted to a Member State by its  
28 respective State Occupational Therapy laws and regulations or other applicable State  
29 law, any Member State may participate with other Member States in joint  
30 investigations of Licensees.

31 (2) Member States shall share any investigative, litigation, or

1 compliance materials in furtherance of any joint or individual investigation initiated  
2 under the Compact.

3 (H) If an Adverse Action is taken by the Home State against an Occupational  
4 Therapist's or Occupational Therapy Assistant's license, the Occupational Therapist's  
5 or Occupational Therapy Assistant's Compact Privilege in all other Member States  
6 shall be deactivated until all encumbrances have been removed from the State license.  
7 All Home State disciplinary orders that impose Adverse Action against an  
8 Occupational Therapist's or Occupational Therapy Assistant's license shall include a  
9 Statement that the Occupational Therapist's or Occupational Therapy Assistant's  
10 Compact Privilege is deactivated in all Member States during the pendency of the  
11 order.

12 (I) If a Member State takes Adverse Action, it shall promptly notify the  
13 administrator of the Data System. The administrator of the Data System shall promptly  
14 notify the Home State of any Adverse Actions by Remote States.

15 (J) Nothing in this Compact shall override a Member State's decision that  
16 participation in an Alternative Program may be used in lieu of Adverse Action.

17 SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY  
18 COMPACT COMMISSION

19 (A) The Compact Member States hereby create and establish a joint public  
20 agency known as the Occupational Therapy Compact Commission:

21 (1) The Commission is an instrumentality of the Compact States.

22 (2) Venue is proper and judicial proceedings by or against the  
23 Commission shall be brought solely and exclusively in a court of competent  
24 jurisdiction where the principal office of the Commission is located. The Commission  
25 may waive venue and jurisdictional defenses to the extent it adopts or consents to  
26 participate in alternative dispute resolution proceedings.

27 (3) Nothing in this Compact shall be construed to be a waiver of  
28 sovereign immunity.

29 (B) Membership, Voting, and Meetings

30 (1) Each Member State shall have and be limited to one (1) delegate  
31 selected by that Member State's Licensing Board.

- 1 (2) The delegate shall be either:
- 2 (a) A current member of the Licensing Board, who is an
- 3 Occupational Therapist, Occupational Therapy Assistant, or public member; or
- 4 (b) An administrator of the Licensing Board.
- 5 (3) Any delegate may be removed or suspended from office as
- 6 provided by the law of the State from which the delegate is appointed.
- 7 (4) The Member State board shall fill any vacancy occurring in the
- 8 Commission within 90 days.
- 9 (5) Each delegate shall be entitled to one (1) vote with regard to the
- 10 promulgation of Rules and creation of bylaws and shall otherwise have an opportunity
- 11 to participate in the business and affairs of the Commission. A delegate shall vote in
- 12 person or by such other means as provided in the bylaws. The bylaws may provide for
- 13 delegates' participation in meetings by telephone or other means of communication.
- 14 (6) The Commission shall meet at least once during each calendar
- 15 year. Additional meetings shall be held as set forth in the bylaws.
- 16 (7) The Commission shall establish by Rule a term of office for
- 17 delegates.
- 18 (C) The Commission shall have the following powers and duties:
- 19 (1) Establish a Code of Ethics for the Commission;
- 20 (2) Establish the fiscal year of the Commission;
- 21 (3) Establish bylaws;
- 22 (4) Maintain its financial records in accordance with the bylaws;
- 23 (5) Meet and take such actions as are consistent with the provisions of
- 24 this Compact and the bylaws;
- 25 (6) Promulgate uniform Rules to facilitate and coordinate
- 26 implementation and administration of this Compact. The Rules shall have the force
- 27 and effect of law and shall be binding in all Member States;
- 28 (7) Bring and prosecute legal proceedings or actions in the name of the
- 29 Commission, provided that the standing of any State Occupational Therapy Licensing
- 30 Board to sue or be sued under applicable law shall not be affected;
- 31 (8) Purchase and maintain insurance and bonds;

1 (9) Borrow, accept, or contract for services of personnel, including, but  
2 not limited to, employees of a Member State;

3 (10) Hire employees, elect or appoint officers, fix compensation,  
4 define duties, grant such individuals appropriate authority to carry out the purposes of  
5 the Compact, and establish the Commission's personnel policies and programs relating  
6 to conflicts of interest, qualifications of personnel, and other related personnel matters;

7 (11) Accept any and all appropriate donations and grants of money,  
8 equipment, supplies, materials and services, and receive, utilize and dispose of the  
9 same; provided that at all times the Commission shall avoid any appearance of  
10 impropriety and/or conflict of interest;

11 (12) Lease, purchase, accept appropriate gifts or donations of, or  
12 otherwise own, hold, improve or use, any property, real, personal or mixed; provided  
13 that at all times the Commission shall avoid any appearance of impropriety;

14 (13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
15 otherwise dispose of any property real, personal, or mixed;

16 (14) Establish a budget and make expenditures;

17 (15) Borrow money;

18 (16) Appoint committees, including standing committees composed of  
19 members, State regulators, State legislators or their representatives, and consumer  
20 representatives, and such other interested persons as may be designated in this  
21 Compact and the bylaws;

22 (17) Provide and receive information from, and cooperate with, law  
23 enforcement agencies;

24 (18) Establish and elect an Executive Committee; and

25 (19) Perform such other functions as may be necessary or appropriate  
26 to achieve the purposes of this Compact consistent with the State regulation of  
27 Occupational Therapy licensure and practice.

28 (D) The Executive Committee

29 The Executive Committee shall have the power to act on behalf of the  
30 Commission according to the terms of this Compact.

31 (1) The Executive Committee shall be composed of nine members:



1 (a) Seven voting members who are elected by the Commission  
2 from the current membership of the Commission;

3 (b) One ex-officio, nonvoting member from a recognized  
4 national Occupational Therapy professional association; and

5 (c) One ex-officio, nonvoting member from a recognized  
6 national Occupational Therapy certification organization.

7 (2) The ex-officio members will be selected by their respective  
8 organizations.

9 (3) The Commission may remove any member of the Executive  
10 Committee as provided in bylaws.

11 (4) The Executive Committee shall meet at least annually.

12 (5) The Executive Committee shall have the following Duties and  
13 responsibilities:

14 (a) Recommend to the entire Commission changes to the Rules  
15 or bylaws, changes to this Compact legislation, fees paid by Compact Member  
16 States such as annual dues, and any Commission Compact fee charged to  
17 Licensees for the Compact Privilege;

18 (b) Ensure Compact administration services are appropriately  
19 provided, contractual or otherwise;

20 (c) Prepare and recommend the budget;

21 (d) Maintain financial records on behalf of the Commission;

22 (e) Monitor Compact compliance of Member States and  
23 provide compliance reports to the Commission;

24 (f) Establish additional committees as necessary; and

25 (g) Perform other duties as provided in Rules or bylaws.

26 (E) Meetings of the Commission

27 (1) All meetings shall be open to the public, and public notice of  
28 meetings shall be given in the same manner as required under the Rulemaking  
29 provisions in Section 10.

30 (2) The Commission or the Executive Committee or other committees  
31 of the Commission may convene in a closed, non-public meeting if the Commission or

1 Executive Committee or other committees of the Commission must discuss:

2 (a) Non-compliance of a Member State with its obligations  
3 under the Compact;

4 (b) The employment, compensation, discipline or other matters,  
5 practices or procedures related to specific employees or other matters related to  
6 the Commission's internal personnel practices and procedures;

7 (c) Current, threatened, or reasonably anticipated litigation;

8 (d) Negotiation of contracts for the purchase, lease, or sale of  
9 goods, services, or real estate;

10 (e) Accusing any person of a crime or formally censuring any  
11 person;

12 (f) Disclosure of trade secrets or commercial or financial  
13 information that is privileged or confidential;

14 (g) Disclosure of information of a personal nature where  
15 disclosure would constitute a clearly unwarranted invasion of personal privacy;

16 (h) Disclosure of investigative records compiled for law  
17 enforcement purposes;

18 (i) Disclosure of information related to any investigative  
19 reports prepared by or on behalf of or for use of the Commission or other  
20 committee charged with responsibility of investigation or determination of  
21 compliance issues pursuant to the Compact; or

22 (j) Matters specifically exempted from disclosure by federal or  
23 Member State statute.

24 (3) If a meeting, or portion of a meeting, is closed pursuant to this  
25 provision, the Commission's legal counsel or designee shall certify that the meeting  
26 may be closed and shall reference each relevant exempting provision.

27 (4) The Commission shall keep minutes that fully and clearly describe  
28 all matters discussed in a meeting and shall provide a full and accurate summary of  
29 actions taken, and the reasons therefore, including a description of the views  
30 expressed. All documents considered in connection with an action shall be identified  
31 in such minutes. All minutes and documents of a closed meeting shall remain under

1 seal, subject to release by a majority vote of the Commission or order of a court of  
2 competent jurisdiction.

3 (F) Financing of the Commission

4 (1) The Commission shall pay, or provide for the payment of, the  
5 reasonable expenses of its establishment, organization, and ongoing activities.

6 (2) The Commission may accept any and all appropriate revenue  
7 sources, donations, and grants of money, equipment, supplies, materials, and services.

8 (3) The Commission may levy on and collect an annual assessment  
9 from each Member State or impose fees on other parties to cover the cost of the  
10 operations and activities of the Commission and its staff, which must be in a total  
11 amount sufficient to cover its annual budget as approved by the Commission each year  
12 for which revenue is not provided by other sources. The aggregate annual assessment  
13 amount shall be allocated based upon a formula to be determined by the Commission,  
14 which shall promulgate a Rule binding upon all Member States.

15 (4) The Commission shall not incur obligations of any kind prior to  
16 securing the funds adequate to meet the same; nor shall the Commission pledge the  
17 credit of any of the Member States, except by and with the authority of the Member  
18 State.

19 (5) The Commission shall keep accurate accounts of all receipts and  
20 disbursements. The receipts and disbursements of the Commission shall be subject to  
21 the audit and accounting procedures established under its bylaws. However, all  
22 receipts and disbursements of funds handled by the Commission shall be audited  
23 yearly by a certified or licensed public accountant, and the report of the audit shall be  
24 included in and become part of the annual report of the Commission.

25 (G) Qualified Immunity, Defense, and Indemnification

26 (1) The members, officers, executive director, employees and  
27 representatives of the Commission shall be immune from suit and liability, either  
28 personally or in their official capacity, for any claim for damage to or loss of property  
29 or personal injury or other civil liability caused by or arising out of any actual or  
30 alleged act, error or omission that occurred, or that the person against whom the claim  
31 is made had a reasonable basis for believing occurred within the scope of Commission

1 employment, duties or responsibilities; provided that nothing in this paragraph shall be  
2 construed to protect any such person from suit and/or liability for any damage, loss,  
3 injury, or liability caused by the intentional or willful or wanton misconduct of that  
4 person.

5 (2) The Commission shall defend any member, officer, executive  
6 director, employee, or representative of the Commission in any civil action seeking to  
7 impose liability arising out of any actual or alleged act, error, or omission that  
8 occurred within the scope of Commission employment, duties, or responsibilities, or  
9 that the person against whom the claim is made had a reasonable basis for believing  
10 occurred within the scope of Commission employment, duties, or responsibilities;  
11 provided that nothing herein shall be construed to prohibit that person from retaining  
12 his or her own counsel; and provided further, that the actual or alleged act, error, or  
13 omission did not result from that person's intentional or willful or wanton misconduct.

14 (3) The Commission shall indemnify and hold harmless any member,  
15 officer, executive director, employee, or representative of the Commission for the  
16 amount of any settlement or judgment obtained against that person arising out of any  
17 actual or alleged act, error or omission that occurred within the scope of Commission  
18 employment, duties, or responsibilities, or that such person had a reasonable basis for  
19 believing occurred within the scope of Commission employment, duties, or  
20 responsibilities, provided that the actual or alleged act, error, or omission did not result  
21 from the intentional or willful or wanton misconduct of that person.

#### 22 SECTION 9. DATA SYSTEM

23 (A) The Commission shall provide for the development, maintenance, and  
24 utilization of a coordinated database and reporting system containing licensure,  
25 Adverse Action, and Investigative Information on all licensed individuals in Member  
26 States.

27 (B) A Member State shall submit a uniform data set to the Data System on all  
28 individuals to whom this Compact is applicable (utilizing a unique identifier) as  
29 required by the Rules of the Commission, including:

30 (1) Identifying information;

31 (2) Licensure data;

- 1 (3) Adverse Actions against a license or Compact Privilege;  
 2 (4) Non-confidential information related to Alternative Program  
 3 participation;  
 4 (5) Any denial of application for licensure, and the reason(s) for such  
 5 denial;  
 6 (6) Other information that may facilitate the administration of this  
 7 Compact, as determined by the Rules of the Commission; and  
 8 (7) Current Significant Investigative Information.

9 (C) Current Significant Investigative Information and other Investigative  
 10 Information pertaining to a Licensee in any Member State will only be available to  
 11 other Member States.

12 (D) The Commission shall promptly notify all Member States of any Adverse  
 13 Action taken against a Licensee or an individual applying for a license. Adverse  
 14 Action information pertaining to a Licensee in any Member State will be available to  
 15 any other Member State.

16 (E) Member States contributing information to the Data System may designate  
 17 information that may not be shared with the public without the express permission of  
 18 the contributing State.

19 (F) Any information submitted to the Data System that is subsequently  
 20 required to be expunged by the laws of the Member State contributing the information  
 21 shall be removed from the Data System.

## 22 SECTION 10. RULEMAKING

23 (A) The Commission shall exercise its Rulemaking powers pursuant to the  
 24 criteria set forth in this Section and the Rules adopted thereunder. Rules and  
 25 amendments shall become binding as of the date specified in each Rule or amendment.

26 (B) The Commission shall promulgate reasonable rules in order to effectively  
 27 and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing,  
 28 in the event the Commission exercises its rulemaking authority in a manner that is  
 29 beyond the scope of the purposes of the Compact, or the powers granted hereunder,  
 30 then such an action by the Commission shall be invalid and have no force and effect.

31 (C) If a majority of the legislatures of the Member States rejects a Rule, by

1 enactment of a statute or resolution in the same manner used to adopt the Compact  
2 within 4 years of the date of adoption of the Rule, then such Rule shall have no further  
3 force and effect in any Member State.

4 (D) Rules or amendments to the Rules shall be adopted at a regular or special  
5 meeting of the Commission.

6 (E) Prior to promulgation and adoption of a final Rule or Rules by the  
7 Commission, and at least thirty (30) days in advance of the meeting at which the Rule  
8 will be considered and voted upon, the Commission shall file a Notice of Proposed  
9 Rulemaking:

10 (1) On the website of the Commission or other publicly accessible  
11 platform; and

12 (2) On the website of each Member State Occupational Therapy  
13 Licensing Board or other publicly accessible platform or the publication in which each  
14 State would otherwise publish proposed Rules.

15 (F) The Notice of Proposed Rulemaking shall include:

16 (1) The proposed time, date, and location of the meeting in which the  
17 Rule will be considered and voted upon;

18 (2) The text of the proposed Rule or amendment and the reason for the  
19 proposed Rule;

20 (3) A request for comments on the proposed Rule from any interested  
21 person; and

22 (4) The manner in which interested persons may submit notice to the  
23 Commission of their intention to attend the public hearing and any written comments.

24 (G) Prior to adoption of a proposed Rule, the Commission shall allow persons  
25 to submit written data, facts, opinions, and arguments, which shall be made available  
26 to the public.

27 (H) The Commission shall grant an opportunity for a public hearing before it  
28 adopts a Rule or amendment if a hearing is requested by:

29 (1) At least twenty five (25) persons;

30 (2) A State or federal governmental subdivision or agency; or

31 (3) An association or organization having at least twenty five (25)

1 members.

2 (I) If a hearing is held on the proposed Rule or amendment, the Commission  
3 shall publish the place, time, and date of the scheduled public hearing. If the hearing is  
4 held via electronic means, the Commission shall publish the mechanism for access to  
5 the electronic hearing.

6 (1) All persons wishing to be heard at the hearing shall notify the  
7 executive director of the Commission or other designated member in writing of their  
8 desire to appear and testify at the hearing not less than five (5) business days before  
9 the scheduled date of the hearing.

10 (2) Hearings shall be conducted in a manner providing each person  
11 who wishes to comment a fair and reasonable opportunity to comment orally or in  
12 writing.

13 (3) All hearings will be recorded. A copy of the recording will be made  
14 available on request.

15 (4) Nothing in this section shall be construed as requiring a separate  
16 hearing on each Rule. Rules may be grouped for the convenience of the Commission  
17 at hearings required by this section.

18 (J) Following the scheduled hearing date, or by the close of business on the  
19 scheduled hearing date if the hearing was not held, the Commission shall consider all  
20 written and oral comments received.

21 (K) If no written notice of intent to attend the public hearing by interested  
22 parties is received, the Commission may proceed with promulgation of the proposed  
23 Rule without a public hearing.

24 (L) The Commission shall, by majority vote of all members, take final action  
25 on the proposed Rule and shall determine the effective date of the Rule, if any, based  
26 on the Rulemaking record and the full text of the Rule.

27 (M) Upon determination that an emergency exists, the Commission may  
28 consider and adopt an emergency Rule without prior notice, opportunity for comment,  
29 or hearing, provided that the usual Rulemaking procedures provided in the Compact  
30 and in this section shall be retroactively applied to the Rule as soon as reasonably  
31 possible, in no event later than ninety (90) days after the effective date of the Rule. For

1 the purposes of this provision, an emergency Rule is one that must be adopted  
2 immediately in order to:

- 3 (1) Meet an imminent threat to public health, safety, or welfare;
- 4 (2) Prevent a loss of Commission or Member State funds;
- 5 (3) Meet a deadline for the promulgation of an administrative Rule that  
6 is established by federal law or Rule; or
- 7 (4) Protect public health and safety.

8 (N) The Commission or an authorized committee of the Commission may  
9 direct revisions to a previously adopted Rule or amendment for purposes of correcting  
10 typographical errors, errors in format, errors in consistency, or grammatical errors.  
11 Public notice of any revisions shall be posted on the website of the Commission. The  
12 revision shall be subject to challenge by any person for a period of thirty (30) days  
13 after posting. The revision may be challenged only on grounds that the revision results  
14 in a material change to a Rule. A challenge shall be made in writing and delivered to  
15 the chair of the Commission prior to the end of the notice period. If no challenge is  
16 made, the revision will take effect without further action. If the revision is challenged,  
17 the revision may not take effect without the approval of the Commission.

#### 18 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

##### 19 (A) Oversight

20 (1) The executive, legislative, and judicial branches of State  
21 government in each Member State shall enforce this Compact and take all actions  
22 necessary and appropriate to effectuate the Compact's purposes and intent. The  
23 provisions of this Compact and the Rules promulgated hereunder shall have standing  
24 as statutory law.

25 (2) All courts shall take judicial notice of the Compact and the Rules in  
26 any judicial or administrative proceeding in a Member State pertaining to the subject  
27 matter of this Compact which may affect the powers, responsibilities, or actions of the  
28 Commission.

29 (3) The Commission shall be entitled to receive service of process in  
30 any such proceeding, and shall have standing to intervene in such a proceeding for all  
31 purposes. Failure to provide service of process to the Commission shall render a



1 judgment or order void as to the Commission, this Compact, or promulgated Rules.

2 (B) Default, Technical Assistance, and Termination

3 (1) If the Commission determines that a Member State has defaulted in  
4 the performance of its obligations or responsibilities under this Compact or the  
5 promulgated Rules, the Commission shall:

6 (a) Provide written notice to the defaulting State and other  
7 Member States of the nature of the default, the proposed means of curing the  
8 default and/or any other action to be taken by the Commission; and

9 (b) Provide remedial training and specific technical assistance  
10 regarding the default.

11 (2) If a State in default fails to cure the default, the defaulting State  
12 may be terminated from the Compact upon an affirmative vote of a majority of the  
13 Member States, and all rights, privileges and benefits conferred by this Compact may  
14 be terminated on the effective date of termination. A cure of the default does not  
15 relieve the offending State of obligations or liabilities incurred during the period of  
16 default.

17 (3) Termination of membership in the Compact shall be imposed only  
18 after all other means of securing compliance have been exhausted. Notice of intent to  
19 suspend or terminate shall be given by the Commission to the governor, the majority  
20 and minority leaders of the defaulting State's legislature, and each of the Member  
21 States.

22 (4) A State that has been terminated is responsible for all assessments,  
23 obligations, and liabilities incurred through the effective date of termination, including  
24 obligations that extend beyond the effective date of termination.

25 (5) The Commission shall not bear any costs related to a State that is  
26 found to be in default or that has been terminated from the Compact, unless agreed  
27 upon in writing between the Commission and the defaulting State.

28 (6) The defaulting State may appeal the action of the Commission by  
29 petitioning the U.S. District Court for the District of Columbia or the federal district  
30 where the Commission has its principal offices. The prevailing member shall be  
31 awarded all costs of such litigation, including reasonable attorney's fees.

1 (C) Dispute Resolution

2 (1) Upon request by a Member State, the Commission shall attempt to  
3 resolve disputes related to the Compact that arise among Member States and between  
4 member and non-Member States.

5 (2) The Commission shall promulgate a Rule providing for both  
6 mediation and binding dispute resolution for disputes as appropriate.

7 (D) Enforcement

8 (1) The Commission, in the reasonable exercise of its discretion, shall  
9 enforce the provisions and Rules of this Compact.

10 (2) By majority vote, the Commission may initiate legal action in the  
11 United States District Court for the District of Columbia or the federal district where  
12 the Commission has its principal offices against a Member State in default to enforce  
13 compliance with the provisions of the Compact and its promulgated Rules and bylaws.  
14 The relief sought may include both injunctive relief and damages. In the event judicial  
15 enforcement is necessary, the prevailing member shall be awarded all costs of such  
16 litigation, including reasonable attorney's fees.

17 (3) The remedies herein shall not be the exclusive remedies of the  
18 Commission. The Commission may pursue any other remedies available under federal  
19 or State law.

20 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE  
21 COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED  
22 RULES, WITHDRAWAL, AND AMENDMENT

23 (A) The Compact shall come into effect on the date on which the Compact  
24 statute is enacted into law in the tenth Member State. The provisions, which become  
25 effective at that time, shall be limited to the powers granted to the Commission  
26 relating to assembly and the promulgation of Rules. Thereafter, the Commission shall  
27 meet and exercise Rulemaking powers necessary to the implementation and  
28 administration of the Compact.

29 (B) Any State that joins the Compact subsequent to the Commission's initial  
30 adoption of the Rules shall be subject to the Rules as they exist on the date on which  
31 the Compact becomes law in that State. Any Rule that has been previously adopted by

1 the Commission shall have the full force and effect of law on the day the Compact  
2 becomes law in that State.

3 (C) Any Member State may withdraw from this Compact by enacting a statute  
4 repealing the same.

5 (1) A Member State's withdrawal shall not take effect until six (6)  
6 months after enactment of the repealing statute.

7 (2) Withdrawal shall not affect the continuing requirement of the  
8 withdrawing State's Occupational Therapy Licensing Board to comply with the  
9 investigative and Adverse Action reporting requirements of this act prior to the  
10 effective date of withdrawal.

11 (D) Nothing contained in this Compact shall be construed to invalidate or  
12 prevent any Occupational Therapy licensure agreement or other cooperative  
13 arrangement between a Member State and a non-Member State that does not conflict  
14 with the provisions of this Compact.

15 (E) This Compact may be amended by the Member States. No amendment to  
16 this Compact shall become effective and binding upon any Member State until it is  
17 enacted into the laws of all Member States.

#### 18 SECTION 13. CONSTRUCTION AND SEVERABILITY

19 This Compact shall be liberally construed so as to effectuate the purposes  
20 thereof. The provisions of this Compact shall be severable and if any phrase, clause,  
21 sentence or provision of this Compact is declared to be contrary to the constitution of  
22 any Member State or of the United States or the applicability thereof to any  
23 government, agency, person, or circumstance is held invalid, the validity of the  
24 remainder of this Compact and the applicability thereof to any government, agency,  
25 person, or circumstance shall not be affected thereby. If this Compact shall be held  
26 contrary to the constitution of any Member State, the Compact shall remain in full  
27 force and effect as to the remaining Member States and in full force and effect as to  
28 the Member State affected as to all severable matters.

#### 29 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

30 (A) A Licensee providing Occupational Therapy in a Remote State under the  
31 Compact Privilege shall function within the laws and regulations of the Remote State.

1           (B) Nothing herein prevents the enforcement of any other law of a Member  
2 State that is not inconsistent with the Compact.

3           (C) Any laws in a Member State in conflict with the Compact are superseded  
4 to the extent of the conflict.

5           (D) Any lawful actions of the Commission, including all Rules and bylaws  
6 promulgated by the Commission, are binding upon the Member States.

7           (E) All agreements between the Commission and the Member States are  
8 binding in accordance with their terms.

9           (F) In the event any provision of the Compact exceeds the constitutional limits  
10 imposed on the legislature of any Member State, the provision shall be ineffective to  
11 the extent of the conflict with the constitutional provision in question in that Member  
12 State.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

BOARD OF PHYSICAL THERAPY AND  
OCCUPATIONAL THERAPY

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April 18, 2025

The Honorable Jesse Bjorkman  
Chair, Senate Labor and Commerce Committee  
Alaska State Capitol, Room 427  
Juneau, Alaska 99801

Dear Senator Bjorkman,

The Alaska Physical Therapy and Occupational Therapy Board would like to vocalize support for SB121. This bill addresses standards for settlement of health insurance claims and allowable charges for health care services. The Board feels that this bill will result in a positive impact to Alaskans by increasing access to health care services, including physical therapy and occupational therapy services. This bill addresses challenges related to geographic isolation and provider shortages, which directly impacts Alaskans' health.

The geographic spread between communities in Alaska presents a unique challenge compared to other states, and this bill improves the patient's ability to access medical and rehabilitative services. Compared to Alaska, a patient can travel between health care providers with less challenges in the lower 48 states. For instance, if a patient in other states does not have an in-network provider in their hometown, then they are able to drive to another town to access an in-network provider. In many Alaskan communities, this is not possible due to the geographical distance between communities. Because the 80th Percentile Rule was revoked, our communities are at increased risk of healthcare disparity and medical desert.

A patient may have access to only a single health care provider in their community. If insurance limitations prevent a patient from treatment with that sole healthcare provider, then the patient may need to fly to another region to obtain care. Those travel requirements are often not covered by insurance providers, which results in a financial burden. Additionally, the time spent travelling for health care services leads to time away from responsibilities at home, such as work, caregiving to family members, etc.

SB121 addresses these challenges in Sec. 21.36.497 (a): "In the absence of a contract between a health care insurer and health care provider that sets allowable charges for health care services and supplies furnished to a covered person, the director shall set by regulation the standards that a health care insurer must use to set allowable charges for health care services or supplies furnished to a covered person by a health care provider in the state." This language addresses

concerns related to care provided by out of network health facilities, which increases a patient's ability to see the local health care providers in their community.

Insurance reimbursement is a strong factor in the growth of the healthcare market, including the volume of service providers. By increasing the volume of healthcare providers in Alaska, Alaskans have increased access to healthcare services. Alaskans cannot access healthcare services if providers are not able to financially establish their practices. SB121 addresses this need by establishing statutory regulation for reimbursement of healthcare services through language related to allowable charges in Sec. 21.36.497 (a):

“Allowable charges must be based on the most current data available that shows amounts charged by health care providers in the state for the service or supply over a 12-month period and must be the same across the state. An allowable charge may not be less than the 75th percentile of charges in the state for a health care service or supply as defined by the Current Procedural Terminology adopted by the American Medical Association or other industry standard method of coding, but the director may set an allowable charge at a higher percentile. Allowable charges for primary care providers must be the greater of the allowable charge or 450 percent of the federal Centers for Medicare and Medicaid Services fee schedule for the state in effect at the time of delivery of the health care service or supply.”

In May 2018, the University of Alaska Anchorage prepared the following document for the Alaska Office of Management and Budget: “How Has the 80th Percentile Rule Affected Alaska's Health-Care Expenditures?” This document was written by Mouhcine Guettabi with the Institute of Social and Economic Research and Department of Economics and Public Policy.

This document describes that after the implementation of the 80th percentile rule, health care expenditures for physician and clinician services experienced significant growth. “For this category [physician and clinical services], we find that the 80th percentile explains between 15% and 39% of the growth rates. This means the yearly growth would have been between 1.06% and 2.74% lower in the absence of the 80th percentile rule.” This document demonstrates “that Alaska has considerably more physicians, and more doctor offices than it did in the early 2000's. The number of Physician offices, for example, increased from 368 in 1998 to 569 in 2015. Those of physical therapists increased from 37 in 1998 to 134 in 2015. This increase in availability and variety of healthcare facilities has made it easier for Alaskans to obtain medical services.”

This document establishes a correlation between the prior 80th Percentile Rule and the growth in volume of medical and therapy offices in Alaska. By increasing the volume of healthcare providers in Alaska, Alaskans have increased access to healthcare services. It is important to highlight the role of reimbursement guidelines in allowing therapist and other medical providers to establish financially viable facilities, which in turn allows for Alaskans to have access to health care services. This challenge seems to be especially impactful in smaller communities who are at risk of facing a healthcare desert.

In short, the Alaska Physical Therapy and Occupational Therapy Board is supportive of SB121.

Sincerely,

Valerie A. Phelps, PT, ScD  
Chair, Board of Physical Therapy and Occupational Therapy

# **House Bill 147**

## **Summary of Legislation**

### **Voluntary Naturopath License Endorsement**

- A licensed Alaska naturopath (ND) who has passed the pharmacology examination portions of the Naturopathic Physicians Licensing Examination, or equivalent exam approved by the Division of Occupational Licensing (Department), may elect to prescribe non controlled medications under a temporary license endorsement that would require a written collaborative agreement with an Alaskan MD or DO.
- Collaborative agreements would be in place for a minimum of one year.
- After one year, the collaborating MD or DO would recommend to the Department whether the ND should be allowed to continue to prescribe medications and perform minor office procedures under an ongoing license endorsement issued from the Department. A collaborative MD or DO could recommend:
  - the ND be issued an ongoing license endorsement allowing them to continue to prescribe and perform minor office procedures,
  - the ND remain under temporary endorsement with collaborative oversight for a specific amount of time, or
  - the ND be denied a license endorsement.

## **New Continuing Education Requirements**

- All Alaska naturopaths would be subject to new continuing education requirements for license renewal. This new requirement would include 60 hours of continuing education, including 20 hours in pharmacology, approved by the Department.

## **Limitations of a temporary, on ongoing license endorsement**

- NDs operating under a temporary, or ongoing license endorsement would **NOT** be allowed to prescribe a controlled substance, poison, cancer chemotherapeutic drug, antipsychotic drug, administer therapeutic ionizing radiation or, radioactive substances.

## **Disciplinary actions by the Department**

- The ND temporary license endorsement, or ongoing license endorsement would be added as items subject to disciplinary sanctions by the Department allowing an endorsement to be suspended or revoked.





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May 6, 2024

The Honorable Bryce Edgmon  
Co-Chair, House Finance Committee  
State Capitol Room 410  
Juneau, AK 99801

The Honorable Neal Foster  
Co-Chair, House Finance Committee  
State Capitol Room 511  
Juneau, AK 99801

The Honorable DeLena Johnson  
Co-Chair, House Finance Committee  
State Capitol Room 505  
Juneau, AK 99801

RE: Opposition for HB 115 – Naturopaths: Licensing; Practice

Dear Co-Chairs Edgmon, Foster and Johnson,

The Alaska State Physical Therapy and Occupational Therapy Board wishes to express our concern about some of the changes to the Naturopathic Scope of Practice proposed in HB 115. Our concerns center around the potential negative impacts on patient safety of allowing prescription and administration as noted in Sec. 08.45.045 (2) (C) vaccines, (D) devices for contraception, and (E) drugs.

While the bill does say “if the naturopath has passed the elective pharmacology examination portion of the Naturopathic Physicians Licensing Examination” they may prescribe. However, there is no requirement for any hands-on training or experience. Didactic education is not equivalent to education including hands-on training and experience.

MDs and DOs are required to have one to two years of internship/residency experience prior to licensing. Physicians Assistants are required to have a collaborating physician. Nurse Practitioners (NPs) do not require an internship or collaborating physician, but the vast majority of NPs have prior nursing experience including administering medications after another provider’s order.

It does not appear that the entry level education of the naturopath is adequate to ensure patient safety regarding the above-mentioned prescribing and administrations. It would be safer to require a period of hands-on training and experience, similar to the internship/residency required of physicians.

The insertion of IUDs (intrauterine devices) or implantable contraceptives also raises safety concerns for the same reasons. These procedures, while common, are not without significant risks. Perforations of the uterus do occur with IUD insertions and require emergency surgery. Implanted contraceptives under the skin also have a significant risk of serious complications. The same concerns as previously noted regarding licensing for these procedures without hands-on training and experience applies here. Again, an internship or residency seems essential.

We are opposed to this bill unless these concerns are addressed.

Sincerely,

Alaska Board of Physical Therapy and Occupational Therapy