

BILL ANALYSIS

H.B. 1903
By: Walle
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current state law, occupational therapists (OTs) are only permitted to practice within the state in which they are licensed. This not only causes issues for the practitioner but also decreases a client's access to adequate and consistent care. Additionally, the current limitations on state licensure decreases the mobility of OTs, including those associated with military spouses, who are often reassigned to bases in different states every few years.

H.B. 1903 seeks to enact and enter into the Occupational Therapy Licensure Compact to allow OTs to practice in all states that join the compact, thus reducing the obstacles associated with gaining individual licenses from various states and removing the administrative burden the Texas Board of Occupational Therapy Examiners faces in processing applications from qualified, already licensed OTs 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. 1903 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, and annual assessments levied on and collected from member states and fees imposed on other parties to fund the commission;
- 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; and
- the process for amending or withdrawing from 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, 2021.