



May 1, 2024

Re: Public Comment Notice for Occupational Therapy Compact Commission (OTCC) Rule on FBI CBC
FBI CBC: Federal Bureau of Investigations Criminal Background Checks

The OTCC welcomes public input on the proposed Rule on FBI CBC, which are designed to assist the OTCC in promulgating reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Occupational Therapy Compact. This 30-day public comment period provides an opportunity for interested individuals and organizations to express their opinions, concerns, and suggestions on the proposed Rule on FBI CBC. Your feedback is valuable to us and will be considered in the decision-making process.

I. Purpose:

The purpose of this public comment notice is to encourage and facilitate public input on the proposed Rule on FBI CBC. We are committed to transparency, accountability, and inclusivity in our decision-making process, and your comments will assist us in refining and finalizing this Rule.

II. Comment Period:

The public comment period for the proposed Rule on FBI CBC will be open for 30 days, starting from Wednesday, May 1, 2024, and closing on Thursday, May 30, 2024. **All comments must be received by 4:00p.m. CST on Thursday, May 30, 2024.**

III. How to Submit Comments:

Email your comments to amanda@asmii.net. Please indicate "Public Comment for Rule on FBI CBC" in the subject line of your email. All comments received will be considered part of the public record and may be subject to disclosure under applicable laws.

IV. Public Hearing:

The OTCC meeting to vote on the draft Rule on FBI CBC is TBD.

V. Contact Information:

If you have any questions or require further information regarding the proposed Rule on FBI CBC or this public comment process, please contact the OTCC Executive Director, Amanda Perry, at Amanda@asmii.net. We look forward to receiving your comments and thank you for your participation in shaping the future of the Occupational Therapy Compact Commission.

Kind regards,

Dr. Lesly Wilson James, Chair
Occupational Therapy Compact Commission

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

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

4 **Drafted:** April 16, 2024

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

6 **History for Rule:**

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

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

9 May 1 – 30, 2024: Posted for public comment

10 TBD DATE: OTCC Vote

11 **Chapter 3:**

12 Rulemaking on Implementing Criminal Background Checks

13 **Authority:**

14 Section 3: State Participation in the Compact

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

16 Section 10: Rulemaking

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18 **3.0 Purpose:**

19 Pursuant to Section 3.A.5, and Section 10, a state must implement or utilize procedures for considering
20 the criminal history records of applicants for initial privilege to practice. These procedures shall include
21 the submission of fingerprints or other biometric-based information by applicants for the purpose of
22 obtaining an applicant's criminal history record information from the Federal Bureau of Investigation
23 and the agency responsible for retaining that state's criminal records. A member state must fully
24 implement a criminal background check requirement, within a time frame established by rule, by
25 receiving the results of the Federal Bureau of Investigation record search on criminal background check
26 and utilize the results in making licensure decisions. The Occupational Therapy Compact Commission
27 shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and
28 administration of the Occupational Therapy Compact. This rule will become effective upon passage by
29 the Occupational Therapy Compact Commission as provided in Section 10 of the Occupational Therapy
30 Interstate Compact.

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34 **3.1 Implementation of Criminal Background Check:**

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

41 Results of the criminal background check shall be reviewed solely by the member state in accordance
42 with state law.

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

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