WEST VIRGINIA CODE: §30-28A-2

§30-28A-2. Definitions.

As used in this compact, and except as otherwise provided, the following definitions shall apply:

"Active-duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. 1211;

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice;

"Alternative program" means a non-disciplinary monitoring process approved by an occupational therapy licensing board;

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

"Continuing competence or education" means a requirement, as a condition of license renewal, to provide evidence of completion of, educational and professional activities relevant to practice or area of work;

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

"Data system" means a repository of information about licensees, including, but not limited to, license status, investigative information, compact privileges, and adverse actions;

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

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

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"Home state" means the member state that is the licensee's primary state of residence;

"Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions;

"Investigative information" means information, records, or documents received or generated by an occupational therapy licensing board pursuant to an investigation;

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state;

"Licensee" means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant;

"Member state" means a state that has enacted the compact;

"Occupational therapist" means an individual who is licensed by a state to practice occupational therapy;

"Occupational therapy assistant" means an individual who is licensed by a state to assist in the practice of occupational therapy;

"Occupational therapy", "occupational therapy practice", and the "practice of occupational therapy" mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state's statutes and regulations;

"Occupational Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact;

"Occupational therapy licensing board" or "licensing board" means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants;

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

"Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege;

"Rule" means a regulation promulgated by the commission that has the force of law;

"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of occupational therapy;

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

"Telehealth" means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention, and consultation.

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