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Alaska State Legislature - House District 38

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Sectional Analysis

HB 173 (Occupational Therapy Licensure Compact)

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

Key Provisions in the Occupational Therapy Licensure Compact ("OT Compact") are as follows.

Section 1: Page 1, Line 4 through Page 2, line 8 amends AS 08.84.010(b):

Adds implementation of the Occupational Therapy Licensure Compact to the duties of the State Physical Therapy and State Occupational Therapy Board.

Section 2: Page 2, Line 9 through Page 3, Line 3 amends AS 09.84.150(b):

Adds compact privilege as a possible prerequisite for providing occupational therapy.

Section 3: Page 3, Line 4 through end.

"Section 1. Purpose" -- Page 3, Line 4 through Page 3, Line 29:

Outlines purposes of compact.

"Section 2. Definitions" -- Page 3, Line 30 through Page 6, Line 19:

Defines terms referenced throughout the compact, and limits the scope of the definitions to the compact. Examples of defined terms include "Active Duty Military," "Compact Privilege," "Member State," and "Occupational Therapy."

"Section 3. State Participation in the Compact" -- Page 6, Line 20 through Page 8, Line 3:

Establishes requirements for States participating in the compact.

"Section 4. Compact Privilege" -- Page 8, Line 4 through Page 10, Line 2:

Establishes requirements for Licensees using compact privileges.

"Section 5. Obtaining a New Home State License by Virtue of Compact Privilege" -- Page 10, line 3 through Page 11, Line 13:

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Outlines procedure for obtaining a new home state license if an Occupational Therapists' primary state of residence changes.

"Section 6. Active Duty Military Personnel or Their Spouses" -- Page 10, Line 14 through Page 10, line 20:

Provides flexibility for Active Duty Military personnel or their spouses to designate a home state and retain that state license for the duration of active duty.

"Section 7. Adverse Actions" -- Page 10, Line 21 through Page 13, Line 16:

Protects the unique right of a licensee's home state to take adverse action against a home state license. Protects the right of remote states to take adverse action against a licensee's compact privilege. Establishes a mechanism for joint investigations and subpoenas between member states, and requires disclosure of adverse actions to the shared data system.

"Section 8. Establishment of the Occupational Therapy Compact Commission" -- Page 13, Line 17 through Page 19, Line 21:

Establishes the Occupational Therapy Compact Commission. Outlines commission membership, for establishment, executive committee, financing, and requirement for public meetings.

"Section 9. Data System" -- Page 19, Line 22, through Page 20, Line 21:

Describes Member State obligations for participation in the shared data system.

"Section 10. Rulemaking" -- Page 20, Line 22 through Page 23, Line 17:

Sets terms for rulemaking; rules established by the Commission carry the force of law in member states.

"Section 11. Oversight, Dispute Resolution, and Enforcement" -- Page 23, Line 18 through Page 25, Line 19:

Establishes process for ensuring Member State compliance with the compact.

"Section 12 Date of Implementation of the Interstate Commission for Occupational Therapy Practice and Associated Rules, Withdrawal, and Amendment" -- Page 25, Line 20 through Page 26, Line 17:

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Describes effective date of compact, sets terms for joining, withdrawing from, and amending the Compact.

“Section 13. Construction and Severability” -- Page 26, Line 18 through Page 26, Line 28:

Declares that the compact shall be liberally construed to effectuate its purposes, and notes that the compact’s provisions are severable.

“Section 14. Binding Effect of Compact and Other Laws” -- Page 26, Line 29 through Page 27, Line 12 (end):

The compact is binding upon member states and supersedes conflict with member state laws to the extent of the conflict.