

Senate Engrossed

audiologists; speech-language pathologists; compact

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1075

AN ACT

AMENDING SECTIONS 36-1940 AND 36-1940.01, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 17, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 4.1; AMENDING SECTIONS 41-619.51, 41-1758, 41-1758.01 AND 41-1758.07, ARIZONA REVISED STATUTES; RELATING TO AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-1940, Arizona Revised Statutes, is amended to
3 read:

4 36-1940. Audiologists; licensure requirements; fingerprint
5 clearance card; rules

6 A. A person who wishes to be licensed as an audiologist shall:

7 1. Submit a nonrefundable application fee as prescribed by section
8 36-1908.

9 2. Submit evidence satisfactory to the director that the applicant
10 has:

11 (a) A doctoral degree with an emphasis in audiology from a
12 nationally or regionally accredited college or university in an accredited
13 program consistent with the standards of this state's universities.

14 (b) Completed supervised clinical rotations in audiology from a
15 nationally or regionally accredited college or university in an accredited
16 program consistent with the standards of this state's universities.

17 3. Pass an examination pursuant to section 36-1902, subsection
18 G. The applicant must have completed the examination within three years
19 before the date of application for licensure pursuant to this article.

20 4. Not have had a license revoked or suspended by a state within
21 the preceding two years and not be presently ineligible for licensure in
22 any state because of a prior revocation or suspension.

23 B. A person who has a doctoral degree in audiology and who wishes
24 to be licensed as an audiologist to fit and dispense hearing aids shall:

25 1. Submit a nonrefundable application fee as prescribed by section
26 36-1908.

27 2. Submit evidence satisfactory to the director that the applicant
28 has:

29 (a) A doctoral degree with an emphasis in audiology from a
30 nationally or regionally accredited college or university in a program
31 consistent with the standards of this state's universities.

32 (b) Completed supervised clinical rotations in audiology from a
33 nationally or regionally accredited college or a university in an
34 accredited program that is consistent with the standards of this state's
35 universities.

36 3. Pass an examination pursuant to section 36-1902, subsection G.
37 The applicant must have completed the examination within three years
38 before the date of application for licensure pursuant to this article.

39 4. Pass an examination approved by the director in jurisprudence
40 and ethics related to this chapter within six months after initial
41 licensure. The director shall offer the examination at least four times
42 each calendar year.

43 5. Not have had a license revoked or suspended by a state within
44 the preceding two years and not be presently ineligible for licensure in
45 any state because of a prior revocation or suspension.

1 C. A person who wishes to be licensed as an audiologist to fit and
2 dispense hearing aids and who was awarded a master's degree in audiology
3 before December 31, 2007 must:

4 1. Submit a nonrefundable application fee as prescribed pursuant to
5 section 36-1908.

6 2. Submit evidence satisfactory to the director that the applicant
7 meets the requirements prescribed in section 36-1940.02, subsection C for
8 a waiver of the educational and clinical rotation requirements of this
9 article.

10 3. Pass an audiology examination pursuant to section 36-1902,
11 subsection E. The applicant must have completed the examination within
12 three years before the date of application for licensure pursuant to this
13 article unless the applicant is currently practicing audiology and meets
14 the audiology examination waiver requirements of section 36-1940.02,
15 subsection D.

16 4. Pass the hearing aid dispenser's examination pursuant to section
17 36-1924.

18 5. Not have had a license to practice as an audiologist or hearing
19 aid dispenser revoked or suspended by another state within the preceding
20 two years and not currently be ineligible for licensure in any state
21 because of a prior revocation or suspension.

22 D. A PERSON WHO WISHES TO BE LICENSED AS AN AUDIOLOGIST AND HAVE
23 THE PRIVILEGE TO PRACTICE PURSUANT TO ARTICLE 4.1 OF THIS CHAPTER SHALL
24 OBTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION 41-1758.07.

25 D. E. The director shall adopt rules prescribing criteria for
26 approved postgraduate professional experience.

27 Sec. 2. Section 36-1940.01, Arizona Revised Statutes, is amended to
28 read:

29 36-1940.01. Speech-language pathologist; licensure
30 requirements; fingerprint clearance card; rules

31 A. A person who wishes to be licensed as a speech-language
32 pathologist shall:

33 1. Submit a nonrefundable application fee as prescribed by section
34 36-1908.

35 2. Submit evidence satisfactory to the director that the applicant
36 has:

37 (a) A master's degree in speech-language pathology or the
38 equivalent from a nationally or regionally accredited college or
39 university in a program consistent with the standards of this state's
40 universities.

41 (b) Completed a supervised clinical practicum in speech-language
42 pathology from a nationally or regionally accredited college or university
43 in a program consistent with the standards of this state's universities.

44 (c) Completed postgraduate professional experience in the field of
45 speech-language pathology approved by the director.

1 3. Pass an examination pursuant to section 36-1902, subsection G.
2 4. Not have had a license revoked or suspended by a state within
3 the preceding two years and not be presently ineligible for licensure in
4 any state because of a prior revocation or suspension.

5 B. A person who wishes to be licensed as a speech-language
6 pathologist whose practice is limited to providing services to pupils
7 under the authority of a local education agency or state-supported
8 institution shall:

9 1. Submit a nonrefundable application fee as provided by section
10 36-1908.

11 2. Submit proof of an employee or contractor relationship with a
12 local education agency or a state-supported institution.

13 3. Hold a certificate in speech and language therapy awarded by the
14 state board of education.

15 C. A PERSON WHO WISHES TO BE LICENSED AS A SPEECH-LANGUAGE
16 PATHOLOGIST AND HAVE THE PRIVILEGE TO PRACTICE PURSUANT TO ARTICLE 4.1 OF
17 THIS CHAPTER SHALL OBTAIN A FINGERPRINT CLEARANCE CARD PURSUANT TO SECTION
18 41-1758.07.

19 ~~C.~~ D. The director shall adopt rules prescribing criteria for
20 approved postgraduate professional experience.

21 Sec. 3. Title 36, chapter 17, Arizona Revised Statutes, is amended
22 by adding article 4.1, to read:

23 ARTICLE 4.1. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
24 36-1940.11. Audiologists and speech-language pathologists;
25 compact

SECTION 1. PURPOSE

26 A. THE PURPOSE OF THIS COMPACT IS TO FACILITATE THE INTERSTATE
27 PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY WITH THE GOAL OF
28 IMPROVING PUBLIC ACCESS TO AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
29 SERVICES. THE PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY OCCURS
30 IN THE STATE WHERE THE PATIENT, CLIENT OR STUDENT IS LOCATED AT THE TIME
31 OF THE PATIENT, CLIENT OR STUDENT ENCOUNTER. THE COMPACT PRESERVES THE
32 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH
33 THE CURRENT SYSTEM OF STATE LICENSURE.

34 B. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:
35 1. INCREASE PUBLIC ACCESS TO AUDIOLOGY AND SPEECH-LANGUAGE
36 PATHOLOGY SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER
37 STATE LICENSES.

38 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND
39 SAFETY.

40 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN REGULATING
41 MULTISTATE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE.

42 4. SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY PERSONNEL.

43 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND
44 DISCIPLINARY INFORMATION BETWEEN MEMBER STATES.

1 6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES WITH A
2 COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT STATE'S PRACTICE
3 STANDARDS.

4 7. ALLOW FOR THE USE OF TELEHEALTH TECHNOLOGY TO FACILITATE
5 INCREASED ACCESS TO AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY SERVICES.

6 SECTION 2. DEFINITIONS

7 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE
8 FOLLOWING DEFINITIONS APPLY:

9 1. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN THE ACTIVE
10 UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL
11 GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 UNITED STATES CODE
12 CHAPTERS 1209 AND 1211.

13 2. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR
14 CRIMINAL ACTION ALLOWED BY A STATE'S LAWS THAT IS IMPOSED BY A LICENSING
15 BOARD OR OTHER AUTHORITY AGAINST AN AUDIOLOGIST OR SPEECH-LANGUAGE
16 PATHOLOGIST, INCLUDING ACTIONS AGAINST AN INDIVIDUAL'S LICENSE OR
17 PRIVILEGE TO PRACTICE SUCH AS REVOCATION, SUSPENSION, PROBATION,
18 MONITORING OF THE LICENSEE OR RESTRICTION ON THE LICENSEE'S PRACTICE.

19 3. "ALTERNATIVE PROGRAM" MEANS A NONDISCIPLINARY MONITORING PROCESS
20 APPROVED BY AN AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD TO
21 ADDRESS IMPAIRED PRACTITIONERS.

22 4. "AUDIOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE TO
23 PRACTICE AUDIOLOGY.

24 5. "AUDIOLOGY" MEANS THE CARE AND SERVICES PROVIDED BY A LICENSED
25 AUDIOLOGIST AS SET FORTH IN THE MEMBER STATE'S STATUTES AND RULES.

26 6. "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION" OR
27 "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY WHOSE MEMBERSHIP
28 CONSISTS OF ALL STATES THAT HAVE ENACTED THE COMPACT.

29 7. "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD",
30 "AUDIOLOGY LICENSING BOARD", "SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD"
31 OR "LICENSING BOARD" MEANS THE AGENCY OF A STATE THAT IS RESPONSIBLE FOR
32 LICENSING AND REGULATING AUDIOLOGISTS OR SPEECH-LANGUAGE PATHOLOGISTS, OR
33 BOTH.

34 8. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY A REMOTE
35 STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER STATE TO PRACTICE AS AN
36 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST IN THE REMOTE STATE UNDER ITS
37 LAWS AND RULES. THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
38 OCCURS IN THE MEMBER STATE WHERE THE PATIENT, CLIENT OR STUDENT IS LOCATED
39 AT THE TIME OF THE PATIENT, CLIENT OR STUDENT ENCOUNTER.

40 9. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT LICENSEES,
41 INCLUDING CONTINUING EDUCATION, EXAMINATION, LICENSURE, INVESTIGATIVE,
42 COMPACT PRIVILEGE AND ADVERSE ACTION.

43 10. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN ADVERSE ACTION
44 RESTRICTS THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY BY THE

1 LICENSEE AND THE ADVERSE ACTION HAS BEEN REPORTED TO THE NATIONAL
2 PRACTITIONERS DATA BANK.

3 11. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS ELECTED OR
4 APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM BY,
5 THE COMMISSION.

6 12. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE LICENSEE'S
7 PRIMARY STATE OF RESIDENCE.

8 13. "IMPAIRED PRACTITIONER" MEANS AN INDIVIDUAL WHOSE PROFESSIONAL
9 PRACTICE IS ADVERSELY AFFECTED BY SUBSTANCE ABUSE, ADDICTION OR ANOTHER
10 HEALTH-RELATED CONDITION.

11 14. "INVESTIGATIVE INFORMATION" MEANS INVESTIGATIVE INFORMATION
12 THAT A LICENSING BOARD, AFTER AN INQUIRY OR INVESTIGATION THAT INCLUDES
13 NOTIFICATION AND AN OPPORTUNITY FOR THE AUDIOLOGIST OR SPEECH-LANGUAGE
14 PATHOLOGIST TO RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS
15 NOT GROUNLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A MINOR
16 INFRACTION.

17 15. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN
18 AUTHORIZATION FROM THE STATE LICENSING BOARD TO PRACTICE AS AN AUDIOLOGIST
19 OR SPEECH-LANGUAGE PATHOLOGIST.

20 16. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE COMPACT.

21 17. "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION ALLOWING
22 THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN A REMOTE STATE.

23 18. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE HOME STATE
24 WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT
25 PRIVILEGE.

26 19. "RULE" MEANS A REGULATION, PRINCIPLE OR DIRECTIVE PROMULGATED
27 BY THE COMMISSION THAT HAS THE FORCE OF LAW.

28 20. "SINGLE-STATE LICENSE" MEANS AN AUDIOLOGY OR SPEECH-LANGUAGE
29 PATHOLOGY LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE ONLY
30 WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A PRIVILEGE TO PRACTICE IN
31 ANY OTHER MEMBER STATE.

32 21. "SPEECH-LANGUAGE PATHOLOGIST" MEANS AN INDIVIDUAL WHO IS
33 LICENSED BY A STATE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY.

34 22. "SPEECH-LANGUAGE PATHOLOGY" MEANS THE CARE AND SERVICES
35 PROVIDED BY A LICENSED SPEECH-LANGUAGE PATHOLOGIST AS SET FORTH IN THE
36 MEMBER STATE'S STATUTES AND RULES.

37 23. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
38 THE UNITED STATES THAT REGULATES THE PRACTICE OF AUDIOLOGY AND
39 SPEECH-LANGUAGE PATHOLOGY.

40 24. "STATE PRACTICE LAWS" MEANS A MEMBER STATE'S LAWS, RULES AND
41 REGULATIONS THAT GOVERN THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE
42 PATHOLOGY, DEFINE THE SCOPE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
43 PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR IMPOSING DISCIPLINE.

1 25. "TELEHEALTH" MEANS THE APPLICATION OF TELECOMMUNICATION
2 TECHNOLOGY TO DELIVER AUDILOGY OR SPEECH-LANGUAGE PATHOLOGY SERVICES AT A
3 DISTANCE FOR ASSESSMENT, INTERVENTION OR CONSULTATION.

4 SECTION 3. STATE PARTICIPATION IN THE COMPACT

5 A. A LICENSE ISSUED TO AN AUDIOLOGIST OR SPEECH-LANGUAGE
6 PATHOLOGIST BY A HOME STATE TO A RESIDENT IN THAT STATE SHALL BE
7 RECOGNIZED BY EACH MEMBER STATE AS AUTHORIZING THE AUDIOLOGIST OR
8 SPEECH-LANGUAGE PATHOLOGIST TO PRACTICE AUDILOGY OR SPEECH-LANGUAGE
9 PATHOLOGY, UNDER A PRIVILEGE TO PRACTICE, IN EACH MEMBER STATE.

10 B. A STATE MUST IMPLEMENT OR USE PROCEDURES FOR CONSIDERING THE
11 CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL PRIVILEGE TO PRACTICE.
12 THESE PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER
13 BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN
14 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF
15 INVESTIGATION AND THE AGENCY RESPONSIBLE FOR RETAINING THAT STATE'S
16 CRIMINAL RECORDS, AS FOLLOWS:

17 1. A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK
18 REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY RULE, BY RECEIVING THE
19 RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION RECORD SEARCH ON CRIMINAL
20 BACKGROUND CHECKS AND USE THE RESULTS IN MAKING LICENSURE DECISIONS.

21 2. COMMUNICATION BETWEEN A MEMBER STATE AND THE COMMISSION AND
22 AMONG MEMBER STATES REGARDING THE VERIFICATION OF ELIGIBILITY FOR
23 LICENSURE THROUGH THE COMPACT SHALL NOT INCLUDE ANY INFORMATION RECEIVED
24 FROM THE FEDERAL BUREAU OF INVESTIGATION RELATING TO A FEDERAL CRIMINAL
25 RECORDS CHECK PERFORMED BY A MEMBER STATE UNDER PUBLIC LAW 92-544.

26 C. ON APPLICATION FOR A PRIVILEGE TO PRACTICE, THE LICENSING BOARD
27 IN THE ISSUING REMOTE STATE SHALL ASCERTAIN, THROUGH THE DATA SYSTEM,
28 WHETHER THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A LICENSE ISSUED
29 BY ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES ON ANY LICENSE OR
30 PRIVILEGE TO PRACTICE HELD BY THE APPLICANT, AND WHETHER ANY ADVERSE
31 ACTION HAS BEEN TAKEN AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE HELD BY
32 THE APPLICANT.

33 D. EACH MEMBER STATE SHALL REQUIRE AN APPLICANT TO OBTAIN OR RETAIN
34 A LICENSE IN THE HOME STATE AND MEET THE HOME STATE'S QUALIFICATIONS FOR
35 LICENSURE OR RENEWAL OF LICENSURE AS WELL AS ALL OTHER APPLICABLE STATE
36 LAWS.

37 E. AN AUDIOLOGIST MUST MEET ALL OF THE FOLLOWING REQUIREMENTS:

38 1. ONE OF THE FOLLOWING EDUCATIONAL REQUIREMENTS:

39 (a) ON OR BEFORE DECEMBER 31, 2007, GRADUATED WITH A MASTER'S
40 DEGREE OR DOCTORATE IN AUDIOLOGY, OR AN EQUIVALENT DEGREE REGARDLESS OF
41 DEGREE NAME, FROM A PROGRAM THAT IS ACCREDITED BY AN ACCREDITING AGENCY
42 RECOGNIZED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS
43 SUCCESSOR, OR BY THE UNITED STATES DEPARTMENT OF EDUCATION AND OPERATED BY
44 A COLLEGE OR UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING
45 ORGANIZATION RECOGNIZED BY THE BOARD.

1 (b) ON OR AFTER JANUARY 1, 2008, GRADUATED WITH A DOCTORAL DEGREE
2 IN AUDIOLOGY, OR AN EQUIVALENT DEGREE, REGARDLESS OF DEGREE NAME, FROM A
3 PROGRAM THAT IS ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY THE
4 COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS SUCCESSOR, OR BY THE
5 UNITED STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR
6 UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING ORGANIZATION
7 RECOGNIZED BY THE BOARD.

8 (c) GRADUATED FROM AN AUDIOLOGY PROGRAM THAT IS HOUSED IN AN
9 INSTITUTION OF HIGHER EDUCATION OUTSIDE OF THE UNITED STATES, AND THE
10 PROGRAM AND INSTITUTION HAVE BEEN APPROVED BY THE AUTHORIZED ACCREDITING
11 BODY IN THE APPLICABLE COUNTRY AND THE DEGREE PROGRAM HAS BEEN VERIFIED BY
12 AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A STATE
13 LICENSING BOARD-APPROVED PROGRAM.

14 2. COMPLETED A SUPERVISED CLINICAL PRACTICUM EXPERIENCE FROM AN
15 ACCREDITED EDUCATIONAL INSTITUTION OR ITS COOPERATING PROGRAMS AS REQUIRED
16 BY THE COMMISSION.

17 3. SUCCESSFULLY PASSED A NATIONAL EXAMINATION APPROVED BY THE
18 COMMISSION.

19 4. HOLD AN ACTIVE, UNENCUMBERED LICENSE.

20 5. NOT HAVE BEEN CONVICTED OR FOUND GUILTY, AND NOT HAVE ENTERED
21 INTO AN AGREED DISPOSITION, OF A FELONY RELATED TO THE PRACTICE OF
22 AUDIOLOGY, UNDER APPLICABLE STATE OR FEDERAL CRIMINAL LAW.

23 6. HAVE A VALID UNITED STATES SOCIAL SECURITY OR NATIONAL
24 PRACTITIONER IDENTIFICATION NUMBER.

25 F. A SPEECH-LANGUAGE PATHOLOGIST MUST MEET ALL OF THE FOLLOWING
26 REQUIREMENTS:

27 1. ONE OF THE FOLLOWING EDUCATIONAL REQUIREMENTS:

28 (a) GRADUATED WITH A MASTER'S DEGREE FROM A SPEECH-LANGUAGE
29 PATHOLOGY PROGRAM THAT IS ACCREDITED BY AN ORGANIZATION RECOGNIZED BY THE
30 UNITED STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR
31 UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING ORGANIZATION
32 RECOGNIZED BY THE BOARD.

33 (b) GRADUATED FROM A SPEECH-LANGUAGE PATHOLOGY PROGRAM THAT IS
34 HOUSED IN AN INSTITUTION OF HIGHER EDUCATION OUTSIDE OF THE UNITED STATES,
35 AND THE PROGRAM AND INSTITUTION HAVE BEEN APPROVED BY THE AUTHORIZED
36 ACCREDITING BODY IN THE APPLICABLE COUNTRY AND THE DEGREE PROGRAM HAS BEEN
37 VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A
38 STATE LICENSING BOARD-APPROVED PROGRAM.

39 2. COMPLETED A SUPERVISED CLINICAL PRACTICUM EXPERIENCE FROM AN
40 EDUCATIONAL INSTITUTION OR ITS COOPERATING PROGRAMS AS REQUIRED BY THE
41 COMMISSION.

42 3. COMPLETED A SUPERVISED POSTGRADUATE PROFESSIONAL EXPERIENCE AS
43 REQUIRED BY THE COMMISSION.

44 4. SUCCESSFULLY PASSED A NATIONAL EXAMINATION APPROVED BY THE
45 COMMISSION.

1 5. HOLD AN ACTIVE, UNENCUMBERED LICENSE.
2 6. NOT HAVE BEEN CONVICTED OR FOUND GUILTY, AND NOT HAVE ENTERED
3 INTO AN AGREED DISPOSITION, OF A FELONY RELATED TO THE PRACTICE OF
4 SPEECH-LANGUAGE PATHOLOGY, UNDER APPLICABLE STATE OR FEDERAL CRIMINAL LAW.
5 7. HAVE A VALID UNITED STATES SOCIAL SECURITY OR NATIONAL
6 PRACTITIONER IDENTIFICATION NUMBER.
7 G. THE PRIVILEGE TO PRACTICE IS DERIVED FROM THE HOME STATE
8 LICENSE.
9 H. AN AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST PRACTICING IN A
10 MEMBER STATE MUST COMPLY WITH THE STATE PRACTICE LAWS OF THE STATE IN
11 WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED. THE PRACTICE
12 OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY SHALL INCLUDE ALL AUDIOLOGY AND
13 SPEECH-LANGUAGE PATHOLOGY PRACTICES AS DEFINED BY THE STATE PRACTICE LAWS
14 OF THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED. THE PRACTICE OF
15 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY IN A MEMBER STATE UNDER A
16 PRIVILEGE TO PRACTICE SHALL SUBJECT AN AUDIOLOGIST OR SPEECH-LANGUAGE
17 PATHOLOGIST TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS AND THE
18 LAWS OF THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME
19 SERVICE IS PROVIDED.
20 I. INDIVIDUALS NOT RESIDING IN A MEMBER STATE SHALL CONTINUE TO BE
21 ABLE TO APPLY FOR A MEMBER STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER
22 THE LAWS OF EACH MEMBER STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED
23 TO THESE INDIVIDUALS SHALL NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO
24 PRACTICE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN ANY OTHER MEMBER STATE.
25 THIS COMPACT DOES NOT AFFECT THE REQUIREMENTS ESTABLISHED BY A MEMBER
26 STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.
27 J. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A COMPACT PRIVILEGE.
28 K. MEMBER STATES MUST COMPLY WITH THE BYLAWS AND RULES AND
29 REGULATIONS OF THE COMMISSION.

30 SECTION 4. COMPACT PRIVILEGE

31 A. TO EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND PROVISIONS
32 OF THE COMPACT, THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST SHALL:
33 1. HOLD AN ACTIVE LICENSE IN THE HOME STATE.
34 2. HAVE NO ENCUMBRANCE ON ANY STATE LICENSE.
35 3. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE IN
36 ACCORDANCE WITH SECTION 3 OF THIS COMPACT.
37 4. NOT HAVE HAD ANY ADVERSE ACTION AGAINST ANY LICENSE OR COMPACT
38 PRIVILEGE WITHIN THE PREVIOUS TWO YEARS FROM DATE OF APPLICATION.
39 5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE COMPACT
40 PRIVILEGE WITHIN A REMOTE STATE OR REMOTE STATES.
41 6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
42 COMPACT PRIVILEGE.
43 7. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN BY ANY
44 NONMEMBER STATE WITHIN THIRTY DAYS AFTER THE DATE THE ADVERSE ACTION IS
45 TAKEN.

1 B. FOR THE PURPOSES OF THE COMPACT PRIVILEGE, AN AUDIOLOGIST OR
2 SPEECH-LANGUAGE PATHOLOGIST SHALL HOLD ONLY ONE HOME STATE LICENSE AT A
3 TIME.

4 C. EXCEPT AS PROVIDED IN SECTION 6 OF THIS COMPACT, IF AN
5 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST CHANGES THE PERSON'S PRIMARY
6 STATE OF RESIDENCE BY MOVING BETWEEN TWO MEMBER STATES, THE AUDIOLOGIST OR
7 SPEECH-LANGUAGE PATHOLOGIST MUST APPLY FOR LICENSURE IN THE NEW HOME
8 STATE, AND THE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL BE DEACTIVATED
9 IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE COMMISSION.

10 D. THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST MAY APPLY FOR
11 LICENSURE IN ADVANCE OF A CHANGE IN PRIMARY STATE OF RESIDENCE.

12 E. A LICENSE SHALL NOT BE ISSUED BY THE NEW HOME STATE UNTIL THE
13 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST PROVIDES SATISFACTORY EVIDENCE
14 OF A CHANGE IN PRIMARY STATE OF RESIDENCE TO THE NEW HOME STATE AND
15 SATISFIES ALL APPLICABLE REQUIREMENTS TO OBTAIN A LICENSE FROM THE NEW
16 HOME STATE.

17 F. IF AN AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST CHANGES THE
18 PERSON'S PRIMARY STATE OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A
19 NONMEMBER STATE, THE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL CONVERT
20 TO A SINGLE-STATE LICENSE, VALID ONLY IN THE FORMER HOME STATE.

21 G. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE OF THE
22 HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF
23 SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN THE
24 REMOTE STATE.

25 H. A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
26 SERVICES IN A REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION
27 WITHIN THE LAWS AND REGULATIONS OF THE REMOTE STATE.

28 I. A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
29 SERVICES IN A REMOTE STATE IS SUBJECT TO THAT STATE'S REGULATORY
30 AUTHORITY. A REMOTE STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT
31 STATE'S LAWS, REMOVE A LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE
32 FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES AND TAKE ANY OTHER NECESSARY
33 ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS.

34 J. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE
35 THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL BOTH OF THE FOLLOWING
36 OCCUR:

37 1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED.

38 2. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

39 K. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO GOOD
40 STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS
41 SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.

42 L. ONCE THE REQUIREMENTS OF SUBSECTION J OF THIS SECTION HAVE BEEN
43 MET, THE LICENSEE MUST MEET THE REQUIREMENTS PRESCRIBED IN SUBSECTION A OF
44 THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

1 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH
2 MEMBER STATES SHALL RECOGNIZE THE RIGHT OF AN AUDIOLOGIST OR
3 SPEECH-LANGUAGE PATHOLOGIST WHO IS LICENSED BY A HOME STATE IN ACCORDANCE
4 WITH SECTION 3 OF THIS COMPACT AND UNDER RULES PROMULGATED BY THE
5 COMMISSION TO PRACTICE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN ANY
6 MEMBER STATE VIA TELEHEALTH UNDER A PRIVILEGE TO PRACTICE AS PROVIDED IN
7 THE COMPACT AND RULES PROMULGATED BY THE COMMISSION.

8 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES
9 ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSE, SHALL DESIGNATE A
10 HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN GOOD STANDING.
11 THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING THE PERIOD THE
12 SERVICE MEMBER IS ON ACTIVE DUTY. SUBSEQUENT TO DESIGNATING A HOME STATE,
13 THE INDIVIDUAL SHALL CHANGE THE INDIVIDUAL'S HOME STATE ONLY THROUGH AN
14 APPLICATION FOR LICENSURE IN THE NEW STATE.

15 SECTION 7. ADVERSE ACTIONS

16 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE
17 STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE
18 PROCESS LAW, TO:

19 1. TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR SPEECH-LANGUAGE
20 PATHOLOGIST'S PRIVILEGE TO PRACTICE WITHIN THAT MEMBER STATE.

21 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
22 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE
23 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING BOARD IN A MEMBER
24 STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF
25 EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE
26 BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND
27 PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
28 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
29 TRAVEL EXPENSES, MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES
30 OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

31 3. ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION
32 AGAINST AN AUDIOLOGIST'S OR SPEECH-LANGUAGE PATHOLOGIST'S LICENSE ISSUED
33 BY THE HOME STATE.

34 B. FOR THE PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL
35 GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A
36 MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME
37 STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO
38 DETERMINE APPROPRIATE ACTION.

39 C. THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF AN
40 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST WHO CHANGES THE INDIVIDUAL'S
41 PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE INVESTIGATIONS. THE
42 HOME STATE SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION OR
43 ACTIONS AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO
44 THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE

1 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY THE NEW
2 HOME STATE OF ANY ADVERSE ACTIONS.

3 D. IF OTHERWISE ALLOWED BY STATE LAW, THE MEMBER STATE MAY RECOVER
4 FROM THE AFFECTED AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST THE COSTS OF
5 INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY ADVERSE ACTION
6 TAKEN AGAINST THAT AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST.

7 E. THE MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE FACTUAL
8 FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER STATE FOLLOWS THE
9 MEMBER STATE'S OWN PROCEDURES FOR TAKING THE ADVERSE ACTION.

10 F. WITH RESPECT TO JOINT INVESTIGATIONS:

11 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE BY ITS
12 RESPECTIVE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY PRACTICE ACT OR OTHER
13 APPLICABLE STATE LAW, ANY MEMBER STATE MAY PARTICIPATE WITH OTHER MEMBER
14 STATES IN JOINT INVESTIGATIONS OF LICENSEES.

15 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION OR
16 COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
17 INVESTIGATION INITIATED UNDER THE COMPACT.

18 G. IF AN ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST AN
19 AUDIOLOGIST'S OR SPEECH-LANGUAGE PATHOLOGIST'S LICENSE, THE AUDIOLOGIST'S
20 OR SPEECH-LANGUAGE PATHOLOGIST'S PRIVILEGE TO PRACTICE IN ALL OTHER MEMBER
21 STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES HAVE BEEN REMOVED FROM
22 THE STATE LICENSE. ALL HOME STATE DISCIPLINARY ORDERS THAT IMPOSE ADVERSE
23 ACTION AGAINST AN AUDIOLOGIST'S OR SPEECH-LANGUAGE PATHOLOGIST'S LICENSE
24 SHALL INCLUDE A STATEMENT THAT THE AUDIOLOGIST'S OR SPEECH-LANGUAGE
25 PATHOLOGIST'S PRIVILEGE TO PRACTICE IS DEACTIVATED IN ALL MEMBER STATES
26 DURING THE PENDENCY OF THE ORDER.

27 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL PROMPTLY NOTIFY
28 THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA
29 SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE OF ANY ADVERSE ACTIONS BY
30 REMOTE STATES.

31 I. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
32 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
33 ACTION.

34 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND
35 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

36 A. THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH A JOINT
37 PUBLIC AGENCY KNOWN AS THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
38 COMMISSION, TO WHICH THE FOLLOWING APPLY:

39 1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT STATES.
40 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
41 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
42 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
43 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
44 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
45 PROCEEDINGS.

1 3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A WAIVER OF
2 SOVEREIGN IMMUNITY.

3 B. MEMBERSHIP, VOTING AND MEETINGS OF THE COMMISSION ARE AS
4 FOLLOWS:

5 1. EACH MEMBER STATE SHALL HAVE TWO DELEGATES SELECTED BY THAT
6 MEMBER STATE'S LICENSING BOARD. THE DELEGATES SHALL BE CURRENT MEMBERS OF
7 THE LICENSING BOARD. ONE SHALL BE AN AUDIOLOGIST AND ONE SHALL BE A
8 SPEECH-LANGUAGE PATHOLOGIST.

9 2. AN ADDITIONAL FIVE DELEGATES, WHO ARE EITHER PUBLIC MEMBERS OR
10 BOARD ADMINISTRATORS FROM A STATE LICENSING BOARD, SHALL BE CHOSEN BY THE
11 EXECUTIVE COMMITTEE FROM A POOL OF NOMINEES PROVIDED BY THE COMMISSION AT
12 LARGE.

13 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED
14 BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED.

15 4. THE MEMBER STATE BOARD SHALL FILL ANY VACANCY OCCURRING ON THE
16 COMMISSION WITHIN NINETY DAYS.

17 5. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE
18 PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN
19 OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.

20 6. A DELEGATE SHALL VOTE IN PERSON OR BY OTHER MEANS AS PROVIDED IN
21 THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES' PARTICIPATION IN
22 MEETINGS BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

23 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
24 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.

25 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

26 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

27 2. ESTABLISH BYLAWS.

28 3. ESTABLISH A CODE OF ETHICS.

29 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

30 5. MEET AND TAKE ACTIONS AS ARE CONSISTENT WITH THE PROVISIONS OF
31 THIS COMPACT AND THE BYLAWS.

32 6. PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
33 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE
34 THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER STATES.

35 7. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME OF
36 THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE AUDIOLOGY OR
37 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD TO SUE OR BE SUED UNDER
38 APPLICABLE LAW SHALL NOT BE AFFECTED.

39 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

40 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
41 EMPLOYEES OF A MEMBER STATE.

42 10. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
43 DEFINE DUTIES, GRANT INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT THE
44 PURPOSES OF THIS COMPACT, AND ESTABLISH THE COMMISSION'S PERSONNEL

1 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
2 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

3 11. ACCEPT ANY APPROPRIATE DONATIONS AND GRANTS OF MONIES,
4 EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND RECEIVE, USE AND DISPOSE
5 OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
6 APPEARANCE OF IMPROPRIETY AND CONFLICT OF INTEREST.

7 12. LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF OR
8 OTHERWISE OWN, HOLD, IMPROVE OR USE ANY PROPERTY, WHETHER REAL, PERSONAL
9 OR MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
10 APPEARANCE OF IMPROPRIETY.

11 13. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
12 OTHERWISE DISPOSE OF ANY PROPERTY, WHETHER REAL, PERSONAL OR MIXED.

13 14. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

14 15. BORROW MONIES.

15 16. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF
16 MEMBERS AND OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT
17 AND THE BYLAWS.

18 17. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW
19 ENFORCEMENT AGENCIES.

20 18. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE.

21 19. PERFORM OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
22 ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE STATE REGULATION
23 OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY LICENSURE AND PRACTICE.

24 D. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF
25 THE COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT. THE EXECUTIVE
26 COMMITTEE SHALL BE COMPOSED OF TEN MEMBERS AS FOLLOWS:

27 1. SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE
28 CURRENT MEMBERSHIP OF THE COMMISSION.

29 2. TWO EX OFFICIO MEMBERS, ONE OF WHOM IS A NONVOTING MEMBER FROM A
30 RECOGNIZED NATIONAL AUDIOLOGY PROFESSIONAL ASSOCIATION AND ONE OF WHOM IS
31 A NONVOTING MEMBER FROM A RECOGNIZED NATIONAL SPEECH-LANGUAGE PATHOLOGY
32 ASSOCIATION.

33 3. ONE EX OFFICIO MEMBER WHO IS A NONVOTING MEMBER FROM THE
34 RECOGNIZED MEMBERSHIP ORGANIZATION OF THE AUDIOLOGY AND SPEECH-LANGUAGE
35 PATHOLOGY LICENSING BOARDS.

36 E. THE FOLLOWING PERTAIN TO THE EXECUTIVE COMMITTEE:

37 1. EX OFFICIO MEMBERS SHALL BE SELECTED BY THEIR RESPECTIVE
38 ORGANIZATIONS, AND THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE
39 COMMITTEE AS PROVIDED IN THE BYLAWS.

40 2. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

41 3. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING DUTIES AND
42 RESPONSIBILITIES:

43 (a) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE RULES OR
44 BYLAWS, THIS COMPACT LEGISLATION, FEES PAID BY COMPACT MEMBER STATES SUCH

1 AS ANNUAL DUES AND ANY COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE
2 COMPACT PRIVILEGE.

3 (b) ENSURE THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
4 PROVIDED, CONTRACTUAL OR OTHERWISE.

5 (c) PREPARE AND RECOMMEND THE BUDGET.

6 (d) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

7 (e) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND PROVIDE
8 COMPLIANCE REPORTS TO THE COMMISSION.

9 (f) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY.

10 (g) PERFORM ANY OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

11 F. ALL MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC, AND
12 PUBLIC NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED
13 UNDER THE RULEMAKING PROVISIONS PRESCRIBED IN SECTION 10 OF THIS COMPACT.

14 G. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF
15 THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE
16 COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES OF THE COMMISSION
17 MUST DISCUSS ANY OF THE FOLLOWING:

18 1. NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THIS
19 COMPACT.

20 2. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER MATTERS,
21 PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER MATTERS
22 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

23 3. CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

24 4. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
25 GOODS, SERVICES OR REAL ESTATE.

26 5. THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURING
27 OF ANY PERSON.

28 6. THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
29 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

30 7. THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE IF THE
31 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
32 PRIVACY.

33 8. THE DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
34 ENFORCEMENT PURPOSES.

35 9. THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATIVE
36 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR OTHER
37 COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR DETERMINATION OF
38 COMPLIANCE ISSUES PURSUANT TO THE COMPACT.

39 10. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
40 MEMBER STATE STATUTE.

41 H. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO
42 THIS SECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY
43 THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING
44 PROVISION.

1 I. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
2 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
3 ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A
4 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
5 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN MINUTES. ALL MINUTES AND
6 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE
7 BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT
8 JURISDICTION.

9 J. FINANCING OF THE COMMISSION IS AS FOLLOWS:

10 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
11 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
12 ACTIVITIES.

13 2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE SOURCES,
14 DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND
15 SERVICES.

16 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
17 EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
18 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
19 IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH
20 YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
21 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE
22 DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL
23 MEMBER STATES.

24 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
25 SECURING THE MONIES ADEQUATE TO MEET THE SAME, AND THE COMMISSION SHALL
26 NOT PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE
27 AUTHORITY OF THE MEMBER STATE.

28 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
29 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
30 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
31 BYLAWS. ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
32 COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC
33 ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME
34 PART OF THE ANNUAL REPORT OF THE COMMISSION.

35 K. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:
36 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
37 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY,
38 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
39 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
40 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
41 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
42 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
43 EMPLOYMENT, DUTIES OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT
44 ANY PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR

1 LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT
2 PERSON.

3 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
4 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
5 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
6 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
7 DUTIES OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
8 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
9 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS
10 PARAGRAPH SHALL NOT BE CONSTRUED TO PROHIBIT THAT PERSON FROM RETAINING
11 HIS OR HER OWN COUNSEL, AND PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED
12 ACT, ERROR OR OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
13 WILFUL OR WANTON MISCONDUCT.

14 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
15 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
16 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
17 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
18 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR
19 THAT PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE
20 OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, IF THE ACTUAL OR
21 ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
22 WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

SECTION 9. DATA SYSTEM

24 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE
25 AND USE OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING
26 LICENSURE, ADVERSE ACTION AND INVESTIGATIVE INFORMATION ON ALL LICENSED
27 INDIVIDUALS IN MEMBER STATES.

28 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
29 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA
30 SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS REQUIRED BY THE
31 RULES OF THE COMMISSION, INCLUDING:

32 1. IDENTIFYING INFORMATION.

33 2. LICENSURE DATA.

34 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE.

35 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
36 PARTICIPATION.

37 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR
38 REASONS FOR DENIAL.

39 6. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
40 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

41 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY MEMBER
42 STATE SHALL BE AVAILABLE ONLY TO OTHER MEMBER STATES.

43 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF ANY
44 ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING FOR A

1 LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN ANY
2 MEMBER STATE SHALL BE AVAILABLE TO ANY OTHER MEMBER STATE.

3 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM MAY
4 DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT THE
5 EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

6 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
7 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE
8 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

9 SECTION 10. RULEMAKING

10 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
11 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
12 RULES AND AMENDMENTS SHALL BECOME BINDING AS OF THE DATE SPECIFIED IN EACH
13 RULE OR AMENDMENT.

14 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A
15 RULE, BY ENACTING A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
16 THE COMPACT WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, THE
17 RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY MEMBER STATE.

18 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR
19 OR SPECIAL MEETING OF THE COMMISSION.

20 D. BEFORE PROMULGATION AND ADOPTION OF A FINAL RULE OR RULES BY THE
21 COMMISSION, AND AT LEAST THIRTY DAYS IN ADVANCE OF THE MEETING AT WHICH
22 THE RULE SHALL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A
23 NOTICE OF PROPOSED RULEMAKING BOTH:

24 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
25 PLATFORM.

26 2. ON THE WEBSITE OF EACH MEMBER STATE AUDIOLOGY OR SPEECH-LANGUAGE
27 PATHOLOGY LICENSING BOARD OR OTHER PUBLICLY ACCESSIBLE PLATFORM OR THE
28 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH PROPOSED RULES.

29 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
30 FOLLOWING:

31 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE
32 RULE SHALL BE CONSIDERED AND VOTED ON.

33 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE REASON FOR
34 THE PROPOSED RULE.

35 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
36 PERSON.

37 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
38 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
39 COMMENTS.

40 F. BEFORE THE ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
41 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH
42 SHALL BE MADE AVAILABLE TO THE PUBLIC.

43 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING
44 BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED BY EITHER:

45 1. AT LEAST TWENTY-FIVE PERSONS.

- 1 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY.
- 2 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

3 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE
4 COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE SCHEDULED PUBLIC
5 HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS, THE COMMISSION
6 SHALL PUBLISH THE MECHANISM FOR ACCESS TO THE ELECTRONIC HEARING.
7 ADDITIONALLY:

8 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE
9 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING
10 OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING AT LEAST FIVE
11 BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING.

12 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON
13 WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY
14 OR IN WRITING.

15 3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING SHALL
16 BE MADE AVAILABLE ON REQUEST.

17 4. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.
18 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS
19 REQUIRED BY THIS SECTION.

20 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF
21 BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE
22 COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

23 J. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY
24 INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH
25 PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

26 K. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE
27 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE
28 OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF
29 THE RULE.

30 L. ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
31 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, OPPORTUNITY FOR
32 COMMENT OR A HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES
33 PROVIDED IN THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY APPLIED
34 TO THE RULE AS SOON AS REASONABLY POSSIBLE BUT NOT LATER THAN NINETY DAYS
35 AFTER THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
36 SUBSECTION, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN
37 ORDER TO DO ANY OF THE FOLLOWING:

38 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR WELFARE.
39 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.
40 3. MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE
41 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.

42 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
43 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
44 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY
45 OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON

1 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE
2 BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY
3 BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
4 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO
5 THE CHAIRPERSON OF THE COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF
6 NO CHALLENGE IS MADE, THE REVISION SHALL TAKE EFFECT WITHOUT FURTHER
7 ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT
8 WITHOUT THE APPROVAL OF THE COMMISSION.

9 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

10 A. DISPUTE RESOLUTION SHALL BE AS FOLLOWS:

11 1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO
12 RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG MEMBER STATES AND
13 BETWEEN MEMBER AND NONMEMBER STATES.

14 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH
15 MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

16 B. ENFORCEMENT SHALL BE AS FOLLOWS:

17 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION,
18 SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

19 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN
20 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
21 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A
22 MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THIS
23 COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY
24 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS
25 NECESSARY, THE PREVAILING MEMBER STATE SHALL BE AWARDED ALL COSTS OF
26 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

27 3. THE REMEDIES IN THIS COMPACT ARE NOT THE EXCLUSIVE REMEDIES OF
28 THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE
29 UNDER FEDERAL OR STATE LAW.

30 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
31 FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND
32 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

33 A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT
34 STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS,
35 WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS
36 GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE PROMULGATION OF
37 RULES. THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
38 POWERS NECESSARY TO IMPLEMENT AND ADMINISTER THIS COMPACT.

39 B. ANY STATE THAT JOINS THIS COMPACT AFTER THE COMMISSION'S INITIAL
40 ADOPTION OF THE RULES IS SUBJECT TO THE RULES AS THEY EXIST ON THE DATE ON
41 WHICH THE COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN
42 PREVIOUSLY ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT
43 OF LAW ON THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

44 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
45 STATUTE REPEALING THE COMPACT, AS FOLLOWS:

1 1. A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL SIX
2 MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

3 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE
4 WITHDRAWING STATE'S AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD
5 TO COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS
6 OF THIS COMPACT BEFORE THE EFFECTIVE DATE OF WITHDRAWAL.

7 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY AUDIOLOGY OR
8 SPEECH-LANGUAGE PATHOLOGY LICENSURE AGREEMENT OR OTHER COOPERATIVE
9 ARRANGEMENT BETWEEN A MEMBER STATE AND A NONMEMBER STATE THAT DOES NOT
10 CONFLICT WITH THE PROVISIONS OF THIS COMPACT.

11 E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
12 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
13 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

14 SECTION 13. CONSTRUCTION AND SEVERABILITY

15 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
16 PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND
17 IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS DECLARED
18 TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE OR OF THE UNITED
19 STATES OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
20 CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS
21 COMPACT AND THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY, PERSON OR
22 CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY. IF THIS COMPACT IS HELD
23 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL REMAIN
24 IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL
25 FORCE AND EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE
26 MATTERS.

27 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

28 A. THIS COMPACT DOES NOT PREVENT THE ENFORCEMENT OF ANY OTHER LAW
29 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS COMPACT.

30 B. ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THIS COMPACT ARE
31 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

32 C. ALL LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES AND
33 BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER STATES.

34 D. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER STATES ARE
35 BINDING IN ACCORDANCE WITH THEIR TERMS.

36 E. IF ANY PROVISION OF THIS COMPACT EXCEEDS THE CONSTITUTIONAL
37 LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE, THE PROVISION SHALL
38 BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH THE CONSTITUTIONAL
39 PROVISION IN QUESTION IN THAT MEMBER STATE.

40 Sec. 4. Section 41-619.51, Arizona Revised Statutes, is amended to
41 read:

42 41-619.51. Definitions

43 In this article, unless the context otherwise requires:

44 1. "Agency" means the supreme court, the department of economic
45 security, the department of child safety, the department of education, the

1 department of health services, the department of juvenile corrections, the
2 department of emergency and military affairs, the department of public
3 safety, the department of transportation, the state real estate
4 department, the department of insurance and financial institutions, the
5 Arizona game and fish department, the Arizona department of agriculture,
6 the board of examiners of nursing care institution administrators and
7 assisted living facility managers, the state board of dental examiners,
8 the Arizona state board of pharmacy, the board of physical therapy, the
9 state board of psychologist examiners, the board of athletic training, the
10 board of occupational therapy examiners, the state board of podiatry
11 examiners, the acupuncture board of examiners, the state board of
12 technical registration, ~~or~~ the board of massage therapy or the Arizona
13 department of housing.

14 2. "Board" means the board of fingerprinting.

15 3. "Central registry exception" means notification to the
16 department of economic security, the department of child safety or the
17 department of health services, as appropriate, pursuant to section
18 41-619.57 that the person is not disqualified because of a central
19 registry check conducted pursuant to section 8-804.

20 4. "Expedited review" means an examination, in accordance with
21 board rule, of the documents an applicant submits by the board or its
22 hearing officer without the applicant being present.

23 5. "Good cause exception" means the issuance of a fingerprint
24 clearance card to an employee pursuant to section 41-619.55.

25 6. "Person" means a person who is required to be fingerprinted
26 pursuant to this article or who is subject to a central registry check and
27 any of the following:

- 28 (a) Section 3-314.
- 29 (b) Section 8-105.
- 30 (c) Section 8-322.
- 31 (d) Section 8-463.
- 32 (e) Section 8-509.
- 33 (f) Section 8-802.
- 34 (g) Section 8-804.
- 35 (h) Section 15-183.
- 36 (i) Section 15-503.
- 37 (j) Section 15-512.
- 38 (k) Section 15-534.
- 39 (l) Section 15-763.01.
- 40 (m) Section 15-782.02.
- 41 (n) Section 15-1330.
- 42 (o) Section 15-1881.
- 43 (p) Section 17-215.
- 44 (q) Section 28-3228.
- 45 (r) Section 28-3413.

1 (s) Section 32-122.02.
2 (t) Section 32-122.05.
3 (u) Section 32-122.06.
4 (v) Section 32-823.
5 (w) Section 32-1232.
6 (x) Section 32-1276.01.
7 (y) Section 32-1284.
8 (z) Section 32-1297.01.
9 (aa) Section 32-1904.
10 (bb) Section 32-1941.
11 (cc) Section 32-1982.
12 (dd) Section 32-2022.
13 (ee) Section 32-2063.
14 (ff) Section 32-2108.01.
15 (gg) Section 32-2123.
16 (hh) Section 32-2371.
17 (ii) Section 32-3430.
18 (jj) Section 32-3620.
19 (kk) Section 32-3668.
20 (ll) Section 32-3669.
21 (mm) Section 32-3922.
22 (nn) Section 32-3924.
23 (ooo) Section 32-4128.
24 (ppp) Section 32-4222.
25 (qq) Section 36-113.
26 (rr) Section 36-207.
27 (ss) Section 36-411.
28 (tt) Section 36-425.03.
29 (uu) Section 36-446.04.
30 (vv) Section 36-594.01.
31 (ww) Section 36-594.02.
32 (xx) Section 36-766.01.
33 (yy) Section 36-882.
34 (zz) Section 36-883.02.
35 (aaa) Section 36-897.01.
36 (bbb) Section 36-897.03.
37 (ccc) SECTION 36-1940.
38 (ddd) SECTION 36-1940.01.
39 (cccc) (eee) Section 36-3008.
40 (ddde) (fff) Section 41-619.53.
41 (eeee) (ggg) Section 41-1964.
42 (ffff) (hhh) Section 41-1967.01.
43 (gggg) (iii) Section 41-1968.
44 (hhhh) (jjj) Section 41-1969.
45 (ffff) (kkk) Section 41-2814.

1 ~~(jjj)~~ (111) Section 41-4025.
2 ~~(kkk)~~ (mmm) Section 46-141, subsection A or B.
3 ~~(lll)~~ (nnn) Section 46-321.
4 Sec. 5. Section 41-1758, Arizona Revised Statutes, is amended to
5 read:

6 41-1758. Definitions

7 In this article, unless the context otherwise requires:

8 1. "Agency" means the supreme court, the department of economic
9 security, the department of child safety, the department of education, the
10 department of health services, the department of juvenile corrections, the
11 department of emergency and military affairs, the department of public
12 safety, the department of transportation, the state real estate
13 department, the department of insurance and financial institutions, the
14 board of fingerprinting, the Arizona game and fish department, the Arizona
15 department of agriculture, the board of examiners of nursing care
16 institution administrators and assisted living facility managers, the
17 state board of dental examiners, the Arizona state board of pharmacy, the
18 board of physical therapy, the state board of psychologist examiners, the
19 board of athletic training, the board of occupational therapy examiners,
20 the state board of podiatry examiners, the acupuncture board of examiners,
21 the state board of technical registration, the board of massage therapy or
22 the Arizona department of housing.

23 2. "Division" means the fingerprinting division in the department
24 of public safety.

25 3. "Electronic or internet-based fingerprinting services" means a
26 secure system for digitizing applicant fingerprints and transmitting the
27 applicant data and fingerprints of a person or entity submitting
28 fingerprints to the department of public safety for any authorized purpose
29 under this title. For the purposes of this paragraph, "secure system"
30 means a system that complies with the information technology security
31 policy approved by the department of public safety.

32 4. "Good cause exception" means the issuance of a fingerprint
33 clearance card to an applicant pursuant to section 41-619.55.

34 5. "Person" means a person who is required to be fingerprinted
35 pursuant to any of the following:

- 36 (a) Section 3-314.
- 37 (b) Section 8-105.
- 38 (c) Section 8-322.
- 39 (d) Section 8-463.
- 40 (e) Section 8-509.
- 41 (f) Section 8-802.
- 42 (g) Section 15-183.
- 43 (h) Section 15-503.
- 44 (i) Section 15-512.
- 45 (j) Section 15-534.

1 (k) Section 15-763.01.
2 (l) Section 15-782.02.
3 (m) Section 15-1330.
4 (n) Section 15-1881.
5 (o) Section 17-215.
6 (p) Section 28-3228.
7 (q) Section 28-3413.
8 (r) Section 32-122.02.
9 (s) Section 32-122.05.
10 (t) Section 32-122.06.
11 (u) Section 32-823.
12 (v) Section 32-1232.
13 (w) Section 32-1276.01.
14 (x) Section 32-1284.
15 (y) Section 32-1297.01.
16 (z) Section 32-1904.
17 (aa) Section 32-1941.
18 (bb) Section 32-1982.
19 (cc) Section 32-2022.
20 (dd) Section 32-2063.
21 (ee) Section 32-2108.01.
22 (ff) Section 32-2123.
23 (gg) Section 32-2371.
24 (hh) Section 32-3430.
25 (ii) Section 32-3620.
26 (jj) Section 32-3668.
27 (kk) Section 32-3669.
28 (ll) Section 32-3922.
29 (mm) Section 32-3924.
30 (nn) Section 32-4128.
31 (oo) Section 32-4222.
32 (pp) Section 36-113.
33 (qq) Section 36-207.
34 (rr) Section 36-411.
35 (ss) Section 36-425.03.
36 (tt) Section 36-446.04.
37 (uu) Section 36-594.01.
38 (vv) Section 36-594.02.
39 (ww) Section 36-766.01.
40 (xx) Section 36-882.
41 (yy) Section 36-883.02.
42 (zz) Section 36-897.01.
43 (aaa) Section 36-897.03.
44 (bbb) SECTION 36-1940.
45 (ccc) SECTION 36-1940.01.

1 ~~bbb~~ (ddd) Section 36-3008.
2 ~~ccc~~ (eee) Section 41-619.52.
3 ~~ddd~~ (fff) Section 41-619.53.
4 ~~eee~~ (ggg) Section 41-1964.
5 ~~fff~~ (hhh) Section 41-1967.01.
6 ~~ggg~~ (iii) Section 41-1968.
7 ~~hhh~~ (jjj) Section 41-1969.
8 ~~iii~~ (kkk) Section 41-2814.
9 ~~jjj~~ (lll) Section 41-4025.
10 ~~kkk~~ (mmm) Section 46-141, subsection A or B.
11 ~~lll~~ (nnn) Section 46-321.
12 6. "Rap back services" has the same meaning prescribed in section
13 41-1750.
14 7. "Vulnerable adult" has the same meaning prescribed in section
15 13-3623.
16 Sec. 6. Section 41-1758.01, Arizona Revised Statutes, is amended to
17 read:
18 41-1758.01. Fingerprinting division: powers and duties
19 A. The fingerprinting division is established in the department of
20 public safety and shall:
21 1. Conduct fingerprint background checks for persons and applicants
22 who are seeking licenses from state agencies, employment with licensees,
23 contract providers and state agencies or employment or educational
24 opportunities with agencies that require fingerprint background checks
25 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
26 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
27 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
28 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
29 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3430, 32-3620, 32-3668, 32-3669,
30 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411, 36-425.03,
31 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02, 36-897.01,
32 36-897.03, 36-1940, 36-1940.01, 36-3008, 41-619.52, 41-619.53, 41-1964,
33 41-1967.01, 41-1968, 41-1969, 41-2814, ~~AND~~ 41-4025, section 46-141,
34 subsection A or B and section 46-321.
35 2. Issue fingerprint clearance cards. On issuance, a fingerprint
36 clearance card becomes the personal property of the cardholder and the
37 cardholder shall retain possession of the fingerprint clearance card.
38 3. On submission of an application for a fingerprint clearance
39 card, collect the fees established by the board of fingerprinting pursuant
40 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
41 the monies collected in the board of fingerprinting fund.
42 4. Inform in writing each person who submits fingerprints for a
43 fingerprint background check of the right to petition the board of
44 fingerprinting for a good cause exception pursuant to section 41-1758.03,
45 41-1758.04 or 41-1758.07.

1 5. If after conducting a state and federal criminal history records
2 check the division determines that it is not authorized to issue a
3 fingerprint clearance card to a person, inform the person in writing that
4 the division is not authorized to issue a fingerprint clearance card. The
5 notice shall include the criminal history information on which the denial
6 was based. This criminal history information is subject to dissemination
7 restrictions pursuant to section 41-1750 and Public Law 92-544.

8 6. Notify the person in writing if the division suspends, revokes
9 or places a driving restriction notation on a fingerprint clearance card
10 pursuant to section 41-1758.04. The notice shall include the criminal
11 history information on which the suspension, revocation or placement of
12 the driving restriction notation was based. This criminal history
13 information is subject to dissemination restrictions pursuant to section
14 41-1750 and Public Law 92-544.

15 7. Administer and enforce this article.

16 B. The fingerprinting division may contract for electronic or
17 internet-based fingerprinting services through an entity or entities for
18 the acquisition and transmission of applicant fingerprint and data
19 submissions to the department, including identity verified fingerprints
20 pursuant to section 15-106. The entity or entities contracted by the
21 department of public safety may charge the applicant a fee for services
22 provided pursuant to this article. The entity or entities contracted by
23 the department of public safety shall comply with:

24 1. All information privacy and security measures and submission
25 standards established by the department of public safety.

26 2. The information technology security policy approved by the
27 department of public safety.

28 Sec. 7. Section 41-1758.07, Arizona Revised Statutes, is amended to
29 read:

30 41-1758.07. Level I fingerprint clearance cards; definitions

31 A. On receiving the state and federal criminal history record of a
32 person who is required to be fingerprinted pursuant to this section, the
33 division shall compare the record with the list of criminal offenses that
34 preclude the person from receiving a level I fingerprint clearance card.
35 If the person's criminal history record does not contain any of the
36 offenses listed in subsections B and C of this section, the division shall
37 issue the person a level I fingerprint clearance card.

38 B. A person who is subject to registration as a sex offender in
39 this state or any other jurisdiction or who is awaiting trial on or who
40 has been convicted of committing or attempting, soliciting, facilitating
41 or conspiring to commit one or more of the following offenses in this
42 state or the same or similar offenses in another state or jurisdiction is
43 precluded from receiving a level I fingerprint clearance card:

44 1. Sexual abuse of a vulnerable adult.
45 2. Incest.

- 1 3. Homicide, including first or second degree murder, manslaughter
- 2 and negligent homicide.
- 3 4. Sexual assault.
- 4 5. Sexual exploitation of a minor.
- 5 6. Sexual exploitation of a vulnerable adult.
- 6 7. Commercial sexual exploitation of a minor.
- 7 8. Commercial sexual exploitation of a vulnerable adult.
- 8 9. Child sex trafficking as prescribed in section 13-3212.
- 9 10. Child abuse.
- 10 11. Felony child neglect.
- 11 12. Abuse of a vulnerable adult.
- 12 13. Sexual conduct with a minor.
- 13 14. Molestation of a child.
- 14 15. Molestation of a vulnerable adult.
- 15 16. Dangerous crimes against children as defined in section 13-705.
- 16 17. Exploitation of minors involving drug offenses.
- 17 18. Taking a child for the purpose of prostitution as prescribed in
- 18 section 13-3206.
- 19 19. Neglect or abuse of a vulnerable adult.
- 20 20. Sex trafficking.
- 21 21. Sexual abuse.
- 22 22. Production, publication, sale, possession and presentation of
- 23 obscene items as prescribed in section 13-3502.
- 24 23. Furnishing harmful items to minors as prescribed in section
- 25 13-3506.
- 26 24. Furnishing harmful items to minors by internet activity as
- 27 prescribed in section 13-3506.01.
- 28 25. Obscene or indecent telephone communications to minors for
- 29 commercial purposes as prescribed in section 13-3512.
- 30 26. Luring a minor for sexual exploitation.
- 31 27. Enticement of persons for purposes of prostitution.
- 32 28. Procurement by false pretenses of person for purposes of
- 33 prostitution.
- 34 29. Procuring or placing persons in a house of prostitution.
- 35 30. Receiving earnings of a prostitute.
- 36 31. Causing one's spouse to become a prostitute.
- 37 32. Detention of persons in a house of prostitution for debt.
- 38 33. Keeping or residing in a house of prostitution or employment in
- 39 prostitution.
- 40 34. Pandering.
- 41 35. Transporting persons for the purpose of prostitution, polygamy
- 42 and concubinage.
- 43 36. Portraying adult as a minor as prescribed in section 13-3555.
- 44 37. Admitting minors to public displays of sexual conduct as
- 45 prescribed in section 13-3558.

- 1 38. Any felony offense involving contributing to the delinquency of
- 2 a minor.
- 3 39. Unlawful sale or purchase of children.
- 4 40. Child bigamy.
- 5 41. Any felony offense involving domestic violence as defined in
- 6 section 13-3601 except for a felony offense only involving criminal damage
- 7 in an amount of more than \$250 but less than \$1,000 if the offense was
- 8 committed before June 29, 2009.
- 9 42. Any felony offense in violation of title 13, chapter 12 if
- 10 committed within five years before the date of applying for a level I
- 11 fingerprint clearance card.
- 12 43. Felony drug or alcohol related offenses if committed within
- 13 five years before the date of applying for a level I fingerprint clearance
- 14 card.
- 15 44. Felony indecent exposure.
- 16 45. Felony public sexual indecency.
- 17 46. Terrorism.
- 18 47. Any offense involving a violent crime as defined in section
- 19 13-901.03.
- 20 48. Trafficking of persons for forced labor or services.
- 21 C. A person who is awaiting trial on or who has been convicted of
- 22 committing or attempting, soliciting, facilitating or conspiring to commit
- 23 one or more of the following offenses in this state or the same or similar
- 24 offenses in another state or jurisdiction is precluded from receiving a
- 25 level I fingerprint clearance card, except that the person may petition
- 26 the board of fingerprinting for a good cause exception pursuant to section
- 27 41-619.55:
 - 28 1. Any misdemeanor offense in violation of title 13, chapter 12.
 - 29 2. Misdemeanor indecent exposure.
 - 30 3. Misdemeanor public sexual indecency.
 - 31 4. Aggravated criminal damage.
 - 32 5. Theft.
 - 33 6. Theft by extortion.
 - 34 7. Shoplifting.
 - 35 8. Forgery.
 - 36 9. Criminal possession of a forgery device.
 - 37 10. Obtaining a signature by deception.
 - 38 11. Criminal impersonation.
 - 39 12. Theft of a credit card or obtaining a credit card by fraudulent
 - 40 means.
 - 41 13. Receipt of anything of value obtained by fraudulent use of a
 - 42 credit card.
 - 43 14. Forgery of a credit card.
 - 44 15. Fraudulent use of a credit card.

1 16. Possession of any machinery, plate or other contrivance or
2 incomplete credit card.
3 17. False statement as to financial condition or identity to obtain
4 a credit card.
5 18. Fraud by persons authorized to provide goods or services.
6 19. Credit card transaction record theft.
7 20. Misconduct involving weapons.
8 21. Misconduct involving explosives.
9 22. Depositing explosives.
10 23. Misconduct involving simulated explosive devices.
11 24. Concealed weapon violation.
12 25. Misdemeanor possession and misdemeanor sale of peyote.
13 26. Felony possession and felony sale of peyote if committed more
14 than five years before the date of applying for a level I fingerprint
15 clearance card.
16 27. Misdemeanor possession and misdemeanor sale of a
17 vapor-releasing substance containing a toxic substance.
18 28. Felony possession and felony sale of a vapor-releasing
19 substance containing a toxic substance if committed more than five years
20 before the date of applying for a level I fingerprint clearance card.
21 29. Misdemeanor sale of precursor chemicals.
22 30. Felony sale of precursor chemicals if committed more than five
23 years before the date of applying for a level I fingerprint clearance
24 card.
25 31. Misdemeanor possession, misdemeanor use or misdemeanor sale of
26 marijuana, dangerous drugs or narcotic drugs.
27 32. Felony possession, felony use or felony sale of marijuana,
28 dangerous drugs or narcotic drugs if committed more than five years before
29 the date of applying for a level I fingerprint clearance card.
30 33. Misdemeanor manufacture or misdemeanor distribution of an
31 imitation controlled substance.
32 34. Felony manufacture or felony distribution of an imitation
33 controlled substance if committed more than five years before the date of
34 applying for a level I fingerprint clearance card.
35 35. Misdemeanor manufacture or misdemeanor distribution of an
36 imitation prescription-only drug.
37 36. Felony manufacture or felony distribution of an imitation
38 prescription-only drug if committed more than five years before the date
39 of applying for a level I fingerprint clearance card.
40 37. Misdemeanor manufacture or misdemeanor distribution of an
41 imitation over-the-counter drug.
42 38. Felony manufacture or felony distribution of an imitation
43 over-the-counter drug if committed more than five years before the date of
44 applying for a level I fingerprint clearance card.

1 39. Misdemeanor possession or misdemeanor possession with intent to
2 use an imitation controlled substance.

3 40. Felony possession or felony possession with intent to use an
4 imitation controlled substance if committed more than five years before
5 the date of applying for a level I fingerprint clearance card.

6 41. Misdemeanor possession or misdemeanor possession with intent to
7 use an imitation prescription-only drug.

8 42. Felony possession or felony possession with intent to use an
9 imitation prescription-only drug if committed more than five years before
10 the date of applying for a level I fingerprint clearance card.

11 43. Misdemeanor possession or misdemeanor possession with intent to
12 use an imitation over-the-counter drug.

13 44. Felony possession or felony possession with intent to use an
14 imitation over-the-counter drug if committed more than five years before
15 the date of applying for a level I fingerprint clearance card.

16 45. Misdemeanor manufacture of certain substances and drugs by
17 certain means.

18 46. Felony manufacture of certain substances and drugs by certain
19 means if committed more than five years before the date of applying for a
20 level I fingerprint clearance card.

21 47. Adding poison or other harmful substance to food, drink or
22 medicine.

23 48. A criminal offense involving criminal trespass under title 13,
24 chapter 15.

25 49. A criminal offense involving burglary under title 13,
26 chapter 15.

27 50. A criminal offense under title 13, chapter 23, except
28 terrorism.

29 51. Misdemeanor offenses involving child neglect.

30 52. Misdemeanor offenses involving contributing to the delinquency
31 of a minor.

32 53. Misdemeanor offenses involving domestic violence as defined in
33 section 13-3601.

34 54. Felony offenses involving domestic violence if the offense only
35 involved criminal damage in an amount of more than \$250 but less than
36 \$1,000 and the offense was committed before June 29, 2009.

37 55. Arson.

38 56. Felony offenses involving sale, distribution or transportation
39 of, offer to sell, transport or distribute or conspiracy to sell,
40 transport or distribute marijuana, dangerous drugs or narcotic drugs if
41 committed more than five years before the date of applying for a level I
42 fingerprint clearance card.

43 57. Criminal damage.

44 58. Misappropriation of charter school monies as prescribed in
45 section 13-1818.

1 59. Taking identity of another person or entity.
2 60. Aggravated taking identity of another person or entity.
3 61. Trafficking in the identity of another person or entity.
4 62. Cruelty to animals.
5 63. Prostitution as prescribed in section 13-3214.
6 64. Sale or distribution of material harmful to minors through
7 vending machines as prescribed in section 13-3513.
8 65. Welfare fraud.
9 66. Any felony offense in violation of title 13, chapter 12 if
10 committed more than five years before the date of applying for a level I
11 fingerprint clearance card.
12 67. Kidnapping.
13 68. Robbery, aggravated robbery or armed robbery.
14 D. A person who is awaiting trial on or who has been convicted of
15 committing or attempting to commit a misdemeanor violation of section
16 28-1381, 28-1382 or 28-1383 in this state or the same or a similar offense
17 in another state or jurisdiction within five years after the date of
18 applying for a level I fingerprint clearance card is precluded from
19 driving any vehicle to transport employees or clients of the employing
20 agency as part of the person's employment. The division shall place a
21 notation on the level I fingerprint clearance card that indicates this
22 driving restriction. This subsection does not preclude a person from
23 driving a vehicle alone as part of the person's employment.
24 E. Notwithstanding subsection C of this section, on receiving
25 written notice from the board of fingerprinting that a good cause
26 exception was granted pursuant to section 41-619.55, the division shall
27 issue a level I fingerprint clearance card to the applicant.
28 F. If the division denies a person's application for a level I
29 fingerprint clearance card pursuant to subsection C of this section and a
30 good cause exception is requested pursuant to section 41-619.55, the
31 division shall release, on request by the board of fingerprinting, the
32 person's criminal history record to the board of fingerprinting.
33 G. A person shall be granted a level I fingerprint clearance card
34 pursuant to this section if either of the following applies:
35 1. An agency granted a good cause exception before August 16, 1999
36 and no new precluding offense is identified. The fingerprint clearance
37 card shall specify only the program that granted the good cause exception.
38 On the request of the applicant, the agency that granted the prior good
39 cause exception shall notify the division in writing of the date on which
40 the prior good cause exception was granted, the date of the conviction and
41 the name of the offense for which the good cause exception was granted.
42 2. The board granted a good cause exception and no new precluding
43 offense is identified.

1 H. The licensee or contract provider shall assume the costs of
2 fingerprint checks conducted pursuant to this section and may charge these
3 costs to persons who are required to be fingerprinted.

4 I. A person who is under eighteen years of age or who is at least
5 ninety-nine years of age is exempt from the level I fingerprint clearance
6 card requirements of this section. At all times the person shall be under
7 the direct visual supervision of personnel who have valid level I
8 fingerprint clearance cards.

9 J. The division may conduct criminal history records checks through
10 state and federal rap back services pursuant to section 41-1750,
11 subsection G for the purpose of updating the clearance status of current
12 level I fingerprint clearance cardholders pursuant to this section and may
13 notify the employing or licensing agency of the results of the records
14 check. If the division suspends a person's fingerprint clearance card and
15 the person requests a good cause exception pursuant to section 41-619.55,
16 the division shall release, on request by the board of fingerprinting, the
17 person's criminal history record to the board of fingerprinting.

18 K. The division shall revoke a person's level I fingerprint
19 clearance card on receipt of a written request for revocation from the
20 board of fingerprinting pursuant to section 41-619.55.

21 L. If a person's criminal history record contains an offense listed
22 in subsection B or C of this section and the final disposition is not
23 recorded on the record, the division shall conduct research to obtain the
24 disposition within thirty business days after receipt of the record. If
25 the division cannot determine, within thirty business days after receipt
26 of the person's state and federal criminal history record information,
27 whether the person is awaiting trial on or has been convicted of
28 committing or attempting, soliciting, facilitating or conspiring to commit
29 any of the offenses listed in subsection B or C of this section in this
30 state or the same or a similar offense in another state or jurisdiction,
31 the division shall not issue a level I fingerprint clearance card to the
32 person. If the division is unable to make the determination required by
33 this subsection and does not issue a level I fingerprint clearance card to
34 a person, the person may request a good cause exception pursuant to
35 section 41-619.55.

36 M. If after conducting a state and federal criminal history records
37 check the division determines that it is not authorized to issue a level I
38 fingerprint clearance card to an applicant, the division shall notify the
39 agency that the division is not authorized to issue a level I fingerprint
40 clearance card. This notice shall include the criminal history
41 information on which the denial was based. This criminal history
42 information is subject to dissemination restrictions pursuant to section
43 41-1750 and Public Law 92-544.

44 N. The division is not liable for damages resulting from:

1 1. The issuance of a level I fingerprint clearance card to an
2 applicant who is later found to have been ineligible to receive a level I
3 fingerprint clearance card at the time the card was issued.

4 2. The denial of a level I fingerprint clearance card to an
5 applicant who is later found to have been eligible to receive a level I
6 fingerprint clearance card at the time issuance of the card was denied.

7 O. Notwithstanding any law to the contrary, an individual may apply
8 for and receive a level I fingerprint clearance card pursuant to this
9 section to satisfy a requirement that the person have a valid fingerprint
10 clearance card issued pursuant to section 41-1758.03.

11 P. Notwithstanding any law to the contrary, except as prescribed
12 pursuant to subsection Q of this section, an individual who receives a
13 level I fingerprint clearance card pursuant to this section also satisfies
14 a requirement that the individual have a valid fingerprint clearance card
15 issued pursuant to section 41-1758.03.

16 Q. Unless a cardholder commits an offense listed in subsection B or
17 C of this section after June 29, 2009, a fingerprint clearance card issued
18 pursuant to section 41-1758.03 before June 29, 2009 and its renewals are
19 valid for all requirements for a level I fingerprint clearance card except
20 those relating to the requirements of section 8-105 or 8-509. A
21 fingerprint clearance card issued before June 29, 2009 to meet the
22 requirements of section 8-105 or 8-509 and its renewals are valid after
23 June 29, 2009 to meet all requirements for a level I fingerprint clearance
24 card, including the requirements of section 8-105 or 8-509, if the
25 cardholder has been certified by the court to adopt or has been issued a
26 foster home license before June 29, 2009.

27 R. The issuance of a level I fingerprint clearance card does not
28 entitle a person to employment.

29 S. For the purposes of this section:

30 1. "Person" means a person who is fingerprinted pursuant to:
31 (a) Section 3-314, 8-105, 8-463, 8-509, 8-802, 17-215, 36-207,
32 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, **36-1940**,
33 **36-1940.01**, 36-2819, 36-2855, 41-619.52, 41-619.53, 41-1964, 41-1967.01,
34 41-1968, 41-1969 or 46-141.

35 (b) Subsection O of this section.

36 2. "Renewal" means the issuance of a fingerprint clearance card to
37 an existing fingerprint clearance cardholder who applies before the
38 person's existing fingerprint clearance card expires.

39 Sec. 8. **Effective date**

40 This act is effective from and after December 31, 2025.