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# Wisconsin Legislative Council

## ACT MEMO

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**2021 Wisconsin Act 123**  
[2021 Senate Bill 412]

**Occupational Therapy Licensure  
Compact**

### 2021 WISCONSIN ACT 123

2021 Wisconsin Act 123 ratifies and enters Wisconsin into the Occupational Therapy Licensure Compact, which allows an occupational therapist or occupational therapy assistant licensed in a compact member state to practice in another member state under a “compact privilege” without obtaining a license to practice in the other state. The act applies only to an applicant for a compact privilege, and does not affect requirements for Wisconsin licensure.

#### Licensure

To obtain a compact privilege, a licensed individual must apply to the state in which the person is seeking to provide occupational therapy services. The applicant must be licensed in good standing in the person’s home state, and the home state’s licensure must meet certain minimum standards (as Wisconsin does), including utilization of a nationally recognized examination for initial licensure and continuing education requirements for license renewal. The applicant must also meet any jurisprudence requirements established by the state in which the person is seeking to provide services that assess the applicant’s knowledge of the laws and rules governing the practice of occupational therapy in the state.

If a licensed individual moves from one member state to another member state, the person may apply for licensure in the new home state under a simplified process. The new home state may verify the applicant’s credentials through the compact’s coordinated database, subject to any background check requirements and any jurisprudence requirements that assess the applicant’s knowledge of the laws and rules governing the practice of occupational therapy in the new home state.

Active duty military personnel and their spouses may designate a member state as a home state, if the individual has a current license in good standing in the member state.

#### Regulatory Oversight

While providing occupational therapy services under a compact privilege, a licensed individual must function within the laws and regulations of the member state in which the person is providing the services, and is subject to that state’s regulatory authority.

In addition, the act does all of the following:

- Allows member states’ licensure boards to conduct joint investigations of licensed individuals and to issue subpoenas that are enforceable in other member states.
- Creates a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

- Requires applicants for an initial compact privilege to submit to be fingerprinted, and requires an applicant's fingerprint cards to be submitted to the state Department of Justice and the Federal Bureau of Investigation for a criminal history background check.

## **Governance of the Compact**

For governance of the compact, the act enters Wisconsin into the Occupational Therapy Compact Commission, which includes one member of the licensure boards of each member state. The commission has various powers and duties granted in the compact, including overseeing the administration of the compact, enforcing the compact, adopting bylaws, promulgating binding rules to coordinate implementation and administration of the compact, and establishing and electing an executive committee.

The act provides for dispute resolution, including a process for termination of a state's membership in the compact if a state defaults on its obligations under the compact. The act also permits a state to withdraw from the compact by repealing the statute authorizing the compact, to take effect six months after the effective date of the repeal.

The compact may be amended by the member states, effective after enacted into the laws of all member states.

**Effective date:** February 6, 2022

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