

Opposition of HB 2357 – Enactment of the OT Licensure Compact

At the February 14, 2025 Special board meeting, the Oregon Occupational Therapy Licensing Board voted unanimously to request permission to Oppose HB 2357. Approval to oppose the bill was granted by the Governor's office.

The bill was previously introduced during the 2023 regular session (HB 2736) and the same concerns remain today.

Undermines board mission to protect Oregonians: Oregon, as a remote state, would be dependent on another state (the home state) to determine fitness, check for past disciplinary action, monitor the background check and related documentation. Every state has different laws and what is considered a *deniable* license in one state may not be a *deniable* license in Oregon and vice versa. States are going to vary greatly in how they handle discipline. Only the home state will be able to view the background check results and accompanying documents, thus **the board is losing its ability to regulate**. The board will have no say in who is granted a privilege to work in the state and will not know the background/criminal history of the practitioner. It will be decided by another state. It is unclear if Oregon would even be aware of any past convictions.

Section 5 allows a privilege holder to obtain a new home state license by virtue of compact privilege.

The OT compact language differs significantly from the only existing health licensing compact in existence in Oregon, the PT compact. The OT compact allows a compact privilege holder to obtain a license through an expedited process. Under Section 5, a license can obtain a compact privilege, move to that state and say I want a license in this state, obtain a license in that state and have their home state license become a compact privilege. The new home state is not allowed to do any primary source verification, it must rely on the compact privilege information.

Section 4H. If a practitioner's compact privilege in any remote state is removed, the individual **may** lose the compact privilege in any other remote state, not shall lose. The process for the PT compact is if a compact holder loses their license or compact privilege in any state, that person automatically loses all compact privileges. In the OT compact, if a state that has issued a compact privilege and that compact privilege is revoked in another state, the other member state would need to take its own action to revoke the compact privilege in that state. This could be very costly.

Staff capacity: The OTLB staff of 1.5 FTE would need to divert their time from managing day-to-day operations to devote themselves to implementing, managing and fielding questions about the compact. Staff will be expected to attend meetings of the compact commission, work with the DOJ to review and adopt compact rules and set up a system to administer the compact.

Fiscal Impact: The OT Licensing boards budget is "Other" funds. The board is self-supported through licensure and related fees. Last biennium, the OTLB reduced its FTE from 1.65 to 1.5 and decreased its travel and office supplies limitation to lower the budget... and raised its fees. There are no reserves. Loss of revenue will need to be made up by either increased renewal fees for Oregon licensed OT practitioners or high privilege fees. Privileges will need to account for not only processing costs, but total costs to cover ongoing services and attorney costs.

Section 8 – F3a. The language states that the Commission may collect an annual assessment from each member state to be a participant, however, the board has NO idea what this fee will be.

Concern of the unknowns:

- **The OT Compact is not yet operational**, it is still in development. There is no way to check in with member state licensing boards to find out the issues they are experiencing or any unintended consequences.
- Rulemaking is not complete. The board does not know what they are going to be expected to comply with.
- It is unknown the number of cases that could occur because of people getting confused about the rules/laws of the compact. Potentially creating additional staff time and resulting in additional attorney costs.
- Legal risks: disputes over jurisdiction, enforcement, interpretation of compact rules leading to legal uncertainty. States have varying levels of regulatory oversight.
- Only one border state, WA, has adopted the language, ID, CA or NV have not.

The OTLB already achieves most of the compact benefits:

- Unlike other states, the Oregon OTLB processes applications very quickly and most licenses are issued within 24 hours of receiving all the required documents. The board has high marks for customer service.
- Oregon State law (and Federal law) already require, and the board has adopted rules to expediate licensing for military spouses.
- Information sharing and portability: The National Health Practitioners databank and the NBCOT Action Exchange are already in place and the board can check for past discipline that has occurred.
- The board already requires fingerprint background checks.

The Board would like to continue to track the OT compact as it is implemented and continue its conversations with the state and national association, Rep. McLain, and the NBCOT. But until the Compact is operational and there is an understanding the participation costs and specific benefits, the Board feels there is not a driver for adoption at this time, and further, adoption could result in greater burden on Oregon OT practitioners through increased fees and reduced service levels.