

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Health Professions &
 2 Programs Subcommittee

3 Representative Anderson offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Section 468.226, Florida Statutes, is created**
 8 **to read:**

9 468.226 Occupational Therapy Licensure Compact.—The
 10 Occupational Therapy Licensure Compact is hereby enacted into
 11 law and entered into by this state with all other states legally
 12 joining therein in the form substantially as follows:

13
 14 ARTICLE I

15 PURPOSE
 16

Amendment No. 1

17 (1) The purpose of this compact is to facilitate
18 interstate practice of occupational therapy with the goal of
19 improving public access to occupational therapy services. The
20 practice of occupational therapy occurs in the member state
21 where the client is located at the time of the client's
22 encounter. The compact preserves the regulatory authority of
23 member states to protect public health and safety through their
24 current systems of state licensure.

25 (2) The compact is designed to achieve all of the
26 following objectives:

27 (a) Increase public access to occupational therapy
28 services by providing for the mutual recognition of other member
29 state licenses.

30 (b) Enhance the states' ability to protect the public's
31 health and safety.

32 (c) Encourage the cooperation of member states in
33 regulating multistate occupational therapy practice.

34 (d) Support spouses of relocating military members.

35 (e) Enhance the exchange of licensure, investigative, and
36 disciplinary information between member states.

37 (f) Allow a remote state to hold a provider of services
38 with a compact privilege in that state accountable to that
39 state's practice standards.

40 (g) Facilitate the use of telehealth technology in order
41 to increase access to occupational therapy services.

Amendment No. 1

42
43 ARTICLE II

44 DEFINITIONS

45
46 As used in the compact, and except as otherwise provided,
47 the term:

48 (1) "Active duty military" means full-time duty status in
49 the active uniformed service of the United states, including
50 members of the United States Reserve Forces and the National
51 Guard on active duty orders pursuant to 10 U.S.C. chapters 1209
52 and 1211.

53 (2) "Adverse action" means any administrative, civil,
54 equitable, or criminal action permitted by the member state's
55 laws which is imposed by an occupational therapy licensing board
56 or other authority against an occupational therapist or
57 occupational therapy assistant, including actions against an
58 individual's license or compact privilege such as censure,
59 revocation, suspension, probation, monitoring of the licensee,
60 or restriction on the licensee's practice.

61 (3) "Alternative program" means a nondisciplinary
62 monitoring process approved by a state's occupational therapy
63 licensing board.

64 (4) "Compact privilege" means the authorization, which is
65 equivalent to a license, granted by a remote state to allow a
66 licensee from another member state with an equivalent license to

Amendment No. 1

67 practice as an occupational therapist or an occupational therapy
68 assistant in a remote state under its laws and rules. The
69 practice of occupational therapy occurs in the member state
70 where the client is located at the time of the client's
71 encounter.

72 (5) "Continuing competence or "continuing education "
73 means a requirement, as a condition of license renewal, to
74 provide evidence of participation in, and completion of,
75 educational and professional activities relevant to practice or
76 area of work.

77 (6) "Current significant investigative information" means
78 investigative information that a licensing board, after an
79 inquiry or investigation that includes notification and an
80 opportunity for the occupational therapist or occupational
81 therapy assistant to respond, if required by state law, has
82 reason to believe is not groundless and, if proven, would
83 indicate more than a minor infraction.

84 (7) "Data system" means repository of information about
85 Licensees, including but not limited to license status,
86 investigative information, compact privileges, and adverse
87 actions.

88 (8) "Encumbered license" means a license in which an
89 adverse action restricts the practice of occupational therapy by
90 the licensee or said adverse action has been reported to the
91 National Practitioner Data Bank

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

92 (9) "Executive committee " means a group of directors
93 elected or appointed to act on behalf of and within the powers
94 granted to them by the commission.

95 (10) "Home state" means the member state that is the
96 licensee's primary state of residence.

97 (11) "Impaired practitioner" means an individual whose
98 professional practice is adversely affected by substance abuse,
99 addiction, or other health-related conditions.

100 (12) "Investigative information" means information,
101 records, and documents received or generated by an occupational
102 therapy licensing board pursuant to an investigation.

103 (13) "Jurisprudence requirement" means the assessment of
104 an individual's knowledge of the laws and rules governing the
105 practice of occupational therapy in a state.

106 (14) "Licensee" means an individual who currently holds an
107 authorization from a state to practice as an occupational
108 therapist or an occupational therapy assistant.

109 (15) "Member state" means a state that has enacted the
110 compact.

111 (16) "Occupational therapist" means an individual who is
112 licensed by a state to practice occupational therapy.

113 (17) "Occupational therapy assistant" means an individual
114 who is licensed by a state to assist in the practice of
115 occupational therapy.

Amendment No. 1

116 (18) "Occupational therapy," "occupational therapy
117 practice," or "the practice of occupational therapy" means the
118 care and services provided by an occupational therapist or an
119 occupational therapy assistant as set forth by the member
120 state's laws and regulations.

121 (19) "Primary state of residence" means the home state in
122 which an occupational therapist or occupational therapy
123 assistant who is not active duty military declares a primary
124 residence for legal purposes as verified by the licensee's:
125 driver's license, federal income tax return, lease, deed,
126 mortgage, voter registration or other verifying documentation as
127 further defined by commission rules.

128 (20) "Occupational Therapy Compact Commission" or
129 "commission" means the national administrative body whose
130 membership consists of all states that have enacted the compact.

131 (21) "Occupational therapy licensing board" or "licensing
132 board" means the agency of a state that is authorized to license
133 and regulate occupational therapists and occupational therapy
134 assistants.

135 (22) "Remote state" means a member state other than the
136 home state where a licensee is exercising or seeking to exercise
137 the compact privilege.

138 (23) "Rule" means a regulation promulgated by the
139 commission that has the force of law.

Amendment No. 1

140 (24) "State" means any state, commonwealth, district, or
141 territory of the United states that regulates the practice of
142 occupational therapy.

143 (25) "Single-State License" means an occupational therapist
144 or occupational therapy assistant license issued by a member
145 state that authorizes practice only within the issuing state and
146 does not include a compact privilege in any other member state.

147 (26) "Telehealth" means the application of
148 telecommunications technology to deliver occupational therapy
149 services for assessment, intervention, or consultation.

151 ARTICLE III

152 STATE PARTICIPATION IN THE COMPACT

154 (1) To participate in the compact, a member state must do
155 all of the following:

156 (a) License occupational therapists and occupational
157 therapy assistants.

158 (b) Participate fully in the data system, including but
159 not limited to, using the commission's unique identifier, as
160 defined in the rules of the commission.

161 (c) Have a mechanism in place for receiving and
162 investigating complaints about licensees.

Amendment No. 1

163 (d) Notify the commission, in compliance with the terms of
164 the compact and rules, of any adverse action or the availability
165 of investigative information regarding a licensee.

166 (e) Implement or use procedures for considering the
167 criminal history records of applicants for an initial compact
168 privilege. These procedures shall include the submission of
169 fingerprints or other biometric-based information by applicants
170 for the purpose of obtaining an applicant's criminal history
171 record information from the Federal Bureau of Investigation and
172 the agency responsible for retaining that state's criminal
173 records;

174 1. A member state shall, within a time frame established
175 by the commission, require a criminal background check for a
176 licensee seeking compact privilege whose primary state of
177 residence is in that member state, by receiving the results of
178 the Federal Bureau of Investigation criminal record search, and
179 shall use the results in making licensure decisions.

180 2. Communication between a member state, the commission and
181 among member states regarding the verification of eligibility
182 for licensure through the compact shall not include any
183 information received from the Federal Bureau of Investigation
184 relating to a federal criminal records check performed by a
185 member state under Public Law 92-544.

186 (f) Comply with the rules of the commission.

Amendment No. 1

187 (g) Use a recognized national examination as a requirement
188 for licensure pursuant to the rules of the commission.

189 (h) Have continuing competence or education requirements
190 as a condition for license renewal.

191 (2) A member state must grant the compact privilege to a
192 licensee holding a valid unencumbered license in another member
193 state in accordance with the terms of the compact and rules.

194 (3) Member states may charge a fee for granting a compact
195 privilege.

196 (4) A Member state shall provide for the state's delegate
197 to attend all occupational therapy compact commission meetings.

198 (5) Individuals not residing in a member state shall
199 continue to be able to apply for a member state's single-state
200 license as provided under the laws of each member state.
201 However, the single-state license granted to these individuals
202 shall not be recognized as granting the compact privilege in any
203 other member state.

204 (6) Nothing in this compact shall affect the requirements
205 established by a member state for the issuance of a single-state
206 license.

207
208 ARTICLE IV

209 COMPACT PRIVILEGE

210

Amendment No. 1

211 (1) To exercise compact privilege under the terms and
212 provisions of the compact, a licensee must:

213 (a) Hold an unencumbered license in the home state.

214 (b) Have a valid United States Social Security Number or
215 National Practitioner Identification number.

216 (c) Have no encumbrance on any state license.

217 (d) Be eligible for a compact privilege in any member
218 state in accordance with subsections (4), (5), (8), and (10).

219 (e) Have paid all fines and completed all requirements
220 resulting from any adverse action against any license or compact
221 privilege, and 2 years have elapsed from the date of completion.

222 (f) Notify the commission that the licensee is seeking the
223 compact privilege within a remote state.

224 (g) Pay any applicable fees, including any state fee, for
225 the compact privilege.

226 (h) Complete a criminal background check in accordance
227 with Article III.

228 1. The licensee shall be responsible for the payment of
229 any fee associated with the completion of a criminal background
230 check.

231 (i) Meet any jurisprudence requirements established by the
232 remote state in which the licensee is seeking a compact
233 privilege.

Amendment No. 1

234 (g) Report to the commission adverse action taken by any
235 nonmember state within 30 days after the date the adverse action
236 is taken.

237 (2) The compact privilege is valid until the expiration
238 date of the home state license. The licensee must comply with
239 the requirements of subsection (1) to maintain the compact
240 privilege in a remote state.

241 (3) A licensee providing occupational therapy in a remote
242 state under the compact privilege shall function within the laws
243 and regulations of the remote state.

244 (4) Occupational therapy assistants practicing in a remote
245 state shall be supervised by an occupational therapist licensed
246 or holding a compact privilege in that remote state.

247 (5) A licensee providing occupational therapy in a remote
248 state is subject to that state's regulatory authority. A remote
249 state may, in accordance with due process and that state's laws,
250 remove a licensee's compact privilege in the remote state for a
251 specific period of time, impose fines, and take any other
252 necessary actions to protect the health and safety of its
253 citizens. The licensee is not eligible for a compact privilege
254 in any member state until the specific period of time for
255 removal has passed and all fines are paid.

256 (6) If a home state license is encumbered, the licensee
257 shall lose the compact privilege in any remote state until the
258 following conditions are met:

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

- 259 (a) The home state license is no longer encumbered.
- 260 (b) Two years have elapsed from the date on which the home
261 state license is no longer encumbered.
- 262 (7) Once an encumbered license in the home state is
263 restored to good standing, the licensee must meet the
264 requirements of subsection (1) to obtain compact privilege in
265 any remote state.
- 266 (8) If a licensee's compact privilege in any remote state
267 is removed, the licensee may lose the compact privilege in any
268 other remote state until the following conditions are met:
- 269 (a) The specific period of time for which the compact
270 privilege was removed has ended.
- 271 (b) All fines have been paid and all conditions have been
272 met.
- 273 (c) Two years have elapsed from the date of completing the
274 requirements of paragraphs(a) and (b).
- 275 (d) The compact privileges are reinstated by the
276 commission, and the data system is updated to reflect
277 reinstatement.
- 278 (9) If a licensee's compact privilege in any remote state
279 is removed due to an erroneous charge, privileges shall be
280 restored through the data system.
- 281 (10) Once the requirements of subsection (8) have been
282 met, the licensee must meet the requirements of subsection (1)
283 to obtain a compact privilege in a remote state.

Amendment No. 1

284
285 ARTICLE V

286 OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT

287 PRIVILEGE

288
289 (1) An occupational therapist or occupational therapy
290 assistant may hold a home state license, which allows for
291 compact privileges in member states, in only one member state at
292 a time.

293 (2) If an occupational therapist or occupational therapy
294 assistant changes primary state of residence by moving between
295 two member states:

296 (a) The occupational therapist or occupational therapy
297 assistant shall file an application for obtaining a new home
298 state license by virtue of a compact privilege, pay all
299 applicable fees, and notify the current and new home state in
300 accordance with applicable rules adopted by the commission.

301 (b) Upon receipt of an application for obtaining a new home
302 state license by virtue of compact privilege, the new home state
303 shall verify that the occupational therapist or occupational
304 therapy assistant meets the pertinent criteria outlined in
305 Article IV via the data system, without need for primary source
306 verification except for:

307 1. A Federal Bureau of Investigations fingerprint based
308 criminal background check if not previously performed or updated

Amendment No. 1

309 pursuant to applicable rules adopted by the commission in
310 accordance with Public Law 92-544.

311 2. Other criminal background check as required by the new
312 home state.

313 3. Submission of any requisite jurisprudence requirements
314 of the new home state.

315 (c) The former home state shall convert the former home
316 state license into a compact privilege once the new home state
317 has activated the new home state license in accordance with
318 applicable rules adopted by the commission.

319 (d) Notwithstanding any other provision of this compact, if
320 the occupational therapist or occupational therapy assistant
321 cannot meet the criteria in Article IV, the new home State shall
322 apply its requirements for issuing a new single-state license.

323 (e) The occupational therapist or the occupational therapy
324 assistant shall pay all applicable fees to the new home state in
325 order to be issued a new home state license.

326 (3) If an occupational therapist or occupational therapy
327 assistant changes primary state of residence by moving from a
328 member state to a nonmember state, or from a nonmember state to
329 a member state, the state criteria shall apply for issuance of a
330 single-state license in the new state.

331 (4) Nothing in this compact shall interfere with a
332 licensee's ability to hold a single-state license in multiple

Amendment No. 1

333 states; however, for the purposes of this compact, a licensee
334 shall have only one home state license.

335 (5) Nothing in this compact shall affect the requirements
336 established by a member state for the issuance of a single-state
337 license.

338
339 ARTICLE VI

340 ACTIVE DUTY MILITARY PERSONNEL AND THEIR SPOUSES

341
342 Active duty military personnel, and their spouses, shall
343 designate a home state where the individual has a current
344 license in good standing. The individual may retain the home
345 state designation during the period the service member is on
346 active duty. Subsequent to designating a home state, the
347 individual shall only change their home state through
348 application for licensure in the new state or through the
349 process described in Article V.

350
351 ARTICLE VII

352 ADVERSE ACTIONS

353
354 (1) A home state shall have exclusive power to impose
355 adverse action against an occupational therapist's or an
356 occupational therapy assistant's license issued by the home
357 state.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Page 15 of 52

Amendment No. 1

358 (2) In addition to the powers conferred by state law, a
359 remote state shall have the authority, in accordance with
360 existing state due process law to:

361 (a) Take adverse action against an occupational
362 therapist's or occupational therapy assistant's compact
363 privilege within that member state.

364 (b) Issue subpoenas for both hearings and investigations
365 that require the attendance and testimony of witnesses and the
366 production of evidence. Subpoenas issued by a licensing board in
367 a member state for the attendance and testimony of witnesses or
368 for the production of evidence from another member state shall
369 be enforced in the latter state by any court of competent
370 jurisdiction, according to the practice and procedure of that
371 court applicable to subpoenas issued in proceedings pending
372 before it. The issuing authority shall pay any witness fees,
373 travel expenses, mileage and other fees required by the service
374 laws of the state in which the witnesses or evidence are
375 located.

376 (3) For purposes of taking adverse action, the home state
377 shall give the same priority and effect to reported conduct
378 received from a member state as it would if the conduct had
379 occurred within the home state. In so doing, the home state
380 shall apply its own state laws to determine appropriate action.

381 (4) The home state shall complete any pending
382 investigations of an occupational therapist or occupational

Amendment No. 1

383 therapy assistant who changes primary state of residence during
384 the course of the investigations. The home state, where the
385 investigations were initiated, shall also have the authority to
386 take appropriate actions and shall promptly report the
387 conclusions of the investigations to the data system. The data
388 system administrator shall promptly notify the new home state of
389 any adverse actions.

390 (5) A member state, if otherwise permitted by state law,
391 may recover from the affected occupational therapist or
392 occupational therapy assistant the costs of investigations and
393 disposition of cases resulting from any adverse action taken
394 against that occupational therapist or occupational therapy
395 assistant.

396 (6) A member state may take adverse action based on the
397 factual findings of the remote state, provided that the member
398 state follows its own procedures for taking the adverse action.

399 (7) (a) In addition to the authority granted to a member
400 state by its respective state occupational therapy laws and
401 regulations or other applicable state law, any member state may
402 participate with other member states in joint investigations of
403 licensees.

404 (b) Member states shall share any investigative,
405 litigation, or compliance materials in furtherance of any joint
406 or individual investigation initiated under the compact.

Amendment No. 1

407 (8) If an adverse action is taken by the home state
408 against an occupational therapist's or occupational therapy
409 assistant's license, the occupational therapist's or
410 occupational therapy assistant's compact privilege in all other
411 member states shall be deactivated until all encumbrances have
412 been removed from the state license. All home state disciplinary
413 orders that impose adverse action against an occupational
414 therapist's or occupational therapy assistant's license shall
415 include a statement that the occupational therapist's or
416 occupational therapy assistant's compact privilege is
417 deactivated in all member states during the pendency of the
418 order.

419 (9) If a member state takes adverse action, it shall
420 promptly notify the administrator of the data system. The
421 administrator of the data system shall promptly notify the home
422 state of any adverse actions by remote states.

423 (10) Nothing in this compact shall override a member
424 State's decision that participation in an alternative program
425 may be used in lieu of adverse action.

426
427 ARTICLE VIII

428 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY

429 COMPACT COMMISSION

430

Amendment No. 1

431 (1) The compact member states hereby create and establish
432 a joint public agency known as the Occupational Therapy Compact
433 Commission:

434 (a) The commission is an instrumentality of the compact
435 states.

436 (b) Venue is proper and judicial proceedings by or against
437 the commission must be brought solely and exclusively in a court
438 of competent jurisdiction where the principal office of the
439 commission is located. The commission may waive venue and
440 jurisdictional defenses to the extent it adopts or consents to
441 participate in alternative dispute resolution proceedings.

442 (c) Nothing in this compact may be construed to be a
443 waiver of sovereign immunity, except to the extent it is waived
444 in a member state.

445 (2) MEMBERSHIP, VOTING, AND MEETINGS.-

446 (a) Each member state has and is limited to one delegate
447 selected by that member state's licensing board. The delegate
448 must be a current member of the licensing board, who is an
449 occupational therapist, occupational therapy assistant, public
450 member, or an administrator of the licensing board.

451 (b) Any delegate may be removed or suspended from office
452 as provided by the law of the state from which the delegate is
453 appointed.

454 (c) The member state board shall fill any vacancy
455 occurring in the commission within 90 days.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

456 (d) Each delegate is entitled to one vote with regard to
457 the promulgation of rules and creation of bylaws and shall
458 otherwise have an opportunity to participate in the business and
459 affairs of the commission.

460 (e) A delegate shall vote in person or by such other means
461 as provided in the bylaws. The bylaws may provide for delegates'
462 participation in meetings by telephone or other means of
463 communication.

464 (f) The commission shall meet at least once during each
465 calendar year. Additional meetings may be held as set forth in
466 the bylaws.

467 (f) The commission shall establish by rule a term of office
468 for delegates.

469 (3) DUTIES.—The commission shall have all of the following
470 powers and duties:

471 (a) Establish the code of ethics for the commission.

472 (b) Establish the fiscal year of the commission.

473 (c) Establish bylaws.

474 (d) Maintain its financial records in accordance with the
475 bylaws.

476 (e) Meet and take such actions as are consistent with the
477 provisions of the compact and the bylaws.

478 (4) POWERS.—The commission may do any of the following:

479 (a) Promulgate uniform rules to facilitate and coordinate
480 implementation and administration of the compact. The rules have

Amendment No. 1

481 the force and effect of law and are binding in all member
482 states.

483 (b) Bring and prosecute legal proceedings or actions in
484 the name of the commission, provided that the standing of any
485 state occupational therapy licensing board to sue or be sued
486 under applicable law is not affected.

487 (c) Purchase and maintain insurance and bonds.

488 (d) Borrow, accept, or contract for services of personnel,
489 including, but not limited to, employees of a member state.

490 (e) Hire employees, elect or appoint officers, fix
491 compensation of, define duties of, grant such individuals
492 appropriate authority to carry out the purposes of the compact,
493 and establish the commission's personnel policies and programs
494 relating to conflicts of interest, qualifications of personnel,
495 and other related personnel matters.

496 (f) Accept any appropriate donations and grants of money,
497 equipment, supplies, materials and services, and receive, use,
498 and dispose of the same, provided that at all times the
499 commission avoids any appearance of impropriety or conflict of
500 interest.

501 (g) Lease, purchase, accept appropriate gifts or donations
502 of, or otherwise own, hold, improve, or use any property, real,
503 personal, or mixed, provided that at all times the commission
504 avoids any appearance of impropriety or conflict of interest.

Amendment No. 1

505 (h) Sell, convey, mortgage, pledge, lease, exchange,
506 abandon, or otherwise dispose of any property, real, personal,
507 or mixed.

508 (i) Establish a budget and make expenditures.

509 (j) Borrow money.

510 (k) Appoint committees, including standing committees
511 composed of members, state regulators, state legislators or
512 their representatives, and consumer representatives, and such
513 other interested persons as may be designated in the compact and
514 the bylaws.

515 (l) Provide and receive information from, and cooperate
516 with law enforcement agencies.

517 (m) Establish and elect an executive committee board.

518 (n) Perform such other functions as may be necessary or
519 appropriate to achieve the purposes of the compact consistent
520 with the state regulation of occupational therapy licensure and
521 practice.

522 (5) THE EXECUTIVE COMMITTEE.—

523 (a) The executive committee may act on behalf of the
524 commission according to the terms of the compact.

525 (b) The executive committee shall be composed of the
526 following nine members:

527 1. Seven voting members who are elected by the commission
528 from the current membership of the commission.

Amendment No. 1

529 2. One ex officio, nonvoting member from a recognized
530 National Occupational Therapy Professional Association.

531 3. One ex officio, nonvoting member from a recognized
532 National Occupational Therapy certification organization.

533 (c) The ex officio members shall be selected by their
534 respective organizations.

535 (d) The commission may remove any member of the executive
536 committee as provided in its bylaws.

537 (e) The executive committee shall meet at least annually.

538 (f) The executive committee shall have all of the
539 following duties:

540 1. Recommend to the entire commission changes to the rules
541 or bylaws, changes to the compact legislation, fees paid by
542 compact member states, such as annual dues, and any commission
543 compact fee charged to licensees for the compact privilege.

544 2. Ensure compact administration services are
545 appropriately provided, contractually or otherwise.

546 3. Prepare and recommend the budget.

547 4. Maintain financial records on behalf of the commission.

548 5. Monitor compact compliance of member states and provide
549 compliance reports to the commission.

550 6. Establish additional committees as necessary.

551 7. Perform other duties as provided in the rules or
552 bylaws.

553 (6) MEETINGS OF THE COMMISSION.-

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

554 (a) All meetings shall be open to the public, and public
555 notice of meetings shall be given in the same manner as required
556 under the rulemaking provisions in Article X.

557 (b) The commission or the executive committee or other
558 committees of the commission may convene in a closed, non-public
559 meeting if the commission or executive committee or other
560 committees of the commission must discuss:

561 1. Non-compliance of a member state with its obligations
562 under the compact.

563 2. The employment, compensation, discipline or other
564 matters, practices or procedures related to specific employees
565 or other matters related to the commission's internal personnel
566 practices and procedures.

567 3. Current, threatened, or reasonably anticipated
568 litigation.

569 4. Negotiation of contracts for the purchase, lease, or
570 sale of goods, services, or real estate.

571 5. Accusing any person of a crime or formally censuring
572 any person.

573 6. Disclosure of trade secrets or commercial or financial
574 information that is privileged or confidential.

575 7. Disclosure of information of a personal nature where
576 disclosure would constitute a clearly unwarranted invasion of
577 personal privacy.

Amendment No. 1

578 8. Disclosure of investigative records compiled for law
579 enforcement purposes.

580 9. Disclosure of information related to any investigative
581 reports prepared by or on behalf of or for use of the commission
582 or other committee charged with responsibility of investigation
583 or determination of compliance issues pursuant to the compact.

584 10. Matters specifically exempted from disclosure by
585 federal or Member State statute.

586 (7) FINANCING OF THE COMMISSION.—

587 (a) The commission shall pay, or provide for the payment
588 of, the reasonable expenses of its establishment, organization,
589 and ongoing activities.

590 (b) The commission may accept any appropriate revenue
591 sources, donations, and grants of money, equipment, supplies,
592 materials, and services.

593 (c) The commission may levy and collect an annual
594 assessment from each member state or impose fees on other
595 parties to cover the cost of the operations and activities of
596 the commission and its staff. Such assessments and fees must
597 total to an amount sufficient to cover the commission's annual
598 budget as approved each year for which revenue is not provided
599 by other sources. The aggregate annual assessment amount must be
600 allocated based upon a formula to be determined by the
601 commission, which shall promulgate a rule binding upon all
602 member states.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

603 (d) The commission may not incur obligations of any kind
604 before securing the funds adequate to meet such obligations or
605 pledge the credit of any of the member states, except by and
606 with the authority of the member state.

607 (e) The commission shall keep accurate accounts of all
608 receipts and disbursements. The receipts and disbursements of
609 the commission are subject to the audit and accounting
610 procedures established under its bylaws. However, all receipts
611 and disbursements of funds handled by the commission must be
612 audited yearly by a certified or licensed public accountant, and
613 the report of the audit must be included in and become part of
614 the annual report of the commission.

615 (8) QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.—

616 (a) The members, officers, executive director, employees,
617 and representatives of the commission are immune from suit and
618 liability, whether personally or in their official capacity, for
619 any claim for damage to or loss of property or personal injury
620 or other civil liability caused by or arising out of any actual
621 or alleged act, error, or omission that occurred, or that the
622 person against whom the claim is made had a reasonable basis for
623 believing occurred, within the scope of commission employment,
624 duties, or responsibilities. However, this paragraph may not be
625 construed to protect any such person from suit or liability for
626 any damage, loss, injury, or liability caused by the
627 intentional, willful, or wanton misconduct of that person.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

628 (b) The commission shall defend any member, officer,
629 executive director, employee, or representative of the
630 commission in any civil action seeking to impose liability
631 arising out of any actual or alleged act, error, or omission
632 that occurred within the scope of commission employment, duties,
633 or responsibilities, or that the person against whom the claim
634 is made had a reasonable basis for believing occurred within the
635 scope of commission employment, duties, or responsibilities.
636 However, this subsection may not be construed to prohibit any
637 member, officer, executive director, employee, or representative
638 of the commission from retaining his or her own counsel or to
639 require the commission to defend such person if the actual or
640 alleged act, error, or omission resulted from that person's
641 intentional, willful, or wanton misconduct.

642 (c) The commission shall indemnify and hold harmless any
643 member, officer, executive director, employee, or representative
644 of the commission for the amount of any settlement or judgment
645 obtained against that person arising out of any actual or
646 alleged act, error, or omission that occurred within the scope
647 of commission employment, duties, or responsibilities, or that
648 such person had a reasonable basis for believing occurred within
649 the scope of commission employment, duties, or responsibilities,
650 provided that the actual or alleged act, error, or omission did
651 not result from the intentional, willful, or wanton misconduct
652 of that person.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

653
654 ARTICLE IX

655 DATA SYSTEM

656
657 (1) The commission shall provide for the development,
658 maintenance, and use of a coordinated database and reporting
659 system containing licensure, adverse action, and investigative
660 information on all licensed individuals in member states.

661 (2) A member state shall submit a uniform data set to the
662 data system on all individuals to whom the compact is
663 applicable, utilizing a unique identifier, as required by the
664 rules of the commission, including:

665 (a) Identifying information.

666 (b) Licensure data.

667 (c) Adverse actions against a license or compact
668 privilege.

669 (d) Nonconfidential information related to alternative
670 program participation.

671 (e) Any denial of application for licensure and the reason
672 for such denial.

673 (f) Other information that may facilitate the
674 administration of the compact, as determined by the rules of the
675 commission.

676 (g) Current significant investigative information.

Amendment No. 1

677 (3) Current significant investigative information and
678 other investigative information in the system pertaining to a
679 licensee in any member state must be available only to other
680 member states.

681 (4) The commission shall promptly notify all member states
682 of any adverse action taken against a licensee or an individual
683 applying for a license. Adverse action information pertaining to
684 a licensee in any member state must be available to all other
685 member states.

686 (5) Member states contributing information to the data
687 system may designate information that may not be shared with the
688 public without the express permission of the contributing state.

689 (6) Any information submitted to the data system which is
690 subsequently required to be expunged by the laws of the member
691 state contributing the information must be removed from the data
692 system.

693
694 ARTICLE X

695 RULEMAKING

696
697 (1) The commission shall exercise its rulemaking powers
698 pursuant to the criteria set forth in this article and the rules
699 adopted thereunder. Rules and amendments become binding as of
700 the date specified in each rule or amendment.

Amendment No. 1

701 (2) The commission shall promulgate reasonable rules in
702 order to effectively and efficiently achieve the purposes of the
703 compact. Notwithstanding the foregoing, in the event the
704 commission exercises its rulemaking authority in a manner that
705 is beyond the scope of the purposes of the compact, or the
706 powers granted hereunder, then such an action by the commission
707 shall be invalid and have no force and effect.

708 (3) If a majority of the legislatures of the member states
709 reject a rule by enactment of a statute or resolution in the
710 same manner used to adopt the compact within 4 years after the
711 date of adoption of the rule, such rule does not have further
712 force and effect in any member state.

713 (4) Rules or amendments to the rules must be adopted at a
714 regular or special meeting of the commission.

715 (5) Before promulgation and adoption of a final rule or
716 rules by the commission, and at least 30 days before the meeting
717 at which the rule will be considered and voted upon, the
718 commission must file a notice of proposed rulemaking on all of
719 the following:

720 (a) The website of the commission or another publicly
721 accessible platform.

722 (b) The website of each member state occupational therapy
723 licensing board or another publicly accessible platform or the
724 publication in which each state would otherwise publish proposed
725 rules.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Page 30 of 52

Amendment No. 1

726 (6) The notice of proposed rulemaking must include all of
727 the following:

728 (a) The proposed date, time, and location of the meeting
729 in which the rule will be considered and voted upon.

730 (b) The text of the proposed rule and the reason for the
731 proposed rule.

732 (c) A request for comments on the proposed rule from any
733 interested person.

734 (d) The manner in which interested persons may submit
735 notice to the commission of their intention to attend the public
736 hearing and any written comments.

737 (7) Before adoption of a proposed rule, the commission
738 must allow persons to submit written data, facts, opinions, and
739 arguments, which must be made available to the public.

740 (8) The commission must grant an opportunity for a public
741 hearing before it adopts a rule or an amendment if a hearing is
742 requested by any of the following:

743 (a) At least 25 persons.

744 (b) A state or federal governmental subdivision or agency.

745 (c) An association or organization having at least 25
746 members.

747 (9) If a scheduled public hearing is held on the proposed
748 rule or amendment, the commission must publish the date, time,
749 and location of hearing. If the hearing is held through

Amendment No. 1

750 electronic means, the commission must publish the mechanism for
751 access to the electronic hearing.

752 (a) All persons wishing to be heard at the hearing must
753 notify the executive director of the commission or another
754 designated member in writing of their desire to appear and
755 testify at the hearing at least 5 business days before the
756 scheduled date of the hearing.

757 (b) Hearings must be conducted in a manner providing each
758 person who wishes to comment a fair and reasonable opportunity
759 to comment orally or in writing.

760 (c) All hearings will be recorded. A copy of the recording
761 must be made available on request.

762 (d) This article may not be construed to require a
763 separate hearing on each rule. Rules may be grouped for the
764 convenience of the commission at hearings required by this
765 article.

766 (10) Following the scheduled hearing date, or by the close
767 of business on the scheduled hearing date if the hearing was not
768 held, the commission shall consider all written and oral
769 comments received.

770 (11) If no written notice of intent to attend the public
771 hearing by interested parties is received, the commission may
772 proceed with promulgation of the proposed rule without a public
773 hearing.

Amendment No. 1

774 (12) The commission shall, by majority vote of all
775 members, take final action on the proposed rule and shall
776 determine the effective date of the rule, if any, based on the
777 rulemaking record and the full text of the rule.

778 (13) Upon determination that an emergency exists, the
779 commission may consider and adopt an emergency rule without
780 prior notice, opportunity for comment, or hearing, provided that
781 the usual rulemaking procedures provided in the compact and in
782 this article are retroactively applied to the rule as soon as
783 reasonably possible, in no event later than 90 days after the
784 effective date of the rule. For the purposes of this subsection,
785 an "emergency rule" means a rule that must be adopted
786 immediately in order to do any of the following:

787 (a) Meet an imminent threat to public health, safety, or
788 welfare.

789 (b) Prevent a loss of commission or member state funds.

790 (c) Meet a deadline for the promulgation of an
791 administrative rule established by federal law or rule.

792 (d) Protect public health and safety.

793 (14) The commission or an authorized committee of the
794 commission may direct revisions to a previously adopted rule or
795 amendment for purposes of correcting typographical errors,
796 errors in format, errors in consistency, or grammatical errors.
797 Public notice of any revisions must be posted on the website of
798 the commission. The revision is subject to challenge by any

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

799 person for a period of 30 days after posting. The revision may
800 be challenged only on grounds that the revision results in a
801 material change to a rule. A challenge must be made in writing
802 and delivered to the chair of the commission before the end of
803 the notice period. If a challenge is not made, the revision
804 takes effect without further action. If the revision is
805 challenged, the revision may not take effect without the
806 approval of the commission.

807
808 ARTICLE XI

809 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

810
811 (1) OVERSIGHT.—

812 (a) The executive, legislative, and judicial branches of
813 state government in each member state shall enforce the compact
814 and take all actions necessary and appropriate to carry out the
815 compact's purposes and intent. The provisions of the compact and
816 the rules promulgated hereunder shall have standing as statutory
817 law.

818 (b) All courts shall take judicial notice of the compact
819 and the rules in any judicial or administrative proceeding in a
820 member state pertaining to the subject matter of the compact
821 which may affect the powers, responsibilities, or actions of the
822 commission.

Amendment No. 1

823 (c) The commission is entitled to receive service of
824 process in any such proceeding and has standing to intervene in
825 such a proceeding for all purposes. Failure to provide service
826 of process to the commission renders a judgment or an order void
827 as to the commission, the compact, or the promulgated rules.

828 (2) DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.-

829 (a) If the commission determines that a member state has
830 defaulted in the performance of its obligations or
831 responsibilities under the compact or the promulgated rules, the
832 commission must do all of the following:

833 1. Provide written notice to the defaulting state and other
834 member states of the nature of the default, the proposed means
835 of curing the default, and any other action to be taken by the
836 commission.

837 2. Provide remedial training and specific technical
838 assistance regarding the default.

839 (b) If a state in default fails to cure the default, the
840 defaulting state may be terminated from the compact upon an
841 affirmative vote of a majority of the member states, and all
842 rights, privileges, and benefits conferred by the compact may be
843 terminated on the effective date of termination. A cure of the
844 default does not relieve the offending state of obligations or
845 liabilities incurred during the period of default.

846 (c) Termination of membership in the compact may be
847 imposed only after all other means of securing compliance have

Amendment No. 1

848 been exhausted. The commission shall give notice of intent to
849 suspend or terminate a defaulting member state to the governor
850 and majority and minority leaders of the defaulting state's
851 legislature, and to each of the member states.

852 (d) A state that has been terminated from the compact is
853 responsible for all assessments, obligations, and liabilities
854 incurred through the effective date of termination, including
855 obligations that extend beyond the effective date of
856 termination.

857 (e) The commission does not bear any costs related to a
858 state that is found to be in default or that has been terminated
859 from the compact, unless agreed upon in writing between the
860 commission and the defaulting state.

861 (f) The defaulting state may appeal the action of the
862 commission by petitioning the United States District Court for
863 the District of Columbia or the federal district where the
864 commission has its principal offices. The prevailing member
865 shall be awarded all costs of such litigation, including
866 reasonable attorney's fees.

867 (3) DISPUTE RESOLUTION.—

868 (a) Upon request by a member state, the commission must
869 attempt to resolve disputes related to the compact which arise
870 among member states and between member and nonmember states.

Amendment No. 1

871 (b) The commission shall promulgate a rule providing for
872 both mediation and binding dispute resolution for disputes as
873 appropriate.

874 (4) ENFORCEMENT.—

875 (a) The commission, in the reasonable exercise of its
876 discretion, shall enforce the compact and the commission's
877 rules.

878 (b) By majority vote, the commission may initiate legal
879 action in the United states District Court for the District of
880 Columbia or the federal district where the commission has its
881 principal offices against a member state in default to enforce
882 compliance with the provisions of the compact and its
883 promulgated rules and bylaws. The relief sought may include both
884 injunctive relief and damages. In the event judicial enforcement
885 is necessary, the prevailing member shall be awarded all costs
886 of such litigation, including reasonable attorney's fees.

887 (c) The remedies under this article are not the exclusive
888 remedies of the commission. The commission may pursue any other
889 remedies available under federal or state law.

890

891 ARTICLE XII

892 DATE OF IMPLEMENTATION OF THE COMPACT AND ASSOCIATED RULES;

893 WITHDRAWAL; AND AMENDMENTS

894

Amendment No. 1

895 (1) The compact becomes effective on the date that the
896 compact statute is enacted into law in the tenth member state.
897 The provisions that become effective at that time are limited to
898 the powers granted to the commission relating to assembly and
899 the promulgation of rules. Thereafter, the commission shall meet
900 and exercise rulemaking powers necessary for the implementation
901 and administration of the compact.

902 (2) Any state that joins the compact subsequent to the
903 commission's initial adoption of the rules is subject to the
904 rules as they exist on the date that the compact becomes law in
905 that state. Any rule that has been previously adopted by the
906 commission has the full force and effect of law on the day the
907 compact becomes law in that state.

908 (3) Any member state may withdraw from the compact by
909 enacting a statute repealing the same.

910 (a) A member state's withdrawal does not take effect until
911 6 months after enactment of the repealing statute.

912 (b) Withdrawal does not affect the continuing requirement
913 of the withdrawing state's occupational therapy licensing board
914 to comply with the investigative and adverse action reporting
915 requirements of this act before the effective date of
916 withdrawal.

917 (4) The compact may not be construed to invalidate or
918 prevent any occupational therapy licensure agreement or other
919 cooperative arrangement between a member state and a nonmember

Amendment No. 1

920 state which does not conflict with the provisions of the
921 compact.

922 (5) The compact may be amended by the member states. An
923 amendment to the compact does not become effective and binding
924 upon any member state until it is enacted into the laws of all
925 member states.

926
927 ARTICLE XIII

928 CONSTRUCTION AND SEVERABILITY

929
930 The compact must be liberally construed so as to carry out the
931 purposes thereof. The provisions of the compact are severable,
932 and if any phrase, clause, sentence, or provision of the compact
933 is declared to be contrary to the constitution of any member
934 state or of the United States or the applicability thereof to
935 any government, agency, person, or circumstance is held invalid,
936 the validity of the remainder of the compact and the
937 applicability thereof to any government, agency, person, or
938 circumstance is not affected thereby. If the compact is held
939 contrary to the constitution of any member state, the compact
940 remains in full force and effect as to the remaining member
941 states and in full force and effect as to the member state
942 affected as to all severable matters.

943
944 ARTICLE XIV

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

945 BINDING EFFECT OF COMPACT AND OTHER LAWS

946
947 (1) A licensee providing occupational therapy in a remote
948 state under the compact privilege shall function within the laws
949 and regulations of the remote state.

950 (2) Nothing herein prevents the enforcement of any other
951 law of a member state that is not inconsistent with the compact.

952 (3) Any laws in a member state in conflict with the
953 compact are superseded to the extent of the conflict.

954 (4) Any lawful actions of the commission, including all
955 rules and bylaws promulgated by the commission, are binding upon
956 the member states.

957 (5) All agreements between the commission and the member
958 states are binding in accordance with their terms.

959 (6) In the event any provision of the compact exceeds the
960 constitutional limits imposed on the legislature of any member
961 state, the provision shall be ineffective to the extent of the
962 conflict with the constitutional provision in question in that
963 member state.

964 **Section 2. Paragraph (b) of subsection (10) of section**
965 **456.073, Florida Statutes, is amended to read:**

966 456.073 Disciplinary proceedings.—Disciplinary proceedings
967 for each board shall be within the jurisdiction of the
968 department.

969 (10)

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

970 (b) The department shall report any significant
971 investigation information relating to a nurse holding a
972 multistate license to the coordinated licensure information
973 system pursuant to s. 464.0095; any investigative information
974 relating to an audiologist or a speech-language pathologist
975 holding a compact privilege under the Audiology and Speech-
976 Language Pathology Interstate Compact to the data system
977 pursuant to s. 468.1335; any investigative information relating
978 to a physical therapist or physical therapist assistant holding
979 a compact privilege under the Physical Therapy Licensure Compact
980 to the data system pursuant to s. 486.112; any significant
981 investigatory information relating to a psychologist practicing
982 under the Psychology Interjurisdictional Compact to the
983 coordinated licensure information system pursuant to s.
984 490.0075; any investigative information relating to an
985 occupational therapist or occupational therapy assistant holding
986 a compact privilege under the Occupational Therapy Licensure
987 Compact to the data system pursuant to s. 468.226; and any
988 significant investigatory information relating to a health care
989 practitioner practicing under the Professional Counselors
990 Licensure Compact to the data system pursuant to s. 491.017.

991 **Section 3. Subsection (5) of section 456.076, Florida**
992 **Statutes, is amended to read:**

993 456.076 Impaired practitioner programs.—

Amendment No. 1

994 (5) A consultant shall enter into a participant contract
995 with an impaired practitioner and shall establish the terms of
996 monitoring and shall include the terms in a participant
997 contract. In establishing the terms of monitoring, the
998 consultant may consider the recommendations of one or more
999 approved evaluators, treatment programs, or treatment providers.
1000 A consultant may modify the terms of monitoring if the
1001 consultant concludes, through the course of monitoring, that
1002 extended, additional, or amended terms of monitoring are
1003 required for the protection of the health, safety, and welfare
1004 of the public. If the impaired practitioner is an audiologist or
1005 a speech-language pathologist practicing under the Audiology and
1006 Speech-Language Pathology Interstate Compact pursuant to s.
1007 468.1335, a physical therapist or physical therapist assistant
1008 practicing under the Physical Therapy Licensure Compact pursuant
1009 to s. 486.112, a psychologist practicing under the Psychology
1010 Interjurisdictional Compact pursuant to s. 490.0075, an
1011 occupational therapist or occupational therapy assistant holding
1012 a compact privilege under the Occupational Therapy Licensure
1013 Compact pursuant to s. 468.226, or a health care practitioner
1014 practicing under the Professional Counselors Licensure Compact
1015 pursuant to s. 491.017, the terms of the monitoring contract
1016 must include the impaired practitioner's withdrawal from all
1017 practice under the compact unless authorized by a member state.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1018 **Section 4. Subsection (6) is added to section 468.205,**
1019 **Florida Statutes, to read:**

1020 468.205 Board of Occupational Therapy Practice.—

1021 (6) The board shall appoint an individual to serve as the
1022 state's delegate on the Occupational Therapy Compact Commission
1023 under s. 468.226.

1024 **Section 5. Subsection (6) is added to section 468.209,**
1025 **Florida Statutes, to read:**

1026 468.209 Requirements for licensure.—

1027 (6) A person licensed as an occupational therapist in
1028 another state who is practicing under the Occupational Therapy
1029 Licensure Compact under 468.226, and only within the scope
1030 provided therein, is exempt from the licensure requirements of
1031 this section.

1032 **Section 6. Subsections (1) and (2) of section 468.217,**
1033 **Florida Statutes, are amended to read:**

1034 468.217 Denial of or refusal to renew license; suspension
1035 and revocation of license and other disciplinary measures.—

1036 (1) The following acts constitute grounds for denial of a
1037 license or disciplinary action, as specified in s. 456.072(2) or
1038 s. 468.226:

1039 (a) Attempting to obtain, obtaining, or renewing a license
1040 to practice occupational therapy by bribery, by fraudulent
1041 misrepresentation, or through an error of the department or the
1042 board.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1043 (b) Having a license to practice occupational therapy
1044 revoked, suspended, or otherwise acted against, including the
1045 denial of licensure, by the licensing authority of another
1046 state, territory, or country.

1047 (c) Being convicted or found guilty, regardless of
1048 adjudication, of a crime in any jurisdiction which directly
1049 relates to the practice of occupational therapy or to the
1050 ability to practice occupational therapy. A plea of nolo
1051 contendere shall be considered a conviction for the purposes of
1052 this part.

1053 (d) False, deceptive, or misleading advertising.

1054 (e) Advertising, practicing, or attempting to practice
1055 under a name other than one's own name.

1056 (f) Failing to report to the department any person who the
1057 licensee knows is in violation of this part or of the rules of
1058 the department or of the board. However, a person who the
1059 licensee knows is unable to practice occupational therapy with
1060 reasonable skill and safety to patients by reason of illness or
1061 use of alcohol, drugs, narcotics, chemicals, or any other type
1062 of material, or as a result of a mental or physical condition,
1063 may be reported to a consultant operating an impaired
1064 practitioner program as described in s. 456.076 rather than to
1065 the department.

Amendment No. 1

1066 (g) Aiding, assisting, procuring, or advising any
1067 unlicensed person to practice occupational therapy contrary to
1068 this part or to a rule of the department or the board.

1069 (h) Failing to perform any statutory or legal obligation
1070 placed upon a licensed occupational therapist or occupational
1071 therapy assistant.

1072 (i) Making or filing a report which the licensee knows to
1073 be false, intentionally or negligently failing to file a report
1074 or record required by state or federal law, willfully impeding
1075 or obstructing such filing or inducing another person to do so.
1076 Such reports or records include only those which are signed in
1077 the capacity as a licensed occupational therapist or
1078 occupational therapy assistant.

1079 (j) Paying or receiving any commission, bonus, kickback,
1080 or rebate to or from, or engaging in any split-fee arrangement
1081 in any form whatsoever with, a physician, organization, agency,
1082 or person, either directly or indirectly, for patients referred
1083 to providers of health care goods and services, including, but
1084 not limited to, hospitals, nursing homes, clinical laboratories,
1085 ambulatory surgical centers, or pharmacies. The provisions of
1086 this paragraph shall not be construed to prevent an occupational
1087 therapist or occupational therapy assistant from receiving a fee
1088 for professional consultation services.

1089 (k) Exercising influence within a patient-therapist
1090 relationship for purposes of engaging a patient in sexual

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1091 activity. A patient is presumed to be incapable of giving free,
1092 full, and informed consent to sexual activity with the patient's
1093 occupational therapist or occupational therapy assistant.

1094 (l) Making deceptive, untrue, or fraudulent
1095 representations in the practice of occupational therapy or
1096 employing a trick or scheme in the practice of occupational
1097 therapy if such scheme or trick fails to conform to the
1098 generally prevailing standards of treatment in the occupational
1099 therapy community.

1100 (m) Soliciting patients, either personally or through an
1101 agent, through the use of fraud, intimidation, undue influence,
1102 or a form of overreaching or vexatious conduct. A "solicitation"
1103 is any communication which directly or implicitly requests an
1104 immediate oral response from the recipient.

1105 (n) Failing to keep written records justifying the course
1106 of treatment of the patient, including, but not limited to,
1107 patient histories, examination results, and test results.

1108 (o) Exercising influence on the patient or client in such
1109 a manner as to exploit the patient or client for financial gain
1110 of the licensee or of a third party which includes, but is not
1111 limited to, the promoting or selling of services, goods,
1112 appliances, or drugs.

1113 (p) Performing professional services which have not been
1114 duly authorized by the patient or client, or his or her legal
1115 representative, except as provided in s. 768.13.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1116 (q) Gross or repeated malpractice or the failure to
1117 practice occupational therapy with that level of care, skill,
1118 and treatment which is recognized by a reasonably prudent
1119 similar occupational therapist or occupational therapy assistant
1120 as being acceptable under similar conditions and circumstances.

1121 (r) Performing any procedure which, by the prevailing
1122 standards of occupational therapy practice in the community,
1123 would constitute experimentation on a human subject without
1124 first obtaining full, informed, and written consent.

1125 (s) Practicing or offering to practice beyond the scope
1126 permitted by law or accepting and performing professional
1127 responsibilities which the licensee knows or has reason to know
1128 that he or she is not competent to perform.

1129 (t) Being unable to practice occupational therapy with
1130 reasonable skill and safety to patients by reason of illness or
1131 use of alcohol, drugs, narcotics, chemicals, or any other type
1132 of material or as a result of any mental or physical condition.
1133 In enforcing this paragraph, the department shall have, upon
1134 probable cause, authority to compel an occupational therapist or
1135 occupational therapy assistant to submit to a mental or physical
1136 examination by physicians designated by the department. The
1137 failure of an occupational therapist or occupational therapy
1138 assistant to submit to such examination when so directed
1139 constitutes an admission of the allegations against him or her,
1140 upon which a default and final order may be entered without the

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1141 taking of testimony or presentation of evidence, unless the
1142 failure was due to circumstances beyond his or her control. An
1143 occupational therapist or occupational therapy assistant
1144 affected under this paragraph shall at reasonable intervals be
1145 afforded an opportunity to demonstrate that he or she can resume
1146 the competent practice of occupational therapy with reasonable
1147 skill and safety to patients. In any proceeding under this
1148 paragraph, neither the record of proceedings nor the orders
1149 entered by the board shall be used against an occupational
1150 therapist or occupational therapy assistant in any other
1151 proceeding.

1152 (u) Delegating professional responsibilities to a person
1153 when the licensee who is delegating such responsibilities knows
1154 or has reason to know that such person is not qualified by
1155 training, experience, or licensure to perform them.

1156 (v) Violating a lawful order of the board or department
1157 previously entered in a disciplinary hearing or failing to
1158 comply with a lawfully issued subpoena of the department.

1159 (w) Conspiring with another licensee or with any other
1160 person to commit an act, or committing an act, which would tend
1161 to coerce, intimidate, or preclude another licensee from
1162 lawfully advertising his or her services.

1163 (x) Violating any provision of this chapter or chapter
1164 456, or any rules adopted pursuant thereto.

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1165 (2) (a) The board may enter an order denying licensure or
1166 imposing any of the penalties in s. 456.072(2) against any
1167 applicant for licensure or licensee who is found guilty of
1168 violating any provision of subsection (1) of this section or who
1169 is found guilty of violating any provision of s. 456.072(1).

1170 (b) The board may take adverse action against the compact
1171 privilege of an occupational therapist or an occupational
1172 therapist assistant under the Occupational Therapy Licensure
1173 Compact, s. 468.226, and may impose any of the penalties in s.
1174 456.072(2) if an occupational therapist or occupational
1175 therapist assistant commits an act specified in subsection (1)
1176 or s. 456.072(1).

1177 **Section 7. Paragraph (m) is added to subsection (10) of**
1178 **section 768.28, Florida Statutes, is to read:**

1179 768.28 Waiver of sovereign immunity in tort actions;
1180 recovery limits; civil liability for damages caused during a
1181 riot; limitation on attorney fees; statute of limitations;
1182 exclusions; indemnification; risk management programs.—

1183 (10)

1184 (m) For purposes of this section, the individual appointed
1185 under s. 468.226 as the state's delegate on the Occupational
1186 Therapy Compact Commission, when serving in that capacity under
1187 s. 468.226 and any administrator, officer, executive director,
1188 employee, or representative of the Occupational Therapy Compact
1189 Commission, when acting within the scope of his or her

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1190 employment, duties, or responsibilities in this state, is
1191 considered an agent of the state. The commission shall pay any
1192 claims or judgments pursuant to this section and may maintain
1193 insurance coverage to pay any such claims or judgments.

1194 **Section 8.** This act shall take effect July 1, 2025.
1195

1196 -----
1197 **T I T L E A M E N D M E N T**

1198 Remove everything before the enacting clause and insert:
1199 An act relating to the Occupational Therapy Licensure
1200 Compact; creating s. 468.226, F.S.; creating the
1201 Occupational Therapy Licensure Compact; providing
1202 purpose and objectives; providing definitions;
1203 requiring member states to meet certain requirements
1204 to join and participate in the compact; providing for
1205 recognition of licensees providing occupational
1206 therapy in member states; providing criteria that an
1207 occupational therapist or an occupational therapy
1208 assistant must satisfy to practice under the compact;
1209 providing requirements for renewal of an equivalent
1210 license in a member state; specifying a licensee may
1211 hold a home state license in only one member state at
1212 a time; specifying requirements and procedures for
1213 changing a home state license designation; authorizing
1214 an active military member and his or her spouse to be

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1215 deemed as having a home state license under certain
1216 circumstances; requiring member states to report
1217 adverse actions taken against the license of an
1218 occupational therapist or an occupational therapy
1219 assistant by other member states; providing that a
1220 licensee's compact privilege must be deactivated in
1221 all member states for the duration of an encumbrance
1222 imposed by the licensee's home state; requiring all
1223 home state disciplinary orders imposing adverse
1224 actions to include a statement of deactivation of
1225 compact privilege; providing for prompt notice to the
1226 data system and the licensee's home state when action
1227 is taken against a licensee; establishing the
1228 Occupational Therapy Compact Commission; providing
1229 jurisdiction and venue for court proceedings;
1230 providing commission membership, duties, and powers;
1231 requiring member states to participate in the exchange
1232 of specified information; authorizing the commission
1233 to adopt rules and bylaws; authorizing the commission
1234 to convene in closed, nonpublic meetings under certain
1235 circumstances; providing for the development,
1236 maintenance, and use of a coordinated database and
1237 reporting system; requiring member states to submit
1238 specified information to the data system; providing
1239 requirements for the information in the data system;

166751 - h0909-strike.docx

Published On: 3/12/2025 9:30:46 PM

Amendment No. 1

1240 providing rulemaking procedures; providing for state
1241 enforcement of the compact; providing for the
1242 termination of compact membership; providing
1243 procedures for the resolution of certain disputes;
1244 providing compact amendment procedures; providing
1245 construction and severability and binding effect of
1246 the compact; amending ss. 456.073, 456.076, 468.217,
1247 468.205, 468.209, and 768.28, F.S.; conforming
1248 provisions to changes made by the act; providing an
1249 effective date.
1250