

## HOUSE BILL NO. HB0117

Occupational therapy licensure compact.

Sponsored by: Representative(s) Kinner and Crago and  
Senator(s) Baldwin and Pappas

A BILL

for

1 AN ACT relating to professions and occupations; entering  
2 into a compact with other states to allow licensed  
3 occupational therapist and licensed occupational therapy  
4 assistants licensed in one compact state to exercise a  
5 multistate licensure privilege in other states that are  
6 party to the compact; authorizing rulemaking by the compact  
7 commission; retaining authority to license occupational  
8 therapists and occupational therapy assistants only in this  
9 state; approving and specifying terms of the compact;  
10 making conforming amendments; and providing for an  
11 effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

1           **Section 1.** W.S. 33-40-201 and 33-40-216 are created  
2 to read:

3

4           **33-40-201. Short title.**

5

6 This article shall be known and may be cited as the  
7 "Occupational Therapy Licensure Compact."

8

9           **33-40-202. Compact approved and ratified.**

10

11 The Occupational Therapy Licensure Compact as contained  
12 herein is hereby enacted into law and entered into on  
13 behalf of this state with any and all other states legally  
14 joining therein in a form substantially as provided in W.S.  
15 33-40-202 through 33-40-216.

16

17           **33-40-203. [SECTION 1] Purpose.**

18

19           (a) The purpose of this compact is to facilitate  
20 interstate practice of occupational therapy with the goal  
21 of improving public access to occupational therapy  
22 services. The practice of occupational therapy occurs in  
23 the state where the patient or client is located at the

1 time of the patient or client encounter. The compact  
2 preserves the regulatory authority of states to protect  
3 public health and safety through the current system of  
4 state licensure. This compact is designed to achieve the  
5 following objectives:

6

7 (i) Increase public access to occupational  
8 therapy services by providing for the mutual recognition of  
9 other member state licenses;

10

11 (ii) Enhance the states' ability to protect the  
12 public's health and safety;

13

14 (iii) Encourage the cooperation of member states  
15 in regulating multi-state occupational therapy practice;

16

17 (iv) Support spouses of relocating military  
18 members;

19

20 (v) Enhance the exchange of licensure,  
21 investigative, and disciplinary information between member  
22 states;

23

1           (vi) Allow a remote state to hold a provider of  
2 services with a compact privilege in that state accountable  
3 to that state's practice standards; and

4

5           (vii) Facilitate the use of telehealth  
6 technology in order to increase access to occupational  
7 therapy services.

8

9           **33-40-204. [SECTION 2] Definitions.**

10

11           (a) As used in this compact, and except as otherwise  
12 provided, the following definitions shall apply:

13

14           (i) "Active duty military" means full-time duty  
15 status in the active uniformed service of the United  
16 States, including members of the national guard and reserve  
17 on active duty orders pursuant to 10 U.S.C. Chapter 1209  
18 and 10 U.S.C. Chapter 1211;

19

20           (ii) "Adverse action" means any administrative,  
21 civil, equitable or criminal action permitted by a state's  
22 laws which is imposed by a licensing board or other  
23 authority against an occupational therapist or occupational

1 therapy assistant, including actions against an  
2 individual's license or compact privilege such as censure,  
3 revocation, suspension, probation, monitoring of the  
4 licensee or restriction on the licensee's practice;

5

6 (iii) "Alternative program" means a  
7 non-disciplinary monitoring process approved by an  
8 occupational therapy licensing board;

9

10 (iv) "Compact privilege" means the  
11 authorization, which is equivalent to a license, granted by  
12 a remote state to allow a licensee from another member  
13 state to practice as an occupational therapist or practice  
14 as an occupational therapy assistant in the remote state  
15 under its laws and rules. The practice of occupational  
16 therapy occurs in the member state where the patient or  
17 client is located at the time of the patient or client  
18 encounter;

19

20 (v) "Continuing competence" or "continuing  
21 education" means a requirement, as a condition of license  
22 renewal, to provide evidence of participation in, or

1 completion of, educational and professional activities  
2 relevant to practice or area of work;

3

4 (vi) "Current significant investigative  
5 information" means investigative information that a  
6 licensing board, after an inquiry or investigation that  
7 includes notification and an opportunity for the  
8 occupational therapist or occupational therapy assistant to  
9 respond, if required by state law, has reason to believe is  
10 not groundless and, if proved true, would indicate more  
11 than a minor infraction;

12

13 (vii) "Data system" means a repository of  
14 information about licensees, including but not limited to  
15 license status, investigative information, compact  
16 privileges, and adverse actions;

17

18 (viii) "Encumbered license" means a license in  
19 which an adverse action restricts the practice of  
20 occupational therapy by the licensee or said adverse action  
21 has been reported to the National Practitioners Data Bank  
22 (NPDB);

23

1           (ix) "Executive committee" means a group of  
2 directors elected or appointed to act on behalf of, and  
3 within the powers granted to them by, the commission;

4

5           (x) "Home state" means the member state that is  
6 the licensee's primary state of residence;

7

8           (xi) "Impaired practitioner" means individuals  
9 whose professional practice is adversely affected by  
10 substance abuse, addiction or other health-related  
11 conditions;

12

13           (xii) "Investigative information" means  
14 information, records or documents received or generated by  
15 an occupational therapy licensing board pursuant to an  
16 investigation;

17

18           (xiii) "Jurisprudence requirement" means the  
19 assessment of an individual's knowledge of the laws and  
20 rules governing the practice of occupational therapy in a  
21 state;

22

1           (xiv) "Licensee" means an individual who  
2 currently holds an authorization from the state to practice  
3 as an occupational therapist or as an occupational therapy  
4 assistant;

5

6           (xv) "Member state" means a state that has  
7 enacted the compact;

8

9           (xvi) "Occupational therapist" means an  
10 individual who is licensed by a state to practice  
11 occupational therapy;

12

13           (xvii) "Occupational therapy assistant" means an  
14 individual who is licensed by a state to assist in the  
15 practice of occupational therapy;

16

17           (xviii) "Occupational therapy," "occupational  
18 therapy practice," and the "practice of occupational  
19 therapy" means the care and services provided by an  
20 occupational therapist or an occupational therapy assistant  
21 as set forth in the member state's statutes and  
22 regulations;

23



1           (xix) "Occupational therapy compact commission"  
2 or "commission" means the national administrative body  
3 whose membership consists of all states that have enacted  
4 the compact;

5

6           (xx) "Occupational therapy licensing board" or  
7 "licensing board" means the agency of a state that is  
8 authorized to license and regulate occupational therapists  
9 and occupational therapy assistants;

10

11           (xxi) "Primary state of residence" or "home  
12 state" means the state in which an occupational therapist  
13 or occupational therapy assistant who is not active duty  
14 military declares a primary residence for legal purposes as  
15 verified by a driver's license, federal income tax return,  
16 lease, deed, mortgage or voter registration or other  
17 verifying documentation as further defined by commission  
18 rules;

19

20           (xxii) "Remote state" means a member state other  
21 than the home state, where a licensee is exercising or  
22 seeking to exercise the compact privilege;

23

1           (xxiii) "Rule" means a regulation promulgated by  
2 the commission that has the force of law;

3

4           (xxiv) "State" means any state, commonwealth,  
5 district or territory of the United States of America that  
6 regulates the practice of occupational therapy;

7

8           (xxv) "Single-state license" means an  
9 occupational therapist or occupational therapy assistant  
10 license issued by a member state that authorizes practice  
11 only within the issuing state and does not include a  
12 compact privilege in any other member state;

13

14           (xxvi) "Telehealth" means the application of  
15 telecommunication technology to deliver occupational  
16 therapy services for assessment, intervention or  
17 consultation.

18

19           **33-40-205. [SECTION 3] State participation in the**  
20 **compact.**

21

22           (a) To participate in the compact, a member state  
23 shall:

1           (i) License occupational therapists and  
2 occupational therapy assistants;

3  
4           (ii) Participate fully in the commission's data  
5 system, including but not limited to using the commission's  
6 unique identifier as defined in rules of the commission;

7  
8           (iii) Have a mechanism in place for receiving  
9 and investigating complaints about licensees;

10  
11           (iv) Notify the commission, in compliance with  
12 the terms of the compact and rules, of any adverse action  
13 or the availability of investigative information regarding  
14 a licensee;

15  
16           (v) Implement or utilize procedures for  
17 considering the criminal history records of applicants for  
18 an initial compact privilege. These procedures shall  
19 include the submission of fingerprints or other  
20 biometric-based information by applicants for the purpose  
21 of obtaining an applicant's criminal history record  
22 information from the Federal Bureau of Investigation (FBI)

1 and the agency responsible for retaining that state's  
2 criminal records. Under this paragraph:

3

4 (A) A member state shall, within a time  
5 frame established by the commission, require a criminal  
6 background check for a licensee seeking or applying for a  
7 compact privilege whose primary state of residence is that  
8 member state, by receiving the results of the FBI criminal  
9 record search, and shall use the results in making  
10 licensure decisions;

11

12 (B) Communication between a member state,  
13 the commission and among member states regarding the  
14 verification of eligibility for licensure through the  
15 compact shall not include any information received from the  
16 federal bureau of investigation relating to a federal  
17 criminal records check performed by a member state under  
18 P.L. 92-544.

19

20 (vi) Comply with the rules of the commission;

21

1           (vii) Utilize only a recognized national  
2 examination as a requirement for licensure pursuant to the  
3 rules of the commission; and

4

5           (viii) Have continuing competence or education  
6 requirements as a condition for license renewal.

7

8           (b) A member state shall grant the compact privilege  
9 to a licensee holding a valid unencumbered license in  
10 another member state in accordance with the terms of the  
11 compact and rules.

12

13           (c) Member states may charge a fee for granting a  
14 compact privilege.

15

16           (d) A member state shall provide for the state's  
17 delegate to attend all occupational therapy compact  
18 commission meetings.

19

20           (e) Individuals not residing in a member state shall  
21 continue to be able to apply for a member state's  
22 single-state license as provided under the laws of each  
23 member state. However, the single-state license granted to

1 these individuals shall not be recognized as granting the  
2 compact privilege in any other member state.

3

4 (f) Nothing in this compact shall affect the  
5 requirements established by a member state for the issuance  
6 of a single-state license.

7

8 **33-40-206. [SECTION 4] Compact privilege.**

9

10 (a) To exercise the compact privilege under the terms  
11 and provisions of the compact, the licensee shall:

12

13 (i) Hold a license in the home state;

14

15 (ii) Have a valid United States social security  
16 number or national practitioner identification number;

17

18 (iii) Have no encumbrance on any state license;

19

20 (iv) Be eligible for a compact privilege in any  
21 member state in accordance with subsections (d), (f), (g)  
22 and (h) of this section [section 4(d), (f), (g) and (h)];

23

1           (v) Have paid all fines and completed all  
2 requirements resulting from any adverse action against any  
3 license or compact privilege, and two (2) years have  
4 elapsed from the date of such completion;

5

6           (vi) Notify the commission that the licensee is  
7 seeking the compact privilege within a remote state;

8

9           (vii) Pay any applicable fees, including any  
10 state fee, for the compact privilege;

11

12           (viii) Complete a criminal background check in  
13 accordance with W.S. 33-40-205(a)(v) [section 3(a)(v)]. The  
14 licensee shall be responsible for the payment of any fee  
15 associated with the completion of a criminal background  
16 check;

17

18           (ix) Meet any jurisprudence requirements  
19 established by the remote state in which the licensee is  
20 seeking a compact privilege; and

21

1           (x) Report to the commission adverse action  
2 taken by any non-member state within thirty (30) days from  
3 the date the adverse action is taken.

4

5           (b) The compact privilege is valid until the  
6 expiration date of the home state license. The licensee  
7 must comply with the requirements of subsection (a) of this  
8 section [section 4(a)] to maintain the compact privilege in  
9 the remote state.

10

11           (c) A licensee providing occupational therapy in a  
12 remote state under the compact privilege shall function  
13 within the laws and regulations of the remote state.

14

15           (d) Occupational therapy assistants practicing in a  
16 remote state shall be supervised by an occupational  
17 therapist licensed or holding a compact privilege in that  
18 remote state.

19

20           (e) A licensee providing occupational therapy in a  
21 remote state is subject to that state's regulatory  
22 authority. A remote state may, in accordance with due  
23 process and that state's laws, remove a licensee's compact



1 privilege in the remote state for a specific period of  
2 time, impose fines or take any other necessary actions to  
3 protect the health and safety of its citizens. The licensee  
4 may be ineligible for a compact privilege in any state  
5 until the specific time for removal has passed and all  
6 fines are paid.

7

8 (f) If a home state license is encumbered, the  
9 licensee shall lose the compact privilege in any remote  
10 state until the following occur:

11

12 (i) The home state license is no longer  
13 encumbered; and

14

15 (ii) Two (2) years have elapsed from the date on  
16 which the home state license is no longer encumbered in  
17 accordance with paragraph (i) of this subsection [section  
18 4(f)(i)].

19

20 (g) Once an encumbered license in the home state is  
21 restored to good standing, the licensee must meet the  
22 requirements of subsection (a) of this section [section  
23 4(a)] to obtain a compact privilege in any remote state.

1

2 (h) If a licensee's compact privilege in any remote  
3 state is removed, the individual may lose the compact  
4 privilege in any other remote state until the following  
5 occur:

6

7 (i) The specific period of time for which the  
8 compact privilege was removed has ended;

9

10 (ii) All fines have been paid and all conditions  
11 have been met;

12

13 (iii) Two (2) years have elapsed from the date  
14 of completing requirements for 4(h)(i) and (ii); and

15

16 (iv) The compact privileges are reinstated by  
17 the commission and the compact data system is updated to  
18 reflect reinstatement.

19

20 (j) If a licensee's compact privilege in any remote  
21 state is removed due to an erroneous charge, privileges  
22 shall be restored through the compact data system.

23

1           (k) Once the requirements of subsection (h) of this  
2 section [section 4(h)] have been met, the licensee must  
3 meet the requirements in subsection (a) of this section  
4 [section 4(a)] to obtain a compact privilege in a remote  
5 state.

6

7           **33-40-207. [SECTION 5] Obtaining a new home state**  
8 **license by virtue of compact privilege.**

9

10           (a) An occupational therapist or occupational therapy  
11 assistant may hold a home state license, which allows for  
12 compact privileges in member states, in only one member  
13 state at a time.

14

15           (b) If an occupational therapist or occupational  
16 therapy assistant changes primary state of residence by  
17 moving between two member states:

18

19           (i) The occupational therapist or occupational  
20 therapy assistant shall file an application for obtaining a  
21 new home state license by virtue of a compact privilege,  
22 pay all applicable fees and notify the current and new home

1 state in accordance with applicable rules adopted by the  
2 commission;

3

4 (ii) Upon receipt of an application for  
5 obtaining a new home state license by virtue of compact  
6 privilege, the new home state shall verify that the  
7 occupational therapist or occupational therapy assistant  
8 meets the pertinent criteria outlined in W.S. 33-40-206  
9 [section 4] via the data system, without need for primary  
10 source verification except for:

11

12 (A) An FBI fingerprint based criminal  
13 background check if not previously performed or updated  
14 pursuant to applicable rules adopted by the commission in  
15 accordance with P.L. 92-544;

16

17 (B) Other criminal background checks as  
18 required by the new home state; and

19

20 (C) Submission of any requisite  
21 jurisprudence requirements of the new home state.

22

1           (iii) The former home state shall convert the  
2 former home state license into a compact privilege once the  
3 new home state has activated the new home state license in  
4 accordance with applicable rules adopted by the commission;

5

6           (iv) Notwithstanding any other provision of this  
7 compact, if the occupational therapist or occupational  
8 therapy assistant cannot meet the criteria in W.S.  
9 33-40-206 [section 4], the new home state shall apply its  
10 requirements for issuing a new single-state license;

11

12           (v) The occupational therapist or the  
13 occupational therapy assistant shall pay all applicable  
14 fees to the new home state in order to be issued a new home  
15 state license.

16

17           (c) If an occupational therapist or occupational  
18 therapy assistant changes primary state of residence by  
19 moving from a member state to a non-member state, or from a  
20 non-member state to a member state, the state criteria  
21 shall apply for issuance of a single-state license in the  
22 new state.

23

1           (d) Nothing in this compact shall interfere with a  
2 licensee's ability to hold a single-state license in  
3 multiple states; however, for the purposes of this compact,  
4 a licensee shall have only one home state license.

5

6           (e) Nothing in this compact shall affect the  
7 requirements established by a member state for the issuance  
8 of a single-state license.

9

10           **33-40-208. [SECTION 6] Active duty military**  
11 **personnel or their spouses.**

12

13 Active duty military personnel, or their spouses, shall  
14 designate a home state where the individual has a current  
15 license in good standing. The individual may retain the  
16 home state designation during the period the service member  
17 is on active duty. Subsequent to designating a home state,  
18 the individual shall only change their home state through  
19 application for licensure in the new state or through the  
20 process described in W.S. 33-40-207 [section 5].

21

22           **33-40-209. [SECTION 7] Adverse actions.**

23

1           (a) A home state shall have exclusive power to impose  
2 adverse action against an occupational therapist's or  
3 occupational therapy assistant's license issued by the home  
4 state.

5

6           (b) In addition to the other powers conferred by  
7 state law, a remote state shall have the authority, in  
8 accordance with existing state due process law, to:

9

10           (i) Take adverse action against an occupational  
11 therapist's or occupational therapy assistant's compact  
12 privilege within that member state;

13

14           (ii) Issue subpoenas for both hearings and  
15 investigations that require the attendance and testimony of  
16 witnesses as well as the production of evidence. Subpoenas  
17 issued by a licensing board in a member state for the  
18 attendance and testimony of witnesses or the production of  
19 evidence from another member state shall be enforced in the  
20 latter state by any court of competent jurisdiction,  
21 according to the practice and procedure of that court  
22 applicable to subpoenas issued in proceedings pending  
23 before it. The issuing authority shall pay any witness

1 fees, travel expenses, mileage and other fees required by  
2 the service statutes of the state in which the witnesses or  
3 evidence are located.

4

5 (c) For purposes of taking adverse action, the home  
6 state shall give the same priority and effect to reported  
7 conduct received from a member state as it would if the  
8 conduct had occurred within the home state. in so doing,  
9 the home state shall apply its own state laws to determine  
10 appropriate action.

11

12 (d) The home state shall complete any pending  
13 investigations of an occupational therapist or occupational  
14 therapy assistant who changes primary state of residence  
15 during the course of the investigations. The home state,  
16 where the investigations were initiated, shall also have  
17 the authority to take appropriate action and shall promptly  
18 report the conclusions of the investigations to the OT  
19 compact commission data system. The occupational therapy  
20 compact commission data system administrator shall promptly  
21 notify the new home state of any adverse actions.

22



1           (e) A member state, if otherwise permitted by state  
2 law, may recover from the affected occupational therapist  
3 or occupational therapy assistant the costs of  
4 investigations and disposition of cases resulting from any  
5 adverse action taken against that occupational therapist or  
6 occupational therapy assistant.

7

8           (f) A member state may take adverse action based on  
9 the factual findings of the remote state, provided that the  
10 member state follows its own procedures for taking the  
11 adverse action.

12

13           (g) Joint investigations:

14

15           (i) In addition to the authority granted to a  
16 member state by its respective state occupational therapy  
17 laws and regulations or other applicable state law, any  
18 member state may participate with other member states in  
19 joint investigations of licensees;

20

21           (ii) Member states shall share any  
22 investigative, litigation or compliance materials in

1 furtherance of any joint or individual investigation  
2 initiated under the compact.

3

4 (h) If an adverse action is taken by the home state  
5 against an occupational therapist's or occupational therapy  
6 assistant's license, the occupational therapist's or  
7 occupational therapy assistant's compact privilege in all  
8 other member states shall be deactivated until all  
9 encumbrances have been removed from the state license. All  
10 home state disciplinary orders that impose adverse action  
11 against an occupational therapist's or occupational therapy  
12 assistant's license shall include a statement that the  
13 occupational therapist's or occupational therapy  
14 assistant's compact privilege is deactivated in all member  
15 states during the pendency of the order.

16

17 (j) If a Member State takes Adverse Action, it shall  
18 promptly notify the administrator of the data system. The  
19 administrator of the data system shall promptly notify the  
20 home state of any adverse actions by remote states.

21

1           (k) Nothing in this compact shall override a member  
2 state's decision that participation in an alternative  
3 program may be used in lieu of adverse action.

4

5           **33-40-210. [SECTION 8] Establishment of the**  
6 **occupational therapy compact commission.**

7

8           (a) The compact member states hereby create and  
9 establish a joint public agency known as the occupational  
10 therapy compact commission:

11

12           (i) The commission is an instrumentality of the  
13 compact states;

14

15           (ii) Venue is proper and judicial proceedings by  
16 or against the commission shall be brought solely and  
17 exclusively in a court of competent jurisdiction where the  
18 principal office of the commission is located. The  
19 commission may waive venue and jurisdictional defenses to  
20 the extent it adopts or consents to participate in  
21 alternative dispute resolution proceedings;

22

1           (iii) Nothing in this compact shall be construed  
2 to be a waiver of sovereign immunity.

3

4           (b) Membership, voting and meetings:

5

6           (i) Each member state shall have and be limited  
7 to one (1) delegate selected by that member state's  
8 licensing board;

9

10           (ii) The delegate shall be either:

11

12                   (A) A current member of the licensing  
13 board, who is an occupational therapist, occupational  
14 therapy assistant or public member; or

15

16                   (B) An administrator of the licensing  
17 board.

18

19           (iii) Any delegate may be removed or suspended  
20 from office as provided by the law of the state from which  
21 the delegate is appointed;

22

1           (iv) The member state board shall fill any  
2 vacancy occurring in the commission within ninety (90)  
3 days;

4  
5           (v) Each delegate shall be entitled to one (1)  
6 vote with regard to the promulgation of rules and creation  
7 of bylaws and shall otherwise have an opportunity to  
8 participate in the business and affairs of the commission.  
9 A delegate shall vote in person or by such other means as  
10 provided in the bylaws. The bylaws may provide for  
11 delegates' participation in meetings by telephone or other  
12 means of communication;

13  
14           (vi) The commission shall meet at least once  
15 during each calendar year. Additional meetings shall be  
16 held as set forth in the bylaws;

17  
18           (vii) The commission shall establish by rule a  
19 term of office for delegates.

20  
21           (c) The commission shall have the following powers  
22 and duties:

23

1           (i) Establish a code of ethics for the  
2 commission;

3

4           (ii) Establish the fiscal year of the  
5 commission;

6

7           (iii) Establish bylaws;

8

9           (iv) Maintain its financial records in  
10 accordance with the bylaws;

11

12           (v) Meet and take such actions as are consistent  
13 with the provisions of this compact and the bylaws;

14

15           (vi) Promulgate uniform rules to facilitate and  
16 coordinate implementation and administration of this  
17 compact. The rules shall have the force and effect of law  
18 and shall be binding in all member states;

19

20           (vii) Bring and prosecute legal proceedings or  
21 actions in the name of the commission, provided that the  
22 standing of any state occupational therapy licensing board

1 to sue or be sued under applicable law shall not be  
2 affected;

3

4 (viii) Purchase and maintain insurance and  
5 bonds;

6

7 (ix) Borrow, accept or contract for services of  
8 personnel, including, but not limited to, employees of a  
9 member state;

10

11 (x) Hire employees, elect or appoint officers,  
12 fix compensation, define duties, grant such individuals  
13 appropriate authority to carry out the purposes of the  
14 compact and establish the commission's personnel policies  
15 and programs relating to conflicts of interest,  
16 qualifications of personnel, and other related personnel  
17 matters;

18

19 (xi) Accept any and all appropriate donations  
20 and grants of money, equipment, supplies, materials and  
21 services and receive, utilize and dispose of the same,  
22 provided that at all times the commission shall avoid any  
23 appearance of impropriety or conflict of interest;

1

2           (xii) Lease, purchase, accept appropriate gifts  
3 or donations of or otherwise own, hold, improve or use any  
4 property, real, personal or mixed, provided that at all  
5 times the commission shall avoid any appearance of  
6 impropriety;

7

8           (xiii) Sell, convey, mortgage, pledge, lease,  
9 exchange, abandon or otherwise dispose of any property  
10 real, personal or mixed;

11

12           (xiv) Establish a budget and make expenditures;

13

14           (xv) Borrow money;

15

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

21

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



1

2 (xviii) Establish and elect an executive  
3 committee; and

4

5 (xix) Perform such other functions as may be  
6 necessary or appropriate to achieve the purposes of this  
7 compact consistent with the state regulation of  
8 occupational therapy licensure and practice.

9

10 (d) The executive committee shall have the power to  
11 act on behalf of the commission according to the terms of  
12 this compact and in accordance with the following:

13

14 (i) The executive committee shall be composed of  
15 nine (9) members:

16

17 (A) Seven (7) voting members who are  
18 elected by the commission from the current membership of  
19 the commission;

20

21 (B) One (1) ex officio, nonvoting member  
22 from a recognized national occupational therapy  
23 professional association; and

1

2 (C) One (1) ex officio, nonvoting member  
3 from a recognized national occupational therapy  
4 certification organization.

5

6 (ii) The ex officio members will be selected by  
7 their respective organizations;

8

9 (iii) The commission may remove any member of  
10 the executive committee as provided in bylaws;

11

12 (iv) The executive committee shall meet at least  
13 annually;

14

15 (v) The executive committee shall have the  
16 following duties and responsibilities:

17

18 (A) Recommend to the entire commission  
19 changes to the rules or bylaws, changes to this compact  
20 legislation, fees paid by compact member states such as  
21 annual dues and any commission compact fee charged to  
22 licensees for the compact privilege;

23

1                   (B) Ensure compact administration services  
2 are appropriately provided, contractual or otherwise;

3

4                   (C) Prepare and recommend the budget;

5

6                   (D) Maintain financial records on behalf of  
7 the commission;

8

9                   (E) Monitor compact compliance of member  
10 states and provide compliance reports to the commission;

11

12                   (F) Establish additional committees as  
13 necessary; and

14

15                   (G) Perform other duties as provided in  
16 rules or bylaws.

17

18           (e) Meetings of the commission:

19

20                   (i) All meetings shall be open to the public,  
21 and public notice of meetings shall be given in the same  
22 manner as required under the rulemaking provisions in W.S.  
23 33-40-212 [section 10];

1

2 (ii) The commission or the executive committee  
3 or other committees of the commission may convene in a  
4 closed, non-public meeting if the commission or executive  
5 committee or other committees of the commission must  
6 discuss:

7

8 (A) Non-compliance of a member state with  
9 its obligations under the compact;

10

11 (B) The employment, compensation,  
12 discipline or other matters, practices or procedures  
13 related to specific employees or other matters related to  
14 the commission's internal personnel practices and  
15 procedures;

16

17 (C) Current, threatened or reasonably  
18 anticipated litigation;

19

20 (D) Negotiation of contracts for the  
21 purchase, lease or sale of goods, services or real estate;

22

1                   (E) Accusing any person of a crime or  
2 formally censuring any person;

3

4                   (F) Disclosure of trade secrets or  
5 commercial or financial information that is privileged or  
6 confidential;

7

8                   (G) Disclosure of information of a personal  
9 nature where disclosure would constitute a clearly  
10 unwarranted invasion of personal privacy;

11

12                   (H) Disclosure of investigative records  
13 compiled for law enforcement purposes;

14

15                   (J) Disclosure of information related to  
16 any investigative reports prepared by or on behalf of or  
17 for use of the commission or other committee charged with  
18 responsibility of investigation or determination of  
19 compliance issues pursuant to the Compact; or

20

21                   (K) Matters specifically exempted from  
22 disclosure by federal or member state statute.

23

1           (iii) If a meeting, or portion of a meeting, is  
2 closed pursuant to this provision, the commission's legal  
3 counsel or designee shall certify that the meeting may be  
4 closed and shall reference each relevant exempting  
5 provision;

6

7           (iv) The commission shall keep minutes that  
8 fully and clearly describe all matters discussed in a  
9 meeting and shall provide a full and accurate summary of  
10 actions taken and the reasons therefore, including a  
11 description of the views expressed. All documents  
12 considered in connection with an action shall be identified  
13 in such minutes. All minutes and documents of a closed  
14 meeting shall remain under seal, subject to release by a  
15 majority vote of the commission or order of a court of  
16 competent jurisdiction.

17

18           (f) Financing of the commission:

19

20           (i) The commission shall pay, or provide for the  
21 payment of, the reasonable expenses of its establishment,  
22 organization and ongoing activities;

23

1           (ii) The commission may accept any and all  
2 appropriate revenue sources, donations and grants of money,  
3 equipment, supplies, materials and services;

4  
5           (iii) The commission may levy on and collect an  
6 annual assessment from each member state or impose fees on  
7 other parties to cover the cost of the operations and  
8 activities of the commission and its staff, which must be  
9 in a total amount sufficient to cover its annual budget as  
10 approved by the commission each year for which revenue is  
11 not provided by other sources. The aggregate annual  
12 assessment amount shall be allocated based upon a formula  
13 to be determined by the commission, which shall promulgate  
14 a rule binding upon all member states;

15  
16           (iv) The commission shall not incur obligations  
17 of any kind prior to securing the funds adequate to meet  
18 the same, nor shall the commission pledge the credit of any  
19 of the member states, except by and with the authority of  
20 the member state;

21  
22           (v) The commission shall keep accurate accounts  
23 of all receipts and disbursements. The receipts and

1 disbursements of the commission shall be subject to the  
2 audit and accounting procedures established under its  
3 bylaws. However, all receipts and disbursements of funds  
4 handled by the commission shall be audited yearly by a  
5 certified or licensed public accountant and the report of  
6 the audit shall be included in and become part of the  
7 annual report of the commission.

8

9 (g) Qualified immunity, defense and indemnification:

10

11 (i) The members, officers, executive director,  
12 employees and representatives of the commission shall be  
13 immune from suit and liability, either personally or in  
14 their official capacity, for any claim for damage to or  
15 loss of property or personal injury or other civil  
16 liability caused by or arising out of any actual or alleged  
17 act, error or omission that occurred, or that the person  
18 against whom the claim is made had a reasonable basis for  
19 believing occurred within the scope of commission  
20 employment, duties or responsibilities, provided that  
21 nothing in this paragraph shall be construed to protect any  
22 such person from suit or liability for any damage, loss,



1 injury or liability caused by the intentional or willful or  
2 wanton misconduct of that person;

3

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

18

19 (iii) The commission shall indemnify and hold  
20 harmless any member, officer, executive director, employee  
21 or representative of the commission for the amount of any  
22 settlement or judgment obtained against that person arising  
23 out of any actual or alleged act, error or omission that

1 occurred within the scope of commission employment, duties  
2 or responsibilities, or that such person had a reasonable  
3 basis for believing occurred within the scope of commission  
4 employment, duties or responsibilities, provided that the  
5 actual or alleged act, error or omission did not result  
6 from the intentional or willful or wanton misconduct of  
7 that person.

8

9 **33-40-211. [SECTION 9] Data system.**

10

11 (a) The commission shall provide for the development,  
12 maintenance and utilization of a coordinated database and  
13 reporting system containing licensure, adverse action and  
14 investigative information on all licensed individuals in  
15 member states.

16

17 (b) A member state shall submit a uniform data set to  
18 the data system on all individuals to whom this compact is  
19 applicable (utilizing a unique identifier) as required by  
20 the rules of the commission, including:

21

22 (i) Identifying information;

23

1           (ii) Licensure data;

2

3           (iii) Adverse actions against a license or  
4 compact privilege;

5

6           (iv) Non-confidential information related to  
7 alternative program participation;

8

9           (v) Any denial of application for licensure and  
10 the reason for such denial;

11

12           (vi) Other information that may facilitate the  
13 administration of this compact, as determined by the rules  
14 of the commission; and

15

16           (vii) Current significant investigative  
17 information.

18

19           (c) Current significant investigative information and  
20 other investigative information pertaining to a licensee in  
21 any member state will only be available to other member  
22 states.

23

1           (d) The commission shall promptly notify all member  
2 states of any adverse action taken against a licensee or an  
3 individual applying for a license. Adverse action  
4 information pertaining to a licensee in any member state  
5 will be available to any other member state.

6

7           (e) Member states contributing information to the  
8 data system may designate information that may not be  
9 shared with the public without the express permission of  
10 the contributing state.

11

12           (f) Any information submitted to the data system that  
13 is subsequently required to be expunged by the laws of the  
14 member state contributing the information shall be removed  
15 from the data system.

16

17           **33-40-212. [SECTION 10] Rulemaking.**

18

19           (a) Notwithstanding the requirements imposed by W.S.  
20 16-3-101 through 16-3-106, the commission shall exercise  
21 its rulemaking powers pursuant to the criteria set forth in  
22 this section and the rules adopted thereunder. Rules and

1 amendments shall become binding as of the date specified in  
2 each rule or amendment.

3

4 (b) The commission shall promulgate reasonable rules  
5 in order to effectively and efficiently achieve the  
6 purposes of the compact. Notwithstanding the foregoing, in  
7 the event the commission exercises its rulemaking authority  
8 in a manner that is beyond the scope of the purposes of the  
9 compact, or the powers granted hereunder, then such an  
10 action by the commission shall be invalid and have no force  
11 and effect.

12

13 (c) If a majority of the legislatures of the member  
14 states rejects a rule, by enactment of a statute or  
15 resolution in the same manner used to adopt the compact  
16 within four (4) years of the date of adoption of the rule,  
17 then such rule shall have no further force and effect in  
18 any member state.

19

20 (d) Rules or amendments to the rules shall be adopted  
21 at a regular or special meeting of the commission.

22

1           (e) Prior to promulgation and adoption of a final  
2 rule or rules by the commission, and at least thirty (30)  
3 days in advance of the meeting at which the rule will be  
4 considered and voted upon, the commission shall file a  
5 notice of proposed rulemaking:

6

7           (i) On the website of the commission or other  
8 publicly accessible platform; and

9

10           (ii) On the website of each member state  
11 occupational therapy licensing board or other publicly  
12 accessible platform or the publication in which each state  
13 would otherwise publish proposed rules.

14

15           (f) The notice of proposed rulemaking shall include:

16

17           (i) The proposed time, date and location of the  
18 meeting in which the rule will be considered and voted  
19 upon;

20

21           (ii) The text of the proposed rule or amendment  
22 and the reason for the proposed rule;

23

1           (iii) A request for comments on the proposed  
2 rule from any interested person; and

3

4           (iv) The manner in which interested persons may  
5 submit notice to the commission of their intention to  
6 attend the public hearing and any written comments.

7

8           (g) Prior to adoption of a proposed rule, the  
9 commission shall allow persons to submit written data,  
10 facts, opinions and arguments, which shall be made  
11 available to the public.

12

13           (h) The commission shall grant an opportunity for a  
14 public hearing before it adopts a rule or amendment if a  
15 hearing is requested by:

16

17           (i) At least twenty-five (25) persons;

18

19           (ii) A state or federal governmental subdivision  
20 or agency; or

21

22           (iii) An association or organization having at  
23 least twenty-five (25) members.

1

2           (j) If a hearing is held on the proposed rule or  
3 amendment, the commission shall publish the place, time and  
4 date of the scheduled public hearing. If the hearing is  
5 held via electronic means, the commission shall publish the  
6 mechanism for access to the electronic hearing. Under this  
7 subsection:

8

9           (i) All persons wishing to be heard at the  
10 hearing shall notify the executive director of the  
11 commission or other designated member in writing of their  
12 desire to appear and testify at the hearing not less than  
13 five (5) business days before the scheduled date of the  
14 hearing;

15

16           (ii) Hearings shall be conducted in a manner  
17 providing each person who wishes to comment a fair and  
18 reasonable opportunity to comment orally or in writing;

19

20           (iii) All hearings will be recorded. A copy of  
21 the recording will be made available on request;

22



1           (iv) Nothing in this section shall be construed  
2 as requiring a separate hearing on each rule. Rules may be  
3 grouped for the convenience of the commission at hearings  
4 required by this section.

5

6           (k) Following the scheduled hearing date, or by the  
7 close of business on the scheduled hearing date if the  
8 hearing was not held, the commission shall consider all  
9 written and oral comments received.

10

11           (m) If no written notice of intent to attend the  
12 public hearing by interested parties is received, the  
13 commission may proceed with promulgation of the proposed  
14 rule without a public hearing.

15

16           (n) The commission shall, by majority vote of all  
17 members, take final action on the proposed rule and shall  
18 determine the effective date of the rule, if any, based on  
19 the rulemaking record and the full text of the rule.

20

21           (o) Upon determination that an emergency exists, the  
22 commission may consider and adopt an emergency rule without  
23 prior notice, opportunity for comment or hearing, provided

1 that the usual rulemaking procedures provided in the  
2 compact and in this section shall be retroactively applied  
3 to the rule as soon as reasonably possible, in no event  
4 later than ninety (90) days after the effective date of the  
5 rule. For the purposes of this provision, an emergency rule  
6 is one that must be adopted immediately in order to:

7

8 (i) Meet an imminent threat to public health,  
9 safety or welfare;

10

11 (ii) Prevent a loss of commission or member  
12 state funds;

13

14 (iii) Meet a deadline for the promulgation of an  
15 administrative rule that is established by federal law or  
16 rule; or

17

18 (iv) Protect public health and safety.

19

20 (p) The commission or an authorized committee of the  
21 commission may direct revisions to a previously adopted  
22 rule or amendment for purposes of correcting typographical  
23 errors, errors in format, errors in consistency or

1 grammatical errors. Public notice of any revisions shall be  
2 posted on the website of the commission. The revision shall  
3 be subject to challenge by any person for a period of  
4 thirty (30) days after posting. The revision may be  
5 challenged only on grounds that the revision results in a  
6 material change to a rule. A challenge shall be made in  
7 writing and delivered to the chair of the commission prior  
8 to the end of the notice period. If no challenge is made,  
9 the revision will take effect without further action. If  
10 the revision is challenged, the revision may not take  
11 effect without the approval of the commission.

12

13 **33-40-213. [SECTION 11] Oversight, dispute**  
14 **resolution and enforcement.**

15

16 (a) Oversight:

17

18 (i) The executive, legislative and judicial  
19 branches of state government in each member state shall  
20 enforce this compact and take all actions necessary and  
21 appropriate to effectuate the compact's purposes and  
22 intent. The provisions of this compact and the rules  
23 promulgated hereunder shall have standing as statutory law;

1

2 (ii) All courts shall take judicial notice of  
3 the compact and the rules in any judicial or administrative  
4 proceeding in a member state pertaining to the subject  
5 matter of this compact which may affect the powers,  
6 responsibilities or actions of the commission;

7

8 (iii) The commission shall be entitled to  
9 receive service of process in any such proceeding and shall  
10 have standing to intervene in such a proceeding for all  
11 purposes. Failure to provide service of process to the  
12 commission shall render a judgment or order void as to the  
13 commission, this compact or promulgated rules.

14

15 (b) Default, technical assistance and termination:

16

17 (i) If the commission determines that a member  
18 state has defaulted in the performance of its obligations  
19 or responsibilities under this compact or the promulgated  
20 rules, the commission shall:

21

22 (A) Provide written notice to the  
23 defaulting state and other member states of the nature of

1 the default, the proposed means of curing the default and  
2 any other action to be taken by the commission; and

3

4 (B) Provide remedial training and specific  
5 technical assistance regarding the default.

6

7 (ii) If a state in default fails to cure the  
8 default, the defaulting state may be terminated from the  
9 compact upon an affirmative vote of a majority of the  
10 member states, and all rights, privileges and benefits  
11 conferred by this compact may be terminated on the  
12 effective date of termination. A cure of the default does  
13 not relieve the offending state of obligations or  
14 liabilities incurred during the period of default;

15

16 (iii) Termination of membership in the compact  
17 shall be imposed only after all other means of securing  
18 compliance have been exhausted. Notice of intent to suspend  
19 or terminate shall be given by the commission to the  
20 governor, the majority and minority leaders of the  
21 defaulting state's legislature and each of the member  
22 states;

23

1           (iv) A state that has been terminated is  
2 responsible for all assessments, obligations and  
3 liabilities incurred through the effective date of  
4 termination, including obligations that extend beyond the  
5 effective date of termination;

6

7           (v) The commission shall not bear any costs  
8 related to a state that is found to be in default or that  
9 has been terminated from the compact, unless agreed upon in  
10 writing between the commission and the defaulting state;

11

12           (vi) The defaulting state may appeal the action  
13 of the commission by petitioning the United states district  
14 court for the District of Columbia or the federal district  
15 where the commission has its principal offices. The  
16 prevailing member shall be awarded all costs of such  
17 litigation, including reasonable attorney's fees.

18

19           (c) Dispute resolution:

20

21           (i) Upon request by a member state, the  
22 commission shall attempt to resolve disputes related to the

1 compact that arise among member states and between member  
2 and non-member states;

3

4 (ii) The commission shall promulgate a rule  
5 providing for both mediation and binding dispute resolution  
6 for disputes as appropriate.

7

8 (d) Enforcement:

9

10 (i) The commission, in the reasonable exercise  
11 of its discretion, shall enforce the provisions and rules  
12 of this compact;

13

14 (ii) By majority vote, the commission may  
15 initiate legal action in the United States district court  
16 for the District of Columbia or the federal district where  
17 the commission has its principal offices against a member  
18 state in default to enforce compliance with the provisions  
19 of the compact and its promulgated rules and bylaws. The  
20 relief sought may include both injunctive relief and  
21 damages. In the event judicial enforcement is necessary,  
22 the prevailing member shall be awarded all costs of such  
23 litigation, including reasonable attorney's fees;

1

2 (iii) The remedies herein shall not be the  
3 exclusive remedies of the commission. The commission may  
4 pursue any other remedies available under federal or state  
5 law.

6

7 **33-40-214. [SECTION 12] Date of implementation of**  
8 **the interstate commission for occupational therapy practice**  
9 **and associated rules, withdrawal and amendment.**

10

11 (a) The compact shall come into effect on the date on  
12 which the compact statute is enacted into law in the tenth  
13 member state. The provisions, which become effective at  
14 that time, shall be limited to the powers granted to the  
15 commission relating to assembly and the promulgation of  
16 rules. Thereafter, the commission shall meet and exercise  
17 rulemaking powers necessary to the implementation and  
18 administration of the compact.

19

20 (b) Any state that joins the compact subsequent to  
21 the commission's initial adoption of the rules shall be  
22 subject to the rules as they exist on the date on which the  
23 compact becomes law in that state. Any rule that has been



1 previously adopted by the commission shall have the full  
2 force and effect of law on the day the compact becomes law  
3 in that state.

4

5 (c) Any member state may withdraw from this compact  
6 by enacting a statute repealing the same. Under this  
7 subsection:

8

9 (i) A Member state's withdrawal shall not take  
10 effect until six (6) months after enactment of the  
11 repealing statute;

12

13 (ii) Withdrawal shall not affect the continuing  
14 requirement of the withdrawing state's occupational therapy  
15 licensing board to comply with the investigative and  
16 adverse action reporting requirements of this act prior to  
17 the effective date of withdrawal.

18

19 (d) Nothing contained in this compact shall be  
20 construed to invalidate or prevent any occupational therapy  
21 licensure agreement or other cooperative arrangement  
22 between a member state and a non-member state that does not  
23 conflict with the provisions of this compact.

1

2 (e) This compact may be amended by the member states.

3 No amendment to this compact shall become effective and  
4 binding upon any member state until it is enacted into the  
5 laws of all member states.

6

7 **33-40-215. [SECTION 13] Construction and**  
8 **severability.**

9

10 This compact shall be liberally construed so as to  
11 effectuate the purposes thereof. The provisions of this  
12 compact shall be severable and if any phrase, clause,  
13 sentence or provision of this compact is declared to be  
14 contrary to the constitution of any member state or of the  
15 United States or the applicability thereof to any  
16 government, agency, person or circumstance is held invalid,  
17 the validity of the remainder of this compact and the  
18 applicability thereof to any government, agency, person or  
19 circumstance shall not be affected thereby. If this compact  
20 shall be held contrary to the constitution of any member  
21 state, the compact shall remain in full force and effect as  
22 to the remaining member states and in full force and effect

1 as to the member state affected as to all severable  
2 matters.

3

4 **33-40-216. [SECTION 14] Binding effect of compact**  
5 **and other laws.**

6

7 (a) A licensee providing occupational therapy in a  
8 remote state under the compact privilege shall function  
9 within the laws and regulations of the remote state.

10

11 (b) Nothing herein prevents the enforcement of any  
12 other law of a member state that is not inconsistent with  
13 the compact.

14

15 (c) Any laws in a member state in conflict with the  
16 compact are superseded to the extent of the conflict.

17

18 (d) Any lawful actions of the commission, including  
19 all rules and bylaws promulgated by the commission, are  
20 binding upon the member states.

21

22 (e) All agreements between the commission and the  
23 member states are binding in accordance with their terms.

1

2 (f) In the event any provision of the compact exceeds  
3 the constitutional limits imposed on the legislature of any  
4 member state, the provision shall be ineffective to the  
5 extent of the conflict with the constitutional provision in  
6 question in that member state.

7

8 **Section 2.** W.S. 33-40-103(a), 33-40-104(a) by  
9 creating a new paragraph (v), 33-40-106(a)(intro),  
10 33-40-107(b), 33-40-108(a), (c) and (d), 33-40-109,  
11 33-40-110(f)(intro), 33-40-111(a) and (b),  
12 33-40-113(a)(intro), (b) and (c) and 33-40-115(a), (d)(i)  
13 and (ii) are amended to read:

14

15 **33-40-103. License required.**

16

17 (a) No person shall hold himself out as an  
18 occupational therapist, an occupational therapy assistant  
19 or as being able to practice occupational therapy in  
20 Wyoming unless he is licensed under this act or the  
21 Occupational Therapy Licensure Compact under W.S.  
22 33-40-202. An unlicensed person holding himself out as an  
23 occupational therapist or occupational therapist assistant

1 by using additional or modifying words in his title,  
2 printed materials, advertisements or otherwise shall be  
3 deemed to be holding himself out as an occupational  
4 therapist or occupational therapist assistant.

5

6 **33-40-104. Persons and practices not affected.**

7

8 (a) Nothing in this act shall be construed as  
9 preventing or restricting the practice, services or  
10 activities of:

11

12 (v) Any person licensed as an occupational  
13 therapist or occupational therapy assistant in accordance  
14 with the Occupational Therapy Licensure Compact under W.S.  
15 33-40-202.

16

17 **33-40-106. Requirements for licensure; continuing**  
18 **education.**

19

20 (a) An applicant applying for a license as an  
21 occupational therapist or occupational therapy assistant  
22 under this act, shall file a specified written application

1 showing to the satisfaction of the board that the  
2 applicant:

3

4 **33-40-107. Examination for license of occupational**  
5 **therapists and occupational therapy assistants.**

6

7 (b) Each applicant for licensure under this act,  
8 shall be given a written examination on the basic and  
9 clinical sciences relating to occupational therapy,  
10 occupational therapy techniques and methods to determine  
11 the applicant's fitness to practice. The board shall  
12 designate the examination for occupational therapists and  
13 the examination for occupational therapy assistants and  
14 shall establish standards for acceptable performance.

15

16 **33-40-108. Waiver of requirements; temporary**  
17 **licenses.**

18

19 (a) The board shall grant a license under this act,  
20 to any person certified prior to July 1, 1992 as an  
21 occupational therapist registered (OTR) or as a certified  
22 occupational therapy assistant (COTA) by the American  
23 occupational therapy certification board (AOTCB).

1

2 (c) The board may establish provisions for a  
3 temporary license under this act so an applicant may  
4 practice occupational therapy without supervision or act as  
5 an occupational therapy assistant with supervision during  
6 processing of the license application.

7

8 (d) The board may establish provisions for a limited  
9 license to practice occupational therapy under supervision  
10 or act as an occupational therapy assistant with  
11 supervision to applicants under this act who are waiting to  
12 take the national certification examination or who are  
13 awaiting scores.

14

15 **33-40-109. Issuance of license.**

16

17 The board shall issue a license to any individual who meets  
18 the requirements of this act or the Occupational Therapy  
19 Licensure Compact under W.S. 33-40-202, upon payment of the  
20 prescribed license fee.

21

22 **33-40-110. Renewal of license; reentry.**

23

1           (f) The board shall establish by rule reentry  
2 procedures for the licensure of persons under this act who  
3 have previously practiced as an occupational therapist or  
4 occupational therapy assistant for not less than one (1)  
5 year, but who do not qualify for renewal of their license  
6 under subsection (a) of this section. The board's rules  
7 may:

8

9           **33-40-111. Foreign trained applicants; applicants**  
10 **from other states and territories.**

11

12           (a) Occupational therapists and occupational therapy  
13 assistants trained outside of the United States and its  
14 possessions shall satisfy the examination requirements of  
15 W.S. 33-40-107 to be licensed under this act. The board  
16 shall require these applicants to meet the standards  
17 established in W.S. 33-40-106.

18

19           (b) The board shall, to the extent necessary, waive  
20 examination, education, and continuing education  
21 requirements and grant a license under this act to any  
22 applicant who presents proof of current licensure or  
23 regulation as an occupational therapist or occupational



1 therapy assistant in another state, the District of  
2 Columbia, or territory of the United States whose standards  
3 for licensure or regulation include passage of the  
4 examination required for licensure under this act and who  
5 has not been disciplined in the other jurisdiction for  
6 unprofessional conduct or a similar offense. The board may  
7 grant licensure to an applicant who has been disciplined  
8 for unprofessional conduct if in the board's judgment the  
9 unprofessional conduct was sufficiently minor, has been  
10 rectified or is sufficiently in the past so as not to  
11 present a risk to the welfare or safety of Wyoming  
12 patients.

13

14 **33-40-113. Suspension and revocation of license;**  
15 **refusal to renew.**

16

17 (a) In accordance with this act and after the hearing  
18 authorized by subsection (b) of this section, the board may  
19 deny a license or refuse to renew a license, may suspend or  
20 revoke a license, or may impose probationary conditions if  
21 the licensee or the applicant for a license has engaged in  
22 unprofessional conduct which has endangered or is likely to  
23 endanger the health, welfare or safety of the public.

1 Unprofessional conduct shall mean the conduct defined in  
2 W.S. 33-40-102(a)(vi).

3

4 (b) A denial, refusal to renew, suspension,  
5 revocation or imposition of probationary conditions upon a  
6 license may be ordered by the board under this act after a  
7 hearing in the manner provided by the rules and regulations  
8 adopted by the board. An application for reinstatement may  
9 be made to the board one (1) year after the date of the  
10 revocation of a license. The board may accept or reject an  
11 application for reinstatement and may hold a hearing to  
12 consider the reinstatement. Any person aggrieved by any  
13 final action of the board may appeal to the district court  
14 under the provisions of the Wyoming Administrative  
15 Procedure Act, W.S. 16-3-101 through 16-3-115.

16

17 (c) Upon receipt from the department of family  
18 services of a certified copy of an order from a court to  
19 withhold, suspend or otherwise restrict a license issued by  
20 the board under this act, the board shall notify the party  
21 named in the court order of the withholding, suspension or  
22 restriction of the license in accordance with the terms of  
23 the court order. No appeal under the Wyoming Administrative

1 Procedure Act shall be allowed for a license withheld,  
2 suspended or restricted under this subsection.

3

4 **33-40-115. Board of occupational therapy practice;**  
5 **powers and duties.**

6

7 (a) The board shall administer the provisions of this  
8 act and the Occupational Therapy Licensure Compact under  
9 W.S. 33-40-202, and may investigate allegations of  
10 practices violating the provisions of this act or of the  
11 compact.

12

13 (d) The board may, with the approval and assistance  
14 of the attorney general, petition the district court in the  
15 name of the state of Wyoming to enjoin:

16

17 (i) Any person from continuing to violate W.S.  
18 33-40-103 or section 4 of the Occupational Therapy  
19 Licensure Compact under W.S. 33-40-202;

20

21 (ii) Any person or other entity from advertising  
22 or claiming to provide occupational therapy services in  
23 this state when the services are not or will not be

1 provided by a person licensed under this act or the  
2 Occupational Therapy Licensure Compact under W.S.  
3 33-40-202.

4

5 **Section 2.** This act is effective July 1, 2022.

6

7

(END)