

## **BILL ANALYSIS**

H.B. 1683  
By: Walle  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Occupational therapists (OTs) in Texas are only permitted to practice in the state under a state-issued license, and it has been noted that OTs encounter administrative barriers when their clients have relocated to another state. This is not only a barrier specifically for the OT in Texas but also for an out-of-state client who wants to maintain access to the adequate and consistent care the OT licensed in Texas has provided. Additionally, the current limitations on state licensure reduce the mobility of OTs, including those with spouses in the military who routinely transfer to military bases in different states. H.B. 1683 seeks to enact and enter into the Occupational Therapy Licensure Compact to allow OTs licensed in Texas to practice in all states that join the compact, thus reducing the obstacles associated with maintaining separate licenses from various jurisdictions and removing the administrative burden the Texas Board of Occupational Therapy Examiners faces in processing applications from qualified OTs licensed in other states seeking to practice in Texas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Occupational Therapy Examiners in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 1683 amends the Occupations Code to enact and enter into the Occupational Therapy Licensure Compact with all other applicable jurisdictions to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The bill sets out the compact's provisions, including with respect to the following:

- individual state participation in the compact;
- the manner in which an individual who currently holds an applicable authorization to practice as an occupational therapist or as an occupational therapy assistant may exercise privileges under the compact, including obtaining a license in a new home state;
- participation in the compact by active duty military personnel and their spouses;
- the authority of member states to take adverse actions against an occupational therapist or an occupational therapy assistant;
- the establishment of the Occupational Therapy Compact Commission as an instrumentality of member states, the commission's powers and duties, including rulemaking, and annual assessments levied on and collected from member states and fees imposed on other parties to fund the commission;

- the establishment of a coordinated database and reporting system by the commission to which participating states must submit uniform data sets regarding individuals to whom the compact applies;
- oversight, dispute resolution, and enforcement of compact provisions by applicable state governments and courts;
- the construction and severability of the compact's provisions, as well as the binding effect of the compact and other state laws;
- the process for amending or withdrawing from the compact; and
- the definitions of terms used in the compact.

The compact takes effect on the date on which the compact statute is enacted into law in the 10th member state. The bill designates the Texas Board of Occupational Therapy Examiners as the administrator of the compact in Texas and authorizes the board to adopt rules necessary to implement the bill's provisions.

#### **EFFECTIVE DATE**

September 1, 2023.