

SUMMARY OF MATERIALS INCORPORATED BY REFERENCE

201 KAR 17:120

"The Audiology and Speech-Language Pathology Interstate Compact Rules", adopted by the Audiology and Speech-Language Pathology Interstate Compact Commission at its Special Commission Meeting on April 17, 2023, relate to the Rule on Definitions and the Rule on Data System Reporting requirements; and, by the Full Audiology and Speech-Language Pathology Interstate Compact Commission at its Annual Business Meeting on October 7, 2023, relating to the Rule on Implementation of Criminal Background Check Requirement.

SUMMARY OF CHANGES MATERIALS INCORPORATED BY REFERENCE

201 KAR 17:120

This is a new administrative regulation and therefore there are no materials incorporated by reference that are being changed.

Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)
Audiology and Speech-Language Pathology Interstate Compact Commission

Title of Rule: Rule on Definitions

Drafted: August 11, 2022

Meeting at which Rule will be discussed and voted on: Special Commission Meeting on Monday, April 17, 2023.

Effective: 30 Days after Full Commission Approval.

History for Rule: 09/08/2022: Rules Committee votes to forward to Executive Committee.
09/26/2022: Executive Committee votes to forward to full Commission.

Chapter 1: Rulemaking on Definitions

Authority: Section 8: Establishment of the Audiology and Speech-Language Pathology Interstate Compact Commission

Section 10: Rulemaking

1.0 Purpose: Pursuant to Section 8.C.6 and Section 10, the Audiology and Speech-Language Pathology Interstate Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Audiology and Speech-Language Pathology Interstate Compact. This rule will become effective upon passage by the Audiology and Speech-Language Pathology Interstate Compact Commission as provided in Section 10 of the Audiology and Speech-Language Pathology Interstate Compact.

1.1 Definition(s): (a) “**Deactivate**” means to change the status of a home state license or privilege to practice in accordance with sections 4.C and 7.G of the model compact language.

(b) “**Encumbrance**” means any limitation on the full and unrestricted practice of audiology and speech-language pathology imposed by a licensing board.

(c) “**Home State License**” means a license to practice audiology and speech-language pathology issued by a member state licensing board which confers eligibility to any licensee whose primary state of residence is in that home state to become authorized to practice in all compact member states.

(d) “Initial Privilege to Practice” means the eligibility of an audiologist or speech-language pathologist to become authorized to practice in all member states upon the issuance of an unencumbered home state license in a state which is a member of the compact.

(e) “Minor Infraction” means an infraction not related to the practice of audiology or speech-language pathology as determined by each state’s regulatory authority which will not prevent a licensee from retaining or renewing a home state license or privilege to practice and which does not result in an encumbered license and is not reportable to the National Practitioners Data Bank.

Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)
Audiology and Speech-Language Pathology Interstate Compact Commission

Title of Rule: Rule on Data System Reporting Requirements

Drafted: February - March 2023

Meeting at which Rule was discussed and voted on: Special Commission Meeting on Monday, April 17, 2023

Effective: 30 Days after Full Commission Approval

Reason for Rule: To further define terms pursuant to Section 8.C.6, Section 9 and Section 10 of the ASLP-IC

History for Rule: 03/09/2023: Rules Committee votes to forward to Executive Committee
03/16/2023: Executive Committee votes to forward to full Commission

Chapter 2: Rulemaking on Data System Reporting Requirements

Authority: Section 8: Establishment of the Audiology and Speech-Language Pathology Interstate Compact Commission
Section 9: Data System
Section 10: Rulemaking

2.0 Purpose: Pursuant to Section 8.C.6, Section 9 and Section 10, the Audiology and Speech-Language Pathology Interstate Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Audiology and Speech-Language Pathology Interstate Compact. This rule will become effective upon passage by the Audiology and Speech-Language Pathology Interstate Compact Commission as provided in Section 10 of the Audiology and Speech-Language Pathology Interstate Compact.

2.1 Uniform Data Set:

- A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:

1. Identifying information – including but not limited to:
 - a. First Name;
 - b. Middle Name;
 - c. Last Name;
 - d. Suffix, if applicable;
 - e. Birth date (mm/dd/yyyy);
 - f. United States' Social Security Number or National Provider Identifier (NPI);
 - g. Home state address;
2. Licensure data – including but not limited to:
 - a. Jurisdiction of licensure;
 - b. License Type;
 - i. Audiologist or Speech Language Pathologist;
 - c. License Number;
 - d. Initial Issuance Date;
 - e. Most Recent Renewal Date;
 - f. Expiration Date;
 - i. License status;
3. Adverse Action(s) against a license or compact privilege to practice including but is not limited to:
 - a. Type of Adverse Action;
 - b. Status and change in status of Adverse Action;
 - c. Effective dates of Adverse Action;
 - d. The existence of Current Significant Investigative Information;
 - e. Summary suspension and final disciplinary actions, as defined by the member state authority;
4. Non-confidential information related to alternative program participation including but not limited to current participation by the audiologist or speech-language pathologist in an alternative program;
5. Any denial of application for licensure, and the reason(s) for denial;
6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to a correction to a licensee's data.

C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.

D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.

E. The Home State shall be responsible for verification of uniform requirements for participation as described in Section 3 and 4 of the compact.

F. Current Significant Investigative Information pertaining to a Licensee in any Member State shall only be available to other Member States.

G. If a member state takes adverse action, it shall notify the administrator of the data system within thirty (30) days of the date action was taken. The administrator of the data system shall notify the home state of any adverse actions by remote states.

H. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

I. In the event an audiologist or speech-language pathologist asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the audiologist or speech-language pathologist to provide evidence in a manner determined by the member state that substantiates such claim.

J. Member states shall submit the data system information required above to the Commission at least one (1) time per week.

K. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.



Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)
Audiology and Speech-Language Pathology Interstate Compact Commission

Title of Rule: Rule on Implementation of Criminal Background Check Requirement

Drafted: August 10, 2023

Meeting at which Rule was discussed and voted on: ASLP-IC Annual Business Meeting

Saturday, October 7, 2023 – 1 p.m., EDT

Hilton Charlotte University Place

8629 JM Keynes Drive

Charlotte, NC 28262

Teleconference Registration Link: <https://csg-org.zoom.us/meeting/register/tZwvc-utpj0tGtMctgmNarFNKOJ39-SsgVal#/registration>

Effective: 30 days after Full Commission Approval.

History for Rule: August 10, 2023: Rules Committee votes to forward to Executive Committee.

August 28, 2023: Executive Committee votes to forward to full Commission.

Chapter 3: Rulemaking on Implementing Criminal Background Checks

Authority: Section 3: State Participation in the Compact

Section 8: Establishment of the Audiology and Speech-Language Pathology Interstate Compact Commission

Section 10: Rulemaking

3.0 Purpose: Pursuant to Section 3.B.1, and Section 10, a state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background check and rule the results in making licensure decisions.

The Audiology and Speech-Language Pathology Interstate Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Audiology and Speech-Language Pathology



Interstate Compact. This rule will become effective upon passage by the Audiology and Speech-Language Pathology Interstate Compact Commission as provided in Section 10 of the Audiology and Speech-Language Pathology Interstate Compact.

3.1 Implementation of Criminal Background Check:

To avoid default, member states must have completed all required processes, requirements, and applications necessary to request the ability to receive the results of the Federal Bureau of Investigation (FBI) record search on criminal background checks, as required by the Compact. Deference will be given to member states who can demonstrate that they have engaged in good faith efforts to implement the FBI Criminal Background Check including, but not limited to, introduction of related legislation, negotiations with FBI state information bureaus, etc.

Results of the criminal background check shall be reviewed solely by the member state in accordance with state law.

Communication between a member board and the Interstate Commission and communications between member boards regarding verification of Audiologist or Speech-Language Pathologist eligibility for a license/privilege through the Compact shall not include any information received from the FBI relating to a federal criminal records check performed by a member board under Public Law 92-544.

A member state cannot participate in issuing compact privileges until such member state has completed the requirements to fully implement the FBI Criminal Background Check requirement established in Section 3.B.1 of the Compact. As used in Section 3.B.1 of the Compact, full implementation of the FBI Criminal Background Check requirement means that the member state's licensing board is using the results of the FBI record search on criminal background checks in making licensure decisions for all applicants seeking an initial privilege to practice as an Audiologist or Speech-Language Pathologist in the member state.