

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 ~~E.~~ 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

26 SECTION 1. PURPOSE

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

35 B. THIS COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

36 1. INCREASE PUBLIC ACCESS TO AUDIOLOGY AND SPEECH-LANGUAGE  
37 PATHOLOGY SERVICES BY PROVIDING FOR THE MUTUAL RECOGNITION OF OTHER MEMBER  
38 STATE LICENSES.

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

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

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

44 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE AND  
45 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 GROUNDLESS 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 AUDIOLOGY 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 AUDIOLOGY 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.

23 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 ~~(pp)~~ (oo) Section 32-4128.  
24 ~~(oo)~~ (pp) 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 ~~(eee)~~ (eee) Section 36-3008.  
40 ~~(ddd)~~ (fff) Section 41-619.53.  
41 ~~(eee)~~ (ggg) Section 41-1964.  
42 ~~(fff)~~ (hhh) Section 41-1967.01.  
43 ~~(ggg)~~ (iii) Section 41-1968.  
44 ~~(hhh)~~ (jjj) Section 41-1969.  
45 ~~(iii)~~ (kkk) Section 41-2814.

1       ~~(jjj)~~ (lll) Section 41-4025.

2       ~~(kkk)~~ (mmm) Section 46-141, subsection A or B.

3       ~~(ttt)~~ (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.