

1.1 moves to amend H.F. No. 4247, the second engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 TRANSFER CARE SPECIALISTS

1.5 Section 1. Minnesota Statutes 2022, section 149A.01, subdivision 3, is amended to read:

1.6 Subd. 3. **Exceptions to licensure.** (a) Except as otherwise provided in this chapter,
1.7 nothing in this chapter shall in any way interfere with the duties of:

1.8 (1) an anatomical bequest program located within an accredited school of medicine or
1.9 an accredited college of mortuary science;

1.10 (2) a person engaged in the performance of duties prescribed by law relating to the
1.11 conditions under which unclaimed dead human bodies are held subject to anatomical study;

1.12 (3) authorized personnel from a licensed ambulance service in the performance of their
1.13 duties;

1.14 (4) licensed medical personnel in the performance of their duties; or

1.15 (5) the coroner or medical examiner in the performance of the duties of their offices.

1.16 (b) This chapter does not apply to or interfere with the recognized customs or rites of
1.17 any culture or recognized religion in the ceremonial washing, dressing, casketing, and public
1.18 transportation of their dead, to the extent that all other provisions of this chapter are complied
1.19 with.

1.20 (c) Noncompensated persons with the right to control the dead human body, under section
1.21 149A.80, subdivision 2, may remove a body from the place of death; transport the body;
1.22 prepare the body for disposition, except embalming; or arrange for final disposition of the
1.23 body, provided that all actions are in compliance with this chapter.

2.1 (d) Persons serving internships pursuant to section 149A.20, subdivision 6, ~~or~~; students
 2.2 officially registered for a practicum or clinical through a program of mortuary science
 2.3 accredited by the American Board of Funeral Service Education; or transfer care specialists
 2.4 registered pursuant to section 149A.47 are not required to be licensed, provided that the
 2.5 persons ~~or~~, students, or transfer care specialists are registered with the commissioner and
 2.6 act under the direct and exclusive supervision of a person holding a current license to practice
 2.7 mortuary science in Minnesota.

2.8 (e) Notwithstanding this subdivision, nothing in this section shall be construed to prohibit
 2.9 an institution or entity from establishing, implementing, or enforcing a policy that permits
 2.10 only persons licensed by the commissioner to remove or cause to be removed a dead body
 2.11 or body part from the institution or entity.

2.12 (f) An unlicensed person may arrange for and direct or supervise a memorial service if
 2.13 that person or that person's employer does not have charge of the dead human body. An
 2.14 unlicensed person may not take charge of the dead human body, unless that person has the
 2.15 right to control the dead human body under section 149A.80, subdivision 2, or is that person's
 2.16 noncompensated designee.

2.17 Sec. 2. Minnesota Statutes 2022, section 149A.02, subdivision 13a, is amended to read:

2.18 Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance
 2.19 of an individual. For the purpose of a clinical, practicum, or internship, direct supervision
 2.20 means that the supervisor is available to observe and correct, as needed, the performance
 2.21 of the trainee. For the purpose of a transfer care specialist, direct supervision means that
 2.22 the supervisor is available by being physically present or by telephone to advise and correct,
 2.23 as needed, the performance of the transfer care specialist. The supervising mortician
 2.24 ~~supervisor~~ is accountable for the actions of the clinical student, practicum student, or intern
 2.25 throughout the course of the training. The supervising mortician is accountable for any
 2.26 violations of law or rule, in the performance of their duties, by the clinical student, practicum
 2.27 student, ~~or intern,~~ or transfer care specialist.

2.28 Sec. 3. Minnesota Statutes 2022, section 149A.02, is amended by adding a subdivision to
 2.29 read:

2.30 Subd. 37d. **Transfer care specialist.** "Transfer care specialist" means an individual who
 2.31 is registered with the commissioner in accordance with section 149A.47 and is authorized
 2.32 to perform the removal of a dead human body from the place of death under the direct
 2.33 supervision of a licensed mortician.

3.1 Sec. 4. Minnesota Statutes 2022, section 149A.03, is amended to read:

3.2 **149A.03 DUTIES OF COMMISSIONER.**

3.3 The commissioner shall:

3.4 (1) enforce all laws and adopt and enforce rules relating to the:

3.5 (i) removal, preparation, transportation, arrangements for disposition, and final disposition
3.6 of dead human bodies;

3.7 (ii) licensure, registration, and professional conduct of funeral directors, morticians,
3.8 interns, practicum students, ~~and~~ clinical students, and transfer care specialists;

3.9 (iii) licensing and operation of a funeral establishment;

3.10 (iv) licensing and operation of an alkaline hydrolysis facility; and

3.11 (v) licensing and operation of a crematory;

3.12 (2) provide copies of the requirements for licensure, registration, and permits to all
3.13 applicants;

3.14 (3) administer examinations and issue licenses, registrations, and permits to qualified
3.15 persons and other legal entities;

3.16 (4) maintain a record of the name and location of all current licensees ~~and~~, interns, and
3.17 transfer care specialists;

3.18 (5) perform periodic compliance reviews and premise inspections of licensees;

3.19 (6) accept and investigate complaints relating to conduct governed by this chapter;

3.20 (7) maintain a record of all current preneed arrangement trust accounts;

3.21 (8) maintain a schedule of application, examination, permit, registration, and licensure
3.22 fees, initial and renewal, sufficient to cover all necessary operating expenses;

3.23 (9) educate the public about the existence and content of the laws and rules for mortuary
3.24 science licensing and the removal, preparation, transportation, arrangements for disposition,
3.25 and final disposition of dead human bodies to enable consumers to file complaints against
3.26 licensees and others who may have violated those laws or rules;

3.27 (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science
3.28 in order to refine the standards for licensing and to improve the regulatory and enforcement
3.29 methods used; and

4.1 (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the
4.2 laws, rules, or procedures governing the practice of mortuary science and the removal,
4.3 preparation, transportation, arrangements for disposition, and final disposition of dead
4.4 human bodies.

4.5 Sec. 5. Minnesota Statutes 2022, section 149A.09, is amended to read:

4.6 **149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION;**
4.7 **LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

4.8 Subdivision 1. **Denial; refusal to renew; revocation; and suspension.** The regulatory
4.9 agency may deny, refuse to renew, revoke, or suspend any license, registration, or permit
4.10 applied for or issued pursuant to this chapter when the person subject to regulation under
4.11 this chapter:

4.12 (1) does not meet or fails to maintain the minimum qualification for holding a license,
4.13 registration, or permit under this chapter;

4.14 (2) submits false or misleading material information to the regulatory agency in
4.15 connection with a license, registration, or permit issued by the regulatory agency or the
4.16 application for a license, registration, or permit;

4.17 (3) violates any law, rule, order, stipulation agreement, settlement, compliance agreement,
4.18 license, registration, or permit that regulates the removal, preparation, transportation,
4.19 arrangements for disposition, or final disposition of dead human bodies in Minnesota or
4.20 any other state in the United States;

4.21 (4) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt,
4.22 or a no contest plea in any court in Minnesota or any other jurisdiction in the United States.
4.23 "Conviction," as used in this subdivision, includes a conviction for an offense which, if
4.24 committed in this state, would be deemed a felony or gross misdemeanor without regard to
4.25 its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is
4.26 made or returned, but the adjudication of guilt is either withheld or not entered;

4.27 (5) is convicted of a crime, including a finding or verdict of guilt, an admission of guilt,
4.28 or a no contest plea in any court in Minnesota or any other jurisdiction in the United States
4.29 that the regulatory agency determines is reasonably related to the removal, preparation,
4.30 transportation, arrangements for disposition or final disposition of dead human bodies, or
4.31 the practice of mortuary science;

4.32 (6) is adjudicated as mentally incompetent, mentally ill, developmentally disabled, or
4.33 mentally ill and dangerous to the public;

5.1 (7) has a conservator or guardian appointed;

5.2 (8) fails to comply with an order issued by the regulatory agency or fails to pay an
5.3 administrative penalty imposed by the regulatory agency;

5.4 (9) owes uncontested delinquent taxes in the amount of \$500 or more to the Minnesota
5.5 Department of Revenue, or any other governmental agency authorized to collect taxes
5.6 anywhere in the United States;

5.7 (10) is in arrears on any court ordered family or child support obligations; or

5.8 (11) engages in any conduct that, in the determination of the regulatory agency, is
5.9 unprofessional as prescribed in section 149A.70, subdivision 7, or renders the person unfit
5.10 to practice mortuary science or to operate a funeral establishment or crematory.

5.11 Subd. 2. **Hearings related to refusal to renew, suspension, or revocation of license,**
5.12 **registration, or permit.** If the regulatory agency proposes to deny renewal, suspend, or
5.13 revoke a license, registration, or permit issued under this chapter, the regulatory agency
5.14 must first notify, in writing, the person against whom the action is proposed to be taken and
5.15 provide an opportunity to request a hearing under the contested case provisions of sections
5.16 14.57 to 14.62. If the subject of the proposed action does not request a hearing by notifying
5.17 the regulatory agency, by mail, within 20 calendar days after the receipt of the notice of
5.18 proposed action, the regulatory agency may proceed with the action without a hearing and
5.19 the action will be the final order of the regulatory agency.

5.20 Subd. 3. **Review of final order.** A judicial review of the final order issued by the
5.21 regulatory agency may be requested in the manner prescribed in sections 14.63 to 14.69.
5.22 Failure to request a hearing pursuant to subdivision 2 shall constitute a waiver of the right
5.23 to further agency or judicial review of the final order.

5.24 Subd. 4. **Limitations or qualifications placed on license, registration, or permit.** The
5.25 regulatory agency may, where the facts support such action, place reasonable limitations
5.26 or qualifications on the right to practice mortuary science or, to operate a funeral
5.27 establishment or crematory, or to perform activities or actions permitted under this chapter.

5.28 Subd. 5. **Restoring license, registration, or permit.** The regulatory agency may, where
5.29 there is sufficient reason, restore a license, registration, or permit that has been revoked,
5.30 reduce a period of suspension, or remove limitations or qualifications.

6.1 Sec. 6. Minnesota Statutes 2022, section 149A.11, is amended to read:

6.2 **149A.11 PUBLICATION OF DISCIPLINARY ACTIONS.**

6.3 The regulatory agencies shall report all disciplinary measures or actions taken to the
6.4 commissioner. At least annually, the commissioner shall publish and make available to the
6.5 public a description of all disciplinary measures or actions taken by the regulatory agencies.
6.6 The publication shall include, for each disciplinary measure or action taken, the name and
6.7 business address of the licensee ~~or intern,~~ or transfer care specialist; the nature of the
6.8 misconduct;~~;~~ and the measure or action taken by the regulatory agency.

6.9 Sec. 7. **[149A.47] TRANSFER CARE SPECIALIST.**

6.10 Subdivision 1. **General.** A transfer care specialist may remove a dead human body from
6.11 the place of death under the direct supervision of a licensed mortician if the transfer care
6.12 specialist is registered with the commissioner in accordance with this section. A transfer
6.13 care specialist is not licensed to engage in the practice of mortuary science and shall not
6.14 engage in the practice of mortuary science except as provided in this section. A transfer
6.15 care specialist must be an employee of a licensed funeral establishment.

6.16 Subd. 2. **Registration.** (a) To be eligible for registration as a transfer care specialist, an
6.17 applicant must submit to the commissioner:

6.18 (1) a completed application on a form provided by the commissioner that includes at a
6.19 minimum:

6.20 (i) the applicant's name, home address and telephone number, business name, business
6.21 address and telephone number, and email address; and

6.22 (ii) the name, license number, business name, and business address and telephone number
6.23 of the supervising licensed mortician;

6.24 (2) proof of completion of a training program that meets the requirements specified in
6.25 subdivision 4; and

6.26 (3) the appropriate fee specified in section 149A.65.

6.27 (b) All transfer care specialist registrations are valid for one calendar year, beginning
6.28 on January 1 and ending on December 31 regardless of the date of issuance. Fees shall not
6.29 be prorated.

6.30 Subd. 3. **Duties.** (a) A transfer care specialist registered under this section is authorized
6.31 to perform the removal of a dead human body from the place of death in accordance with
6.32 this chapter to a licensed funeral establishment. A transfer care specialist must comply with

7.1 the universal precaution requirements in section 149A.91, subdivision 1, when handling a
7.2 dead human body.

7.3 (b) A transfer care specialist must work under the direct supervision of a licensed
7.4 mortician. The supervising mortician is responsible for the work performed by the transfer
7.5 care specialist. A licensed mortician may supervise up to four transfer care specialists at
7.6 any one time.

7.7 Subd. 4. **Training program and continuing education.** (a) Each transfer care specialist
7.8 must complete a training program prior to initial registration. A training program must be
7.9 at least seven hours long and must cover, at a minimum, the following:

7.10 (1) ethical care and transportation procedures for a deceased person;

7.11 (2) health and safety concerns to the public and the individual performing the transfer
7.12 of the deceased person, and the use of universal precautions and other reasonable precautions
7.13 to minimize the risk for transmitting communicable diseases; and

7.14 (3) all relevant state and federal laws and regulations related to the transfer and
7.15 transportation of deceased persons.

7.16 (b) A transfer care specialist must complete three hours of continuing education annually
7.17 on content described in paragraph (a), clauses (1) to (3), and submit evidence of completion
7.18 with the individual's registration renewal.

7.19 Subd. 5. **Renewal.** (a) A registration issued under this section expires on December 31
7.20 of the calendar year in which the registration was issued and must be renewed to remain
7.21 valid.

7.22 (b) To renew a registration, a transfer care specialist must submit to the commissioner
7.23 a completed renewal application as provided by the commissioner and the appropriate fee
7.24 specified in section 149A.65. The renewal application must include proof of completion of
7.25 the continuing education requirements in subdivision 4.

7.26 Sec. 8. Minnesota Statutes 2022, section 149A.60, is amended to read:

7.27 **149A.60 PROHIBITED CONDUCT.**

7.28 The regulatory agency may impose disciplinary measures or take disciplinary action
7.29 against a person whose conduct is subject to regulation under this chapter for failure to
7.30 comply with any provision of this chapter or laws, rules, orders, stipulation agreements,
7.31 settlements, compliance agreements, licenses, registrations, and permits adopted; or issued
7.32 for the regulation of the removal, preparation, transportation, arrangements for disposition

8.1 or final disposition of dead human bodies, or for the regulation of the practice of mortuary
8.2 science.

8.3 Sec. 9. Minnesota Statutes 2022, section 149A.61, subdivision 4, is amended to read:

8.4 Subd. 4. **Licensees ~~and~~, interns, and transfer care specialists.** A licensee ~~or~~, intern,
8.5 or transfer care specialist regulated under this chapter may report to the commissioner any
8.6 conduct that the licensee ~~or~~, intern, or transfer care specialist has personal knowledge of,
8.7 and reasonably believes constitutes grounds for, disciplinary action under this chapter.

8.8 Sec. 10. Minnesota Statutes 2022, section 149A.61, subdivision 5, is amended to read:

8.9 Subd. 5. **Courts.** The court administrator of district court or any court of competent
8.10 jurisdiction shall report to the commissioner any judgment or other determination of the
8.11 court that adjudges or includes a finding that a licensee ~~or~~, intern, or transfer care specialist
8.12 is a person who is mentally ill, mentally incompetent, guilty of a felony or gross
8.13 misdemeanor, guilty of violations of federal or state narcotics laws or controlled substances
8.14 acts; appoints a guardian or conservator for the licensee ~~or~~, intern, or transfer care specialist;
8.15 or commits a licensee ~~or~~, intern, or transfer care specialist.

8.16 Sec. 11. Minnesota Statutes 2022, section 149A.62, is amended to read:

8.17 **149A.62 IMMUNITY; REPORTING.**

8.18 Any person, private agency, organization, society, association, licensee, ~~or~~ intern, or
8.19 transfer care specialist who, in good faith, submits information to a regulatory agency under
8.20 section 149A.61 or otherwise reports violations or alleged violations of this chapter, is
8.21 immune from civil liability or criminal prosecution. This section does not prohibit disciplinary
8.22 action taken by the commissioner against any licensee ~~or~~, intern, or transfer care specialist
8.23 pursuant to a self report of a violation.

8.24 Sec. 12. Minnesota Statutes 2022, section 149A.63, is amended to read:

8.25 **149A.63 PROFESSIONAL COOPERATION.**

8.26 A licensee, clinical student, practicum student, intern, transfer care specialist, or applicant
8.27 for licensure under this chapter that is the subject of or part of an inspection or investigation
8.28 by the commissioner or the commissioner's designee shall cooperate fully with the inspection
8.29 or investigation. Failure to cooperate constitutes grounds for disciplinary action under this
8.30 chapter.

9.1 Sec. 13. Minnesota Statutes 2022, section 149A.65, subdivision 2, is amended to read:

9.2 Subd. 2. **Mortuary science fees.** Fees for mortuary science are:

9.3 (1) \$75 for the initial and renewal registration of a mortuary science intern;

9.4 (2) \$125 for the mortuary science examination;

9.5 (3) \$200 for issuance of initial and renewal mortuary science licenses;

9.6 (4) \$100 late fee charge for a license renewal; ~~and~~

9.7 (5) \$250 for issuing a mortuary science license by endorsement; and

9.8 (6) \$226 for the initial and renewal registration of a transfer care specialist.

9.9 Sec. 14. Minnesota Statutes 2022, section 149A.70, subdivision 3, is amended to read:

9.10 Subd. 3. **Advertising.** No licensee, clinical student, practicum student, ~~or intern,~~ or
9.11 transfer care specialist shall publish or disseminate false, misleading, or deceptive advertising.

9.12 False, misleading, or deceptive advertising includes, but is not limited to:

9.13 (1) identifying, by using the names or pictures of, persons who are not licensed to practice
9.14 mortuary science in a way that leads the public to believe that those persons will provide
9.15 mortuary science services;

9.16 (2) using any name other than the names under which the funeral establishment, alkaline
9.17 hydrolysis facility, or crematory is known to or licensed by the commissioner;

9.18 (3) using a surname not directly, actively, or presently associated with a licensed funeral
9.19 establishment, alkaline hydrolysis facility, or crematory, unless the surname had been
9.20 previously and continuously used by the licensed funeral establishment, alkaline hydrolysis
9.21 facility, or crematory; and

9.22 (4) using a founding or establishing date or total years of service not directly or
9.23 continuously related to a name under which the funeral establishment, alkaline hydrolysis
9.24 facility, or crematory is currently or was previously licensed.

9.25 Any advertising or other printed material that contains the names or pictures of persons
9.26 affiliated with a funeral establishment, alkaline hydrolysis facility, or crematory shall state
9.27 the position held by the persons and shall identify each person who is licensed or unlicensed
9.28 under this chapter.

10.1 Sec. 15. Minnesota Statutes 2022, section 149A.70, subdivision 4, is amended to read:

10.2 Subd. 4. **Solicitation of business.** No licensee shall directly or indirectly pay or cause
 10.3 to be paid any sum of money or other valuable consideration for the securing of business
 10.4 or for obtaining the authority to dispose of any dead human body.

10.5 For purposes of this subdivision, licensee includes a registered intern, transfer care
 10.6 specialist, or any agent, representative, employee, or person acting on behalf of the licensee.

10.7 Sec. 16. Minnesota Statutes 2022, section 149A.70, subdivision 5, is amended to read:

10.8 Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student,
 10.9 ~~or intern, or transfer care specialist~~ shall offer, solicit, or accept a commission, fee, bonus,
 10.10 rebate, or other reimbursement in consideration for recommending or causing a dead human
 10.11 body to be disposed of by a specific body donation program, funeral establishment, alkaline
 10.12 hydrolysis facility, crematory, mausoleum, or cemetery.

10.13 Sec. 17. Minnesota Statutes 2022, section 149A.70, subdivision 7, is amended to read:

10.14 Subd. 7. **Unprofessional conduct.** No licensee ~~or~~ intern, or transfer care specialist shall
 10.15 engage in or permit others under the licensee's ~~or~~ intern's, or transfer care specialist's
 10.16 supervision or employment to engage in unprofessional conduct. Unprofessional conduct
 10.17 includes, but is not limited to:

10.18 (1) harassing, abusing, or intimidating a customer, employee, or any other person
 10.19 encountered while within the scope of practice, employment, or business;

10.20 (2) using profane, indecent, or obscene language within the immediate hearing of the
 10.21 family or relatives of the deceased;

10.22 (3) failure to treat with dignity and respect the body of the deceased, any member of the
 10.23 family or relatives of the deceased, any employee, or any other person encountered while
 10.24 within the scope of practice, employment, or business;

10.25 (4) the habitual overindulgence in the use of or dependence on intoxicating liquors,
 10.26 prescription drugs, over-the-counter drugs, illegal drugs, or any other mood altering
 10.27 substances that substantially impair a person's work-related judgment or performance;

10.28 (5) revealing personally identifiable facts, data, or information about a decedent, customer,
 10.29 member of the decedent's family, or employee acquired in the practice or business without
 10.30 the prior consent of the individual, except as authorized by law;

11.1 (6) intentionally misleading or deceiving any customer in the sale of any goods or services
11.2 provided by the licensee;

11.3 (7) knowingly making a false statement in the procuring, preparation, or filing of any
11.4 required permit or document; or

11.5 (8) knowingly making a false statement on a record of death.

11.6 Sec. 18. Minnesota Statutes 2022, section 149A.90, subdivision 2, is amended to read:

11.7 Subd. 2. **Removal from place of death.** No person subject to regulation under this
11.8 chapter shall remove or cause to be removed any dead human body from the place of death
11.9 without being licensed or registered by the commissioner. Every dead human body shall be
11.10 removed from the place of death by a licensed mortician or funeral director, except as
11.11 provided in section 149A.01, subdivision 3.

11.12 Sec. 19. Minnesota Statutes 2022, section 149A.90, subdivision 4, is amended to read:

11.13 Subd. 4. **Certificate of removal.** No dead human body shall be removed from the place
11.14 of death by a mortician ~~or~~ funeral director, or transfer care specialist or by a noncompensated
11.15 person with the right to control the dead human body without the completion of a certificate
11.16 of removal and, where possible, presentation of a copy of that certificate to the person or a
11.17 representative of the legal entity with physical or legal custody of the body at the death site.
11.18 The certificate of removal shall be in the format provided by the commissioner that contains,
11.19 at least, the following information:

11.20 (1) the name of the deceased, if known;

11.21 (2) the date and time of removal;

11.22 (3) a brief listing of the type and condition of any personal property removed with the
11.23 body;

11.24 (4) the location to which the body is being taken;

11.25 (5) the name, business address, and license number of the individual making the removal;
11.26 and

11.27 (6) the signatures of the individual making the removal and, where possible, the individual
11.28 or representative of the legal entity with physical or legal custody of the body at the death
11.29 site.

12.1 Sec. 20. Minnesota Statutes 2022, section 149A.90, subdivision 5, is amended to read:

12.2 Subd. 5. **Retention of certificate of removal.** A copy of the certificate of removal shall
 12.3 be given, where possible, to the person or representative of the legal entity having physical
 12.4 or legal custody of the body at the death site. The original certificate of removal shall be
 12.5 retained by the individual making the removal and shall be kept on file, at the funeral
 12.6 establishment to which the body was taken, for a period of three calendar years following
 12.7 the date of the removal. If the removal was performed by a transfer care specialist not
 12.8 employed by the funeral establishment to which the body was taken, the transfer care
 12.9 specialist must retain a copy of the certificate of removal at the transfer care specialist's
 12.10 business address as registered with the commissioner for a period of three calendar years
 12.11 following the date of removal. Following this period, and subject to any other laws requiring
 12.12 retention of records, the funeral establishment may then place the records in storage or
 12.13 reduce them to microfilm, microfiche, laser disc, or any other method that can produce an
 12.14 accurate reproduction of the original record, for retention for a period of ten calendar years
 12.15 from the date of the removal of the body. At the end of this period and subject to any other
 12.16 laws requiring retention of records, the funeral establishment may destroy the records by
 12.17 shredding, incineration, or any other manner that protects the privacy of the individuals
 12.18 identified in the records.

12.19 ARTICLE 2

12.20 BEHAVIOR ANALYST LICENSURE

12.21 Section 1. [148.9981] DEFINITIONS.

12.22 Subdivision 1. **Scope.** For the purposes of sections 148.9981 to 148.9995, the terms in
 12.23 this section have the meanings given.

12.24 Subd. 2. **Accredited school or educational program.** "Accredited school or educational
 12.25 program" means a school, university, college, or other postsecondary education program
 12.26 that, at the time the student completes the program, is accredited by a regional accrediting
 12.27 association whose standards are substantially equivalent to those of the North Central
 12.28 Association of Colleges and Postsecondary Education Institutions or an accrediting
 12.29 association that evaluates schools of behavior analysis, psychology, or education for inclusion
 12.30 of the education, practicum, and core function standards.

12.31 Subd. 3. **Advisory council.** "Advisory council" means the Behavior Analyst Advisory
 12.32 Council established in section 148.9994.

12.33 Subd. 4. **Board.** "Board" means the Board of Psychology established in section 148.90.

13.1 Subd. 5. **Certifying entity.** "Certifying entity" means the Behavior Analyst Certification
13.2 Board, Inc., or a successor organization or other organization approved by the board in
13.3 consultation with the advisory council.

13.4 Subd. 6. **Client.** "Client" means an individual who is the recipient of behavior analysis
13.5 services. Client also means "patient" as defined in section 144.291, subdivision 2, paragraph
13.6 (g).

13.7 Subd. 7. **Licensed behavior analyst.** "Licensed behavior analyst" or "behavior analyst"
13.8 means an individual who holds a valid license issued under sections 148.9981 to 148.9995
13.9 to engage in the practice of applied behavior analysis.

13.10 Subd. 8. **Licensee.** "Licensee" means an individual who holds a valid license issued
13.11 under sections 148.9981 to 148.9995.

13.12 Subd. 9. **Practice of applied behavior analysis.** (a) "Practice of applied behavior
13.13 analysis" means the design, implementation, and evaluation of social, instructional, and
13.14 environmental modifications to produce socially significant improvements in human behavior.
13.15 The practice of applied behavior analysis includes the empirical identification of functional
13.16 relations between behavior and environmental factors, known as functional behavioral
13.17 assessment and analysis. Applied behavior analysis interventions are based on scientific
13.18 research, direct and indirect observation, and measurement of behavior and environment
13.19 and utilize contextual factors, motivating operations, antecedent stimuli, positive
13.20 reinforcement, and other procedures to help individuals develop new behaviors, increase
13.21 or decrease existing behaviors, and emit behaviors under specific social, instructional, and
13.22 environmental conditions.

13.23 (b) The practice of applied behavior analysis does not include the diagnosis of psychiatric
13.24 or mental health disorders, psychological testing, neuropsychology, psychotherapy, cognitive
13.25 therapy, sex therapy, hypnotherapy, psychoanalysis, or psychological counseling.

13.26 **EFFECTIVE DATE.** This section is effective July 1, 2024.

13.27 Sec. 2. **[148.9982] DUTIES OF THE BOARD OF PSYCHOLOGY.**

13.28 Subdivision 1. **General.** The board, in consultation with the advisory council, must:

13.29 (1) adopt and enforce standards for licensure, licensure renewal, and the regulation of
13.30 behavior analysts;

13.31 (2) issue licenses to qualified individuals under sections 148.9981 to 148.9995;

13.32 (3) carry out disciplinary actions against licensed behavior analysts;

14.1 (4) educate the public about the existence and content of the regulations for behavior
14.2 analyst licensing to enable consumers to file complaints against licensees who may have
14.3 violated laws or rules the board is empowered to enforce; and

14.4 (5) collect license fees for behavior analysts as specified under section 148.9995.

14.5 Subd. 2. **Rulemaking.** The board, in consultation with the advisory council, may adopt
14.6 rules necessary to carry out the provisions of sections 148.9981 to 148.9995.

14.7 **EFFECTIVE DATE.** This section is effective July 1, 2024.

14.8 Sec. 3. **[148.9983] REQUIREMENTS FOR LICENSURE.**

14.9 Subdivision 1. **General.** An individual seeking licensure as a behavior analyst must
14.10 complete and submit a written application on forms provided by the board together with
14.11 the appropriate fee as specified under section 148.9995.

14.12 Subd. 2. **Requirements for licensure.** An applicant for licensure as a behavior analyst
14.13 must submit evidence satisfactory to the board that the applicant:

14.14 (1) has a current and active national certification as a board-certified behavior analyst
14.15 issued by the certifying entity; or

14.16 (2) has completed the equivalent requirements for certification by the certifying entity,
14.17 including satisfactorily passing a psychometrically valid examination administered by a
14.18 nationally accredited credentialing organization.

14.19 Subd. 3. **Background investigation.** The applicant must complete a background check
14.20 pursuant to section 214.075.

14.21 **EFFECTIVE DATE.** This section is effective July 1, 2024.

14.22 Sec. 4. **[148.9984] LICENSE RENEWAL REQUIREMENTS.**

14.23 Subdivision 1. **Biennial renewal.** A license must be renewed every two years.

14.24 Subd. 2. **License renewal notice.** At least 60 calendar days before the renewal deadline
14.25 date, the board must mail a renewal notice to the licensee's last known address on file with
14.26 the board. The notice must include instructions for accessing an online application for license
14.27 renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure
14.28 to receive notice does not relieve the licensee of the obligation to meet the renewal deadline
14.29 and other requirements for license renewal.

15.1 Subd. 3. **Renewal requirements.** (a) To renew a license, a licensee must submit to the
15.2 board:

15.3 (1) a completed and signed application for license renewal;

15.4 (2) the license renewal fee as specified under section 148.9995; and

15.5 (3) evidence satisfactory to the board that the licensee holds a current and active national
15.6 certification as a behavior analyst from the certifying entity or otherwise meets renewal
15.7 requirements as established by the board, in consultation with the advisory council.

15.8 (b) The application for license renewal and fee must be postmarked or received by the
15.9 board by the end of the day on which the license expires or the following business day if
15.10 the expiration date falls on a Saturday, Sunday, or holiday. A renewal application that is
15.11 not completed and signed, or that is not accompanied by the correct fee, is void and must
15.12 be returned to the licensee.

15.13 Subd. 4. **Pending renewal.** If a licensee's application for license renewal is postmarked
15.14 or received by the board by the end of the business day on the expiration date of the license
15.15 or the following business day if the expiration date falls on a Saturday, Sunday, or holiday,
15.16 the licensee may continue to practice after the expiration date while the application for
15.17 license renewal is pending with the board.

15.18 Subd. 5. **Late renewal fee.** If the application for license renewal is postmarked or
15.19 received after the expiration date of the license or the following business day if the expiration
15.20 date falls on a Saturday, Sunday, or holiday, the licensee must pay a biennial renewal late
15.21 fee as specified by section 148.9995, in addition to the renewal fee, before the licensee's
15.22 application for license renewal will be considered by the board.

15.23 **EFFECTIVE DATE.** This section is effective July 1, 2024.

15.24 Sec. 5. **[148.9985] EXPIRED LICENSE.**

15.25 (a) Within 30 days after the renewal date, a licensee who has not renewed their license
15.26 must be notified by letter, sent to the last known address of the licensee in the board's file,
15.27 that the renewal is overdue and that failure to pay the current fee and current biennial renewal
15.28 late fee within 60 days after the renewal date will result in termination of the license.

15.29 (b) The board must terminate the license of a licensee whose license renewal is at least
15.30 60 days overdue and to whom notification has been sent as provided in paragraph (a). Failure
15.31 of a licensee to receive notification is not grounds for later challenge of the termination.

16.1 The former licensee must be notified of the termination by letter within seven days after
16.2 board action, in the same manner as provided in paragraph (a).

16.3 (c) Notwithstanding paragraph (b), the board retains jurisdiction over a former licensee
16.4 for complaints received after termination of a license regarding conduct that occurred during
16.5 licensure.

16.6 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.7 **Sec. 6. [148.9986] PROHIBITED PRACTICE OR USE OF TITLES; PENALTY.**

16.8 Subdivision 1. **Practice.** Effective January 1, 2025, an individual must not engage in
16.9 the practice of applied behavior analysis unless the individual is licensed under sections
16.10 148.9981 to 148.9995 as a behavior analyst or is exempt under section 148.9987. A
16.11 psychologist licensed under sections 148.88 to 148.981 who practices behavior analysis is
16.12 not required to obtain a license as a behavior analyst under sections 148.9981 to 148.9995.

16.13 Subd. 2. **Use of titles.** (a) An individual must not use a title incorporating the words
16.14 "licensed behavior analyst," or "behavior analyst," or use any other title or description stating
16.15 or implying that they are licensed or otherwise qualified to practice applied behavior analysis,
16.16 unless that person holds a valid license under sections 148.9981 to 148.9995.

16.17 (b) Notwithstanding paragraph (a), a licensed psychologist who practices applied behavior
16.18 analysis within the psychologist's scope of practice may use the title "behavior analyst," but
16.19 must not use the title "licensed behavior analyst" unless the licensed psychologist holds a
16.20 valid license as a behavior analyst issued under sections 148.9981 to 148.9995.

16.21 Subd. 3. **Penalty.** An individual who violates this section is guilty of a misdemeanor.

16.22 **EFFECTIVE DATE.** This section is effective July 1, 2024.

16.23 **Sec. 7. [148.9987] EXCEPTIONS TO LICENSE REQUIREMENT.**

16.24 (a) Sections 148.9981 to 148.9995 must not be construed to prohibit or restrict:

16.25 (1) the practice of an individual who is licensed to practice psychology in the state or
16.26 an individual who is providing psychological services under the supervision of a licensed
16.27 psychologist in accordance with section 148.925;

16.28 (2) the practice of any other profession or occupation licensed, certified, or registered
16.29 by the state by an individual duly licensed, certified, or registered to practice the profession
16.30 or occupation or to perform any act that falls within the scope of practice of the profession
16.31 or occupation;

17.1 (3) an individual who is employed by a school district from providing behavior analysis
17.2 services as part of the individual's employment with the school district, so long as the
17.3 individual does not provide behavior analysis services to any person or entity other than as
17.4 an employee of the school district or accept remuneration for the provision of behavior
17.5 analysis services outside of the individual's employment with the school district;

17.6 (4) an employee of a program licensed under chapter 245D from providing the services
17.7 described in section 245D.091, subdivision 1;

17.8 (5) teaching behavior analysis or conducting behavior analysis research if the teaching
17.9 or research does not involve the direct delivery of behavior analysis services;

17.10 (6) providing behavior analysis services by an unlicensed supervisee or trainee under
17.11 the authority and direction of a licensed behavior analyst and in compliance with the licensure
17.12 and supervision standards required by law or rule;

17.13 (7) a family member or guardian of the recipient of behavior analysis services from
17.14 performing behavior analysis services under the authority and direction of a licensed behavior
17.15 analyst; or

17.16 (8) students or interns enrolled in an accredited school or educational program, or
17.17 participating in a behavior analysis practicum, from engaging in the practice of applied
17.18 behavior analysis while supervised by a licensed behavior analyst or instructor of an
17.19 accredited school or educational program. These individuals must be designated as a behavior
17.20 analyst student or intern.

17.21 (b) Notwithstanding paragraph (a), a licensed psychologist may supervise an unlicensed
17.22 supervisee, trainee, student, or intern who is engaged in the practice of behavior analysis if
17.23 the supervision is authorized under the Minnesota Psychology Practice Act.

17.24 **EFFECTIVE DATE.** This section is effective July 1, 2024.

17.25 **Sec. 8. [148.9988] NONTRANSFERABILITY OF LICENSES.**

17.26 A behavior analyst license is not transferable.

17.27 **EFFECTIVE DATE.** This section is effective July 1, 2024.

17.28 **Sec. 9. [148.9989] DUTY TO MAINTAIN CURRENT INFORMATION.**

17.29 All licensees and applicants for licensure must notify the board within 30 days of the
17.30 occurrence of:

18.1 (1) a change of name, address, place of employment, or home or business telephone
18.2 number; or

18.3 (2) a change in any other application information.

18.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

18.5 Sec. 10. **[148.999] DISCIPLINE; REPORTING.**

18.6 For purposes of sections 148.9981 to 148.9995, behavior analysts are subject to the
18.7 provisions of sections 148.941, 148.952 to 148.965, and 148.98.

18.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

18.9 Sec. 11. **[148.9991] COMPETENT PROVISION OF SERVICES.**

18.10 Subdivision 1. **Limits on practice.** Behavior analysts must limit practice to the client
18.11 populations and services for which the behavior analysts have competence or for which the
18.12 behavior analysts are developing competence.

18.13 Subd. 2. **Developing competence.** When a behavior analyst is developing competence
18.14 in a service, method, or procedure, or is developing competence to treat a specific client
18.15 population, the behavior analyst must obtain professional education, training, continuing
18.16 education, consultation, supervision or experience, or a combination thereof, necessary to
18.17 demonstrate competence.

18.18 Subd. 3. **Limitations.** A behavior analyst must recognize the limitations to the scope of
18.19 practice of applied behavior analysis. When the needs of a client appear to be outside the
18.20 behavior analyst's scope of practice, the behavior analyst must inform the client that there
18.21 may be other professional, technical, community, and administrative resources available to
18.22 the client. A behavior analyst must assist with identifying resources when it is in the best
18.23 interest of a client to be provided with alternative or complementary services.

18.24 Subd. 4. **Burden of proof.** Whenever a complaint is submitted to the board involving
18.25 a violation of this section, the burden of proof is on the behavior analyst to demonstrate that
18.26 the elements of competence have been reasonably met.

18.27 **EFFECTIVE DATE.** This section is effective July 1, 2024.

19.1 Sec. 12. [148.9992] DUTY TO WARN; LIMITATION ON LIABILITY; VIOLENT
19.2 BEHAVIOR OF PATIENT.

19.3 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in this
19.4 subdivision have the meanings given.

19.5 (b) "Other person" means an immediate family member or someone who personally
19.6 knows the client and has reason to believe the client is capable of and will carry out a serious,
19.7 specific threat of harm to a specific, clearly identified or identifiable victim.

19.8 (c) "Reasonable efforts" means communicating a serious, specific threat to the potential
19.9 victim and, if unable to make contact with the potential victim, communicating the serious,
19.10 specific threat to the law enforcement agency closest to the potential victim or the client.

19.11 (d) "Licensee" has the meaning given in section 148.9981 and includes behavior analysis
19.12 students, interns, and unlicensed supervisees who are participating in a behavior analysis
19.13 practicum or enrolled in an accredited school or educational program.

19.14 Subd. 2. Duty to warn. The duty to predict, warn of, or take reasonable precautions to
19.15 provide protection from violent behavior arises only when a client or other person has
19.16 communicated to the licensee a specific, serious threat of physical violence against a specific,
19.17 clearly identified or identifiable potential victim. If a duty to warn arises, the duty is
19.18 discharged by the licensee if reasonable efforts are made to communicate the threat.

19.19 Subd. 3. Liability standard. If no duty to warn exists under subdivision 2, then no
19.20 monetary liability and no cause of action may arise against a licensee for failure to predict,
19.21 warn of, or take reasonable precautions to provide protection from a client's violent behavior.

19.22 Subd. 4. Disclosure of confidences. Good faith compliance with the duty to warn must
19.23 not constitute a breach of confidence and must not result in monetary liability or a cause of
19.24 action against the licensee.

19.25 Subd. 5. Continuity of care. Subdivision 2 must not be construed to authorize a licensee
19.26 to terminate treatment of a client as a direct result of a client's violent behavior or threat of
19.27 physical violence unless the client is referred to another practitioner or appropriate health
19.28 care facility.

19.29 Subd. 6. Exception. This section does not apply to a threat to commit suicide or other
19.30 threats by a client to harm the client, or to a threat by a client who is adjudicated as a person
19.31 who has a mental illness and is dangerous to the public under chapter 253B.

19.32 Subd. 7. Optional disclosure. This section must not be construed to prohibit a licensee
19.33 from disclosing confidences to third parties in a good faith effort to warn or take precautions

20.1 against a client's violent behavior or threat to commit suicide for which a duty to warn does
20.2 not arise.

20.3 Subd. 8. **Limitation on liability.** No monetary liability and no cause of action or
20.4 disciplinary action by the board may arise against a licensee for disclosure of confidences
20.5 to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure
20.6 of confidences to third parties in a good faith effort to warn against or take precautions
20.7 against a client's violent behavior or threat of suicide for which a duty to warn does not
20.8 arise.

20.9 **EFFECTIVE DATE.** This section is effective July 1, 2024.

20.10 Sec. 13. **[148.9993] INFORMED CONSENT.**

20.11 Subdivision 1. **Obtaining informed consent for services.** A behavior analyst must
20.12 obtain informed consent from the client or the client's legal guardian before initiating
20.13 services. The informed consent must be in writing, signed by the client, and include, at a
20.14 minimum, the following:

20.15 (1) consent for the behavior analyst to engage in activities that directly affect the client;

20.16 (2) the goals, purposes, and procedures of the proposed services;

20.17 (3) the factors that may impact the duration of the proposed services;

20.18 (4) the applicable fee schedule for the proposed services;

20.19 (5) the significant risks and benefits of the proposed services;

20.20 (6) the behavior analyst's limits under section 148.9991, including, if applicable,
20.21 information that the behavior analyst is developing competence in the proposed service,
20.22 method, or procedure, and alternatives to the proposed service, if any; and

20.23 (7) the behavior analyst's responsibilities if the client terminates the service.

20.24 Subd. 2. **Updating informed consent.** If there is a substantial change in the nature or
20.25 purpose of a service, the behavior analyst must obtain a new informed consent from the
20.26 client.

20.27 Subd. 3. **Emergency or crisis services.** Informed consent is not required when a behavior
20.28 analyst is providing emergency or crisis services. If services continue after the emergency
20.29 or crisis has abated, informed consent must be obtained.

20.30 **EFFECTIVE DATE.** This section is effective July 1, 2024.

21.1 **Sec. 14. [148.9994] BEHAVIOR ANALYST ADVISORY COUNCIL.**

21.2 Subdivision 1. **Membership.** The Behavior Analyst Advisory Council is created and
21.3 composed of five members appointed by the board. The advisory council consists of:

21.4 (1) one public member as defined in section 214.02;

21.5 (2) three members who are licensed behavior analysts; and

21.6 (3) one member who is a licensed psychologist and, to the extent practicable, who
21.7 practices applied behavior analysis.

21.8 Subd. 2. **Administration.** The advisory council is established and administered under
21.9 section 15.059, except that the advisory council does not expire.

21.10 Subd. 3. **Duties.** The advisory council must:

21.11 (1) advise the board regarding standards for behavior analysts;

21.12 (2) assist with the distribution of information regarding behavior analyst standards;

21.13 (3) advise the board on enforcement of sections 148.9981 to 148.9995;

21.14 (4) review license applications and license renewal applications and make
21.15 recommendations to the board;

21.16 (5) review complaints and complaint investigation reports and make recommendations
21.17 to the board on whether disciplinary action should be taken and, if applicable, what type;

21.18 (6) advise the board regarding evaluation and treatment protocols; and

21.19 (7) perform other duties authorized for advisory councils under chapter 214 as directed
21.20 by the board to ensure effective oversight of behavior analysts.

21.21 **EFFECTIVE DATE.** This section is effective July 1, 2024.

21.22 **Sec. 15. [148.9995] FEES.**

21.23 Subdivision 1. **Fees.** All applicants and licensees must pay fees as follows:

21.24 (1) application fee, \$225;

21.25 (2) license renewal fee, \$225;

21.26 (3) inactive license renewal fee, \$125;

21.27 (4) biennial renewal late fee, \$100;

21.28 (5) inactive license renewal late fee, \$100; and

22.1 (6) supervisor application processing fee, \$225.

22.2 Subd. 2. **Nonrefundable fees.** All fees in this section are nonrefundable.

22.3 Subd. 3. **Deposit of fees.** Fees collected by the board under this section must be deposited
 22.4 in the state government special revenue fund.

22.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.

22.6 Sec. 16. **INITIAL BEHAVIOR ANALYST ADVISORY COUNCIL.**

22.7 The Board of Psychology must make the first appointments to the Behavior Analyst
 22.8 Advisory Council authorized under Minnesota Statutes, section 148.9994, by September 1,
 22.9 2024. The initial behavior analysts appointed to the advisory council need not be licensed
 22.10 under Minnesota Statutes, sections 148.9981 to 148.9995, but must hold a current and active
 22.11 national certification as a board certified behavior analyst. The chair of the Board of
 22.12 Psychology must convene the first meeting of the council by September 1, 2024, and must
 22.13 convene subsequent meetings of the council until an advisory chair is elected. The council
 22.14 must elect a chair from its members by the third meeting of the council.

22.15 **EFFECTIVE DATE.** This section is effective July 1, 2024.

22.16 **ARTICLE 3**

22.17 **BOARD OF VETERINARY MEDICINE**

22.18 Section 1. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision
 22.19 to read:

22.20 Subd. 5a. **Direct supervision.** "Direct supervision" means:

22.21 (1) when a supervising veterinarian or licensed veterinary technician is in the immediate
 22.22 area and within audible or visual range of an animal and the unlicensed veterinary employee
 22.23 treating the animal;

22.24 (2) the supervising veterinarian has met the requirements of a veterinarian-client-patient
 22.25 relationship under section 156.16, subdivision 12; and

22.26 (3) the supervising veterinarian assumes responsibility for the professional care given
 22.27 to an animal by a person working under the veterinarian's direction.

22.28 **EFFECTIVE DATE.** This section is effective July 1, 2026.

23.1 Sec. 2. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to
23.2 read:

23.3 Subd. 7a. **Licensed veterinary technician.** "Licensed veterinary technician" means a
23.4 person licensed by the board under section 156.077.

23.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

23.6 Sec. 3. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to
23.7 read:

23.8 Subd. 10b. **Remote supervision.** "Remote supervision" means:

23.9 (1) a veterinarian is not on the premises but is acquainted with the keeping and care of
23.10 an animal by virtue of an examination of the animal or medically appropriate and timely
23.11 visits to the premises where the animal is kept;

23.12 (2) the veterinarian has given written or oral instructions to a licensed veterinary
23.13 technician for ongoing care of an animal and is available by telephone or other form of
23.14 immediate communication; and

23.15 (3) the employee treating the animal timely enters into the animal's medical record
23.16 documentation of the treatment provided and the documentation is reviewed by the
23.17 veterinarian.

23.18 **EFFECTIVE DATE.** This section is effective July 1, 2026.

23.19 Sec. 4. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to
23.20 read:

23.21 Subd. 12. **Veterinary technology.** "Veterinary technology" means the science and
23.22 practice of providing professional support to veterinarians, including the direct supervision
23.23 of unlicensed veterinary employees. Veterinary technology does not include veterinary
23.24 diagnosis, prognosis, surgery, or medication prescription.

23.25 **EFFECTIVE DATE.** This section is effective July 1, 2026.

23.26 Sec. 5. Minnesota Statutes 2022, section 156.07, is amended to read:

23.27 **156.07 LICENSE RENEWAL.**

23.28 Persons licensed under this chapter shall conspicuously display their license in their
23.29 principal place of business.

24.1 Persons now ~~qualified to practice veterinary medicine~~ licensed in this state, or who shall
 24.2 hereafter be licensed by the Board of Veterinary Medicine ~~to engage in the practice as~~
 24.3 veterinarians or veterinary technicians, shall periodically renew their license in a manner
 24.4 prescribed by the board. The board shall establish license renewal fees and continuing
 24.5 education requirements. The board may establish, by rule, an inactive license category, at
 24.6 a lower fee, for licensees not actively engaged in the practice of veterinary medicine or
 24.7 veterinary technology within the state of Minnesota. The board may assess a charge for
 24.8 delinquent payment of a renewal fee.

24.9 Any person who is licensed to practice veterinary medicine or veterinary technology in
 24.10 this state pursuant to this chapter, shall be entitled to receive a license to continue to practice
 24.11 upon making application to the board and complying with the terms of this section and rules
 24.12 of the board.

24.13 **EFFECTIVE DATE.** This section is effective July 1, 2026.

24.14 Sec. 6. **[156.0721] INSTITUTIONAL LICENSURE.**

24.15 **Subdivision 1. Application and eligibility.** (a) Any person who seeks to practice
 24.16 veterinary medicine while employed by the University of Minnesota and who is not eligible
 24.17 for a regular license shall make a written application to the board for an institutional license
 24.18 using forms provided for that purpose or in a format accepted by the board. The board shall
 24.19 issue an institutional license to practice veterinary medicine to an applicant who:

24.20 (1) has obtained the degree of doctor of veterinary medicine or its equivalent from a
 24.21 nonaccredited college of veterinary medicine. A graduate from an accredited college and
 24.22 an applicant who has earned ECFVG or PAVE certificates should apply for a regular license
 24.23 to practice veterinary medicine;

24.24 (2) has passed the Minnesota Veterinary Jurisprudence Examination;

24.25 (3) is a person of good moral character, as attested by five notarized reference letters
 24.26 from adults not related to the applicant, at least two of whom are licensed veterinarians in
 24.27 the jurisdiction where the applicant is currently practicing or familiar with the applicant's
 24.28 clinical abilities as evidenced in clinical rotations;

24.29 (4) has paid the license application fee;

24.30 (5) provides proof of employment by the University of Minnesota;

24.31 (6) certifies that the applicant understands and agrees that the institutional license is
 24.32 valid only for the practice of veterinary medicine associated with the applicant's employment

25.1 as a faculty member, intern, resident, or locum of the University of Minnesota College of
25.2 Veterinary Medicine or other unit of the University of Minnesota;

25.3 (7) provides proof of graduation from a veterinary college;

25.4 (8) completed a criminal background check as defined in section 214.075; and

25.5 (9) provides other information and proof as the board may require by rules and
25.6 regulations.

25.7 (b) The University of Minnesota may submit the applications of its employees who seek
25.8 an institutional license in a compiled format acceptable to the board, with any license
25.9 application fees in a single form of payment.

25.10 (c) The fee for a license issued under this subdivision is the same as for a regular license
25.11 to practice veterinary medicine in the state. License payment and renewal deadlines, late
25.12 payment fees, and other license requirements are also the same as for a regular license to
25.13 practice veterinary medicine.

25.14 (d) The University of Minnesota may be responsible for timely payment of renewal fees
25.15 and submission of renewal forms.

25.16 Subd. 2. **Scope of practice.** (a) An institutional license holder may practice veterinary
25.17 medicine only as related to the license holder's regular function at the University of
25.18 Minnesota. A person holding only an institutional license in this state must be remunerated
25.19 for the practice of veterinary medicine in the state solely from state, federal, or institutional
25.20 funds and not from the patient-owner beneficiary of the license holder's practice efforts.

25.21 (b) A license issued under this section must be canceled by the board upon receipt of
25.22 information from the University of Minnesota that the holder of the license has left or is
25.23 otherwise no longer employed at the University of Minnesota in this state.

25.24 (c) An institutional license holder must abide by all laws governing the practice of
25.25 veterinary medicine in the state and is subject to the same disciplinary action as any other
25.26 veterinarian licensed in the state.

25.27 **EFFECTIVE DATE.** This section is effective July 1, 2025.

25.28 Sec. 7. **[156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY**
25.29 **EMPLOYEES.**

25.30 (a) An unlicensed veterinary employee may only administer medication or render
25.31 auxiliary or supporting assistance under the direct supervision of a licensed veterinarian or
25.32 licensed veterinary technician.

26.1 (b) This section does not prohibit:

26.2 (1) the performance of generalized nursing tasks ordered by the veterinarian and
26.3 performed by an unlicensed employee on inpatient animals during the hours when a
26.4 veterinarian is not on the premises; or

26.5 (2) under emergency conditions, an unlicensed employee from rendering lifesaving aid
26.6 and treatment to an animal in the absence of a veterinarian if the animal is in a life-threatening
26.7 condition and requires immediate treatment to sustain life or prevent further injury.

26.8 **EFFECTIVE DATE.** This section is effective July 1, 2026.

26.9 Sec. 8. **[156.077] LICENSED VETERINARY TECHNICIANS.**

26.10 Subdivision 1. **Licensure; practice.** (a) The board shall issue a license to practice as a
26.11 veterinary technician to an applicant who satisfies the requirements in this section and those
26.12 imposed by the board in rule. A licensed veterinary technician may practice veterinary
26.13 technology. A person may not use the title "veterinary technician" or the abbreviation "LVT"
26.14 unless licensed by the board.

26.15 (b) The board may adopt by rule additional or temporary alternative licensure
26.16 requirements or definitions for veterinary technician titles.

26.17 Subd. 2. **Applicants; qualifications.** Application for a license to practice veterinary
26.18 technology in this state shall be made to the board on a form furnished by the board and
26.19 accompanied by evidence satisfactory to the board that the applicant is at least 18 years of
26.20 age, is of good moral character, and has:

26.21 (1) graduated from a veterinary technology program accredited or approved by the
26.22 American Veterinary Medical Association or Canadian Veterinary Medical Association;

26.23 (2) received a passing score for the Veterinary Technician National Examination;

26.24 (3) received a passing score for the Minnesota Veterinary Technician Jurisprudence
26.25 Examination; and

26.26 (4) completed a criminal background check.

26.27 Subd. 3. **Required with application.** A completed application must contain the following
26.28 information and material:

26.29 (1) the application fee set by the board, which is not refundable if permission to take the
26.30 jurisprudence examination is denied for good cause;

27.1 (2) proof of graduation from a veterinary technology program accredited or approved
27.2 by the American Veterinary Medical Association or Canadian Veterinary Medical
27.3 Association;

27.4 (3) affidavits from at least two licensed veterinarians and three adults who are not related
27.5 to the applicant that establish how long, when, and under what circumstances the references
27.6 have known the applicant and any other facts that may enable the board to determine the
27.7 applicant's qualifications; and

27.8 (4) if the applicant has served in the armed forces, a copy of the applicant's discharge
27.9 papers.

27.10 Subd. 4. **Temporary alternative qualifications.** (a) The board shall consider an
27.11 application for licensure submitted by a person before July 1, 2031, if the person provides
27.12 evidence satisfactory to the board that the person:

27.13 (1) is a certified veterinary technician in good standing with the Minnesota Veterinary
27.14 Medical Association; or

27.15 (2) has at least 4,160 hours actively engaged in the practice of veterinary technology
27.16 within the previous five years.

27.17 (b) Each applicant under this subdivision must also submit to the board affidavits from
27.18 at least two licensed veterinarians and three adults who are not related to the applicant that
27.19 establish how long, when, and under what circumstances the references have known the
27.20 applicant and any other facts that may enable the board to determine the applicant's
27.21 qualifications.

27.22 **EFFECTIVE DATE.** This section is effective July 1, 2026.

27.23 Sec. 9. **[156.078] NONRESIDENTS; LICENSED VETERINARY TECHNICIANS.**

27.24 A credentialed veterinary technician duly admitted to practice in any state,
27.25 commonwealth, territory, or district of the United States or province of Canada who desires
27.26 permission to practice veterinary technology in this state shall submit an application to the
27.27 board on a form furnished by the board. The board shall review an application for transfer
27.28 if the applicant submits:

27.29 (1) a copy of a diploma from an accredited or approved college of veterinary technology
27.30 or certification from the dean, registrar, or secretary of an accredited or approved college
27.31 of veterinary technology or a certificate of satisfactory completion of the PAVE program;

28.1 (2) if requesting waiver of examination, evidence of meeting licensure requirements in
28.2 the state of the applicant's original licensure;

28.3 (3) affidavits of two licensed practicing doctors of veterinary medicine or veterinary
28.4 technicians residing in the United States or Canadian licensing jurisdiction in which the
28.5 applicant is or was most recently practicing, attesting that they are well acquainted with the
28.6 applicant, that the applicant is a person of good moral character, and that the applicant has
28.7 been actively engaged in practicing or teaching in such jurisdiction;

28.8 (4) a certificate from the agency that regulates the conduct of practice of veterinary
28.9 technology in the jurisdiction in which the applicant is or was most recently practicing,
28.10 stating that the applicant is in good standing and is not the subject of disciplinary action or
28.11 pending disciplinary action;

28.12 (5) a certificate from all other jurisdictions in which the applicant holds a currently active
28.13 license or held a license within the past ten years, stating that the applicant is and was in
28.14 good standing and has not been subject to disciplinary action;

28.15 (6) in lieu of the certificates in clauses (4) and (5), certification from the Veterinary
28.16 Information Verification Agency that the applicant's licensure is in good standing;

28.17 (7) a fee as set by the board in form of check or money order payable to the board, no
28.18 part of which shall be refunded should the application be denied;

28.19 (8) score reports on previously taken national examinations in veterinary technology,
28.20 certified by the Veterinary Information Verification Agency or evidence of employment as
28.21 a veterinary technician for at least three years;

28.22 (9) proof that the applicant received a passing score for the Minnesota Veterinary
28.23 Technician Jurisprudence Examination; and

28.24 (10) proof of a completed criminal background check.

28.25 **EFFECTIVE DATE.** This section is effective July 1, 2026.

28.26 Sec. 10. Minnesota Statutes 2022, section 156.12, subdivision 2, is amended to read:

28.27 Subd. 2. **Authorized activities.** No provision of this chapter shall be construed to prohibit:

28.28 (a) a person from rendering necessary gratuitous assistance in the treatment of any animal
28.29 when the assistance does not amount to prescribing, testing for, or diagnosing, operating,
28.30 or vaccinating and when the attendance of a licensed veterinarian cannot be procured;

29.1 (b) a person who is a regular student in an accredited or approved college of veterinary
29.2 medicine from performing duties or actions assigned by instructors or preceptors or working
29.3 under the direct supervision of a licensed veterinarian;

29.4 (c) a veterinarian regularly licensed in another jurisdiction from consulting with a licensed
29.5 veterinarian in this state;

29.6 (d) the owner of an animal and the owner's regular employee from caring for and
29.7 administering to the animal belonging to the owner, except where the ownership of the
29.8 animal was transferred for purposes of circumventing this chapter;

29.9 (e) veterinarians who are in compliance with ~~subdivision 6~~ section 156.0721 and who
29.10 are employed by the University of Minnesota from performing their duties with the College
29.11 of Veterinary Medicine, ~~College of Agriculture~~, Veterinary Diagnostic Laboratory,
29.12 Agricultural Experiment Station, Agricultural Extension Service, Medical School, School
29.13 of Public Health, School of Nursing, or other unit within the university; or a person from
29.14 lecturing or giving instructions or demonstrations at the university or in connection with a
29.15 continuing education course or seminar to veterinarians ~~or pathologists at the University of~~
29.16 ~~Minnesota Veterinary Diagnostic Laboratory~~;

29.17 (f) any person from selling or applying any pesticide, insecticide or herbicide;

29.18 (g) any person from engaging in bona fide scientific research or investigations which
29.19 reasonably requires experimentation involving animals;

29.20 (h) any employee of a licensed veterinarian from performing duties other than diagnosis,
29.21 prescription or surgical correction under the direction and supervision of the veterinarian,
29.22 who shall be responsible for the performance of the employee;

29.23 (i) a graduate of a foreign college of veterinary medicine from working under the direct
29.24 personal instruction, control, or supervision of a veterinarian faculty member of the College
29.25 of Veterinary Medicine, University of Minnesota in order to complete the requirements
29.26 necessary to obtain an ECFVG or PAVE certificate;

29.27 (j) a licensed chiropractor registered under section 148.01, subdivision 1a, from practicing
29.28 animal chiropractic; or

29.29 (k) a person certified by the Emergency Medical Services Regulatory Board under
29.30 chapter 144E from providing emergency medical care to a police dog wounded in the line
29.31 of duty.

29.32 **EFFECTIVE DATE.** This section is effective July 1, 2025.

30.1 Sec. 11. Minnesota Statutes 2022, section 156.12, subdivision 4, is amended to read:

30.2 Subd. 4. **Titles.** It is unlawful for a person who has not received a professional degree
30.3 from an accredited or approved college of veterinary medicine, ~~or~~ ECFVG or PAVE
30.4 certification, or an institutional license under section 156.0721 to use any of the following
30.5 titles or designations: Veterinary, veterinarian, animal doctor, animal surgeon, animal dentist,
30.6 animal chiropractor, animal acupuncturist, or any other title, designation, word, letter,
30.7 abbreviation, sign, card, or device tending to indicate that the person is qualified to practice
30.8 veterinary medicine.

30.9 **EFFECTIVE DATE.** This section is effective July 1, 2025.

30.10 Sec. 12. **REPEALER.**

30.11 Minnesota Statutes 2022, section 156.12, subdivision 6, is repealed.

30.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

30.13 **ARTICLE 4**

30.14 **BOARD OF DENTISTRY**

30.15 Section 1. Minnesota Statutes 2022, section 150A.06, subdivision 1c, is amended to read:

30.16 Subd. 1c. **Specialty dentists.** (a) The board may grant one or more specialty licenses in
30.17 the specialty areas of dentistry that are recognized by the Commission on Dental
30.18 Accreditation.

30.19 (b) An applicant for a specialty license shall:

30.20 (1) have successfully completed a postdoctoral specialty program accredited by the
30.21 Commission on Dental Accreditation, or have announced a limitation of practice before
30.22 1967;

30.23 (2) have been certified by a specialty board approved by the Minnesota Board of
30.24 Dentistry, or provide evidence of having passed a clinical examination for licensure required
30.25 for practice in any state or Canadian province, or in the case of oral and maxillofacial
30.26 surgeons only, have a Minnesota medical license in good standing;

30.27 (3) have been in active practice or a postdoctoral specialty education program or United
30.28 States government service at least 2,000 hours in the 36 months prior to applying for a
30.29 specialty license;

30.30 (4) if requested by the board, be interviewed by a committee of the board, which may
30.31 include the assistance of specialists in the evaluation process, and satisfactorily respond to

31.1 questions designed to determine the applicant's knowledge of dental subjects and ability to
31.2 practice;

31.3 (5) if requested by the board, present complete records on a sample of patients treated
31.4 by the applicant. The sample must be drawn from patients treated by the applicant during
31.5 the 36 months preceding the date of application. The number of records shall be established
31.6 by the board. The records shall be reasonably representative of the treatment typically
31.7 provided by the applicant for each specialty area;

31.8 (6) at board discretion, pass a board-approved English proficiency test if English is not
31.9 the applicant's primary language;

31.10 (7) pass all components of the National Board Dental Examinations;

31.11 (8) pass the Minnesota Board of Dentistry jurisprudence examination;

31.12 (9) abide by professional ethical conduct requirements; and

31.13 (10) meet all other requirements prescribed by the Board of Dentistry.

31.14 (c) The application must include:

31.15 (1) a completed application furnished by the board;

31.16 (2) a nonrefundable fee; and

31.17 (3) a copy of the applicant's government-issued photo identification card.

31.18 (d) A specialty dentist holding one or more specialty licenses is limited to practicing in
31.19 the dentist's designated specialty area or areas. The scope of practice must be defined by
31.20 each national specialty board recognized by the Commission on Dental Accreditation.

31.21 ~~(e) A specialty dentist holding a general dental license is limited to practicing in the~~
31.22 ~~dentist's designated specialty area or areas if the dentist has announced a limitation of~~
31.23 ~~practice. The scope of practice must be defined by each national specialty board recognized~~
31.24 ~~by the Commission on Dental Accreditation.~~

31.25 ~~(f)~~ (e) All specialty dentists who have fulfilled the specialty dentist requirements and
31.26 who intend to limit their practice to a particular specialty area or areas may apply for one
31.27 or more specialty licenses.

31.28 Sec. 2. Minnesota Statutes 2022, section 150A.06, subdivision 8, is amended to read:

31.29 Subd. 8. **Licensure by credentials; dental assistant.** (a) Any dental assistant may, upon
31.30 application and payment of a fee established by the board, apply for licensure based on an
31.31 evaluation of the applicant's education, experience, and performance record in lieu of

32.1 completing a board-approved dental assisting program for expanded functions as defined
32.2 in rule, and may be interviewed by the board to determine if the applicant:

32.3 (1) has graduated from an accredited dental assisting program accredited by the
32.4 Commission on Dental Accreditation ~~and~~ or is currently certified by the Dental Assisting
32.5 National Board;

32.6 (2) is not subject to any pending or final disciplinary action in another state or Canadian
32.7 province, or if not currently certified or registered, previously had a certification or
32.8 registration in another state or Canadian province in good standing that was not subject to
32.9 any final or pending disciplinary action at the time of surrender;

32.10 (3) is of good moral character and abides by professional ethical conduct requirements;

32.11 (4) at board discretion, has passed a board-approved English proficiency test if English
32.12 is not the applicant's primary language; and

32.13 (5) has met all expanded functions curriculum equivalency requirements of a Minnesota
32.14 board-approved dental assisting program.

32.15 (b) The board, at its discretion, may waive specific licensure requirements in paragraph
32.16 (a).

32.17 (c) An applicant who fulfills the conditions of this subdivision and demonstrates the
32.18 minimum knowledge in dental subjects required for licensure under subdivision 2a must
32.19 be licensed to practice the applicant's profession.

32.20 (d) If the applicant does not demonstrate the minimum knowledge in dental subjects
32.21 required for licensure under subdivision 2a, the application must be denied. If licensure is
32.22 denied, the board may notify the applicant of any specific remedy that the applicant could
32.23 take which, when passed, would qualify the applicant for licensure. A denial does not
32.24 prohibit the applicant from applying for licensure under subdivision 2a.

32.25 (e) A candidate whose application has been denied may appeal the decision to the board
32.26 according to subdivision 4a.

32.27 **ARTICLE 5**

32.28 **PHYSICIAN ASSISTANT PRACTICE**

32.29 Section 1. **REPEALER.**

32.30 Minnesota Statutes 2022, section 147A.09, subdivision 5, is repealed.

33.1 **ARTICLE 6**

33.2 **BOARD OF SOCIAL WORK**

33.3 Section 1. Minnesota Statutes 2022, section 148D.061, subdivision 1, is amended to read:

33.4 Subdivision 1. **Requirements for a provisional license.** An applicant may be issued a
33.5 provisional license if the applicant:

33.6 ~~(1) was born in a foreign country;~~

33.7 ~~(2) communicates in English as a second language;~~

33.8 ~~(3) has taken the applicable examination administered by the Association of Social Work
33.9 Boards or similar examination body designated by the board;~~

33.10 ~~(4) (1) has met the requirements of section 148E.055, subdivision 2, paragraph (a),
33.11 clauses (1), (3), (4), (5), and (6); or subdivision 3, paragraph (a), clauses (1), (3), (4), (5),
33.12 and (6); or subdivision 4, paragraph (a), clauses (1), (2), (4), (5), (6), and (7); or subdivision
33.13 5, paragraph (a), clauses (1), (2), (3), (5), (6), (7), and (8); and~~

33.14 ~~(5) (2) complies with the requirements of subdivisions 2 to 7.~~

33.15 **EFFECTIVE DATE.** This section is effective October 1, 2024.

33.16 Sec. 2. Minnesota Statutes 2022, section 148D.061, subdivision 8, is amended to read:

33.17 Subd. 8. **Disciplinary or other action.** A licensee who is issued a provisional license
33.18 is subject to the grounds for disciplinary action under section 148E.190. The board may
33.19 also take action according to sections 148E.260 to 148E.270 if:

33.20 (1) the licensee's supervisor does not submit an evaluation as required by section
33.21 148D.063;

33.22 (2) an evaluation submitted according to section 148D.063 indicates that the licensee
33.23 cannot practice social work competently and ethically; or

33.24 (3) the licensee does not comply with the requirements of subdivisions 1 to 7.

33.25 **EFFECTIVE DATE.** This section is effective October 1, 2024.

33.26 Sec. 3. Minnesota Statutes 2022, section 148D.062, subdivision 3, is amended to read:

33.27 Subd. 3. **Types of supervision.** (a) ~~Twenty-five hours~~ Half of the supervision hours
33.28 required by subdivision 1 must consist of one-on-one in-person supervision. The supervision
33.29 must be provided either in person or via eye-to-eye electronic media while maintaining
33.30 visual contact.

34.1 (b) ~~Twelve and one-half hours~~ Half of the supervision hours must consist of one or more
34.2 of the following types of supervision:

34.3 (1) ~~in-person~~ one-on-one supervision provided in person or via eye-to-eye electronic
34.4 media while maintaining visual contact; or

34.5 (2) ~~in-person~~ group supervision provided in person, by telephone, or via eye-to-eye
34.6 electronic media while maintaining visual contact.

34.7 (c) ~~To qualify as in-person~~ Group supervision, ~~the group~~ must not exceed ~~seven members~~
34.8 ~~including the supervisor~~ six supervisees.

34.9 (d) Supervision must not be provided by email.

34.10 **EFFECTIVE DATE.** This section is effective October 1, 2024.

34.11 Sec. 4. Minnesota Statutes 2022, section 148D.062, subdivision 4, is amended to read:

34.12 Subd. 4. **Supervisor requirements.** (a) The supervision required by subdivision 1 must
34.13 be provided by a supervisor who meets the requirements in section 148E.120 and has ~~either:~~

34.14 ~~(1) 5,000 hours experience engaged in authorized social work practice; or~~

34.15 ~~(2)~~ completed 30 hours of training in supervision, which may be satisfied by completing
34.16 academic coursework in supervision or continuing education courses in supervision as
34.17 defined in section 148E.010, subdivision 18.

34.18 (b) Supervision must be provided:

34.19 (1) if the supervisee is not engaged in clinical practice and the supervisee has a provisional
34.20 license to practice as a licensed social worker, by:

34.21 (i) a licensed social worker who has completed the supervised practice requirements;

34.22 (ii) a licensed graduate social worker who has completed the supervised practice
34.23 requirements;

34.24 (iii) a licensed independent social worker; or

34.25 (iv) a licensed independent clinical social worker;

34.26 (2) if the supervisee is not engaged in clinical practice and the supervisee has a provisional
34.27 license to practice as a licensed graduate social worker, licensed independent social worker,
34.28 or licensed independent clinical social worker, by:

34.29 (i) a licensed graduate social worker who has completed the supervised practice
34.30 requirements;

35.1 (ii) a licensed independent social worker; or

35.2 (iii) a licensed independent clinical social worker;

35.3 (3) if the supervisee is engaged in clinical practice and the supervisee has a provisional
35.4 license to practice as a licensed graduate social worker, licensed independent social worker,
35.5 or licensed independent clinical social worker, by a licensed independent clinical social
35.6 worker; or

35.7 (4) by a supervisor who meets the requirements in section 148E.120, subdivision 2.

35.8 **EFFECTIVE DATE.** This section is effective October 1, 2024.

35.9 Sec. 5. Minnesota Statutes 2022, section 148D.063, subdivision 1, is amended to read:

35.10 Subdivision 1. **Supervision plan.** (a) An applicant granted a provisional license must
35.11 submit, on a form provided by the board, a supervision plan for meeting the supervision
35.12 requirements in section 148D.062.

35.13 (b) The supervision plan must be submitted no later than 30 days after the licensee begins
35.14 a social work practice position.

35.15 ~~(e) The board may revoke a licensee's provisional license for failure to submit the~~
35.16 ~~supervision plan within 30 days after beginning a social work practice position.~~

35.17 ~~(d)~~ (c) The supervision plan must include the following:

35.18 (1) the name of the supervisee, the name of the agency in which the supervisee is being
35.19 supervised, and the supervisee's position title;

35.20 (2) the name and qualifications of the person providing the supervision;

35.21 (3) the number of hours of one-on-one ~~in-person~~ supervision and the number and type
35.22 of additional hours of supervision to be completed by the supervisee;

35.23 (4) the supervisee's position description;

35.24 (5) a brief description of the supervision the supervisee will receive in the following
35.25 content areas:

35.26 (i) clinical practice, if applicable;

35.27 (ii) development of professional social work knowledge, skills, and values;

35.28 (iii) practice methods;

35.29 (iv) authorized scope of practice;

- 36.1 (v) ensuring continuing competence; and
- 36.2 (vi) ethical standards of practice; and
- 36.3 (6) if applicable, a detailed description of the supervisee's clinical social work practice,
- 36.4 addressing:
- 36.5 (i) the client population, the range of presenting issues, and the diagnoses;
- 36.6 (ii) the clinical modalities that were utilized; and
- 36.7 (iii) the process utilized for determining clinical diagnoses, including the diagnostic
- 36.8 instruments used and the role of the supervisee in the diagnostic process.

36.9 ~~(e)~~ (d) The board must receive a revised supervision plan within 30 days of any of the

36.10 following changes:

- 36.11 (1) the supervisee has a new supervisor;
- 36.12 (2) the supervisee begins a new social work position;
- 36.13 (3) the scope or content of the supervisee's social work practice changes substantially;
- 36.14 (4) the number of practice or supervision hours changes substantially; or
- 36.15 (5) the type of supervision changes as supervision is described in section 148D.062.

36.16 ~~(f) The board may revoke a licensee's provisional license for failure to submit a revised~~

36.17 ~~supervision plan as required in paragraph (e).~~

36.18 ~~(g)~~ (e) The board must approve the supervisor and the supervision plan.

36.19 **EFFECTIVE DATE.** This section is effective October 1, 2024.

36.20 Sec. 6. Minnesota Statutes 2022, section 148D.063, subdivision 2, is amended to read:

36.21 Subd. 2. **Evaluation.** (a) When a licensee's supervisor submits an evaluation to the board

36.22 according to section 148D.061, subdivision 6, the supervisee and supervisor must provide

36.23 the following information on a form provided by the board:

- 36.24 (1) the name of the supervisee, the name of the agency in which the supervisee is being
- 36.25 supervised, and the supervisee's position title;
- 36.26 (2) the name and qualifications of the supervisor;
- 36.27 (3) the number of hours and dates of each type of supervision completed;
- 36.28 (4) the supervisee's position description;

37.1 (5) a declaration that the supervisee has not engaged in conduct in violation of the
37.2 standards of practice in sections 148E.195 to 148E.240;

37.3 (6) a declaration that the supervisee has practiced competently and ethically according
37.4 to professional social work knowledge, skills, and values; and

37.5 (7) on a form provided by the board, an evaluation of the licensee's practice in the
37.6 following areas:

37.7 (i) development of professional social work knowledge, skills, and values;

37.8 (ii) practice methods;

37.9 (iii) authorized scope of practice;

37.10 ~~(iv) ensuring continuing competence;~~

37.11 ~~(v)~~ (iv) ethical standards of practice; and

37.12 ~~(vi)~~ (v) clinical practice, if applicable.

37.13 (b) The supervisor must attest to the satisfaction of the board that the supervisee has met
37.14 or has made progress on meeting the applicable supervised practice requirements.

37.15 **EFFECTIVE DATE.** This section is effective October 1, 2024.

37.16 Sec. 7. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision
37.17 to read:

37.18 **Subd. 2b. Qualifications for licensure by completion of provisional license**
37.19 **requirements as a licensed social worker (LSW).** To be licensed as a licensed social
37.20 worker, an applicant for licensure by completion of provisional license requirements must
37.21 provide evidence satisfactory to the board that the applicant:

37.22 (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and

37.23 (2) continues to meet the requirements of subdivision 2, clauses (1) and (3) to (6).

37.24 **EFFECTIVE DATE.** This section is effective October 1, 2024.

37.25 Sec. 8. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision
37.26 to read:

37.27 **Subd. 3b. Qualifications for licensure by completion of provisional license**
37.28 **requirements as a licensed graduate social worker (LGSW).** To be licensed as a licensed

38.1 graduate social worker, an applicant for licensure by completion of provisional license
38.2 requirements must provide evidence satisfactory to the board that the applicant:

38.3 (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and

38.4 (2) continues to meet the requirements of subdivision 3, clauses (1) and (3) to (6).

38.5 **EFFECTIVE DATE.** This section is effective October 1, 2024.

38.6 Sec. 9. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision
38.7 to read:

38.8 Subd. 4b. **Qualifications for licensure by completion of provisional license**
38.9 **requirements as a licensed independent social worker (LISW).** To be licensed as a
38.10 licensed independent social worker, an applicant for licensure by completion of provisional
38.11 license requirements must provide evidence satisfactory to the board that the applicant:

38.12 (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and

38.13 (2) continues to meet the requirements of subdivision 4, clauses (1), (2), and (4) to (7).

38.14 **EFFECTIVE DATE.** This section is effective October 1, 2024.

38.15 Sec. 10. Minnesota Statutes 2022, section 148E.055, is amended by adding a subdivision
38.16 to read:

38.17 Subd. 5b. **Qualifications for licensure by completion of provisional license**
38.18 **requirements as a licensed independent clinical social worker (LICSW).** To be licensed
38.19 as a licensed independent clinical social worker, an applicant for licensure by completion
38.20 of provisional license requirements must provide evidence satisfactory to the board that the
38.21 applicant:

38.22 (1) completed all requirements under section 148D.061, subdivisions 1 to 6; and

38.23 (2) continues to meet the requirements of subdivision 5, paragraph (a), clauses (1) to (3)
38.24 and (5) to (8).

38.25 **EFFECTIVE DATE.** This section is effective October 1, 2024.

38.26 Sec. 11. **REVISOR INSTRUCTION.**

38.27 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
38.28 A with the number listed in column B. The revisor of statutes shall also make necessary
38.29 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
38.30 renumbering.

	<u>Column A</u>	<u>Column B</u>
39.1		
39.2	<u>148D.061</u>	<u>148E.0551</u>
39.3	<u>148D.062</u>	<u>148E.116</u>
39.4	<u>148D.063</u>	<u>148E.126</u>

39.5 **EFFECTIVE DATE.** This section is effective October 1, 2024.

39.6 Sec. 12. **REPEALER.**

39.7 Minnesota Statutes 2022, section 148D.061, subdivision 9, is repealed.

39.8 **EFFECTIVE DATE.** This section is effective October 1, 2024.

39.9 **ARTICLE 7**

39.10 **BOARD OF MARRIAGE AND FAMILY THERAPY**

39.11 Section 1. **[148B.331] GUEST LICENSURE.**

39.12 Subdivision 1. **Generally.** (a) A nonresident of the state of Minnesota who is not seeking
 39.13 licensure in Minnesota and intends to practice marriage and family therapy in Minnesota
 39.14 must apply to the board for guest licensure. An applicant must apply for guest licensure at
 39.15 least 30 days prior to the expected date of practice in Minnesota and is subject to approval
 39.16 by the board or its designee.

39.17 (b) To be eligible for licensure under this section, the applicant must:

39.18 (1) have a license, certification, or registration in good standing to practice marriage and
 39.19 family therapy from another jurisdiction;

39.20 (2) have a graduate degree in marriage and family therapy from a regionally accredited
 39.21 institution or a degree in a related field from a regionally accredited institution with completed
 39.22 coursework meeting the educational requirements provided in Minnesota Rules, part
 39.23 5300.0140, subpart 2;

39.24 (3) be of good moral character;

39.25 (4) have no pending complaints or active disciplinary or corrective actions in any
 39.26 jurisdiction;

39.27 (5) submit the required fee and complete the criminal background check according to
 39.28 section 214.075; and

39.29 (6) pay a fee to the board in the amount set forth in section 148B.392.

40.1 (c) A license issued under this section is valid for one year from the date of issuance
40.2 and allows practice by the nonresident for a maximum of five months. The months in which
40.3 the nonresident may practice under the license must be consecutive. A guest license is not
40.4 renewable, but the nonresident may reapply for guest licensure, subject to continued eligibility
40.5 under paragraph (b), following expiration of a guest license.

40.6 Subd. 2. **Other professional activity.** Notwithstanding subdivision 1, a nonresident of
40.7 the state of Minnesota who is not seeking licensure in Minnesota may serve as an expert
40.8 witness, organizational consultant, presenter, or educator without obtaining guest licensure,
40.9 provided the nonresident is appropriately trained or educated, or has been issued a license,
40.10 certificate, or registration by another jurisdiction.

40.11 Subd. 3. **Prohibitions and sanctions.** A person's privilege to practice under this section
40.12 is subject to the prohibitions and sanctions for unprofessional or unethical conduct contained
40.13 in Minnesota laws and rules for marriage and family therapy under this chapter.

40.14 **EFFECTIVE DATE.** This section is effective October 1, 2024.

40.15 Sec. 2. Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2, is amended
40.16 to read:

40.17 Subd. 2. **Licensure and application fees.** Licensure and application fees established
40.18 by the board shall not exceed the following amounts:

40.19 (1) application fee for national examination is \$150;

40.20 (2) application fee for Licensed Marriage and Family Therapist (LMFT) ~~state examination~~
40.21 license is \$150;

40.22 (3) initial LMFT license fee is prorated, but cannot exceed \$225;

40.23 (4) annual renewal fee for LMFT license is \$225;

40.24 (5) late fee for LMFT license renewal is \$100;

40.25 (6) application fee for LMFT licensure by reciprocity is \$300;

40.26 (7) application fee for ~~initial~~ Licensed Associate Marriage and Family Therapist (LAMFT)
40.27 license is \$100;

40.28 (8) annual renewal fee for LAMFT license is \$100;

40.29 (9) late fee for LAMFT license renewal is \$50;

40.30 (10) fee for reinstatement of LMFT or LAMFT license is \$150;

- 41.1 (11) fee for LMFT emeritus license status is \$225; ~~and~~
 41.2 (12) fee for temporary license for members of the military is \$100-; and
 41.3 (13) fee for LMFT guest license is \$150.

41.4 **EFFECTIVE DATE.** This section is effective October 1, 2024.

41.5 ARTICLE 8

41.6 BOARD OF OPTOMETRY

41.7 Section 1. Minnesota Statutes 2022, section 148.56, subdivision 1, is amended to read:

41.8 Subdivision 1. **Optometry defined.** (a) Any person shall be deemed to be practicing
 41.9 optometry within the meaning of sections 148.52 to 148.62 who shall in any way:

41.10 (1) advertise as an optometrist;

41.11 (2) employ any means, including the use of autorefractors or other automated testing
 41.12 devices, for the measurement of the powers of vision or the adaptation of lenses or prisms
 41.13 for the aid thereof;

41.14 (3) possess testing appliances for the purpose of the measurement of the powers of vision;

41.15 (4) diagnose any disease, optical deficiency or deformity, or visual or muscular anomaly
 41.16 of the visual system consisting of the human eye and its accessory or subordinate anatomical
 41.17 parts;

41.18 (5) prescribe lenses, including plano or cosmetic contact lenses, or prisms for the
 41.19 correction or the relief of same;

41.20 (6) employ or prescribe ocular exercises, orthoptics, or habilitative and rehabilitative
 41.21 therapeutic vision care; or

41.22 (7) prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation,
 41.23 prevention, treatment, or management of disease, deficiency, deformity, or abnormality of
 41.24 the human eye and adnexa included in the curricula of accredited schools or colleges of
 41.25 optometry, and as limited by Minnesota statute and adopted rules by the Board of Optometry,
 41.26 or who holds oneself out as being able to do so.

41.27 (b) In the course of treatment, nothing in this section shall allow:

41.28 (1) legend drugs to be administered intravenously, intramuscularly, or by injection,
 41.29 except for treatment of anaphylaxis;

41.30 (2) invasive surgery including, but not limited to, surgery using lasers;

42.1 (3) Schedule II and III oral legend drugs ~~and oral steroids~~ to be administered or
42.2 prescribed; or

42.3 (4) oral ~~antivirals to be prescribed or administered for more than ten days; or~~ steroids
42.4 to be prescribed or administered for more than 14 days without consultation with a physician
42.5 authorized to practice in Minnesota.

42.6 (5) ~~oral carbonic anhydrase inhibitors to be prescribed or administered for more than~~
42.7 ~~seven days.~~

42.8 ARTICLE 9

42.9 SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSURE

42.10 Section 1. Minnesota Statutes 2022, section 144.0572, subdivision 1, is amended to read:

42.11 Subdivision 1. **Criminal history background check requirements.** (a) Beginning
42.12 January 1, 2018, an applicant for initial licensure, temporary licensure, or relicensure after
42.13 a lapse in licensure as an audiologist or speech-language pathologist, a speech-language
42.14 pathology assistant, or an applicant for initial certification as a hearing instrument dispenser,
42.15 must submit to a criminal history records check of state data completed by the Bureau of
42.16 Criminal Apprehension (BCA) and a national criminal history records check, including a
42.17 search of the records of the Federal Bureau of Investigation (FBI).

42.18 (b) Beginning January 1, 2020, an applicant for a renewal license or certificate as an
42.19 audiologist, speech-language pathologist, or hearing instrument dispenser who was licensed
42.20 or obtained a certificate before January 1, 2018, must submit to a criminal history records
42.21 check of state data completed by the BCA and a national criminal history records check,
42.22 including a search of the records of the FBI.

42.23 (c) An applicant must submit to a background study under chapter 245C.

42.24 (d) The criminal history records check must be structured so that any new crimes that
42.25 an applicant or licensee or certificate holder commits after the initial background check are
42.26 flagged in the BCA's or FBI's database and reported back to the commissioner of human
42.27 services.

42.28 **EFFECTIVE DATE.** This section is effective July 1, 2025.

43.1 Sec. 2. Minnesota Statutes 2022, section 148.511, is amended to read:

43.2 **148.511 SCOPE.**

43.3 Sections 148.511 to 148.5198 apply to persons who are applicants for licensure, who
 43.4 use protected titles, who represent that they are licensed, or who engage in the practice of
 43.5 speech-language pathology or audiology or practice as a speech-language pathology assistant.
 43.6 Sections 148.511 to 148.5198 do not apply to school personnel licensed by the Professional
 43.7 Educator Licensing and Standards Board and practicing within the scope of their school
 43.8 license under Minnesota Rules, part 8710.6000, or the paraprofessionals who assist these
 43.9 individuals.

43.10 **EFFECTIVE DATE.** This section is effective July 1, 2025.

43.11 Sec. 3. Minnesota Statutes 2022, section 148.512, subdivision 17a, is amended to read:

43.12 Subd. 17a. **Speech-language pathology assistant.** "Speech-language pathology assistant"
 43.13 means a person who meets the qualifications under section 148.5181 and provides
 43.14 speech-language pathology services under the supervision of a licensed speech-language
 43.15 pathologist in accordance with section 148.5192.

43.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

43.17 Sec. 4. Minnesota Statutes 2022, section 148.513, subdivision 1, is amended to read:

43.18 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice
 43.19 of speech-language pathology or audiology or practice as a speech-language pathology
 43.20 assistant unless the person is licensed as a speech-language pathologist or an audiologist,
 43.21 or a speech-language pathology assistant under sections 148.511 to 148.5198 or is practicing
 43.22 as a speech-language pathology assistant in accordance with section 148.5192. For purposes
 43.23 of this subdivision, a speech-language pathology assistant's duties are limited to the duties
 43.24 described in accordance with section 148.5192, subdivision 2.

43.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

43.26 Sec. 5. Minnesota Statutes 2022, section 148.513, subdivision 2, is amended to read:

43.27 Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and**
 43.28 **audiologists.** (a) Notwithstanding paragraph ~~(b)~~ (c), the use of the following terms or initials
 43.29 which represent the following terms, alone or in combination with any word or words, by
 43.30 any person to form an occupational title is prohibited unless that person is licensed as a
 43.31 speech-language pathologist or audiologist under sections 148.511 to 148.5198:

- 44.1 (1) speech-language;
- 44.2 (2) speech-language pathologist, S, SP, or SLP;
- 44.3 (3) speech pathologist;
- 44.4 (4) language pathologist;
- 44.5 (5) audiologist, A, or AUD;
- 44.6 (6) speech therapist;
- 44.7 (7) speech clinician;
- 44.8 (8) speech correctionist;
- 44.9 (9) language therapist;
- 44.10 (10) voice therapist;
- 44.11 (11) voice pathologist;
- 44.12 (12) logopedist;
- 44.13 (13) communicologist;
- 44.14 (14) aphasiologist;
- 44.15 (15) phoniatriest;
- 44.16 (16) audiometrist;
- 44.17 (17) audioprosthologist;
- 44.18 (18) hearing therapist;
- 44.19 (19) hearing clinician; or
- 44.20 (20) hearing aid audiologist.
- 44.21 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
- 44.22 ~~this~~ paragraph (a) by any person is prohibited unless that person is licensed as a
- 44.23 speech-language pathologist or audiologist under sections 148.511 to 148.5198.
- 44.24 ~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections
- 44.25 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant
- 44.26 is a licensed speech-language pathologist and shall only utilize ~~one of the following titles:~~
- 44.27 ~~"speech-language pathology assistant," "SLP assistant," or "SLP asst."~~ the titles provided
- 44.28 in subdivision 2b.
- 44.29 **EFFECTIVE DATE.** This section is effective July 1, 2025.

45.1 Sec. 6. Minnesota Statutes 2022, section 148.513, is amended by adding a subdivision to
45.2 read:

45.3 Subd. 2b. **Protected titles and restrictions on use; speech-language pathology**
45.4 **assistant.** (a) The use of the following terms or initials which represent the following terms,
45.5 alone or in combination with any word or words, by any person to form an occupational
45.6 title is prohibited unless that person is licensed under section 148.5181:

45.7 (1) speech-language pathology assistant;

45.8 (2) SLP assistant; or

45.9 (3) SLP asst.

45.10 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
45.11 this subdivision by any person is prohibited unless that person is licensed under section
45.12 148.5181.

45.13 (c) A speech-language pathology assistant practicing under section 148.5192 must not
45.14 represent, indicate, or imply to the public that the assistant is a licensed speech-language
45.15 pathologist and must only utilize the title provided in paragraph (a).

45.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

45.17 Sec. 7. Minnesota Statutes 2022, section 148.513, subdivision 3, is amended to read:

45.18 Subd. 3. **Exemption.** (a) Nothing in sections 148.511 to 148.5198 prohibits the practice
45.19 of any profession or occupation licensed, certified, or registered by the state by any person
45.20 duly licensed, certified, or registered to practice the profession or occupation or to perform
45.21 any act that falls within the scope of practice of the profession or occupation.

45.22 (b) Subdivision 1 does not apply to a student participating in supervised field work or
45.23 supervised course work that is necessary to meet the requirements of ~~section~~ sections
45.24 148.515, subdivision 2 ~~or 3~~, or 148.5181, subdivision 2, if the person is designated by a
45.25 title which clearly indicates the person's status as a student trainee.

45.26 (c) Subdivisions 1 ~~and 2~~, 2, and 2a do not apply to a person visiting and then leaving the
45.27 state and using titles restricted under this section while in the state, if the titles are used no
45.28 more than 30 days in a calendar year as part of a professional activity that is limited in scope
45.29 and duration and is in association with an audiologist or speech-language pathologist licensed
45.30 under sections 148.511 to 148.5198.

45.31 **EFFECTIVE DATE.** This section is effective July 1, 2025.

46.1 Sec. 8. Minnesota Statutes 2022, section 148.514, subdivision 2, is amended to read:

46.2 Subd. 2. **General licensure qualifications.** An applicant for licensure must possess the
46.3 qualifications required in one of the following clauses:

46.4 (1) a person who applies for licensure and does not meet the requirements in clause (2)
46.5 or (3), must meet the requirements in section 148.515 or 148.5181, subdivision 2;

46.6 (2) a person who applies for licensure and who has a current certificate of clinical
46.7 competence issued by the American Speech-Language-Hearing Association, or board
46.8 certification by the American Board of Audiology, must meet the requirements of section
46.9 148.516; or

46.10 (3) a person who applies for licensure by reciprocity must meet the requirements under
46.11 section 148.517 or 148.5181, subdivision 3.

46.12 **EFFECTIVE DATE.** This section is effective July 1, 2025.

46.13 Sec. 9. Minnesota Statutes 2022, section 148.515, subdivision 1, is amended to read:

46.14 Subdivision 1. **Applicability.** Except as provided in section 148.516 or 148.517, an
46.15 applicant for speech-language pathology or audiology must meet the requirements in this
46.16 section.

46.17 **EFFECTIVE DATE.** This section is effective July 1, 2025.

46.18 Sec. 10. Minnesota Statutes 2022, section 148.518, is amended to read:

46.19 **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

46.20 **Subdivision 1. Speech-language pathology or audiology lapse.** ~~For~~ An applicant whose
46.21 licensure status has lapsed, ~~the applicant~~ and who is applying for a speech-language pathology
46.22 or audiology license must:

46.23 (1) apply for licensure renewal according to section 148.5191 and document compliance
46.24 with the continuing education requirements of section 148.5193 since the applicant's license
46.25 lapsed;

46.26 (2) fulfill the requirements of section 148.517;

46.27 (3) apply for renewal according to section 148.5191, provide evidence to the
46.28 commissioner that the applicant holds a current and unrestricted credential for the practice
46.29 of speech-language pathology from the Professional Educator Licensing and Standards
46.30 Board or for the practice of speech-language pathology or audiology in another jurisdiction

47.1 that has requirements equivalent to or higher than those in effect for Minnesota, and provide
47.2 evidence of compliance with Professional Educator Licensing and Standards Board or that
47.3 jurisdiction's continuing education requirements;

47.4 (4) apply for renewal according to section 148.5191 and submit verified documentation
47.5 of successful completion of 160 hours of supervised practice approved by the commissioner.
47.6 To participate in a supervised practice, the applicant shall first apply and obtain temporary
47.7 licensing according to section 148.5161; or

47.8 (5) apply for renewal according to section 148.5191 and provide documentation of
47.9 obtaining a qualifying score on the examination described in section 148.515, subdivision
47.10 4, within one year of the application date for license renewal.

47.11 Subd. 2. **Speech-language pathology assistant licensure lapse.** An applicant applying
47.12 for speech-language pathology assistant licensure and whose licensure status has lapsed
47.13 must:

47.14 (1) apply for renewal according to section 148.5191, and provide evidence to the
47.15 commissioner that the applicant has an associate's degree from a speech-language pathology
47.16 assistant program that is accredited by the Higher Learning Commission of the North Central
47.17 Association of Colleges;

47.18 (2) apply for renewal according to section 148.5191 and provide evidence to the
47.19 commissioner that the applicant has a bachelor's degree in the discipline of communication
47.20 sciences or disorders and a speech-language pathology assistant certificate program, including
47.21 relevant coursework and supervised field experience according to section 148.5181; or

47.22 (3) apply for licensure renewal according to section 148.5191 and document compliance
47.23 with the continuing education requirements of section 148.5193 since the applicant's license
47.24 lapsed.

47.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

47.26 Sec. 11. **[148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**
47.27 **ASSISTANTS.**

47.28 Subdivision 1. **Applicability.** Except as provided in subdivisions 3 and 4, an applicant
47.29 for licensure as a speech-language pathology assistant must meet the requirements of this
47.30 section.

48.1 Subd. 2. Educational requirements. (a) To be eligible for speech-language pathology
48.2 assistant licensure, an applicant must submit to the commissioner a transcript from an
48.3 educational institution documenting satisfactory completion of either:

48.4 (1) an associate's degree from a speech-language pathology assistant program that is
48.5 accredited by the Higher Learning Commission of the North Central Association of Colleges
48.6 or its equivalent as approved by the commissioner and that includes at least 100 hours of
48.7 supervised field work experience in speech-language pathology assisting; or

48.8 (2) a bachelor's degree in the discipline of communication sciences or disorders and a
48.9 speech-language pathology assistant certificate program that includes:

48.10 (i) coursework in an introduction to speech-language pathology assisting, adult
48.11 communication disorders and treatment, speech sound disorders, and language disorders at
48.12 a speech-language pathology assistant level; and

48.13 (ii) at least 100 hours of supervised field work experience in speech-language pathology
48.14 assisting.

48.15 (b) Within one month following expiration of a license, an applicant for licensure renewal
48.16 as a speech-language pathology assistant must provide, on a form provided by the
48.17 commissioner, evidence to the commissioner of a minimum of 20 contact hours of continuing
48.18 education obtained within the two years immediately preceding licensure expiration. A
48.19 minimum of 13 contact hours of continuing education must be directly related to the licensee's
48.20 area of licensure. Seven contact hours of continuing education may be in areas generally
48.21 related to the licensee's area of licensure. Licensees who are issued licenses for a period of
48.22 less than two years must prorate the number of contact hours required for licensure renewal
48.23 based on the number of months licensed during the biennial licensure period. Licensees
48.24 must receive contact hours for continuing education activities only for the biennial licensure
48.25 period in which the continuing education activity was performed.

48.26 Subd. 3. Licensure by reciprocity. The commissioner shall issue a speech-language
48.27 pathology assistant license to a person who holds a current speech-language pathology
48.28 assistant license in another state if the following conditions are met:

48.29 (1) payment of the commissioner's current fee for licensure; and

48.30 (2) submission of evidence of licensure in good standing from another state that maintains
48.31 a system and standard of examinations for speech-language pathology assistants which
48.32 meets or exceeds the current requirements for licensure in Minnesota.

48.33 **EFFECTIVE DATE.** This section is effective July 1, 2025.

49.1 Sec. 12. Minnesota Statutes 2022, section 148.519, subdivision 1, is amended to read:

49.2 Subdivision 1. **Applications for licensure; speech-language pathologists and**
49.3 **audiologists.** (a) An applicant for licensure as a speech-language pathologist or audiologist
49.4 must:

49.5 (1) submit a completed application for licensure on forms provided by the commissioner.
49.6 The application must include the applicant's name, certification number under chapter 153A,
49.7 if applicable, business address and telephone number, or home address and telephone number
49.8 if the applicant practices speech-language pathology or audiology out of the home, and a
49.9 description of the applicant's education, training, and experience, including previous work
49.10 history for the five years immediately preceding the date of application. The commissioner
49.11 may ask the applicant to provide additional information necessary to clarify information
49.12 submitted in the application; and

49.13 (2) submit documentation of the certificate of clinical competence issued by the American
49.14 Speech-Language-Hearing Association, board certification by the American Board of
49.15 Audiology, or satisfy the following requirements:

49.16 (i) submit a transcript showing the completion of a master's or doctoral degree or its
49.17 equivalent meeting the requirements of section 148.515, subdivision 2;

49.18 (ii) submit documentation of the required hours of supervised clinical training;

49.19 (iii) submit documentation of the postgraduate clinical or doctoral clinical experience
49.20 meeting the requirements of section 148.515, subdivision 4; and

49.21 (iv) submit documentation of receiving a qualifying score on an examination meeting
49.22 the requirements of section 148.515, subdivision 6.

49.23 (b) In addition, an applicant must:

49.24 (1) sign a statement that the information in the application is true and correct to the best
49.25 of the applicant's knowledge and belief;

49.26 (2) submit with the application all fees required by section 148.5194;

49.27 (3) sign a waiver authorizing the commissioner to obtain access to the applicant's records
49.28 in this or any other state in which the applicant has engaged in the practice of speech-language
49.29 pathology or audiology; and

49.30 (4) consent to a fingerprint-based criminal history background check as required under
49.31 section 144.0572, pay all required fees, and cooperate with all requests for information. An

50.1 applicant must complete a new criminal history background check if more than one year
50.2 has elapsed since the applicant last applied for a license.

50.3 **EFFECTIVE DATE.** This section is effective July 1, 2025.

50.4 Sec. 13. Minnesota Statutes 2022, section 148.519, is amended by adding a subdivision
50.5 to read:

50.6 Subd. 1a. **Applications for licensure; speech-language pathology assistants.** An
50.7 applicant for licensure as a speech-language pathology assistant must:

50.8 (1) submit a completed application on forms provided by the commissioner. The
50.9 application must include the applicant's name, business address and telephone number,
50.10 home address and telephone number, and a description of the applicant's education, training,
50.11 and experience, including previous work history for the five years immediately preceding
50.12 the application date. The commissioner may ask the applicant to provide additional
50.13 information needed to clarify information submitted in the application;

50.14 (2) submit a transcript showing the completion of the requirements set forth in section
50.15 148.5181;

50.16 (3) submit a signed statement that the information in the application is true and correct
50.17 to the best of the applicant's knowledge and belief;

50.18 (4) submit all fees required under section 148.5194;

50.19 (5) submit a signed waiver authorizing the commissioner to obtain access to the applicant's
50.20 records in this or any other state in which the applicant has worked as a speech-language
50.21 pathology assistant; and

50.22 (6) consent to a fingerprint-based criminal history background check as required under
50.23 section 144.0572, pay all required fees, and cooperate with all requests for information. An
50.24 applicant must complete a new criminal history background check if more than one year
50.25 has lapsed since the applicant last applied for a license.

50.26 **EFFECTIVE DATE.** This section is effective July 1, 2025.

50.27 Sec. 14. Minnesota Statutes 2022, section 148.5191, subdivision 1, is amended to read:

50.28 Subdivision 1. **Renewal requirements.** To renew licensure, an applicant for license
50.29 renewal as a speech-language pathologist or audiologist must:

50.30 (1) biennially complete a renewal application on a form provided by the commissioner
50.31 and submit the biennial renewal fee;

51.1 (2) meet the continuing education requirements of section 148.5193 and submit evidence
 51.2 of attending continuing education courses, as required in section 148.5193, subdivision 6;
 51.3 and

51.4 (3) submit additional information if requested by the commissioner to clarify information
 51.5 presented in the renewal application. The information must be submitted within 30 days
 51.6 after the commissioner's request.

51.7 **EFFECTIVE DATE.** This section is effective July 1, 2025.

51.8 Sec. 15. Minnesota Statutes 2022, section 148.5191, is amended by adding a subdivision
 51.9 to read:

51.10 **Subd. 1a. Renewal requirements; speech-language pathology assistant.** To renew
 51.11 licensure, an applicant for license renewal as a speech-language pathology assistant must:

51.12 (1) biennially complete a renewal application on a form provided by the commissioner
 51.13 and submit the biennial renewal fee;

51.14 (2) meet the continuing education requirements of section 148.5193, subdivision 1a,
 51.15 and submit evidence of attending continuing education courses, as required in section
 51.16 148.5193, subdivision 1a; and

51.17 (3) submit additional information if requested by the commissioner to clarify information
 51.18 presented in the renewal application. The information must be submitted within 30 days
 51.19 after the commissioner's request.

51.20 **EFFECTIVE DATE.** This section is effective July 1, 2025.

51.21 Sec. 16. Minnesota Statutes 2022, section 148.5192, subdivision 1, is amended to read:

51.22 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may
 51.23 delegate duties to a licensed speech-language pathology assistant in accordance with this
 51.24 section following an initial introduction to a client with the speech-language pathologist
 51.25 and speech-language pathology assistant present. Duties may only be delegated to an
 51.26 individual who has documented with a transcript from an educational institution satisfactory
 51.27 completion of either:

51.28 ~~(1) an associate degree from a speech-language pathology assistant program that is~~
 51.29 ~~accredited by the Higher Learning Commission of the North Central Association of Colleges~~
 51.30 ~~or its equivalent as approved by the commissioner; or~~

52.1 ~~(2) a bachelor's degree in the discipline of communication sciences or disorders with~~
 52.2 ~~additional transcript credit in the area of instruction in assistant-level service delivery~~
 52.3 ~~practices and completion of at least 100 hours of supervised field work experience as a~~
 52.4 ~~speech-language pathology assistant student.~~

52.5 **EFFECTIVE DATE.** This section is effective July 1, 2025.

52.6 Sec. 17. Minnesota Statutes 2022, section 148.5192, subdivision 2, is amended to read:

52.7 Subd. 2. **Delegated duties; prohibitions.** (a) A speech-language pathology assistant
 52.8 may perform only those duties delegated by a licensed speech-language pathologist and
 52.9 must be limited to duties within the training and experience of the speech-language pathology
 52.10 assistant.

52.11 (b) Duties may include the following as delegated by the supervising speech-language
 52.12 pathologist:

52.13 (1) assist with speech language and hearing screenings;

52.14 (2) implement documented treatment plans or protocols developed by the supervising
 52.15 speech-language pathologist;

52.16 (3) document client performance, including writing progress notes;

52.17 (4) assist with assessments of clients;

52.18 (5) assist with preparing materials and scheduling activities as directed;

52.19 (6) perform checks and maintenance of equipment;

52.20 (7) support the supervising speech-language pathologist in research projects, in-service
 52.21 training, and public relations programs; and

52.22 (8) collect data for quality improvement.

52.23 (c) A speech-language pathology assistant may not:

52.24 (1) perform standardized or nonstandardized diagnostic tests, perform formal or informal
 52.25 evaluations, or interpret test results;

52.26 ~~(2) screen or diagnose clients for feeding or swallowing disorders, including using a~~
 52.27 ~~checklist or tabulating results of feeding or swallowing evaluations, or demonstrate~~
 52.28 ~~swallowing strategies or precautions to clients or the clients' families~~ demonstrate strategies
 52.29 included in the feeding and swallowing plan developed by the speech-language pathologist
 52.30 or share such information with students, patients, clients, families, staff, and caregivers;

53.1 (3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team
 53.2 ~~without the presence of the supervising speech-language pathologist or other licensed~~
 53.3 ~~speech-language pathologist as authorized by the supervising speech-language pathologist~~
 53.4 meetings without approval from the speech-language pathologist or misrepresent themselves
 53.5 as a speech-language pathologist at such a conference or meeting. The speech-language
 53.6 pathologist and speech-language pathology assistant are required to meet prior to the parent
 53.7 conferences, case conferences, or interdisciplinary team meetings to determine the
 53.8 information to be shared;

53.9 (4) provide client or family counseling or consult with the client or the family regarding
 53.10 the client status or service;

53.11 (5) write, develop, or modify a client's individualized treatment plan or individualized
 53.12 education program;

53.13 (6) select clients for service;

53.14 (7) discharge clients from service;

53.15 (8) disclose ~~clinical or confidential information either orally or in writing to anyone~~
 53.16 ~~other than the supervising speech-language pathologist~~ information to other team members
 53.17 without permission from the supervising speech-language pathologist; or

53.18 (9) make referrals for additional services.

53.19 (d) A speech-language pathology assistant must ~~not only~~ sign any formal documents,
 53.20 including treatment plans, education plans, reimbursement forms, or reports, when cosigned
 53.21 by the supervising speech-language pathologist. The speech-language pathology assistant
 53.22 must sign or initial all treatment notes written by the assistant, which must then also be
 53.23 cosigned by the supervising speech-language pathologist.

53.24 **EFFECTIVE DATE.** This section is effective July 1, 2025.

53.25 Sec. 18. Minnesota Statutes 2022, section 148.5192, subdivision 3, is amended to read:

53.26 Subd. 3. **Supervision requirements.** (a) A supervising speech-language pathologist
 53.27 shall authorize and accept full responsibility for the performance, practice, and activity of
 53.28 a speech-language pathology assistant. The amount and type of supervision required must
 53.29 be based on the skills and experience of the speech-language pathology assistant. A minimum
 53.30 of one hour every 30 days of consultative supervision time must be documented for each
 53.31 speech-language pathology assistant.

53.32 (b) A supervising speech-language pathologist must:

54.1 (1) be licensed under sections 148.511 to 148.5198;

54.2 (2) hold a certificate of clinical competence from the American Speech-Language-Hearing
54.3 Association or its equivalent as approved by the commissioner; and

54.4 (3) have completed at least ~~one~~ ten hours of continuing education ~~unit~~ in supervision.

54.5 (c) ~~The supervision of a speech-language pathology assistant shall be maintained on the~~
54.6 ~~following schedule:~~

54.7 (1) ~~for the first 90 workdays, within a 40-hour work week, 30 percent of the work~~
54.8 ~~performed by the speech-language pathology assistant must be supervised and at least 20~~
54.9 ~~percent of the work performed must be under direct supervision; and~~

54.10 (2) ~~for the work period after the initial 90-day period, within a 40-hour work week, 20~~
54.11 ~~percent of the work performed must be supervised and at least ten percent of the work~~
54.12 ~~performed must be under direct supervision~~ Once every 60 days, the supervising
54.13 speech-language pathologist must treat or cotreat with the speech-language pathology
54.14 assistant each client on the speech-language pathology assistant's caseload.

54.15 (d) For purposes of this section, "direct supervision" means ~~on-site, in-view~~ observation
54.16 and guidance by the supervising speech-language pathologist during the performance of a
54.17 delegated duty that occurs either on-site and in-view or through the use of real-time, two-way
54.18 interactive audio and visual communication. The supervision requirements described in this
54.19 section are minimum requirements. Additional supervision requirements may be imposed
54.20 at the discretion of the supervising speech-language pathologist.

54.21 (e) A supervising speech-language pathologist must be available to communicate with
54.22 a speech-language pathology assistant at any time the assistant is in direct contact with a
54.23 client.

54.24 (f) A supervising speech-language pathologist must document activities performed by
54.25 the assistant that are directly supervised by the supervising speech-language pathologist.
54.26 At a minimum, the documentation must include:

54.27 (1) information regarding the quality of the speech-language pathology assistant's
54.28 performance of the delegated duties; and

54.29 (2) verification that any delegated clinical activity was limited to duties authorized to
54.30 be performed by the speech-language pathology assistant under this section.

54.31 (g) A supervising speech-language pathologist must review and cosign all informal
54.32 treatment notes signed or initialed by the speech-language pathology assistant.

55.1 (h) A full-time, speech-language pathologist may supervise no more than ~~one~~ two
 55.2 full-time, speech-language pathology ~~assistant~~ assistants or the equivalent of ~~one~~ two
 55.3 full-time ~~assistant~~ assistants.

55.4 **EFFECTIVE DATE.** This section is effective July 1, 2025.

55.5 Sec. 19. Minnesota Statutes 2022, section 148.5193, subdivision 1, is amended to read:

55.6 Subdivision 1. **Number of contact hours required; speech-language pathologists**
 55.7 **and audiologists.** (a) An applicant for licensure renewal as a speech-language pathologist
 55.8 or audiologist must meet the requirements for continuing education stipulated by the
 55.9 American Speech-Language-Hearing Association or the American Board of Audiology, or
 55.10 satisfy the requirements described in paragraphs (b) to (e).

55.11 (b) Within one month following expiration of a license, an applicant for licensure renewal
 55.12 as either a speech-language pathologist or an audiologist must provide evidence to the
 55.13 commissioner of a minimum of 30 contact hours of continuing education obtained within
 55.14 the two years immediately preceding licensure expiration. A minimum of 20 contact hours
 55.15 of continuing education must be directly related to the licensee's area of licensure. Ten
 55.16 contact hours of continuing education may be in areas generally related to the licensee's
 55.17 area of licensure. Licensees who are issued licenses for a period of less than two years shall
 55.18 prorate the number of contact hours required for licensure renewal based on the number of
 55.19 months licensed during the biennial licensure period. Licensees shall receive contact hours
 55.20 for continuing education activities only for the biennial licensure period in which the
 55.21 continuing education activity was performed.

55.22 (c) An applicant for licensure renewal as both a speech-language pathologist and an
 55.23 audiologist must attest to and document completion of a minimum of 36 contact hours of
 55.24 continuing education offered by a continuing education sponsor within the two years
 55.25 immediately preceding licensure renewal. A minimum of 15 contact hours must be received
 55.26 in the area of speech-language pathology and a minimum of 15 contact hours must be
 55.27 received in the area of audiology. Six contact hours of continuing education may be in areas
 55.28 generally related to the licensee's areas of licensure. Licensees who are issued licenses for
 55.29 a period of less than two years shall prorate the number of contact hours required for licensure
 55.30 renewal based on the number of months licensed during the biennial licensure period.
 55.31 Licensees shall receive contact hours for continuing education activities only for the biennial
 55.32 licensure period in which the continuing education activity was performed.

55.33 (d) If the licensee is licensed by the Professional Educator Licensing and Standards
 55.34 Board:

56.1 (1) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
56.2 subpart 3, items A and B, and that relate to speech-language pathology, shall be considered:

56.3 (i) offered by a sponsor of continuing education; and

56.4 (ii) directly related to speech-language pathology;

56.5 (2) activities that are approved in the categories of Minnesota Rules, part 8710.7200,
56.6 subpart 3, shall be considered:

56.7 (i) offered by a sponsor of continuing education; and

56.8 (ii) generally related to speech-language pathology; and

56.9 (3) one clock hour as defined in Minnesota Rules, part 8710.7200, subpart 1, is equivalent
56.10 to 1.0 contact hours of continuing education.

56.11 (e) Contact hours may not be accumulated in advance and transferred to a future
56.12 continuing education period.

56.13 **EFFECTIVE DATE.** This section is effective July 1, 2025.

56.14 Sec. 20. Minnesota Statutes 2022, section 148.5193, is amended by adding a subdivision
56.15 to read:

56.16 **Subd. 1a. Continuing education; speech-language pathology assistants.** An applicant
56.17 for licensure renewal as a speech-language pathology assistant must meet the requirements
56.18 for continuing education established by the American Speech-Language-Hearing Association
56.19 and submit evidence of attending continuing education courses. A licensee must receive
56.20 contact hours for continuing education activities only for the biennial licensure period in
56.21 which the continuing education activity was completed. Continuing education contact hours
56.22 obtained in one licensure period must not be transferred to a future licensure period.

56.23 **EFFECTIVE DATE.** This section is effective July 1, 2025.

56.24 Sec. 21. Minnesota Statutes 2022, section 148.5194, is amended by adding a subdivision
56.25 to read:

56.26 **Subd. 3b. Speech-language pathology assistant licensure fees.** The fee for initial
56.27 licensure as a speech-language pathology assistant is \$493. The fee for licensure renewal
56.28 for a speech-language pathology assistant is \$493.

56.29 **EFFECTIVE DATE.** This section is effective July 1, 2025.

57.1 Sec. 22. Minnesota Statutes 2022, section 148.5194, subdivision 8, is amended to read:

57.2 Subd. 8. **Penalty fees.** (a) The penalty fee for practicing speech-language pathology or
57.3 audiology, practicing as a speech-language pathology assistant, or using protected titles
57.4 without a current license after the credential has expired and before it is renewed is the
57.5 amount of the license renewal fee for any part of the first month, plus the license renewal
57.6 fee for any part of any subsequent month up to 36 months.

57.7 (b) The penalty fee for applicants who engage in the unauthorized practice of
57.8 speech-language pathology or audiology, practice as a speech-language pathology assistant,
57.9 or ~~using~~ use of protected titles before being issued a license is the amount of the license
57.10 application fee for any part of the first month, plus the license application fee for any part
57.11 of any subsequent month up to 36 months. This paragraph does not apply to applicants not
57.12 qualifying for a license who engage in the unauthorized practice of speech language
57.13 pathology or audiology or in the unauthorized practice as a speech-language pathology
57.14 assistant.

57.15 (c) The penalty fee for practicing speech-language pathology or audiology and failing
57.16 to submit a continuing education report by the due date with the correct number or type of
57.17 hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty
57.18 fee for a licensed speech-language pathology assistant who fails to submit a continuing
57.19 education report by the due date with the correct number or type of hours in the correct time
57.20 period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between
57.21 the effective and expiration dates of the certificate, the one-month period following the
57.22 certificate expiration date, or the 30 days following notice of a penalty fee for failing to
57.23 report all continuing education hours. The licensee must obtain the missing number of
57.24 continuing education hours by the next reporting due date.

57.25 (d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for
57.26 conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty
57.27 fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and
57.28 exceeding six months, payment of a penalty fee does not preclude any disciplinary action
57.29 reasonably justified by the individual case.

57.30 **EFFECTIVE DATE.** This section is effective July 1, 2025.

58.1 Sec. 23. Minnesota Statutes 2023 Supplement, section 148.5195, subdivision 3, is amended
58.2 to read:

58.3 Subd. 3. **Grounds for disciplinary action by commissioner.** The commissioner may
58.4 take any of the disciplinary actions listed in subdivision 4 on proof that the individual has:

58.5 (1) intentionally submitted false or misleading information to the commissioner or the
58.6 advisory council;

58.7 (2) failed, within 30 days, to provide information in response to a written request by the
58.8 commissioner or advisory council;

58.9 (3) performed services of a speech-language pathologist ~~or~~ audiologist, or
58.10 speech-language pathology assistant in an incompetent or negligent manner;

58.11 (4) violated sections 148.511 to 148.5198;

58.12 (5) failed to perform services with reasonable judgment, skill, or safety due to the use
58.13 of alcohol or drugs, or other physical or mental impairment;

58.14 (6) violated any state or federal law, rule, or regulation, and the violation is a felony or
58.15 misdemeanor, an essential element of which is dishonesty, or which relates directly or
58.16 indirectly to the practice of speech-language pathology or audiology or to the practice of a
58.17 speech-language pathology assistant. Conviction for violating any state or federal law which
58.18 relates to speech-language pathology ~~or~~ audiology, or to the practice of a speech-language
58.19 pathology assistant is necessarily considered to constitute a violation, except as provided
58.20 in chapter 364;

58.21 (7) aided or abetted another person in violating any provision of sections 148.511 to
58.22 148.5198;

58.23 (8) been or is being disciplined by another jurisdiction, if any of the grounds for the
58.24 discipline is the same or substantially equivalent to those under sections 148.511 to 148.5198;

58.25 (9) not cooperated with the commissioner or advisory council in an investigation
58.26 conducted according to subdivision 1;

58.27 (10) advertised in a manner that is false or misleading;

58.28 (11) engaged in conduct likely to deceive, defraud, or harm the public; or demonstrated
58.29 a willful or careless disregard for the health, welfare, or safety of a client;

58.30 (12) failed to disclose to the consumer any fee splitting or any promise to pay a portion
58.31 of a fee to any other professional other than a fee for services rendered by the other
58.32 professional to the client;

59.1 (13) engaged in abusive or fraudulent billing practices, including violations of federal
59.2 Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical
59.3 assistance laws;

59.4 (14) obtained money, property, or services from a consumer through the use of undue
59.5 influence, high pressure sales tactics, harassment, duress, deception, or fraud;

59.6 (15) performed services for a client who had no possibility of benefiting from the services;

59.7 (16) failed to refer a client for medical evaluation or to other health care professionals
59.8 when appropriate or when a client indicated symptoms associated with diseases that could
59.9 be medically or surgically treated;

59.10 (17) had the certification required by chapter 153A denied, suspended, or revoked
59.11 according to chapter 153A;

59.12 (18) used the term doctor of audiology, doctor of speech-language pathology, AuD, or
59.13 SLPD without having obtained the degree from an institution accredited by the North Central
59.14 Association of Colleges and Secondary Schools, the Council on Academic Accreditation
59.15 in Audiology and Speech-Language Pathology, the United States Department of Education,
59.16 or an equivalent;

59.17 (19) failed to comply with the requirements of section 148.5192 regarding supervision
59.18 of speech-language pathology assistants; or

59.19 (20) if the individual is an audiologist or certified prescription hearing aid dispenser:

59.20 (i) prescribed to a consumer or potential consumer the use of a prescription hearing aid,
59.21 unless the prescription from a physician, an audiologist, or a certified dispenser is in writing,
59.22 is based on an audiogram that is delivered to the consumer or potential consumer when the
59.23 prescription is made, and bears the following information in all capital letters of 12-point
59.24 or larger boldface type: "THIS PRESCRIPTION MAY BE FILLED BY, AND
59.25 PRESCRIPTION HEARING AIDS MAY BE PURCHASED FROM, THE LICENSED
59.26 AUDIOLOGIST OR CERTIFIED DISPENSER OF YOUR CHOICE";

59.27 (ii) failed to give a copy of the audiogram, upon which the prescription is based, to the
59.28 consumer when the consumer requests a copy;

59.29 (iii) failed to provide the consumer rights brochure required by section 148.5197,
59.30 subdivision 3;

59.31 (iv) failed to comply with restrictions on sales of prescription hearing aids in sections
59.32 148.5197, subdivision 3, and 148.5198;

60.1 (v) failed to return a consumer's prescription hearing aid used as a trade-in or for a
60.2 discount in the price of a new prescription hearing aid when requested by the consumer
60.3 upon cancellation of the purchase agreement;

60.4 (vi) failed to follow Food and Drug Administration or Federal Trade Commission
60.5 regulations relating to dispensing prescription hearing aids;

60.6 (vii) failed to dispense a prescription hearing aid in a competent manner or without
60.7 appropriate training;

60.8 (viii) delegated prescription hearing aid dispensing authority to a person not authorized
60.9 to dispense a prescription hearing aid under this chapter or chapter 153A;

60.10 (ix) failed to comply with the requirements of an employer or supervisor of a prescription
60.11 hearing aid dispenser trainee;

60.12 (x) violated a state or federal court order or judgment, including a conciliation court
60.13 judgment, relating to the activities of the individual's prescription hearing aid dispensing;
60.14 or

60.15 (xi) failed to include on the audiogram the practitioner's printed name, credential type,
60.16 credential number, signature, and date.

60.17 **EFFECTIVE DATE.** This section is effective July 1, 2025.

60.18 Sec. 24. Minnesota Statutes 2022, section 148.5195, subdivision 5, is amended to read:

60.19 Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of
60.20 licensure, the speech-language pathologist or audiologist, or speech-language pathology
60.21 assistant, shall cease to practice speech-language pathology or audiology, or practice as a
60.22 speech-language pathology assistant, to use titles protected under sections 148.511 to
60.23 148.5198, and to represent to the public that the speech-language pathologist or audiologist,
60.24 or speech-language pathology assistant, is licensed by the commissioner.

60.25 **EFFECTIVE DATE.** This section is effective July 1, 2025.

60.26 Sec. 25. Minnesota Statutes 2022, section 148.5195, subdivision 6, is amended to read:

60.27 Subd. 6. **Reinstatement requirements after disciplinary action.** A speech-language
60.28 pathologist or audiologist, or speech-language pathology assistant, who has had licensure
60.29 suspended may petition on forms provided by the commissioner for reinstatement following
60.30 the period of suspension specified by the commissioner. The requirements of section
60.31 148.5191 for renewing licensure must be met before licensure may be reinstated.

61.1 **EFFECTIVE DATE.** This section is effective July 1, 2025.

61.2 Sec. 26. Minnesota Statutes 2023 Supplement, section 148.5196, subdivision 1, is amended
61.3 to read:

61.4 Subdivision 1. **Membership.** The commissioner shall appoint ~~12~~ 13 persons to a
61.5 Speech-Language Pathologist and Audiologist Advisory Council. The ~~12~~ 13 persons must
61.6 include:

61.7 (1) three public members, as defined in section 214.02. Two of the public members shall
61.8 be either persons receiving services of a speech-language pathologist or audiologist, or
61.9 family members of or caregivers to such persons, and at least one of the public members
61.10 shall be either a hearing aid user or an advocate of one;

61.11 (2) three speech-language pathologists licensed under sections 148.511 to 148.5198,
61.12 one of whom is currently and has been, for the five years immediately preceding the
61.13 appointment, engaged in the practice of speech-language pathology in Minnesota and each
61.14 of whom is employed in a different employment setting including, but not limited to, private
61.15 practice, hospitals, rehabilitation settings, educational settings, and government agencies;

61.16 (3) one speech-language pathologist licensed under sections 148.511 to 148.5198, who
61.17 is currently and has been, for the five years immediately preceding the appointment,
61.18 employed by a Minnesota public school district or a Minnesota public school district
61.19 consortium that is authorized by Minnesota Statutes and who is licensed in speech-language
61.20 pathology by the Professional Educator Licensing and Standards Board;

61.21 (4) three audiologists licensed under sections 148.511 to 148.5198, two of whom are
61.22 currently and have been, for the five years immediately preceding the appointment, engaged
61.23 in the practice of audiology and the dispensing of prescription hearing aids in Minnesota
61.24 and each of whom is employed in a different employment setting including, but not limited
61.25 to, private practice, hospitals, rehabilitation settings, educational settings, industry, and
61.26 government agencies;

61.27 (5) one nonaudiologist prescription hearing aid dispenser recommended by a professional
61.28 association representing prescription hearing aid dispensers; ~~and~~

61.29 (6) one physician licensed under chapter 147 and certified by the American Board of
61.30 Otolaryngology, Head and Neck Surgery; and

61.31 (7) one speech-language pathology assistant licensed under sections 148.511 to 148.5198.

61.32 **EFFECTIVE DATE.** This section is effective July 1, 2025.

62.1 Sec. 27. Minnesota Statutes 2022, section 148.5196, subdivision 3, is amended to read:

62.2 Subd. 3. **Duties.** The advisory council shall:

62.3 (1) advise the commissioner regarding speech-language pathologist and audiologist
62.4 licensure standards;

62.5 (2) advise the commissioner regarding the delegation of duties to, the licensure standards
62.6 for, and the training required for speech-language pathology assistants;

62.7 (3) advise the commissioner on enforcement of sections 148.511 to 148.5198;

62.8 (4) provide for distribution of information regarding speech-language pathologist ~~and,~~
62.9 audiologist, and speech-language pathology assistant licensure standards;

62.10 (5) review applications and make recommendations to the commissioner on granting or
62.11 denying licensure or licensure renewal;

62.12 (6) review reports of investigations relating to individuals and make recommendations
62.13 to the commissioner as to whether licensure should be denied or disciplinary action taken
62.14 against the individual;

62.15 (7) advise the commissioner regarding approval of continuing education activities
62.16 provided by sponsors using the criteria in section 148.5193, subdivision 2; and

62.17 (8) perform other duties authorized for advisory councils under chapter 214, or as directed
62.18 by the commissioner.

62.19 **EFFECTIVE DATE.** This section is effective July 1, 2025.

62.20 Sec. 28. Minnesota Statutes 2023 Supplement, section 245C.031, subdivision 4, is amended
62.21 to read:

62.22 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**
62.23 **of health.** The commissioner shall conduct an alternative background study, including a
62.24 check of state data, and a national criminal history records check of the following individuals.
62.25 For studies under this section, the following persons shall complete a consent form and
62.26 criminal history disclosure form:

62.27 (1) An applicant for initial licensure, temporary licensure, or relicensure after a lapse in
62.28 licensure as an audiologist ~~or,~~ speech-language pathologist, or speech-language pathologist
62.29 assistant, or an applicant for initial certification as a hearing instrument dispenser who must
62.30 submit to a background study under section 144.0572.

63.1 (2) An applicant for a renewal license or certificate as an audiologist, speech-language
 63.2 pathologist, or hearing instrument dispenser who was licensed or obtained a certificate
 63.3 before January 1, 2018.

63.4 **EFFECTIVE DATE.** This section is effective July 1, 2025.

63.5 **ARTICLE 10**

63.6 **PHYSICIAN ASSISTANT LICENSURE COMPACT**

63.7 Section 1. **[148.675] PHYSICIAN ASSISTANT LICENSURE COMPACT.**

63.8 The physician assistant (PA) licensure compact is enacted into law and entered into with
 63.9 all other jurisdictions legally joining in it in the form substantially specified in this section.

63.10 ARTICLE I

63.11 TITLE

63.12 This statute shall be known and cited as the physician assistant licensure compact.

63.13 ARTICLE II

63.14 DEFINITIONS

63.15 As used in this compact, and except as otherwise provided, the following terms have
 63.16 the meanings given them.

63.17 (a) "Adverse action" means any administrative, civil, equitable, or criminal action
 63.18 permitted by a state's laws that is imposed by a licensing board or other authority against a
 63.19 PA license, license application, or compact privilege such as license denial, censure,
 63.20 revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's
 63.21 practice.

63.22 (b) "Charter participating states" means the states that enacted the compact prior to the
 63.23 commission convening.

63.24 (c) "Compact privilege" means the authorization granted by a remote state to allow a
 63.25 licensee from another participating state to practice as a PA to provide medical services or
 63.26 other licensed activities to a patient located in the remote state under the remote state's laws
 63.27 and regulations.

63.28 (d) "Conviction" means a finding by a court that an individual is guilty of a felony or
 63.29 misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the
 63.30 charge by the offender.

64.1 (e) "Criminal background check" means the submission of fingerprints or other
64.2 biometric-based information for a license applicant for the purpose of obtaining that
64.3 applicant's criminal history record information, as defined in Code of Federal Regulations,
64.4 title 28, part 20, subpart 20.3, clause (d), from the state's criminal history record repository,
64.5 as defined in Code of Federal Regulations, title 28, part 20, subpart 20.3, clause (f).

64.6 (f) "Data system" means the repository of information about licensees, including but not
64.7 limited to license status and adverse action, that is created and administered under the terms
64.8 of this compact.

64.9 (g) "Executive committee" means a group of directors and ex officio individuals elected
64.10 or appointed pursuant to article VII, paragraph (f), clause (2).

64.11 (h) "Impaired practitioner" means a PA whose practice is adversely affected by a
64.12 health-related condition that impacts the PA's ability to practice.

64.13 (i) "Investigative information" means information, records, and documents received or
64.14 generated by a licensing board pursuant to an investigation.

64.15 (j) "Jurisprudence requirement" means the assessment of an individual's knowledge of
64.16 the laws and rules governing the practice of a PA in a state.

64.17 (k) "License" means current authorization by a state, other than authorization pursuant
64.18 to a compact privilege, for a PA to provide medical services, which would be unlawful
64.19 without current authorization.

64.20 (l) "Licensee" means an individual who holds a license from a state to provide medical
64.21 services as a PA.

64.22 (m) "Licensing board" means any state entity authorized to license and otherwise regulate
64.23 PAs.

64.24 (n) "Medical services" means health care services provided for the diagnosis, prevention,
64.25 treatment, cure, or relief of a health condition, injury, or disease, as defined by a state's laws
64.26 and regulations.

64.27 (o) "Model compact" means the model for the PA licensure compact on file with the
64.28 Council of State Governments or other entity as designated by the commission.

64.29 (p) "Participating state" means a state that has enacted this compact.

64.30 (q) "PA" means an individual who is licensed as a physician assistant in a state. For
64.31 purposes of this compact, any other title or status adopted by a state to replace the term
64.32 "physician assistant" shall be deemed synonymous with "physician assistant" and shall

65.1 confer the same rights and responsibilities to the licensee under the provisions of this compact
65.2 at the time of its enactment.

65.3 (r) "PA Licensure Compact Commission" or "compact commission" or "commission"
65.4 means the national administrative body created pursuant to article VII, paragraph (a).

65.5 (s) "Qualifying license" means an unrestricted license issued by a participating state to
65.6 provide medical services as a PA.

65.7 (t) "Remote state" means a participating state where a licensee who is not licensed as a
65.8 PA is exercising or seeking to exercise the compact privilege.

65.9 (u) "Rule" means a regulation promulgated by an entity that has the force and effect of
65.10 law.

65.11 (v) "Significant investigative information" means investigative information that a
65.12 licensing board, after an inquiry or investigation that includes notification and an opportunity
65.13 for the PA to respond if required by state law, has reason to believe is not groundless and,
65.14 if proven true, would indicate more than a minor infraction.

65.15 (w) "State" means any state, commonwealth, district, or territory of the United States.

65.16 ARTICLE III

65.17 STATE PARTICIPATION IN THE COMPACT

65.18 (a) To participate in this compact, a participating state must:

65.19 (1) license PAs;

65.20 (2) participate in the commission's data system;

65.21 (3) have a mechanism in place for receiving and investigating complaints against licensees
65.22 and license applicants;

65.23 (4) notify the commission, in compliance with the terms of this compact and commission
65.24 rules, of any adverse action against the licensee or license applicant and the existence of
65.25 significant investigative information regarding a licensee or license applicant;

65.26 (5) fully implement a criminal background check requirement, within a time frame
65.27 established by commission rule, by its licensing board receiving the results of a criminal
65.28 background check and reporting to the commission whether the license applicant has been
65.29 granted a license;

65.30 (6) fully comply with the rules of the compact commission;

66.1 (7) utilize a recognized national examination such as the National Commission on
 66.2 Certification of Physician Assistants (NCCPA) physician assistant national certifying
 66.3 examination as a requirement for PA licensure; and

66.4 (8) grant the compact privilege to a holder of a qualifying license in a participating state.

66.5 (b) Nothing in this compact prohibits a participating state from charging a fee for granting
 66.6 the compact privilege.

66.7 ARTICLE IV

66.8 COMPACT PRIVILEGE

66.9 (a) To exercise the compact privilege, a licensee must:

66.10 (1) have graduated from a PA program accredited by the Accreditation Review
 66.11 Commission on Education for the Physician Assistant, Inc. or other programs authorized
 66.12 by commission rule;

66.13 (2) hold current NCCPA certification;

66.14 (3) have no felony or misdemeanor convictions;

66.15 (4) have never had a controlled substance license, permit, or registration suspended or
 66.16 revoked by a state or by the United States Drug Enforcement Administration;

66.17 (5) have a unique identifier as determined by commission rule;

66.18 (6) hold a qualifying license;

66.19 (7) have had no revocation of a license or limitation or restriction due to an adverse
 66.20 action on any currently held license;

66.21 (8) if a licensee has had a limitation or restriction on a license or compact privilege due
 66.22 to an adverse action, two years must have elapsed from the date on which the license or
 66.23 compact privilege is no longer limited or restricted due to the adverse action;

66.24 (9) if a compact privilege has been revoked or is limited or restricted in a participating
 66.25 state for conduct that would not be a basis for disciplinary action in a participating state in
 66.26 which the licensee is practicing or applying to practice under a compact privilege, that
 66.27 participating state shall have the discretion not to consider such action as an adverse action
 66.28 requiring the denial or removal of a compact privilege in that state;

66.29 (10) notify the compact commission that the licensee is seeking the compact privilege
 66.30 in a remote state;

67.1 (11) meet any jurisprudence requirement of a remote state in which the licensee is seeking
67.2 to practice under the compact privilege and pay any fees applicable to satisfying the
67.3 jurisprudence requirement; and

67.4 (12) report to the commission any adverse action taken by any nonparticipating state
67.5 within 30 days after the date the action is taken.

67.6 (b) The compact privilege is valid until the expiration or revocation of the qualifying
67.7 license unless terminated pursuant to an adverse action. The licensee must also comply with
67.8 all of the requirements of paragraph (a) to maintain the compact privilege in a remote state.
67.9 If the participating state takes adverse action against a qualifying license, the licensee shall
67.10 lose the compact privilege in any remote state in which the licensee has a compact privilege
67.11 until all of the following occur:

67.12 (1) the license is no longer limited or restricted; and

67.13 (2) two years have elapsed from the date on which the license is no longer limited or
67.14 restricted due to the adverse action.

67.15 (c) Once a restricted or limited license satisfies the requirements of paragraph (b), the
67.16 licensee must meet the requirements of paragraph (a) to obtain a compact privilege in any
67.17 remote state.

67.18 (d) For each remote state in which a PA seeks authority to prescribe controlled substances,
67.19 the PA shall satisfy all requirements imposed by such state in granting or renewing such
67.20 authority.

67.21 ARTICLE V

67.22 DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR
67.23 COMPACT PRIVILEGE

67.24 Upon a licensee's application for a compact privilege, the licensee must identify to the
67.25 commission the participating state from which the licensee is applying, in accordance with
67.26 applicable rules adopted by the commission, and subject to the following requirements:

67.27 (1) the licensee must provide the commission with the address of the licensee's primary
67.28 residence and thereafter shall immediately report to the commission any change in the
67.29 address of the licensee's primary residence; and

67.30 (2) the licensee must consent to accept service of process by mail at the licensee's primary
67.31 residence on file with the commission with respect to any action brought against the licensee

68.1 by the commission or a participating state, including a subpoena, with respect to any action
68.2 brought or investigation conducted by the commission or a participating state.

68.3 ARTICLE VI

68.4 ADVERSE ACTIONS

68.5 (a) A participating state in which a licensee is licensed shall have exclusive power to
68.6 impose adverse action against the qualifying license issued by that participating state.

68.7 (b) In addition to the other powers conferred by state law, a remote state shall have the
68.8 authority, in accordance with existing state due process law, to do the following:

68.9 (1) take adverse action against a PA's compact privilege in the state to remove a licensee's
68.10 compact privilege or take other action necessary under applicable law to protect the health
68.11 and safety of its citizens; and

68.12 (2) issue subpoenas for both hearings and investigations that require the attendance and
68.13 testimony of witnesses and the production of evidence. Subpoenas issued by a licensing
68.14 board in a participating state for the attendance and testimony of witnesses or the production
68.15 of evidence from another participating state shall be enforced in the latter state by any court
68.16 of competent jurisdiction, according to the practice and procedure of that court applicable
68.17 to subpoenas issued in proceedings pending before it. The issuing authority shall pay any
68.18 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
68.19 state in which the witnesses or evidence are located.

68.20 (c) Notwithstanding paragraph (b), clause (1), subpoenas may not be issued by a
68.21 participating state to gather evidence of conduct in another state that is lawful in that other
68.22 state, for the purpose of taking adverse action against a licensee's compact privilege or
68.23 application for a compact privilege in that participating state.

68.24 (d) Nothing in this compact authorizes a participating state to impose discipline against
68.25 a PA's compact privilege or to deny an application for a compact privilege in that participating
68.26 state for the individual's otherwise lawful practice in another state.

68.27 (e) For purposes of taking adverse action, the participating state which issued the
68.28 qualifying license shall give the same priority and effect to reported conduct received from
68.29 any other participating state as it would if the conduct had occurred within the participating
68.30 state which issued the qualifying license. In so doing, that participating state shall apply its
68.31 own state laws to determine appropriate action.

69.1 (f) A participating state, if otherwise permitted by state law, may recover from the
69.2 affected PA the costs of investigations and disposition of cases resulting from any adverse
69.3 action taken against that PA.

69.4 (g) A participating state may take adverse action based on the factual findings of a remote
69.5 state, provided that the participating state follows its own procedures for taking the adverse
69.6 action.

69.7 (h) Joint investigations:

69.8 (1) in addition to the authority granted to a participating state by its respective state PA
69.9 laws and regulations or other applicable state law, any participating state may participate
69.10 with other participating states in joint investigations of licensees; and

69.11 (2) participating states shall share any investigative, litigation, or compliance materials
69.12 in furtherance of any joint or individual investigation initiated under this compact.

69.13 (i) If an adverse action is taken against a PA's qualifying license, the PA's compact
69.14 privilege in all remote states shall be deactivated until two years have elapsed after all
69.15 restrictions have been removed from the state license. All disciplinary orders by the
69.16 participating state which issued the qualifying license that impose adverse action against a
69.17 PA's license shall include a statement that the PA's compact privilege is deactivated in all
69.18 participating states during the pendency of the order.

69.19 (j) If any participating state takes adverse action, it promptly shall notify the administrator
69.20 of the data system.

69.21 ARTICLE VII

69.22 ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

69.23 (a) The participating states hereby create and establish a joint government agency and
69.24 national administrative body known as the PA Licensure Compact Commission. The
69.25 commission is an instrumentality of the compact states acting jointly, and is not an
69.26 instrumentality of any one state. The commission shall come into existence on or after the
69.27 effective date of the compact as set forth in article XI, paragraph (a).

69.28 (b) Membership, voting, and meetings:

69.29 (1) each participating state shall have and be limited to one delegate selected by that
69.30 participating state's licensing board or, if the state has more than one licensing board, selected
69.31 collectively by the participating state's licensing boards;

69.32 (2) the delegate shall be:

70.1 (i) a current PA, physician, or public member of a licensing board or PA council or
70.2 committee; or

70.3 (ii) an administrator of a licensing board;

70.4 (3) any delegate may be removed or suspended from office as provided by the laws of
70.5 the state from which the delegate is appointed;

70.6 (4) the participating state board shall fill any vacancy occurring in the commission within
70.7 60 days;

70.8 (5) each delegate shall be entitled to one vote on all matters voted on by the commission
70.9 and shall otherwise have an opportunity to participate in the business and affairs of the
70.10 commission;

70.11 (6) a delegate shall vote in person or by such other means as provided in the bylaws.
70.12 The bylaws may provide for delegates' participation in meetings by telecommunications,
70.13 video conference, or other means of communication;

70.14 (7) the commission shall meet at least once during each calendar year. Additional
70.15 meetings shall be held as set forth in this compact and the bylaws; and

70.16 (8) the commission shall establish by rule a term of office for delegates.

70.17 (c) The commission shall have the following powers and duties:

70.18 (1) establish a code of ethics for the commission;

70.19 (2) establish the fiscal year of the commission;

70.20 (3) establish fees;

70.21 (4) establish bylaws;

70.22 (5) maintain its financial records in accordance with the bylaws;

70.23 (6) meet and take such actions as are consistent with the provisions of this compact and
70.24 the bylaws;

70.25 (7) promulgate rules to facilitate and coordinate implementation and administration of
70.26 this compact. The rules shall have the force and effect of law and shall be binding in all
70.27 participating states;

70.28 (8) bring and prosecute legal proceedings or actions in the name of the commission,
70.29 provided that the standing of any state licensing board to sue or be sued under applicable
70.30 law shall not be affected;

- 71.1 (9) purchase and maintain insurance and bonds;
- 71.2 (10) borrow, accept, or contract for services of personnel, including but not limited to
71.3 employees of a participating state;
- 71.4 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,
71.5 define duties, grant such individuals appropriate authority to carry out the purposes of this
71.6 compact, and establish the commission's personnel policies and programs relating to conflicts
71.7 of interest, qualifications of personnel, and other related personnel matters;
- 71.8 (12) accept any and all appropriate donations and grants of money, equipment, supplies,
71.9 materials, and services, and receive, utilize, and dispose of the same, provided that at all
71.10 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 71.11 (13) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
71.12 improve, or use, any property, real, personal, or mixed, provided that at all times the
71.13 commission shall avoid any appearance of impropriety;
- 71.14 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
71.15 any property real, personal, or mixed;
- 71.16 (15) establish a budget and make expenditures;
- 71.17 (16) borrow money;
- 71.18 (17) appoint committees, including standing committees composed of members, state
71.19 regulators, state legislators or their representatives, and consumer representatives, and such
71.20 other interested persons as may be designated in this compact and the bylaws;
- 71.21 (18) provide and receive information from, and cooperate with, law enforcement agencies;
- 71.22 (19) elect a chair, vice chair, secretary, and treasurer and such other officers of the
71.23 commission as provided in the commission's bylaws;
- 71.24 (20) reserve for itself, in addition to those reserved exclusively to the commission under
71.25 the compact, powers that the executive committee may not exercise;
- 71.26 (21) approve or disapprove a state's participation in the compact based upon its
71.27 determination as to whether the state's compact legislation departs in a material manner
71.28 from the model compact language;
- 71.29 (22) prepare and provide to the participating states an annual report; and
- 71.30 (23) perform such other functions as may be necessary or appropriate to achieve the
71.31 purposes of this compact consistent with the state regulation of PA licensure and practice.

72.1 (d) Meetings of the commission:

72.2 (1) all meetings of the commission that are not closed pursuant to this paragraph shall
72.3 be open to the public. Notice of public meetings shall be posted on the commission's website
72.4 at least 30 days prior to the public meeting;

72.5 (2) notwithstanding clause (1), the commission may convene a public meeting by
72.6 providing at least 24 hours' prior notice on the commission's website, and any other means
72.7 as provided in the commission's rules, for any of the reasons it may dispense with notice of
72.8 proposed rulemaking under article IX, paragraph (1);

72.9 (3) the commission may convene in a closed, nonpublic meeting or nonpublic part of a
72.10 public meeting to receive legal advice or to discuss:

72.11 (i) noncompliance of a participating state with its obligations under this compact;

72.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
72.13 related to specific employees, or other matters related to the commission's internal personnel
72.14 practices and procedures;

72.15 (iii) current, threatened, or reasonably anticipated litigation;

72.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
72.17 estate;

72.18 (v) accusing any person of a crime or formally censuring any person;

72.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged
72.20 or confidential;

72.21 (vii) disclosure of information of a personal nature where disclosure would constitute a
72.22 clearly unwarranted invasion of personal privacy;

72.23 (viii) disclosure of investigative records compiled for law enforcement purposes;

72.24 (ix) disclosure of information related to any investigative reports prepared by or on
72.25 behalf of, or for use of, the commission or other committee charged with responsibility of
72.26 investigation or determination of compliance issues pursuant to this compact;

72.27 (x) legal advice; or

72.28 (xi) matters specifically exempted from disclosure by federal or participating states'
72.29 statutes;

73.1 (4) if a meeting, or portion of a meeting, is closed pursuant to clause (3), the chair of
73.2 the meeting or the chair's designee shall certify that the meeting or portion of the meeting
73.3 may be closed and shall reference each relevant exempting provision; and

73.4 (5) the commission shall keep minutes that fully and clearly describe all matters discussed
73.5 in a meeting and shall provide a full and accurate summary of actions taken, including a
73.6 description of the views expressed. All documents considered in connection with an action
73.7 shall be identified in such minutes. All minutes and documents of a closed meeting shall
73.8 remain under seal, subject to release by a majority vote of the commission or order of a
73.9 court of competent jurisdiction.

73.10 (e) Financing of the commission:

73.11 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of
73.12 its establishment, organization, and ongoing activities;

73.13 (2) the commission may accept any and all appropriate revenue sources, donations, and
73.14 grants of money, equipment, supplies, materials, and services;

73.15 (3) the commission may levy on and collect an annual assessment from each participating
73.16 state and may impose compact privilege fees on licensees of participating states to whom
73.17 a compact privilege is granted, to cover the cost of the operations and activities of the
73.18 commission and its staff. The cost of the operations and activities of the commission and
73.19 its staff must be in a total amount sufficient to cover its annual budget as approved by the
73.20 commission each year for which revenue is not provided by other sources. The aggregate
73.21 annual assessment amount levied on participating states shall be allocated based upon a
73.22 formula to be determined by commission rule:

73.23 (i) a compact privilege expires when the licensee's qualifying license in the participating
73.24 state from which the licensee applied for the compact privilege expires; and

73.25 (ii) if the licensee terminates the qualifying license through which the licensee applied
73.26 for the compact privilege before its scheduled expiration, and the licensee has a qualifying
73.27 license in another participating state, the licensee shall inform the commission that it is
73.28 changing the participating state through which it applies for a compact privilege to the other
73.29 participating state and pay to the commission any compact privilege fee required by
73.30 commission rule;

73.31 (4) the commission shall not incur obligations of any kind prior to securing the funds
73.32 adequate to meet the same, nor shall the commission pledge the credit of any of the
73.33 participating states, except by and with the authority of the participating state; and

74.1 (5) the commission shall keep accurate accounts of all receipts and disbursements. The
74.2 receipts and disbursements of the commission shall be subject to the financial review and
74.3 accounting procedures established under its bylaws. All receipts and disbursements of funds
74.4 handled by the commission shall be subject to an annual financial review by a certified or
74.5 licensed public accountant, and the report of the financial review shall be included in and
74.6 become part of the annual report of the commission.

74.7 (f) The executive committee:

74.8 (1) the executive committee shall have the power to act on behalf of the commission
74.9 according to the terms of this compact and commission rules;

74.10 (2) the executive committee shall be composed of nine members as follows:

74.11 (i) seven voting members who are elected by the commission from the current
74.12 membership of the commission;

74.13 (ii) one ex officio, nonvoting member from a recognized national PA professional
74.14 association; and

74.15 (iii) one ex officio, nonvoting member from a recognized national PA certification
74.16 organization;

74.17 (3) the ex officio members will be selected by their respective organizations;

74.18 (4) the commission may remove any member of the executive committee as provided
74.19 in its bylaws;

74.20 (5) the executive committee shall meet at least annually;

74.21 (6) the executive committee shall have the following duties and responsibilities:

74.22 (i) recommend to the entire commission changes to the commission's rules or bylaws,
74.23 changes to this compact legislation, fees paid by compact participating states such as annual
74.24 dues, and any commission compact fee charged to licensees for the compact privilege;

74.25 (ii) ensure compact administration services are appropriately provided, contractual or
74.26 otherwise;

74.27 (iii) prepare and recommend the budget;

74.28 (iv) maintain financial records on behalf of the commission;

74.29 (v) monitor compact compliance of participating states and provide compliance reports
74.30 to the commission;

74.31 (vi) establish additional committees as necessary;

75.1 (vii) exercise the powers and duties of the commission during the interim between
75.2 commission meetings, except for issuing proposed rulemaking or adopting commission
75.3 rules or bylaws, or exercising any other powers and duties exclusively reserved to the
75.4 commission by the commission's rules; and

75.5 (viii) perform other duties as provided in commission's rules or bylaws;

75.6 (7) all meetings of the executive committee at which it votes or plans to vote on matters
75.7 in exercising the powers and duties of the commission shall be open to the public, and public
75.8 notice of such meetings shall be given as public meetings of the commission are given; and

75.9 (8) the executive committee may convene in a closed, nonpublic meeting for the same
75.10 reasons that the commission may convene in a nonpublic meeting as set forth in paragraph
75.11 (d), clause (3), and shall announce the closed meeting as the commission is required to
75.12 under paragraph (d), clause (4), and keep minutes of the closed meeting as the commission
75.13 is required to under paragraph (d), clause (5).

75.14 (g) Qualified immunity, defense, and indemnification:

75.15 (1) the members, officers, executive director, employees, and representatives of the
75.16 commission shall be immune from suit and liability, both personally and in their official
75.17 capacity, for any claim for damage to or loss of property or personal injury or other civil
75.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
75.19 or that the person against whom the claim is made had a reasonable basis for believing
75.20 occurred, within the scope of commission employment, duties, or responsibilities, provided
75.21 that nothing in this paragraph shall be construed to protect any such person from suit or
75.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or
75.23 wanton misconduct of that person. The procurement of insurance of any type by the
75.24 commission shall not in any way compromise or limit the immunity granted hereunder;

75.25 (2) the commission shall defend any member, officer, executive director, employee, or
75.26 representative of the commission in any civil action seeking to impose liability arising out
75.27 of any actual or alleged act, error, or omission that occurred within the scope of commission
75.28 employment, duties, or responsibilities, or that the person against whom the claim is made
75.29 had a reasonable basis for believing occurred within the scope of commission employment,
75.30 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
75.31 person from retaining their own counsel at their own expense, and provided further that the
75.32 actual or alleged act, error, or omission did not result from that person's intentional or willful
75.33 or wanton misconduct;

76.1 (3) the commission shall indemnify and hold harmless any member, officer, executive
76.2 director, employee, or representative of the commission for the amount of any settlement
76.3 or judgment obtained against that person arising out of any actual or alleged act, error, or
76.4 omission that occurred within the scope of commission employment, duties, or
76.5 responsibilities, or that such person had a reasonable basis for believing occurred within
76.6 the scope of commission employment, duties, or responsibilities, provided that the actual
76.7 or alleged act, error, or omission did not result from the intentional or willful or wanton
76.8 misconduct of that person;

76.9 (4) except as provided under paragraph (i), venue is proper and judicial proceedings by
76.10 or against the commission shall be brought solely and exclusively in a court of competent
76.11 jurisdiction where the principal office of the commission is located. The commission may
76.12 waive venue and jurisdictional defenses in any proceedings as authorized by commission
76.13 rules;

76.14 (5) nothing herein shall be construed as a limitation on the liability of any licensee for
76.15 professional malpractice or misconduct, which shall be governed solely by any other
76.16 applicable state laws;

76.17 (6) nothing herein shall be construed to designate the venue or jurisdiction to bring
76.18 actions for alleged acts of malpractice, professional misconduct, negligence, or other such
76.19 civil action pertaining to the practice of a PA. All such matters shall be determined
76.20 exclusively by state law other than this compact;

76.21 (7) nothing in this compact shall be interpreted to waive or otherwise abrogate a
76.22 participating state's state action immunity or state action affirmative defense with respect
76.23 to antitrust claims under the federal Sherman Act, Clayton Act, or any other state or federal
76.24 antitrust or anticompetitive law or regulation; and

76.25 (8) nothing in this compact shall be construed to be a waiver of sovereign immunity by
76.26 the participating states or by the commission.

76.27 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,
76.28 employees, or representatives of the interstate commission, acting within the scope of their
76.29 employment or duties, may not exceed the limits of liability set forth under the constitution
76.30 and laws of this state for state officials, employees, and agents. This paragraph expressly
76.31 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
76.32 under that statute.

76.33 (i) Except for a claim alleging a violation of this compact, a claim against the commission,
76.34 its executive director, employees, or representatives alleging a violation of the constitution

77.1 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
77.2 this paragraph creates a private right of action.

77.3 ARTICLE VIII

77.4 DATA SYSTEM

77.5 (a) The commission shall provide for the development, maintenance, and utilization of
77.6 a coordinated database and reporting system containing licensure and adverse action
77.7 information, and the reporting of significant investigative information on all licensed PAs
77.8 and applicants denied a license in participating states.

77.9 (b) Notwithstanding any other state law to the contrary, a participating state shall submit
77.10 a uniform data set to the data system on all PAs to whom this compact is applicable, using
77.11 a unique identifier, as required by the rules of the commission, including:

77.12 (1) identifying information;

77.13 (2) licensure data;

77.14 (3) adverse actions against a license or compact privilege;

77.15 (4) any denial of application for licensure and the reason or reasons for the denial,
77.16 excluding the reporting of any criminal history record information where prohibited by law;

77.17 (5) the existence of significant investigative information; and

77.18 (6) other information that may facilitate the administration of this compact, as determined
77.19 by the rules of the commission.

77.20 (c) Significant investigative information pertaining to a licensee in any participating
77.21 state shall only be available to other participating states.

77.22 (d) The commission shall promptly notify all participating states of any reports it receives
77.23 of any adverse action taken against a licensee or an individual applying for a license. This
77.24 adverse action information shall be available to any other participating state.

77.25 (e) Participating states contributing information to the data system may, in accordance
77.26 with state or federal law, designate information that may not be shared with the public
77.27 without the express permission of the contributing state. Notwithstanding any such
77.28 designation, such information shall be reported to the commission through the data system.

77.29 (f) Any information submitted to the data system that is subsequently expunged by
77.30 federal law or the laws of the participating state contributing the information shall be removed
77.31 from the data system upon reporting of such by the participating state to the commission.

78.1 (g) The records and information provided to a participating state pursuant to this compact
78.2 or through the data system, when certified by the commission or an agent thereof, shall
78.3 constitute the authenticated business records of the commission and shall be entitled to any
78.4 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
78.5 proceedings in a participating state.

78.6 ARTICLE IX

78.7 RULEMAKING

78.8 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
78.9 forth in this article and the rules adopted thereunder. Commission rules shall become binding
78.10 as of the date specified by the commission for each rule.

78.11 (b) The commission shall promulgate reasonable rules in order to effectively and
78.12 efficiently implement and administer this compact and achieve its purposes. A commission
78.13 rule shall be invalid and have no force or effect only if a court of competent jurisdiction
78.14 holds that the rule is invalid because the commission exercised its rulemaking authority in
78.15 a manner that is beyond the scope of the purposes of this compact, or the powers granted
78.16 hereunder, or based upon another applicable standard of review.

78.17 (c) The rules of the commission shall have the force of law in each participating state,
78.18 provided however that where the rules of the commission conflict with the laws of the
78.19 participating state that establish the medical services a PA may perform in the participating
78.20 state, as held by a court of competent jurisdiction, the rules of the commission shall be
78.21 ineffective in that state to the extent of the conflict.

78.22 (d) If a majority of the legislatures of the participating states rejects a commission rule,
78.23 by enactment of a statute or resolution in the same manner used to adopt the compact within
78.24 four years of the date of adoption of the rule, then such rule shall have no further force and
78.25 effect in any participating state or in any state applying to participate in the compact.

78.26 (e) Rules or amendments to the rules shall be adopted at a regular or special meeting of
78.27 the commission.

78.28 (f) Prior to promulgation and adoption of a final rule or rules by the commission and at
78.29 least 30 days in advance of the meeting at which the rule will be considered and voted upon,
78.30 the commission shall file a notice of proposed rulemaking:

78.31 (1) on the website of the commission or other publicly accessible platform;

78.32 (2) to persons who have requested notice of the commission's notices of proposed
78.33 rulemaking; and

- 79.1 (3) in such other ways as the commission may specify by rule.
- 79.2 (g) The notice of proposed rulemaking shall include:
- 79.3 (1) the time, date, and location of the public hearing on the proposed rule;
- 79.4 (2) the time, date, and location of the public hearing in which the proposed rule will be
- 79.5 considered and voted upon;
- 79.6 (3) the text of the proposed rule and the reason for the proposed rule;
- 79.7 (4) a request for comments on the proposed rule from any interested person and the date
- 79.8 by which written comments must be received; and
- 79.9 (5) the manner in which interested persons may submit notice to the commission of their
- 79.10 intention to attend the public hearing and any written comments.
- 79.11 (h) Prior to adoption of a proposed rule, the commission shall allow persons to submit
- 79.12 written data, facts, opinions, and arguments, which shall be made available to the public.
- 79.13 (i) If the hearing is held via electronic means, the commission shall publish the mechanism
- 79.14 for access to the electronic hearing:
- 79.15 (1) all persons wishing to be heard at the hearing shall notify the commission of their
- 79.16 desire to appear and testify at the hearing, not less than five business days before the
- 79.17 scheduled date of the hearing, as directed in the notice of proposed rulemaking;
- 79.18 (2) hearings shall be conducted in a manner providing each person who wishes to
- 79.19 comment a fair and reasonable opportunity to comment orally or in writing;
- 79.20 (3) all hearings shall be recorded. A copy of the recording and the written comments,
- 79.21 data, facts, opinions, and arguments received in response to the proposed rulemaking shall
- 79.22 be made available to a person on request; and
- 79.23 (4) nothing in this section shall be construed as requiring a separate hearing on each
- 79.24 rule. Proposed rules may be grouped for the convenience of the commission at hearings
- 79.25 required by this article.
- 79.26 (j) Following the public hearing, the commission shall consider all written and oral
- 79.27 comments timely received.
- 79.28 (k) The commission shall, by majority vote of all delegates, take final action on the
- 79.29 proposed rule and shall determine the effective date of the rule, if adopted, based on the
- 79.30 rulemaking record and the full text of the rule. The commission:
- 79.31 (1) shall, if adopted, post the rule on the commission's website;

80.1 (2) may adopt changes to the proposed rule provided the changes do not expand the
80.2 original purpose of the proposed rule;

80.3 (3) shall provide on its website an explanation of the reasons for substantive changes
80.4 made to the proposed rule as well as reasons for substantive changes not made that were
80.5 recommended by commenters; and

80.6 (4) shall determine a reasonable effective date for the rule. Except for an emergency as
80.7 provided in paragraph (l), the effective date of the rule shall be no sooner than 30 days after
80.8 the commission issued the notice that it adopted the rule.

80.9 (l) Upon determination that an emergency exists, the commission may consider and
80.10 adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment
80.11 or hearing, provided that the usual rulemaking procedures provided in the compact and in
80.12 this article shall be retroactively applied to the rule as soon as reasonably possible, in no
80.13 event later than 90 days after the effective date of the rule. For the purposes of this provision,
80.14 an emergency rule is one that must be adopted immediately by the commission in order to:

80.15 (1) meet an imminent threat to public health, safety, or welfare;

80.16 (2) prevent a loss of commission or participating state funds;

80.17 (3) meet a deadline for the promulgation of a commission rule that is established by
80.18 federal law or rule; or

80.19 (4) protect public health and safety.

80.20 (m) The commission or an authorized committee of the commission may direct revisions
80.21 to a previously adopted commission rule for purposes of correcting typographical errors,
80.22 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
80.23 shall be posted on the website of the commission. The revision shall be subject to challenge
80.24 by any person for a period of 30 days after posting. The revision may be challenged only
80.25 on grounds that the revision results in a material change to a rule. A challenge shall be made
80.26 as set forth in the notice of revisions and delivered to the commission prior to the end of
80.27 the notice period. If no challenge is made, the revision will take effect without further action.
80.28 If the revision is challenged, the revision may not take effect without the approval of the
80.29 commission.

80.30 (n) No participating state's rulemaking requirements shall apply under this compact.

80.31 ARTICLE X

80.32 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

81.1 (a) Oversight:

81.2 (1) the executive and judicial branches of state government in each participating state
81.3 shall enforce this compact and take all actions necessary and appropriate to implement the
81.4 compact;

81.5 (2) venue is proper and judicial proceedings by or against the commission shall be
81.6 brought solely and exclusively in a court of competent jurisdiction where the principal office
81.7 of the commission is located. The commission may waive venue and jurisdictional defenses
81.8 to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
81.9 Nothing herein shall affect or limit the selection or propriety of venue in any action against
81.10 a licensee for professional malpractice, misconduct, or any such similar matter; and

81.11 (3) the commission shall be entitled to receive service of process in any such proceeding
81.12 regarding the enforcement or interpretation of the compact or the commission's rules and
81.13 shall have standing to intervene in such a proceeding for all purposes. Failure to provide
81.14 service of process to the commission shall render a judgment or order void as to the
81.15 commission, this compact, or commission rules.

81.16 (b) Default, technical assistance, and termination:

81.17 (1) if the commission determines that a participating state has defaulted in the
81.18 performance of its obligations or responsibilities under this compact or the commission
81.19 rules, the commission shall:

81.20 (i) provide written notice to the defaulting state and other participating states describing
81.21 the default, the proposed means of curing the default, or any other action that the commission
81.22 may take; and

81.23 (ii) offer remedial training and specific technical assistance regarding the default;

81.24 (2) if a state in default fails to cure the default, the defaulting state may be terminated
81.25 from this compact upon an affirmative vote of a majority of the delegates of the participating
81.26 states, and all rights, privileges, and benefits conferred by this compact may be terminated
81.27 on the effective date of termination. A cure of the default does not relieve the offending
81.28 state of obligations or liabilities incurred during the period of default;

81.29 (3) termination of participation in this compact shall be imposed only after all other
81.30 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
81.31 shall be given by the commission to the governor, the majority and minority leaders of the
81.32 defaulting state's legislature, and the licensing board or boards of each of the participating
81.33 states;

82.1 (4) a state that has been terminated is responsible for all assessments, obligations, and
82.2 liabilities incurred through the effective date of termination, including obligations that
82.3 extend beyond the effective date of termination;

82.4 (5) the commission shall not bear any costs related to a state that is found to be in default
82.5 or that has been terminated from this compact, unless agreed upon in writing between the
82.6 commission and the defaulting state;

82.7 (6) the defaulting state may appeal its termination from the compact by the commission
82.8 by petitioning the United States District Court for the District of Columbia or the federal
82.9 district where the commission has its principal offices. The prevailing member shall be
82.10 awarded all costs of such litigation, including reasonable attorney fees; and

82.11 (7) upon the termination of a state's participation in the compact, the state shall
82.12 immediately provide notice to all licensees within that state of such termination:

82.13 (i) licensees who have been granted a compact privilege in that state shall retain the
82.14 compact privilege for 180 days following the effective date of such termination; and

82.15 (ii) licensees who are licensed in that state who have been granted a compact privilege
82.16 in a participating state shall retain the compact privilege for 180 days, unless the licensee
82.17 also has a qualifying license in a participating state or obtains a qualifying license in a
82.18 participating state before the 180-day period ends, in which case the compact privilege shall
82.19 continue.

82.20 (c) Dispute resolution:

82.21 (1) upon request by a participating state, the commission shall attempt to resolve disputes
82.22 related to this compact that arise among participating states and between participating and
82.23 nonparticipating states; and

82.24 (2) the commission shall promulgate a rule providing for both mediation and binding
82.25 dispute resolution for disputes, as appropriate.

82.26 (d) Enforcement:

82.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
82.28 provisions of this compact and rules of the commission;

82.29 (2) if compliance is not secured after all means to secure compliance have been exhausted,
82.30 by majority vote, the commission may initiate legal action in the United States District
82.31 Court for the District of Columbia or the federal district where the commission has its
82.32 principal offices against a participating state in default, to enforce compliance with the

83.1 provisions of this compact and the commission's promulgated rules and bylaws. The relief
83.2 sought may include both injunctive relief and damages. In the event judicial enforcement
83.3 is necessary, the prevailing member shall be awarded all costs of such litigation, including
83.4 reasonable attorney fees; and

83.5 (3) the remedies herein shall not be the exclusive remedies of the commission. The
83.6 commission may pursue any other remedies available under federal or state law.

83.7 (e) Legal action against the commission:

83.8 (1) a participating state may initiate legal action against the commission in the United
83.9 States District Court for the District of Columbia or the federal district where the commission
83.10 has its principal offices to enforce compliance with the provisions of the compact and the
83.11 commission's rules. The relief sought may include both injunctive relief and damages. In
83.12 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
83.13 of such litigation, including reasonable attorney fees; and

83.14 (2) no person other than a participating state shall enforce this compact against the
83.15 commission.

83.16 ARTICLE XI

83.17 DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

83.18 (a) This compact shall come into effect on the date on which the compact statute is
83.19 enacted into law in the seventh participating state.

83.20 (b) On or after the effective date of the compact, the commission shall convene and
83.21 review the enactment of each of the charter participating states to determine if the statute
83.22 enacted by each charter participating state is materially different than the model compact.
83.23 A charter participating state whose enactment is found to be materially different from the
83.24 model compact shall be entitled to the default process set forth in article X, paragraph (b).

83.25 (c) If any participating state later withdraws from the compact or its participation is
83.26 terminated, the commission shall remain in existence and the compact shall remain in effect
83.27 even if the number of participating states should be less than seven. Participating states
83.28 enacting the compact subsequent to the commission convening shall be subject to the process
83.29 set forth in article VII, paragraph (c), clause (21), to determine if their enactments are
83.30 materially different from the model compact and whether they qualify for participation in
83.31 the compact.

83.32 (d) Any participating state enacting the compact subsequent to the seven initial charter
83.33 participating states shall be subject to the process set forth in article VII, paragraph (c),

84.1 clause (21), to determine if the state's enactment is materially different from the model
84.2 compact and whether the state qualifies for participation in the compact.

84.3 (e) All actions taken for the benefit of the commission or in furtherance of the purposes
84.4 of the administration of the compact prior to the effective date of the compact or the
84.5 commission coming into existence shall be considered to be actions of the commission
84.6 unless specifically repudiated by the commission.

84.7 (f) Any state that joins this compact shall be subject to the commission's rules and bylaws
84.8 as they exist on the date on which this compact becomes law in that state. Any rule that has
84.9 been previously adopted by the commission shall have the full force and effect of law on
84.10 the day this compact becomes law in that state.

84.11 (g) Any participating state may withdraw from this compact by enacting a statute
84.12 repealing the same:

84.13 (1) a participating state's withdrawal shall not take effect until 180 days after enactment
84.14 of the repealing statute. During this 180-day period, all compact privileges that were in
84.15 effect in the withdrawing state and were granted to licensees licensed in the withdrawing
84.16 state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed
84.17 in another participating state or obtains a license in another participating state within the
84.18 180 days, the licensee's compact privileges in other participating states shall not be affected
84.19 by the passage of the 180 days;

84.20 (2) withdrawal shall not affect the continuing requirement of the state licensing board
84.21 or boards of the withdrawing state to comply with the investigative and adverse action
84.22 reporting requirements of this compact prior to the effective date of withdrawal; and

84.23 (3) upon the enactment of a statute withdrawing a state from this compact, the state shall
84.24 immediately provide notice of such withdrawal to all licensees within that state. Such
84.25 withdrawing state shall continue to recognize all licenses granted pursuant to this compact
84.26 for a minimum of 180 days after the date of such notice of withdrawal.

84.27 (h) Nothing contained in this compact shall be construed to invalidate or prevent any
84.28 PA licensure agreement or other cooperative arrangement between participating states or a
84.29 participating state and a nonparticipating state that does not conflict with the provisions of
84.30 this compact.

84.31 (i) This compact may be amended by the participating states. No amendment to this
84.32 compact shall become effective and binding upon any participating state until it is enacted

85.1 materially in the same manner into the laws of all participating states, as determined by the
85.2 commission.

85.3 ARTICLE XII

85.4 CONSTRUCTION AND SEVERABILITY

85.5 (a) This compact and the commission's rulemaking authority shall be liberally construed
85.6 so as to effectuate the purposes of the compact and its implementation and administration.
85.7 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall
85.8 not be construed to limit the commission's rulemaking authority solely for those purposes.

85.9 (b) The provisions of this compact shall be severable and if any phrase, clause, sentence,
85.10 or provision of this compact is held by a court of competent jurisdiction to be contrary to
85.11 the constitution of any participating state, of a state seeking participation in the compact,
85.12 or of the United States, or the applicability thereof to any government, agency, person, or
85.13 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
85.14 of the remainder of this compact and the applicability thereof to any government, agency,
85.15 person, or circumstance shall not be affected thereby.

85.16 (c) Notwithstanding paragraph (b) or any provision of this article, the commission may
85.17 deny a state's participation in the compact or, in accordance with the requirements of article
85.18 X, paragraph (b), terminate a participating state's participation in the compact, if it determines
85.19 that a constitutional requirement of a participating state is, or would be with respect to a
85.20 state seeking to participate in the compact, a material departure from the compact. Otherwise,
85.21 if this compact shall be held to be contrary to the constitution of any participating state, the
85.22 compact shall remain in full force and effect as to the remaining participating states and in
85.23 full force and effect as to the participating state affected as to all severable matters.

85.24 ARTICLE XIII

85.25 BINDING EFFECT OF THE COMPACT

85.26 (a) Nothing herein prevents the enforcement of any other law of a participating state
85.27 that is not inconsistent with this compact.

85.28 (b) Any laws in a participating state in conflict with this compact are superseded to the
85.29 extent of the conflict.

85.30 (c) All agreements between the commission and the participating states are binding in
85.31 accordance with their terms.

85.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.1 Sec. 2. DIRECTION TO BOARD OF MEDICAL PRACTICE.

86.2 The Board of Medical Practice must publish the effective date of the compact in
86.3 Minnesota Statutes, section 148.675, in the State Register and on the board's website.

86.4 **ARTICLE 11**
86.5 **OCCUPATIONAL THERAPY LICENSURE COMPACT**

86.6 Section 1. [148.645] OCCUPATIONAL THERAPY LICENSURE COMPACT.

86.7 ARTICLE I

86.8 TITLE

86.9 This statute shall be known and cited as the occupational therapist licensure compact.

86.10 ARTICLE II

86.11 DEFINITIONS

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

86.14 (A) "Active duty military" means full-time duty status in the active uniformed service
86.15 of the United States, including members of the National Guard and Reserve on active duty
86.16 orders pursuant to United States Code, title 10, sections 1209 and 1211.

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

86.22 (C) "Alternative program" means a nondisciplinary monitoring process approved by an
86.23 occupational therapy licensing board.

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

86.29 (E) "Continuing competence" or "continuing education" means a requirement, as a
86.30 condition of license renewal, to provide evidence of participation in, and completion of,
86.31 educational and professional activities relevant to practice or area of work.

87.1 (F) "Current significant investigative information" means investigative information that
87.2 a licensing board, after an inquiry or investigation that includes notification and an
87.3 opportunity for the occupational therapist or occupational therapy assistant to respond, if
87.4 required by state law, has reason to believe is not groundless and, if proven true, would
87.5 indicate more than a minor infraction.

87.6 (G) "Data system" means a repository of information about licensees, including but not
87.7 limited to license status, investigative information, compact privileges, and adverse actions.

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

87.11 (I) "Executive committee" means a group of directors elected or appointed to act on
87.12 behalf of, and within the powers granted to them by, the commission.

87.13 (J) "Home state" means the member state that is the licensee's primary state of residence.

87.14 (K) "Impaired practitioner" means an individual whose professional practice is adversely
87.15 affected by substance abuse, addiction, or other health-related conditions.

87.16 (L) "Investigative information" means information, records, or documents received or
87.17 generated by an occupational therapy licensing board pursuant to an investigation.

87.18 (M) "Jurisprudence requirement" means the assessment of an individual's knowledge
87.19 of the laws and rules governing the practice of occupational therapy in a state.

87.20 (N) "Licensee" means an individual who currently holds an authorization from the state
87.21 to practice as an occupational therapist or as an occupational therapy assistant.

87.22 (O) "Member state" means a state that has enacted the compact.

87.23 (P) "Occupational therapist" means an individual who is licensed by a state to practice
87.24 occupational therapy.

87.25 (Q) "Occupational therapy assistant" means an individual who is licensed by a state to
87.26 assist in the practice of occupational therapy.

87.27 (R) "Occupational therapy," "occupational therapy practice," and "the practice of
87.28 occupational therapy" mean the care and services provided by an occupational therapist or
87.29 an occupational therapy assistant as set forth in the member state's statutes and regulations.

87.30 (S) "Occupational therapy compact commission" or "commission" means the national
87.31 administrative body whose membership consists of all states that have enacted the compact.

88.1 (T) "Occupational therapy licensing board" or "licensing board" means the agency of a
 88.2 state that is authorized to license and regulate occupational therapists and occupational
 88.3 therapy assistants.

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

88.9 (V) "Remote state" means a member state other than the home state where a licensee is
 88.10 exercising or seeking to exercise the compact privilege.

88.11 (W) "Rule" means a regulation promulgated by the commission that has the force of
 88.12 law.

88.13 (X) "State" means any state, commonwealth, district, or territory of the United States
 88.14 of America that regulates the practice of occupational therapy.

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

88.18 (Z) "Telehealth" means the application of telecommunication technology to deliver
 88.19 occupational therapy services for assessment, intervention, or consultation.

88.20 ARTICLE III

88.21 STATE PARTICIPATION IN THE COMPACT

88.22 (A) To participate in the compact, a member state shall:

88.23 (1) license occupational therapists and occupational therapy assistants;

88.24 (2) participate fully in the commission's data system, including but not limited to using
 88.25 the commission's unique identifier as defined in rules of the commission;

88.26 (3) have a mechanism in place for receiving and investigating complaints about licensees;

88.27 (4) notify the commission, in compliance with the terms of the compact and rules, of
 88.28 any adverse action or the availability of investigative information regarding a licensee;

88.29 (5) implement or utilize procedures for considering the criminal history records of
 88.30 applicants for an initial compact privilege. These procedures shall include the submission
 88.31 of fingerprints or other biometric-based information by applicants for the purpose of obtaining

89.1 an applicant's criminal history record information from the Federal Bureau of Investigation
89.2 and the agency responsible for retaining that state's criminal records;

89.3 (i) A member state shall, within a time frame established by the commission, require a
89.4 criminal background check for a licensee seeking or applying for a compact privilege whose
89.5 primary state of residence is that member state by receiving the results of the Federal Bureau
89.6 of Investigation criminal record search, and shall use the results in making licensure
89.7 decisions.

89.8 (ii) Communication between a member state, the commission, and among member states
89.9 regarding the verification of eligibility for licensure through the compact shall not include
89.10 any information received from the Federal Bureau of Investigation relating to a federal
89.11 criminal records check performed by a member state under Public Law 92-544;

89.12 (6) comply with the rules of the commission;

89.13 (7) utilize only a recognized national examination as a requirement for licensure pursuant
89.14 to the rules of the commission; and

89.15 (8) have continuing competence or education requirements as a condition for license
89.16 renewal.

89.17 (B) A member state shall grant the compact privilege to a licensee holding a valid
89.18 unencumbered license in another member state in accordance with the terms of the compact
89.19 and rules.

89.20 (C) Member states may charge a fee for granting a compact privilege.

89.21 (D) A member state shall provide for the state's delegate to attend all occupational therapy
89.22 compact commission meetings.

89.23 (E) Individuals not residing in a member state shall continue to be able to apply for a
89.24 member state's single-state license as provided under the laws of each member state.
89.25 However, the single-state license granted to these individuals shall not be recognized as
89.26 granting the compact privilege in any other member state.

89.27 (F) Nothing in this compact shall affect the requirements established by a member state
89.28 for the issuance of a single-state license.

89.29 ARTICLE IV

89.30 COMPACT PRIVILEGE

89.31 (A) To exercise the compact privilege under the terms and provisions of the compact,
89.32 the licensee shall:

- 90.1 (1) hold a license in the home state;
- 90.2 (2) have a valid United States Social Security number or national practitioner
90.3 identification number;
- 90.4 (3) have no encumbrance on any state license;
- 90.5 (4) be eligible for a compact privilege in any member state in accordance with Article
90.6 IV, (D), (F), (G), and (H);
- 90.7 (5) have paid all fines and completed all requirements resulting from any adverse action
90.8 against any license or compact privilege, and two years have elapsed from the date of such
90.9 completion;
- 90.10 (6) notify the commission that the licensee is seeking the compact privilege within a
90.11 remote state or states;
- 90.12 (7) pay any applicable fees, including any state fee, for the compact privilege;
- 90.13 (8) complete a criminal background check in accordance with Article III, (A)(5). The
90.14 licensee shall be responsible for the payment of any fee associated with the completion of
90.15 a criminal background check;
- 90.16 (9) meet any jurisprudence requirements established by the remote state or states in
90.17 which the licensee is seeking a compact privilege; and
- 90.18 (10) report to the commission adverse action taken by any nonmember state within 30
90.19 days from the date the adverse action is taken.
- 90.20 (B) The compact privilege is valid until the expiration date of the home state license.
90.21 The licensee must comply with the requirements of Article IV, (A), to maintain the compact
90.22 privilege in the remote state.
- 90.23 (C) A licensee providing occupational therapy in a remote state under the compact
90.24 privilege shall function within the laws and regulations of the remote state.
- 90.25 (D) Occupational therapy assistants practicing in a remote state shall be supervised by
90.26 an occupational therapist licensed or holding a compact privilege in that remote state.
- 90.27 (E) A licensee providing occupational therapy in a remote state is subject to that state's
90.28 regulatory authority. A remote state may, in accordance with due process and that state's
90.29 laws, remove a licensee's compact privilege in the remote state for a specific period of time,
90.30 impose fines, or take any other necessary actions to protect the health and safety of its
90.31 citizens. The licensee may be ineligible for a compact privilege in any state until the specific
90.32 time for removal has passed and all fines are paid.

91.1 (F) If a home state license is encumbered, the licensee shall lose the compact privilege
91.2 in any remote state until the following occur:

91.3 (1) the home state license is no longer encumbered; and

91.4 (2) two years have elapsed from the date on which the home state license is no longer
91.5 encumbered in accordance with Article IV, (F)(1).

91.6 (G) Once an encumbered license in the home state is restored to good standing, the
91.7 licensee must meet the requirements of Article IV, (A), to obtain a compact privilege in any
91.8 remote state.

91.9 (H) If a licensee's compact privilege in any remote state is removed, the individual may
91.10 lose the compact privilege in any other remote state until the following occur:

91.11 (1) the specific period of time for which the compact privilege was removed has ended;

91.12 (2) all fines have been paid and all conditions have been met;

91.13 (3) two years have elapsed from the date of completing requirements for Article IV,
91.14 (H)(1) and (2); and

91.15 (4) the compact privileges are reinstated by the commission and the compact data system
91.16 is updated to reflect reinstatement.

91.17 (I) If a licensee's compact privilege in any remote state is removed due to an erroneous
91.18 charge, privileges shall be restored through the compact data system.

91.19 (J) Once the requirements of Article IV, (H), have been met, the licensee must meet the
91.20 requirements in Article IV, (A), to obtain a compact privilege in a remote state.

91.21 ARTICLE V

91.22 OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

91.23 (A) An occupational therapist or occupational therapy assistant may hold a home state
91.24 license, which allows for compact privileges in member states, in only one member state
91.25 at a time.

91.26 (B) If an occupational therapist or occupational therapy assistant changes their primary
91.27 state of residence by moving between two member states:

91.28 (1) the occupational therapist or occupational therapy assistant shall file an application
91.29 for obtaining a new home state license by virtue of a compact privilege, pay all applicable
91.30 fees, and notify the current and new home state in accordance with applicable rules adopted
91.31 by the commission;

92.1 (2) upon receipt of an application for obtaining a new home state license by virtue of
92.2 compact privilege, the new home state shall verify that the occupational therapist or
92.3 occupational therapy assistant meets the pertinent criteria outlined in Article IV via the data
92.4 system, without need for primary source verification except for:

92.5 (i) an FBI fingerprint-based criminal background check if not previously performed or
92.6 updated pursuant to applicable rules adopted by the commission in accordance with Public
92.7 Law 92-544;

92.8 (ii) other criminal background checks as required by the new home state; and

92.9 (iii) submission of any requisite jurisprudence requirements of the new home state;

92.10 (3) the former home state shall convert the former home state license into a compact
92.11 privilege once the new home state has activated the new home state license in accordance
92.12 with applicable rules adopted by the commission;

92.13 (4) notwithstanding any other provision of this compact, if the occupational therapist or
92.14 occupational therapy assistant cannot meet the criteria in Article IV, the new home state
92.15 shall apply its requirements for issuing a new single-state license; and

92.16 (5) the occupational therapist or the occupational therapy assistant shall pay all applicable
92.17 fees to the new home state in order to be issued a new home state license.

92.18 (C) If an occupational therapist or occupational therapy assistant changes their primary
92.19 state of residence by moving from a member state to a nonmember state, or from a
92.20 nonmember state to a member state, the state criteria shall apply for issuance of a single-state
92.21 license in the new state.

92.22 (D) Nothing in this compact shall interfere with a licensee's ability to hold a single-state
92.23 license in multiple states; however, for the purposes of this compact, a licensee shall have
92.24 only one home state license.

92.25 (E) Nothing in this compact shall affect the requirements established by a member state
92.26 for the issuance of a single-state license.

92.27 ARTICLE VI

92.28 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

92.29 Active duty military personnel, or their spouses, shall designate a home state where the
92.30 individual has a current license in good standing. The individual may retain the home state
92.31 designation during the period the service member is on active duty. Subsequent to designating

93.1 a home state, the individual shall only change their home state through application for
93.2 licensure in the new state or through the process described in Article V.

93.3 ARTICLE VII

93.4 ADVERSE ACTIONS

93.5 (A) A home state shall have exclusive power to impose adverse action against an
93.6 occupational therapist's or occupational therapy assistant's license issued by the home state.

93.7 (B) In addition to the other powers conferred by state law, a remote state shall have the
93.8 authority, in accordance with existing state due process law, to:

93.9 (1) take adverse action against an occupational therapist's or occupational therapy
93.10 assistant's compact privilege within that member state; and

93.11 (2) issue subpoenas for both hearings and investigations that require the attendance and
93.12 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
93.13 board in a member state for the attendance and testimony of witnesses or the production of
93.14 evidence from another member state shall be enforced in the latter state by any court of
93.15 competent jurisdiction, according to the practice and procedure of that court applicable to
93.16 subpoenas issued in proceedings pending before that court. The issuing authority shall pay
93.17 any witness fees, travel expenses, mileage, and other fees required by the service statutes
93.18 of the state in which the witnesses or evidence are located.

93.19 (C) For purposes of taking adverse action, the home state shall give the same priority
93.20 and effect to reported conduct received from a member state as it would if the conduct had
93.21 occurred within the home state. In so doing, the home state shall apply its own state laws
93.22 to determine appropriate action.

93.23 (D) The home state shall complete any pending investigations of an occupational therapist
93.24 or occupational therapy assistant who changes their primary state of residence during the
93.25 course of the investigations. The home state, where the investigations were initiated, shall
93.26 also have the authority to take appropriate action and shall promptly report the conclusions
93.27 of the investigations to the compact commission data system. The occupational therapy
93.28 compact commission data system administrator shall promptly notify the new home state
93.29 of any adverse actions.

93.30 (E) A member state, if otherwise permitted by state law, may recover from the affected
93.31 occupational therapist or occupational therapy assistant the costs of investigations and
93.32 disposition of cases resulting from any adverse action taken against that occupational
93.33 therapist or occupational therapy assistant.

94.1 (F) A member state may take adverse action based on the factual findings of the remote
94.2 state, provided that the member state follows its own procedures for taking the adverse
94.3 action.

94.4 (G) Joint Investigations:

94.5 (1) In addition to the authority granted to a member state by its respective state
94.6 occupational therapy laws and regulations or other applicable state law, any member state
94.7 may participate with other member states in joint investigations of licensees.

94.8 (2) Member states shall share any investigative, litigation, or compliance materials in
94.9 furtherance of any joint or individual investigation initiated under the compact.

94.10 (H) If an adverse action is taken by the home state against an occupational therapist's
94.11 or occupational therapy assistant's license, the occupational therapist's or occupational
94.12 therapy assistant's compact privilege in all other member states shall be deactivated until
94.13 all encumbrances have been removed from the state license. All home state disciplinary
94.14 orders that impose adverse action against an occupational therapist's or occupational therapy
94.15 assistant's license shall include a statement that the occupational therapist's or occupational
94.16 therapy assistant's compact privilege is deactivated in all member states during the pendency
94.17 of the order.

94.18 (I) If a member state takes adverse action, the member state shall promptly notify the
94.19 administrator of the data system. The administrator of the data system shall promptly notify
94.20 the home state of any adverse actions by remote states.

94.21 (J) Nothing in this compact shall override a member state's decision that participation
94.22 in an alternative program may be used in lieu of adverse action.

94.23 ARTICLE VIII

94.24 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

94.25 (A) The compact member states hereby create and establish a joint public agency known
94.26 as the occupational therapy compact commission:

94.27 (1) The commission is an instrumentality of the compact states.

94.28 (2) Except as provided under paragraph (I), venue is proper and judicial proceedings by
94.29 or against the commission shall be brought solely and exclusively in a court of competent
94.30 jurisdiction where the principal office of the commission is located. The commission may
94.31 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
94.32 alternative dispute resolution proceedings.

95.1 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

95.2 (B) Membership, Voting, and Meetings:

95.3 (1) Each member state shall have and be limited to one delegate selected by that member
95.4 state's licensing board.

95.5 (2) The delegate shall be either:

95.6 (i) a current member of the licensing board who is an occupational therapist, occupational
95.7 therapy assistant, or public member; or

95.8 (ii) an administrator of the licensing board.

95.9 (3) Any delegate may be removed or suspended from office as provided by the law of
95.10 the state from which the delegate is appointed.

95.11 (4) The member state board shall fill any vacancy occurring in the commission within
95.12 90 days.

95.13 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules
95.14 and creation of bylaws and shall otherwise have an opportunity to participate in the business
95.15 and affairs of the commission. A delegate shall vote in person or by such other means as
95.16 provided in the bylaws. The bylaws may provide for delegates' participation in meetings
95.17 by telephone or other means of communication.

95.18 (6) The commission shall meet at least once during each calendar year. Additional
95.19 meetings shall be held as set forth in the bylaws.

95.20 (7) The commission shall establish by rule a term of office for delegates.

95.21 (C) The commission shall have the following powers and duties:

95.22 (1) establish a code of ethics for the commission;

95.23 (2) establish the fiscal year of the commission;

95.24 (3) establish bylaws;

95.25 (4) maintain its financial records in accordance with the bylaws;

95.26 (5) meet and take such actions as are consistent with the provisions of this compact and
95.27 the bylaws;

95.28 (6) promulgate uniform rules to facilitate and coordinate implementation and
95.29 administration of this compact. The rules shall have the force and effect of law and shall
95.30 be binding in all member states;

- 96.1 (7) bring and prosecute legal proceedings or actions in the name of the commission,
96.2 provided that the standing of any state occupational therapy licensing board to sue or be
96.3 sued under applicable law shall not be affected;
- 96.4 (8) purchase and maintain insurance and bonds;
- 96.5 (9) borrow, accept, or contract for services of personnel, including but not limited to
96.6 employees of a member state;
- 96.7 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant
96.8 such individuals appropriate authority to carry out the purposes of the compact, and establish
96.9 the commission's personnel policies and programs relating to conflicts of interest,
96.10 qualifications of personnel, and other related personnel matters;
- 96.11 (11) accept any and all appropriate donations and grants of money, equipment, supplies,
96.12 materials, and services, and receive, utilize, and dispose of the same; provided that at all
96.13 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 96.14 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
96.15 improve, or use any property, real, personal, or mixed; provided that at all times the
96.16 commission shall avoid any appearance of impropriety;
- 96.17 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
96.18 any property real, personal, or mixed;
- 96.19 (14) establish a budget and make expenditures;
- 96.20 (15) borrow money;
- 96.21 (16) appoint committees, including standing committees composed of members, state
96.22 regulators, state legislators or their representatives, and consumer representatives, and other
96.23 interested persons as may be designated in this compact and the bylaws;
- 96.24 (17) provide and receive information from, and cooperate with, law enforcement agencies;
- 96.25 (18) establish and elect an executive committee; and
- 96.26 (19) perform other functions as may be necessary or appropriate to achieve the purposes
96.27 of this compact consistent with the state regulation of occupational therapy licensure and
96.28 practice.
- 96.29 (D) The Executive Committee:
- 96.30 (1) The executive committee shall have the power to act on behalf of the commission
96.31 according to the terms of this compact.

- 97.1 (2) The executive committee shall be composed of nine members:
- 97.2 (i) seven voting members who are elected by the commission from the current
- 97.3 membership of the commission;
- 97.4 (ii) one ex-officio, nonvoting member from a recognized national occupational therapy
- 97.5 professional association; and
- 97.6 (iii) one ex-officio, nonvoting member from a recognized national occupational therapy
- 97.7 certification organization.
- 97.8 (3) The ex-officio members will be selected by their respective organizations.
- 97.9 (4) The commission may remove any member of the executive committee as provided
- 97.10 in the bylaws.
- 97.11 (5) The executive committee shall meet at least annually.
- 97.12 (6) The executive committee shall have the following duties and responsibilities:
- 97.13 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
- 97.14 compact legislation, fees paid by compact member states such as annual dues, and any
- 97.15 commission compact fee charged to licensees for the compact privilege;
- 97.16 (ii) ensure compact administration services are appropriately provided, contractual or
- 97.17 otherwise;
- 97.18 (iii) prepare and recommend the budget;
- 97.19 (iv) maintain financial records on behalf of the commission;
- 97.20 (v) monitor compact compliance of member states and provide compliance reports to
- 97.21 the commission;
- 97.22 (vi) establish additional committees as necessary; and
- 97.23 (vii) perform other duties as provided in rules or bylaws.
- 97.24 (E) Meetings of the Commission:
- 97.25 (1) All meetings shall be open to the public, and public notice of meetings shall be given
- 97.26 in the same manner as required under the rulemaking provisions in Article X.
- 97.27 (2) The commission or the executive committee or other committees of the commission
- 97.28 may convene in a closed, nonpublic meeting if the commission or executive committee or
- 97.29 other committees of the commission must discuss:
- 97.30 (i) noncompliance of a member state with its obligations under the compact;

98.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
98.2 related to specific employees or other matters related to the commission's internal personnel
98.3 practices and procedures;

98.4 (iii) current, threatened, or reasonably anticipated litigation;

98.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
98.6 estate;

98.7 (v) accusing any person of a crime or formally censuring any person;

98.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged
98.9 or confidential;

98.10 (vii) disclosure of information of a personal nature where disclosure would constitute a
98.11 clearly unwarranted invasion of personal privacy;

98.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

98.13 (ix) disclosure of information related to any investigative reports prepared by or on
98.14 behalf of or for use of the commission or other committee charged with responsibility of
98.15 investigation or determination of compliance issues pursuant to the compact; or

98.16 (x) matters specifically exempted from disclosure by federal or member state statute.

98.17 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
98.18 commission's legal counsel or designee shall certify that the meeting may be closed and
98.19 shall reference each relevant exempting provision.

98.20 (4) The commission shall keep minutes that fully and clearly describe all matters
98.21 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
98.22 the reasons therefore, including a description of the views expressed. All documents
98.23 considered in connection with an action shall be identified in such minutes. All minutes and
98.24 documents of a closed meeting shall remain under seal, subject to release by a majority vote
98.25 of the commission or order of a court of competent jurisdiction.

98.26 (F) Financing of the Commission:

98.27 (1) The commission shall pay, or provide for the payment of, the reasonable expenses
98.28 of its establishment, organization, and ongoing activities.

98.29 (2) The commission may accept any and all appropriate revenue sources, donations, and
98.30 grants of money, equipment, supplies, materials, and services.

99.1 (3) The commission may levy on and collect an annual assessment from each member
99.2 state or impose fees on other parties to cover the cost of the operations and activities of the
99.3 commission and its staff, which must be in a total amount sufficient to cover its annual
99.4 budget as approved by the commission each year for which revenue is not provided by other
99.5 sources. The aggregate annual assessment amount shall be allocated based upon a formula
99.6 to be determined by the commission, which shall promulgate a rule binding upon all member
99.7 states.

99.8 (4) The commission shall not incur obligations of any kind prior to securing the funds
99.9 adequate to meet the same; nor shall the commission pledge the credit of any of the member
99.10 states, except by and with the authority of the member state.

99.11 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
99.12 receipts and disbursements of the commission shall be subject to the audit and accounting
99.13 procedures established under its bylaws. However, all receipts and disbursements of funds
99.14 handled by the commission shall be audited yearly by a certified or licensed public
99.15 accountant, and the report of the audit shall be included in and become part of the annual
99.16 report of the commission.

99.17 (G) Qualified Immunity, Defense, and Indemnification:

99.18 (1) The members, officers, executive director, employees, and representatives of the
99.19 commission shall be immune from suit and liability, either personally or in their official
99.20 capacity, for any claim for damage to or loss of property or personal injury or other civil
99.21 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
99.22 or that the person against whom the claim is made had a reasonable basis for believing
99.23 occurred within the scope of commission employment, duties, or responsibilities; provided
99.24 that nothing in this paragraph shall be construed to protect any such person from suit or
99.25 liability for any damage, loss, injury, or liability caused by the intentional or willful or
99.26 wanton misconduct of that person.

99.27 (2) The commission shall defend any member, officer, executive director, employee, or
99.28 representative of the commission in any civil action seeking to impose liability arising out
99.29 of any actual or alleged act, error, or omission that occurred within the scope of commission
99.30 employment, duties, or responsibilities, or that the person against whom the claim is made
99.31 had a reasonable basis for believing occurred within the scope of commission employment,
99.32 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
99.33 person from retaining their own counsel; and provided further, that the actual or alleged

100.1 act, error, or omission did not result from that person's intentional or willful or wanton
100.2 misconduct.

100.3 (3) The commission shall indemnify and hold harmless any member, officer, executive
100.4 director, employee, or representative of the commission for the amount of any settlement
100.5 or judgment obtained against that person arising out of any actual or alleged act, error, or
100.6 omission that occurred within the scope of commission employment, duties, or
100.7 responsibilities, or that such person had a reasonable basis for believing occurred within
100.8 the scope of commission employment, duties, or responsibilities; provided that the actual
100.9 or alleged act, error, or omission did not result from the intentional or willful or wanton
100.10 misconduct of that person.

100.11 (H) Notwithstanding paragraph (G), clause (1), the liability of the executive director,
100.12 employees, or representatives of the interstate commission, acting within the scope of their
100.13 employment or duties, may not exceed the limits of liability set forth under the constitution
100.14 and laws of this state for state officials, employees, and agents. This paragraph expressly
100.15 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
100.16 under that statute.

100.17 (I) Except for a claim alleging a violation of this compact, a claim against the commission,
100.18 its executive director, employees, or representatives alleging a violation of the constitution
100.19 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
100.20 this paragraph creates a private right of action.

100.21 (J) Nothing in this compact shall be construed as a limitation on the liability of any
100.22 licensee for professional malpractice or misconduct, which shall be governed solely by any
100.23 other applicable state laws.

100.24 ARTICLE IX

100.25 DATA SYSTEM

100.26 (A) The commission shall provide for the development, maintenance, and utilization of
100.27 a coordinated database and reporting system containing licensure, adverse action, and
100.28 investigative information on all licensed individuals in member states.

100.29 (B) A member state shall submit a uniform data set to the data system on all individuals
100.30 to whom this compact is applicable, utilizing a unique identifier, as required by the rules
100.31 of the commission, including:

100.32 (1) identifying information;

100.33 (2) licensure data;

- 101.1 (3) adverse actions against a license or compact privilege;
- 101.2 (4) nonconfidential information related to alternative program participation;
- 101.3 (5) any denial of application for licensure and the reason or reasons for such denial;
- 101.4 (6) other information that may facilitate the administration of this compact, as determined
101.5 by the rules of the commission; and
- 101.6 (7) current significant investigative information.
- 101.7 (C) Current significant investigative information and other investigative information
101.8 pertaining to a licensee in any member state will only be available to other member states.
- 101.9 (D) The commission shall promptly notify all member states of any adverse action taken
101.10 against a licensee or an individual applying for a license. Adverse action information
101.11 pertaining to a licensee in any member state will be available to any other member state.
- 101.12 (E) Member states contributing information to the data system may designate information
101.13 that may not be shared with the public without the express permission of the contributing
101.14 state.
- 101.15 (F) Any information submitted to the data system that is subsequently required to be
101.16 expunged by the laws of the member state contributing the information shall be removed
101.17 from the data system.

101.18 ARTICLE X

101.19 RULEMAKING

- 101.20 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
101.21 forth in this Article and the rules adopted thereunder. Rules and amendments shall become
101.22 binding as of the date specified in each rule or amendment.
- 101.23 (B) The commission shall promulgate reasonable rules in order to effectively and
101.24 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event
101.25 the commission exercises its rulemaking authority in a manner that is beyond the scope of
101.26 the purposes of the compact, or the powers granted hereunder, then such an action by the
101.27 commission shall be invalid and have no force and effect.
- 101.28 (C) If a majority of the legislatures of the member states rejects a rule, by enactment of
101.29 a statute or resolution in the same manner used to adopt the compact within four years of
101.30 the date of adoption of the rule, then such rule shall have no further force and effect in any
101.31 member state.

102.1 (D) Rules or amendments to the rules shall be adopted at a regular or special meeting
102.2 of the commission.

102.3 (E) Prior to promulgation and adoption of a final rule or rules by the commission, and
102.4 at least 30 days in advance of the meeting at which the rule will be considered and voted
102.5 upon, the commission shall file a notice of proposed rulemaking:

102.6 (1) on the website of the commission or other publicly accessible platform; and

102.7 (2) on the website of each member state occupational therapy licensing board or other
102.8 publicly accessible platform or the publication in which each state would otherwise publish
102.9 proposed rules.

102.10 (F) The notice of proposed rulemaking shall include:

102.11 (1) the proposed time, date, and location of the meeting in which the rule will be
102.12 considered and voted upon;

102.13 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

102.14 (3) a request for comments on the proposed rule from any interested person; and

102.15 (4) the manner in which interested persons may submit notice to the commission of their
102.16 intention to attend the public hearing and any written comments.

102.17 (G) Prior to adoption of a proposed rule, the commission shall allow persons to submit
102.18 written data, facts, opinions, and arguments, which shall be made available to the public.

102.19 (H) The commission shall grant an opportunity for a public hearing before it adopts a
102.20 rule or amendment if a hearing is requested by:

102.21 (1) at least 25 persons;

102.22 (2) a state or federal governmental subdivision or agency; or

102.23 (3) an association or organization having at least 25 members.

102.24 (I) If a hearing is held on the proposed rule or amendment, the commission shall publish
102.25 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
102.26 means, the commission shall publish the mechanism for access to the electronic hearing:

102.27 (1) All persons wishing to be heard at the hearing shall notify the executive director of
102.28 the commission or other designated member in writing of their desire to appear and testify
102.29 at the hearing not less than five business days before the scheduled date of the hearing.

102.30 (2) Hearings shall be conducted in a manner providing each person who wishes to
102.31 comment a fair and reasonable opportunity to comment orally or in writing.

103.1 (3) All hearings will be recorded. A copy of the recording will be made available on
103.2 request.

103.3 (4) Nothing in this Article shall be construed as requiring a separate hearing on each
103.4 rule. Rules may be grouped for the convenience of the commission at hearings required by
103.5 this Article.

103.6 (J) Following the scheduled hearing date, or by the close of business on the scheduled
103.7 hearing date if the hearing was not held, the commission shall consider all written and oral
103.8 comments received.

103.9 (K) If no written notice of intent to attend the public hearing by interested parties is
103.10 received, the commission may proceed with promulgation of the proposed rule without a
103.11 public hearing.

103.12 (L) The commission shall, by majority vote of all members, take final action on the
103.13 proposed rule and shall determine the effective date of the rule, if any, based on the
103.14 rulemaking record and the full text of the rule.

103.15 (M) Upon determination that an emergency exists, the commission may consider and
103.16 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided
103.17 that the usual rulemaking procedures provided in the compact and in this Article shall be
103.18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
103.19 days after the effective date of the rule. For the purposes of this provision, an emergency
103.20 rule is one that must be adopted immediately in order to:

103.21 (1) meet an imminent threat to public health, safety, or welfare;

103.22 (2) prevent a loss of commission or member state funds;

103.23 (3) meet a deadline for the promulgation of an administrative rule that is established by
103.24 federal law or rule; or

103.25 (4) protect public health and safety.

103.26 (N) The commission or an authorized committee of the commission may direct revisions
103.27 to a previously adopted rule or amendment for purposes of correcting typographical errors,
103.28 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
103.29 shall be posted on the website of the commission. The revision shall be subject to challenge
103.30 by any person for a period of 30 days after posting. The revision may be challenged only
103.31 on grounds that the revision results in a material change to a rule. A challenge shall be made
103.32 in writing and delivered to the chair of the commission prior to the end of the notice period.

104.1 If no challenge is made, the revision will take effect without further action. If the revision
104.2 is challenged, the revision may not take effect without the approval of the commission.

104.3 ARTICLE XI

104.4 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

104.5 (A) Oversight:

104.6 (1) The executive, legislative, and judicial branches of state government in each member
104.7 state shall enforce this compact and take all actions necessary and appropriate to effectuate
104.8 the compact's purposes and intent. The provisions of this compact and the rules promulgated
104.9 hereunder shall have standing as statutory law.

104.10 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
104.11 administrative proceeding in a member state pertaining to the subject matter of this compact
104.12 which may affect the powers, responsibilities, or actions of the commission.

104.13 (3) The commission shall be entitled to receive service of process in any such proceeding,
104.14 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
104.15 service of process to the commission shall render a judgment or order void as to the
104.16 commission, this compact, or promulgated rules.

104.17 (B) Default, Technical Assistance, and Termination:

104.18 (1) If the commission determines that a member state has defaulted in the performance
104.19 of its obligations or responsibilities under this compact or the promulgated rules, the
104.20 commission shall:

104.21 (i) provide written notice to the defaulting state and other member states of the nature
104.22 of the default, the proposed means of curing the default, or any other action to be taken by
104.23 the commission; and

104.24 (ii) provide remedial training and specific technical assistance regarding the default.

104.25 (2) If a state in default fails to cure the default, the defaulting state may be terminated
104.26 from the compact upon an affirmative vote of a majority of the member states, and all rights,
104.27 privileges, and benefits conferred by this compact may be terminated on the effective date
104.28 of termination. A cure of the default does not relieve the offending state of obligations or
104.29 liabilities incurred during the period of default.

104.30 (3) Termination of membership in the compact shall be imposed only after all other
104.31 means of securing compliance have been exhausted. Notice of intent to suspend or terminate

105.1 shall be given by the commission to the governor, the majority and minority leaders of the
105.2 defaulting state's legislature, and each of the member states.

105.3 (4) A state that has been terminated is responsible for all assessments, obligations, and
105.4 liabilities incurred through the effective date of termination, including obligations that
105.5 extend beyond the effective date of termination.

105.6 (5) The commission shall not bear any costs related to a state that is found to be in default
105.7 or that has been terminated from the compact, unless agreed upon in writing between the
105.8 commission and the defaulting state.

105.9 (6) The defaulting state may appeal the action of the commission by petitioning the
105.10 United States District Court for the District of Columbia or the federal district where the
105.11 commission has its principal offices. The prevailing member shall be awarded all costs of
105.12 such litigation, including reasonable attorney fees.

105.13 (C) Dispute Resolution:

105.14 (1) Upon request by a member state, the commission shall attempt to resolve disputes
105.15 related to the compact that arise among member states and between member and nonmember
105.16 states.

105.17 (2) The commission shall promulgate a rule providing for both mediation and binding
105.18 dispute resolution for disputes as appropriate.

105.19 (D) Enforcement:

105.20 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
105.21 provisions and rules of this compact.

105.22 (2) By majority vote, the commission may initiate legal action in the United States
105.23 District Court for the District of Columbia or the federal district where the commission has
105.24 its principal offices against a member state in default to enforce compliance with the
105.25 provisions of the compact and its promulgated rules and bylaws. The relief sought may
105.26 include both injunctive relief and damages. In the event that judicial enforcement is necessary,
105.27 the prevailing member shall be awarded all costs of such litigation, including reasonable
105.28 attorney fees.

105.29 (3) The remedies herein shall not be the exclusive remedies of the commission. The
105.30 commission may pursue any other remedies available under federal or state law.

105.31

ARTICLE XII

106.1 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
106.2 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
106.3 AND AMENDMENT

106.4 (A) The compact shall come into effect on the date on which the compact statute is
106.5 enacted into law in the tenth member state. The provisions, which become effective at that
106.6 time, shall be limited to the powers granted to the commission relating to assembly and the
106.7 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
106.8 powers necessary to the implementation and administration of the compact.

106.9 (B) Any state that joins the compact subsequent to the commission's initial adoption of
106.10 the rules shall be subject to the rules as they exist on the date on which the compact becomes
106.11 law in that state. Any rule that has been previously adopted by the commission shall have
106.12 the full force and effect of law on the day the compact becomes law in that state.

106.13 (C) Any member state may withdraw from this compact by enacting a statute repealing
106.14 the same:

106.15 (1) A member state's withdrawal shall not take effect until six months after enactment
106.16 of the repealing statute.

106.17 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
106.18 occupational therapy licensing board to comply with the investigative and adverse action
106.19 reporting requirements of this compact prior to the effective date of withdrawal.

106.20 (D) Nothing contained in this compact shall be construed to invalidate or prevent any
106.21 occupational therapy licensure agreement or other cooperative arrangement between a
106.22 member state and a nonmember state that does not conflict with the provisions of this
106.23 compact.

106.24 (E) This compact may be amended by the member states. No amendment to this compact
106.25 shall become effective and binding upon any member state until it is enacted into the laws
106.26 of all member states.

106.27 ARTICLE XIII

106.28 CONSTRUCTION AND SEVERABILITY

106.29 This compact shall be liberally construed so as to effectuate the purposes thereof. The
106.30 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
106.31 of this compact is declared to be contrary to the constitution of any member state or of the
106.32 United States or the applicability thereof to any government, agency, person, or circumstance
106.33 is held invalid, the validity of the remainder of this compact and the applicability thereof

107.1 to any government, agency, person, or circumstance shall not be affected thereby. If this
 107.2 compact shall be held contrary to the constitution of any member state, the compact shall
 107.3 remain in full force and effect as to the remaining member states and in full force and effect
 107.4 as to the member state affected as to all severable matters.

107.5 ARTICLE XIV

107.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

107.7 (A) A licensee providing occupational therapy in a remote state under the compact
 107.8 privilege shall function within the laws and regulations of the remote state.

107.9 (B) Nothing herein prevents the enforcement of any other law of a member state that is
 107.10 not inconsistent with the compact.

107.11 (C) Any laws in a member state in conflict with the compact are superseded to the extent
 107.12 of the conflict.

107.13 (D) Any lawful actions of the commission, including all rules and bylaws promulgated
 107.14 by the commission, are binding upon the member states.

107.15 (E) All agreements between the commission and the member states are binding in
 107.16 accordance with their terms.

107.17 (F) In the event any provision of the compact exceeds the constitutional limits imposed
 107.18 on the legislature of any member state, the provision shall be ineffective to the extent of the
 107.19 conflict with the constitutional provision in question in that member state.

107.20 **ARTICLE 12**

107.21 **PHYSICAL THERAPY LICENSURE COMPACT**

107.22 Section 1. **[148.676] PHYSICAL THERAPY LICENSURE COMPACT.**

107.23 The physical therapy licensure compact is enacted into law and entered into with all
 107.24 other jurisdictions legally joining in the compact in the form substantially specified in this
 107.25 section.

107.26 ARTICLE I

107.27 TITLE

107.28 This statute shall be known and cited as the physical therapy licensure compact.

107.29 ARTICLE II

107.30 DEFINITIONS

108.1 As used in this compact, and except as otherwise provided, the following terms have
108.2 the meanings given them.

108.3 (a) "Active duty military" means full-time duty status in the active uniformed service
108.4 of the United States, including members of the National Guard and Reserve on active duty
108.5 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

108.6 (b) "Adverse action" means disciplinary action taken by a physical therapy licensing
108.7 board based upon misconduct, unacceptable performance, or a combination of both.

108.8 (c) "Alternative program" means a nondisciplinary monitoring or practice remediation
108.9 process approved by a physical therapy licensing board. Alternative program includes but
108.10 is not limited to substance abuse issues.

108.11 (d) "Compact privilege" means the authorization granted by a remote state to allow a
108.12 licensee from another member state to practice as a physical therapist or work as a physical
108.13 therapist assistant in the remote state under its laws and rules. The practice of physical
108.14 therapy occurs in the member state where the patient or client is located at the time of the
108.15 patient or client encounter.

108.16 (e) "Continuing competence" means a requirement, as a condition of license renewal,
108.17 to provide evidence of participation in, or completion of, educational and professional
108.18 activities relevant to practice or area of work.

108.19 (f) "Data system" means a repository of information about licensees, including
108.20 examination, licensure, investigative, compact privilege, and adverse action.

108.21 (g) "Encumbered license" means a license that a physical therapy licensing board has
108.22 limited in any way.

108.23 (h) "Executive board" means a group of directors elected or appointed to act on behalf
108.24 of, and within the powers granted to them by, the commission.

108.25 (i) "Home state" means the member state that is the licensee's primary state of residence.

108.26 (j) "Investigative information" means information, records, and documents received or
108.27 generated by a physical therapy licensing board pursuant to an investigation.

108.28 (k) "Jurisprudence requirement" means the assessment of an individual's knowledge of
108.29 the laws and rules governing the practice of physical therapy in a state.

108.30 (l) "Licensee" means an individual who currently holds an authorization from the state
108.31 to practice as a physical therapist or to work as a physical therapist assistant.

108.32 (m) "Member state" means a state that has enacted the compact.

109.1 (n) "Party state" means any member state in which a licensee holds a current license or
109.2 compact privilege or is applying for a license or compact privilege.

109.3 (o) "Physical therapist" means an individual who is licensed by a state to practice physical
109.4 therapy.

109.5 (p) "Physical therapist assistant" means an individual who is licensed or certified by a
109.6 state and who assists the physical therapist in selected components of physical therapy.

109.7 (q) "Physical therapy," "physical therapy practice," or "the practice of physical therapy"
109.8 means the care and services provided by or under the direction and supervision of a licensed
109.9 physical therapist.

109.10 (r) "Physical Therapy Compact Commission" or "commission" means the national
109.11 administrative body whose membership consists of all states that have enacted the compact.

109.12 (s) "Physical therapy licensing board" or "licensing board" means the agency of a state
109.13 that is responsible for the licensing and regulation of physical therapists and physical therapist
109.14 assistants.

109.15 (t) "Remote state" means a member state other than the home state where a licensee is
109.16 exercising or seeking to exercise the compact privilege.

109.17 (u) "Rule" means a regulation, principle, or directive promulgated by the commission
109.18 that has the force of law.

109.19 (v) "State" means any state, commonwealth, district, or territory of the United States
109.20 that regulates the practice of physical therapy.

109.21 ARTICLE III

109.22 STATE PARTICIPATION IN THE COMPACT

109.23 (a) To participate in the compact, a state must:

109.24 (1) participate fully in the commission's data system, including using the commission's
109.25 unique identifier as defined in rules;

109.26 (2) have a mechanism in place for receiving and investigating complaints about licensees;

109.27 (3) notify the commission, in compliance with the terms of the compact and rules, of
109.28 any adverse action or the availability of investigative information regarding a licensee;

109.29 (4) fully implement a criminal background check requirement, within a time frame
109.30 established by rule, by receiving the results of the Federal Bureau of Investigation record

110.1 search on criminal background checks and use the results in making licensure decisions in
110.2 accordance with paragraph (b);

110.3 (5) comply with the rules of the commission;

110.4 (6) utilize a recognized national examination as a requirement for licensure pursuant to
110.5 the rules of the commission; and

110.6 (7) have continuing competence requirements as a condition for license renewal.

110.7 (b) Upon adoption of this compact, the member state shall have the authority to obtain
110.8 biometric-based information from each physical therapy licensure applicant and submit this
110.9 information to the Federal Bureau of Investigation for a criminal background check in
110.10 accordance with United States Code, title 28, section 534, and United States Code, title 42,
110.11 section 14616.

110.12 (c) A member state shall grant the compact privilege to a licensee holding a valid
110.13 unencumbered license in another member state in accordance with the terms of the compact
110.14 and rules.

110.15 (d) Member states may charge a fee for granting a compact privilege.

110.16 ARTICLE IV

110.17 COMPACT PRIVILEGE

110.18 (a) To exercise the compact privilege under the terms and provisions of the compact,
110.19 the licensee shall:

110.20 (1) hold a license in the home state;

110.21 (2) have no encumbrance on any state license;

110.22 (3) be eligible for a compact privilege in any member state in accordance with paragraphs
110.23 (d), (g), and (h);

110.24 (4) have not had any adverse action against any license or compact privilege within the
110.25 previous two years;

110.26 (5) notify the commission that the licensee is seeking the compact privilege within a
110.27 remote state or states;

110.28 (6) pay any applicable fees, including any state fee, for the compact privilege;

110.29 (7) meet any jurisprudence requirements established by the remote state or states in
110.30 which the licensee is seeking a compact privilege; and

111.1 (8) report to the commission adverse action taken by any nonmember state within 30
111.2 days from the date the adverse action is taken.

111.3 (b) The compact privilege is valid until the expiration date of the home license. The
111.4 licensee must comply with the requirements of paragraph (a) to maintain the compact
111.5 privilege in the remote state.

111.6 (c) A licensee providing physical therapy in a remote state under the compact privilege
111.7 shall function within the laws and regulations of the remote state.

111.8 (d) A licensee providing physical therapy in a remote state is subject to that state's
111.9 regulatory authority. A remote state may, in accordance with due process and that state's
111.10 laws, remove a licensee's compact privilege in the remote state for a specific period of time,
111.11 impose fines, or take any other necessary actions to protect the health and safety of its
111.12 citizens. The licensee is not eligible for a compact privilege in any state until the specific
111.13 time for removal has passed and all fines are paid.

111.14 (e) If a home state license is encumbered, the licensee shall lose the compact privilege
111.15 in any remote state until the following occur:

111.16 (1) the home state license is no longer encumbered; and

111.17 (2) two years have elapsed from the date of the adverse action.

111.18 (f) Once an encumbered license in the home state is restored to good standing, the
111.19 licensee must meet the requirements of paragraph (a) to obtain a compact privilege in any
111.20 remote state.

111.21 (g) If a licensee's compact privilege in any remote state is removed, the individual shall
111.22 lose the compact privilege in any remote state until the following occur:

111.23 (1) the specific period of time for which the compact privilege was removed has ended;

111.24 (2) all fines have been paid; and

111.25 (3) two years have elapsed from the date of the adverse action.

111.26 (h) Once the requirements of paragraph (g) have been met, the licensee must meet the
111.27 requirements in paragraph (a) to obtain a compact privilege in a remote state.

111.28 ARTICLE V

111.29 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

111.30 A licensee who is active duty military or is the spouse of an individual who is active
111.31 duty military may designate one of the following as the home state:

- 112.1 (1) home of record;
112.2 (2) permanent change of station (PCS) state; or
112.3 (3) state of current residence if different than the PCS state or home of record.

112.4 ARTICLE VI

112.5 ADVERSE ACTIONS

112.6 (a) A home state shall have exclusive power to impose adverse action against a license
112.7 issued by the home state.

112.8 (b) A home state may take adverse action based on the investigative information of a
112.9 remote state, so long as the home state follows its own procedures for imposing adverse
112.10 action.

112.11 (c) Nothing in this compact shall override a member state's decision that participation
112.12 in an alternative program may be used in lieu of adverse action and that such participation
112.13 shall remain nonpublic if required by the member state's laws. Member states must require
112.14 licensees who enter any alternative programs in lieu of discipline to agree not to practice
112.15 in any other member state during the term of the alternative program without prior
112.16 authorization from such other member state.

112.17 (d) Any member state may investigate actual or alleged violations of the statutes and
112.18 rules authorizing the practice of physical therapy in any other member state in which a
112.19 physical therapist or physical therapist assistant holds a license or compact privilege.

112.20 (e) A remote state shall have the authority to:

112.21 (1) take adverse actions as set forth in article IV, paragraph (d), against a licensee's
112.22 compact privilege in the state;

112.23 (2) issue subpoenas for both hearings and investigations that require the attendance and
112.24 testimony of witnesses and the production of evidence. Subpoenas issued by a physical
112.25 therapy licensing board in a party state for the attendance and testimony of witnesses, or
112.26 the production of evidence from another party state, shall be enforced in the latter state by
112.27 any court of competent jurisdiction, according to the practice and procedure of that court
112.28 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall
112.29 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes
112.30 of the state where the witnesses or evidence are located; and

113.1 (3) if otherwise permitted by state law, recover from the licensee the costs of
113.2 investigations and disposition of cases resulting from any adverse action taken against that
113.3 licensee.

113.4 (f) In addition to the authority granted to a member state by its respective physical therapy
113.5 practice act or other applicable state law, a member state may participate with other member
113.6 states in joint investigations of licensees.

113.7 (g) Member states shall share any investigative, litigation, or compliance materials in
113.8 furtherance of any joint or individual investigation initiated under the compact.

113.9 ARTICLE VII

113.10 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

113.11 (a) The compact member states hereby create and establish a joint public agency known
113.12 as the Physical Therapy Compact Commission:

113.13 (1) the commission is an instrumentality of the compact states;

113.14 (2) except as provided under paragraph (h), venue is proper and judicial proceedings by
113.15 or against the commission shall be brought solely and exclusively in a court of competent
113.16 jurisdiction where the principal office of the commission is located. The commission may
113.17 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
113.18 alternative dispute resolution proceedings; and

113.19 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

113.20 (b) Membership, voting, and meetings:

113.21 (1) each member state shall have and be limited to one delegate selected by that member
113.22 state's licensing board;

113.23 (2) the delegate shall be a current member of the licensing board who is a physical
113.24 therapist, physical therapist assistant, public member, or the board administrator;

113.25 (3) each delegate shall be entitled to one vote with regard to the promulgation of rules
113.26 and creation of bylaws and shall otherwise have an opportunity to participate in the business
113.27 and affairs of the commission;

113.28 (4) a delegate shall vote in person or by such other means as provided in the bylaws.
113.29 The bylaws may provide for delegates' participation in meetings by telephone or other means
113.30 of communication;

- 114.1 (5) any delegate may be removed or suspended from office as provided by the laws of
114.2 the state from which the delegate is appointed;
- 114.3 (6) the member state board shall fill any vacancy occurring in the commission;
- 114.4 (7) the commission shall meet at least once during each calendar year. Additional
114.5 meetings shall be held as set forth in the bylaws;
- 114.6 (8) all meetings shall be open to the public and public notice of meetings shall be given
114.7 in the same manner as required under the rulemaking provisions in article IX;
- 114.8 (9) the commission or the executive board or other committees of the commission may
114.9 convene in a closed, nonpublic meeting if the commission or executive board or other
114.10 committees of the commission must discuss:
- 114.11 (i) noncompliance of a member state with its obligations under the compact;
- 114.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
114.13 related to specific employees or other matters related to the commission's internal personnel
114.14 practices and procedures;
- 114.15 (iii) current, threatened, or reasonably anticipated litigation;
- 114.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
114.17 estate;
- 114.18 (v) accusing any person of a crime or formally censuring any person;
- 114.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged
114.20 or confidential;
- 114.21 (vii) disclosure of information of a personal nature where disclosure would constitute a
114.22 clearly unwarranted invasion of personal privacy;
- 114.23 (viii) disclosure of investigative records compiled for law enforcement purposes;
- 114.24 (ix) disclosure of information related to any investigative reports prepared by or on
114.25 behalf of or for use of the commission or other committee charged with responsibility of
114.26 investigation or determination of compliance issues pursuant to the compact; or
- 114.27 (x) matters specifically exempted from disclosure by federal or member state statute;
- 114.28 (10) if a meeting, or portion of a meeting, is closed pursuant to this provision, the
114.29 commission's legal counsel or designee shall certify that the meeting may be closed and
114.30 shall reference each relevant exempting provision; and

115.1 (11) the commission shall keep minutes that fully and clearly describe all matters
115.2 discussed in a meeting and shall provide a full and accurate summary of actions taken and
115.3 the reasons therefore, including a description of the views expressed. All documents
115.4 considered in connection with an action shall be identified in such minutes. All minutes and
115.5 documents of a closed meeting shall remain under seal, subject to release by a majority vote
115.6 of the commission or order of a court of competent jurisdiction.

115.7 (c) The commission shall have the following powers and duties:

115.8 (1) establish the fiscal year of the commission;

115.9 (2) establish bylaws;

115.10 (3) maintain its financial records in accordance with the bylaws;

115.11 (4) meet and take such actions as are consistent with the provisions of this compact and
115.12 the bylaws;

115.13 (5) promulgate uniform rules to facilitate and coordinate implementation and
115.14 administration of this compact. The rules shall have the force and effect of law and shall
115.15 be binding in all member states;

115.16 (6) bring and prosecute legal proceedings or actions in the name of the commission,
115.17 provided that the standing of any state physical therapy licensing board to sue or be sued
115.18 under applicable law shall not be affected;

115.19 (7) purchase and maintain insurance and bonds;

115.20 (8) borrow, accept, or contract for services of personnel, including but not limited to
115.21 employees of a member state;

115.22 (9) hire employees; elect or appoint officers; fix compensation; define duties; grant such
115.23 individuals appropriate authority to carry out the purposes of the compact; and establish the
115.24 commission's personnel policies and programs relating to conflicts of interest, qualifications
115.25 of personnel, and other related personnel matters;

115.26 (10) accept any and all appropriate donations and grants of money, equipment, supplies,
115.27 materials, and services and receive, utilize, and dispose of the same, provided that at all
115.28 times the commission shall avoid any appearance of impropriety or conflict of interest;

115.29 (11) lease; purchase; accept appropriate gifts or donations of; or otherwise to own, hold,
115.30 improve, or use any property, real, personal, or mixed, provided that at all times the
115.31 commission shall avoid any appearance of impropriety;

- 116.1 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
116.2 any property real, personal, or mixed;
- 116.3 (13) establish a budget and make expenditures;
- 116.4 (14) borrow money;
- 116.5 (15) appoint committees, including standing committees composed of members, state
116.6 regulators, state legislators or their representatives, consumer representatives, and such
116.7 other interested persons as may be designated in this compact and the bylaws;
- 116.8 (16) provide and receive information from, and cooperate with, law enforcement agencies;
- 116.9 (17) establish and elect an executive board; and
- 116.10 (18) perform such other functions as may be necessary or appropriate to achieve the
116.11 purposes of this compact consistent with the state regulation of physical therapy licensure
116.12 and practice.
- 116.13 (d) The executive board:
- 116.14 (1) the executive board shall have the power to act on behalf of the commission according
116.15 to the terms of this compact;
- 116.16 (2) the executive board shall be composed of nine members as follows:
- 116.17 (i) seven voting members who are elected by the commission from the current
116.18 membership of the commission;
- 116.19 (ii) one ex officio, nonvoting member from the recognized national physical therapy
116.20 professional association; and
- 116.21 (iii) one ex officio, nonvoting member from the recognized membership organization
116.22 of the physical therapy licensing boards;
- 116.23 (3) the ex officio members must be selected by their respective organizations;
- 116.24 (4) the commission may remove any member of the executive board as provided in the
116.25 bylaws;
- 116.26 (5) the executive board shall meet at least annually; and
- 116.27 (6) the executive board shall have the following duties and responsibilities:
- 116.28 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
116.29 compact legislation, fees paid by compact member states such as annual dues, and any
116.30 commission compact fee charged to licensees for the compact privilege;

117.1 (ii) ensure compact administration services are appropriately provided, contractual or
117.2 otherwise;

117.3 (iii) prepare and recommend the budget;

117.4 (iv) maintain financial records on behalf of the commission;

117.5 (v) monitor compact compliance of member states and provide compliance reports to
117.6 the commission;

117.7 (vi) establish additional committees as necessary; and

117.8 (vii) other duties as provided in rules or bylaws.

117.9 (e) Financing of the commission:

117.10 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of
117.11 the commission's establishment, organization, and ongoing activities;

117.12 (2) the commission may accept any and all appropriate revenue sources, donations, and
117.13 grants of money, equipment, supplies, materials, and services;

117.14 (3) the commission may levy on and collect an annual assessment from each member
117.15 state or impose fees on other parties to cover the cost of the operations and activities of the
117.16 commission and the commission's staff, which must be in a total amount sufficient to cover
117.17 its annual budget as approved each year for which revenue is not provided by other sources.
117.18 The aggregate annual assessment amount shall be allocated based upon a formula to be
117.19 determined by the commission, which shall promulgate a rule binding upon all member
117.20 states;

117.21 (4) the commission shall not incur obligations of any kind prior to securing the funds
117.22 adequate to meet the same; nor shall the commission pledge the credit of any of the member
117.23 states, except by and with the authority of the member state; and

117.24 (5) the commission shall keep accurate accounts of all receipts and disbursements. The
117.25 receipts and disbursements of the commission shall be subject to the audit and accounting
117.26 procedures established under the commission's bylaws. However, all receipts and
117.27 disbursements of funds handled by the commission shall be audited yearly by a certified or
117.28 licensed public accountant and the report of the audit shall be included in and become part
117.29 of the annual report of the commission.

117.30 (f) Qualified immunity, defense, and indemnification:

117.31 (1) the members, officers, executive director, employees, and representatives of the
117.32 commission shall be immune from suit and liability, either personally or in their official

118.1 capacity, for any claim for damage to or loss of property or personal injury or other civil
118.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
118.3 or that the person against whom the claim is made had a reasonable basis for believing
118.4 occurred, within the scope of commission employment, duties, or responsibilities, provided
118.5 that nothing in this paragraph shall be construed to protect any such person from suit or
118.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or
118.7 wanton misconduct of that person;

118.8 (2) the commission shall defend any member, officer, executive director, employee, or
118.9 representative of the commission in any civil action seeking to impose liability arising out
118.10 of any actual or alleged act, error, or omission that occurred within the scope of commission
118.11 employment, duties, or responsibilities, or that the person against whom the claim is made
118.12 had a reasonable basis for believing occurred within the scope of commission employment,
118.13 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
118.14 person from retaining his or her own counsel, and provided further that the actual or alleged
118.15 act, error, or omission did not result from the intentional or willful or wanton misconduct
118.16 of that person; and

118.17 (3) the commission shall indemnify and hold harmless any member, officer, executive
118.18 director, employee, or representative of the commission for the amount of any settlement
118.19 or judgment obtained against that person arising out of any actual or alleged act, error, or
118.20 omission that occurred within the scope of commission employment, duties, or
118.21 responsibilities, or that such person had a reasonable basis for believing occurred within
118.22 the scope of commission employment, duties, or responsibilities, provided that the actual
118.23 or alleged act, error, or omission did not result from the intentional or willful or wanton
118.24 misconduct of that person.

118.25 (g) Notwithstanding paragraph (f), clause (1), the liability of the executive director,
118.26 employees, or representatives of the interstate commission, acting within the scope of their
118.27 employment or duties, may not exceed the limits of liability set forth under the constitution
118.28 and laws of this state for state officials, employees, and agents. This paragraph expressly
118.29 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
118.30 under that statute.

118.31 (h) Except for a claim alleging a violation of this compact, a claim against the
118.32 commission, its executive director, employees, or representatives alleging a violation of the
118.33 constitution and laws of this state may be brought in any county where the plaintiff resides.
118.34 Nothing in this paragraph creates a private right of action.

119.1 (i) Nothing in this compact shall be construed as a limitation on the liability of any
119.2 licensee for professional malpractice or misconduct, which shall be governed solely by any
119.3 other applicable state laws.

119.4 ARTICLE VIII

119.5 DATA SYSTEM

119.6 (a) The commission shall provide for the development, maintenance, and utilization of
119.7 a coordinated database and reporting system containing licensure, adverse action, and
119.8 investigative information on all licensed individuals in member states.

119.9 (b) Notwithstanding any other provision of state law to the contrary, a member state
119.10 shall submit a uniform data set to the data system on all individuals to whom this compact
119.11 is applicable as required by the rules of the commission, including:

119.12 (1) identifying information;

119.13 (2) licensure data;

119.14 (3) adverse actions against a license or compact privilege;

119.15 (4) nonconfidential information related to alternative program participation;

119.16 (5) any denial of application for licensure and the reason or reasons for the denial; and

119.17 (6) other information that may facilitate the administration of this compact, as determined
119.18 by the rules of the commission.

119.19 (c) Investigative information pertaining to a licensee in any member state will only be
119.20 available to other party states.

119.21 (d) The commission shall promptly notify all member states of any adverse action taken
119.22 against a licensee or an individual applying for a license. Adverse action information
119.23 pertaining to a licensee in any member state will be available to any other member state.

119.24 (e) Member states contributing information to the data system may designate information
119.25 that may not be shared with the public without the express permission of the contributing
119.26 state.

119.27 (f) Any information submitted to the data system that is subsequently required to be
119.28 expunged by the laws of the member state contributing the information shall be removed
119.29 from the data system.

119.30 ARTICLE IX

119.31 RULEMAKING

120.1 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
120.2 forth in this article and the rules adopted thereunder. Rules and amendments shall become
120.3 binding as of the date specified in each rule or amendment.

120.4 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of
120.5 a statute or resolution in the same manner used to adopt the compact within four years of
120.6 the date of adoption of the rule, then such rule shall have no further force and effect in any
120.7 member state.

120.8 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
120.9 the commission.

120.10 (d) Prior to promulgation and adoption of a final rule or rules by the commission and at
120.11 least 30 days in advance of the meeting at which the rule will be considered and voted upon,
120.12 the commission shall file a notice of proposed rulemaking:

120.13 (1) on the website of the commission or other publicly accessible platform; and

120.14 (2) on the website of each member state physical therapy licensing board or other publicly
120.15 accessible platform or the publication in which each state would otherwise publish proposed
120.16 rules.

120.17 (e) The notice of proposed rulemaking shall include:

120.18 (1) the proposed time, date, and location of the meeting in which the rule will be
120.19 considered and voted upon;

120.20 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

120.21 (3) a request for comments on the proposed rule from any interested person; and

120.22 (4) the manner in which interested persons may submit notice to the commission of their
120.23 intention to attend the public hearing and any written comments.

120.24 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit
120.25 written data, facts, opinions, and arguments, which shall be made available to the public.

120.26 (g) The commission shall grant an opportunity for a public hearing before it adopts a
120.27 rule or amendment if a hearing is requested by:

120.28 (1) at least 25 persons;

120.29 (2) a state or federal governmental subdivision or agency; or

120.30 (3) an association having at least 25 members.

121.1 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish
121.2 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
121.3 means, the commission shall publish the mechanism for access to the electronic hearing:

121.4 (1) all persons wishing to be heard at the hearing shall notify the executive director of
121.5 the commission or other designated member in writing of their desire to appear and testify
121.6 at the hearing not less than five business days before the scheduled date of the hearing;

121.7 (2) hearings shall be conducted in a manner providing each person who wishes to
121.8 comment a fair and reasonable opportunity to comment orally or in writing;

121.9 (3) all hearings will be recorded. A copy of the recording will be made available on
121.10 request; and

121.11 (4) nothing in this section shall be construed as requiring a separate hearing on each
121.12 rule. Rules may be grouped for the convenience of the commission at hearings required by
121.13 this section.

121.14 (i) Following the scheduled hearing date, or by the close of business on the scheduled
121.15 hearing date if the hearing was not held, the commission shall consider all written and oral
121.16 comments received.

121.17 (j) If no written notice of intent to attend the public hearing by interested parties is
121.18 received, the commission may proceed with promulgation of the proposed rule without a
121.19 public hearing.

121.20 (k) The commission shall, by majority vote of all members, take final action on the
121.21 proposed rule and shall determine the effective date of the rule, if any, based on the
121.22 rulemaking record and the full text of the rule.

121.23 (l) Upon determination that an emergency exists, the commission may consider and
121.24 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
121.25 that the usual rulemaking procedures provided in the compact and in this section shall be
121.26 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
121.27 days after the effective date of the rule. For the purposes of this provision, an emergency
121.28 rule is one that must be adopted immediately in order to:

121.29 (1) meet an imminent threat to public health, safety, or welfare;

121.30 (2) prevent a loss of commission or member state funds;

121.31 (3) meet a deadline for the promulgation of an administrative rule that is established by
121.32 federal law or rule; or

122.1 (4) protect public health and safety.

122.2 (m) The commission or an authorized committee of the commission may direct revisions
122.3 to a previously adopted rule or amendment for purposes of correcting typographical errors,
122.4 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
122.5 shall be posted on the website of the commission. The revision shall be subject to challenge
122.6 by any person for a period of 30 days after posting. The revision may be challenged only
122.7 on grounds that the revision results in a material change to a rule. A challenge shall be made
122.8 in writing and delivered to the chair of the commission prior to the end of the notice period.
122.9 If no challenge is made, the revision will take effect without further action. If the revision
122.10 is challenged, the revision may not take effect without the approval of the commission.

122.11 ARTICLE X

122.12 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

122.13 (a) Oversight:

122.14 (1) the executive, legislative, and judicial branches of state government in each member
122.15 state shall enforce this compact and take all actions necessary and appropriate to effectuate
122.16 the compact's purposes and intent. The provisions of this compact and the rules promulgated
122.17 hereunder shall have standing as statutory law;

122.18 (2) all courts shall take judicial notice of the compact and the rules in any judicial or
122.19 administrative proceeding in a member state pertaining to the subject matter of this compact
122.20 which may affect the powers, responsibilities, or actions of the commission; and

122.21 (3) the commission shall be entitled to receive service of process in any such proceeding
122.22 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
122.23 service of process to the commission shall render a judgment or order void as to the
122.24 commission, this compact, or promulgated rules.

122.25 (b) Default, technical assistance, and termination:

122.26 (1) if the commission determines that a member state has defaulted in the performance
122.27 of its obligations or responsibilities under this compact or the promulgated rules, the
122.28 commission shall:

122.29 (i) provide written notice to the defaulting state and other member states of the nature
122.30 of the default, the proposed means of curing the default, or any other action to be taken by
122.31 the commission; and

122.32 (ii) provide remedial training and specific technical assistance regarding the default;

123.1 (2) if a state in default fails to cure the default, the defaulting state may be terminated
123.2 from the compact upon an affirmative vote of a majority of the member states, and all rights,
123.3 privileges, and benefits conferred by this compact may be terminated on the effective date
123.4 of termination. A cure of the default does not relieve the offending state of obligations or
123.5 liabilities incurred during the period of default;

123.6 (3) termination of membership in the compact shall be imposed only after all other means
123.7 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
123.8 be given by the commission to the governor, the majority and minority leaders of the
123.9 defaulting state's legislature, and each of the member states;

123.10 (4) a state that has been terminated is responsible for all assessments, obligations, and
123.11 liabilities incurred through the effective date of termination, including obligations that
123.12 extend beyond the effective date of termination;

123.13 (5) the commission shall not bear any costs related to a state that is found to be in default
123.14 or that has been terminated from the compact, unless agreed upon in writing between the
123.15 commission and the defaulting state; and

123.16 (6) the defaulting state may appeal the action of the commission by petitioning the United
123.17 States District Court for the District of Columbia or the federal district where the commission
123.18 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
123.19 including reasonable attorney fees.

123.20 (c) Dispute resolution:

123.21 (1) upon request by a member state, the commission shall attempt to resolve disputes
123.22 related to the compact that arise among member states and between member and nonmember
123.23 states; and

123.24 (2) the commission shall promulgate a rule providing for both mediation and binding
123.25 dispute resolution for disputes as appropriate.

123.26 (d) Enforcement:

123.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
123.28 provisions and rules of this compact;

123.29 (2) by majority vote, the commission may initiate legal action in the United States District
123.30 Court for the District of Columbia or the federal district where the commission has its
123.31 principal offices against a member state in default to enforce compliance with the provisions
123.32 of the compact and its promulgated rules and bylaws. The relief sought may include both
123.33 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

124.1 member shall be awarded all costs of such litigation, including reasonable attorney fees;
124.2 and

124.3 (3) the remedies herein shall not be the exclusive remedies of the commission. The
124.4 commission may pursue any other remedies available under federal or state law.

124.5 ARTICLE XI

124.6 DATE OF IMPLEMENTATION OF THE INTERSTATE COMPACT FOR PHYSICAL
124.7 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
124.8 AMENDMENTS

124.9 (a) The compact shall come into effect on the date on which the compact statute is
124.10 enacted into law in the tenth member state. The provisions, which become effective at that
124.11 time, shall be limited to the powers granted to the commission relating to assembly and the
124.12 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
124.13 powers necessary to the implementation and administration of the compact.

124.14 (b) Any state that joins the compact subsequent to the commission's initial adoption of
124.15 the rules shall be subject to the rules as they exist on the date on which the compact becomes
124.16 law in that state. Any rule that has been previously adopted by the commission shall have
124.17 the full force and effect of law on the day the compact becomes law in that state.

124.18 (c) Any member state may withdraw from this compact by enacting a statute repealing
124.19 the same:

124.20 (1) a member state's withdrawal shall not take effect until six months after enactment
124.21 of the repealing statute; and

124.22 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's
124.23 physical therapy licensing board to comply with the investigative and adverse action reporting
124.24 requirements of this compact prior to the effective date of withdrawal.

124.25 (d) Nothing contained in this compact shall be construed to invalidate or prevent any
124.26 physical therapy licensure agreement or other cooperative arrangement between a member
124.27 state and a nonmember state that does not conflict with the provisions of this compact.

124.28 (e) This compact may be amended by the member states. No amendment to this compact
124.29 shall become effective and binding upon any member state until it is enacted into the laws
124.30 of all member states.

124.31 ARTICLE XII

124.32 CONSTRUCTION AND SEVERABILITY

125.1 This compact shall be liberally construed so as to effectuate the purposes thereof. The
 125.2 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
 125.3 of this compact is declared to be contrary to the constitution of any party state or of the
 125.4 United States or the applicability thereof to any government, agency, person, or circumstance
 125.5 is held invalid, the validity of the remainder of this compact and the applicability thereof
 125.6 to any government, agency, person, or circumstance shall not be affected thereby. If this
 125.7 compact shall be held contrary to the constitution of any party state, the compact shall
 125.8 remain in full force and effect as to the remaining party states and in full force and effect
 125.9 as to the party state affected as to all severable matters.

125.10 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
 125.11 Board of Physical Therapy must publish the effective date of the compact in the State
 125.12 Register and on the board's website.

125.13 **ARTICLE 13**

125.14 **LICENSED PROFESSIONAL COUNSELOR COMPACT**

125.15 Section 1. **[148B.75] LICENSED PROFESSIONAL COUNSELOR INTERSTATE**
 125.16 **COMPACT.**

125.17 The licensed professional counselor interstate compact is enacted into law and entered
 125.18 into with all other jurisdictions legally joining in it, in the form substantially specified in
 125.19 this section.

125.20 ARTICLE I

125.21 TITLE

125.22 This statute shall be known and cited as the professional counselors licensure compact.

125.23 ARTICLE II

125.24 DEFINITIONS

125.25 (a) As used in this compact, and except as otherwise provided, the following definitions
 125.26 shall apply.

125.27 (b) "Active duty military" means full-time duty status in the active uniformed service
 125.28 of the United States, including members of the national guard and reserve on active duty
 125.29 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

125.30 (c) "Adverse action" means any administrative, civil, equitable, or criminal action
 125.31 permitted by a state's laws which is imposed by a licensing board or other authority against

126.1 a licensed professional counselor, including actions against an individual's license or privilege
126.2 to practice such as revocation, suspension, probation, monitoring of the licensee, limitation
126.3 on the licensee's practice, or any other encumbrance on licensure affecting a licensed
126.4 professional counselor's authorization to practice, including issuance of a cease and desist
126.5 action.

126.6 (d) "Alternative program" means a non-disciplinary monitoring or practice remediation
126.7 process approved by a professional counseling licensing board to address impaired
126.8 practitioners.

126.9 (e) "Continuing competence" and "continuing education" means a requirement, as a
126.10 condition of license renewal, to provide evidence of participation in, or completion of,
126.11 educational and professional activities relevant to practice or area of work.

126.12 (f) "Counseling compact commission" or "commission" means the national administrative
126.13 body whose membership consists of all states that have enacted the compact.

126.14 (g) "Current significant investigative information" means:

126.15 (1) investigative information that a licensing board, after a preliminary inquiry that
126.16 includes notification and an opportunity for the licensed professional counselor to respond,
126.17 if required by state law, has reason to believe is not groundless and, if proved true, would
126.18 indicate more than a minor infraction; or

126.19 (2) investigative information that indicates that the licensed professional counselor
126.20 represents an immediate threat to public health and safety regardless of whether the licensed
126.21 professional counselor has been notified and had an opportunity to respond.

126.22 (h) "Data system" means a repository of information about licensees, including but not
126.23 limited to continuing education, examination, licensure, investigative, privilege to practice,
126.24 and adverse action information.

126.25 (i) "Encumbered license" means a license in which an adverse action restricts the practice
126.26 of licensed professional counseling by the licensee and said adverse action has been reported
126.27 to the National Practitioners Data Bank (NPDB).

126.28 (j) "Encumbrance" means a revocation or suspension of, or any limitation on, the full
126.29 and unrestricted practice of licensed professional counseling by a licensing board.

126.30 (k) "Executive committee" means a group of directors elected or appointed to act on
126.31 behalf of, and within the powers granted to them by, the commission.

126.32 (l) "Home state" means the member state that is the licensee's primary state of residence.

127.1 (m) "Impaired practitioner" means an individual who has a condition that may impair
127.2 their ability to practice as a licensed professional counselor without some type of intervention
127.3 and may include but is not limited to alcohol and drug dependence, mental health impairment,
127.4 and neurological or physical impairment.

127.5 (n) "Investigative information" means information, records, and documents received or
127.6 generated by a professional counseling licensing board pursuant to an investigation.

127.7 (o) "Jurisprudence requirement," if required by a member state, means the assessment
127.8 of an individual's knowledge of the laws and rules governing the practice of professional
127.9 counseling in a state.

127.10 (p) "Licensed professional counselor" means a counselor licensed by a member state,
127.11 regardless of the title used by that state, to independently assess, diagnose, and treat
127.12 behavioral health conditions.

127.13 (q) "Licensee" means an individual who currently holds an authorization from the state
127.14 to practice as a licensed professional counselor.

127.15 (r) "Licensing board" means the agency of a state, or equivalent, that is responsible for
127.16 the licensing and regulation of licensed professional counselors.

127.17 (s) "Member state" means a state that has enacted the compact.

127.18 (t) "Privilege to practice" means a legal authorization, which is equivalent to a license,
127.19 permitting the practice of professional counseling in a remote state.

127.20 (u) "Professional counseling" means the assessment, diagnosis, and treatment of
127.21 behavioral health conditions by a licensed professional counselor.

127.22 (v) "Remote state" means a member state other than the home state, where a licensee is
127.23 exercising or seeking to exercise the privilege to practice.

127.24 (w) "Rule" means a regulation promulgated by the commission that has the force of law.

127.25 (x) "Single state license" means a licensed professional counselor license issued by a
127.26 member state that authorizes practice only within the issuing state and does not include a
127.27 privilege to practice in any other member state.

127.28 (y) "State" means any state, commonwealth, district, or territory of the United States
127.29 that regulates the practice of professional counseling.

127.30 (z) "Telehealth" means the application of telecommunication technology to deliver
127.31 professional counseling services remotely to assess, diagnose, and treat behavioral health
127.32 conditions.

128.1 (aa) "Unencumbered license" means a license that authorizes a licensed professional
128.2 counselor to engage in the full and unrestricted practice of professional counseling.

128.3 ARTICLE III

128.4 STATE PARTICIPATION IN THE COMPACT

128.5 (a) To participate in the compact, a state must currently:

128.6 (1) license and regulate licensed professional counselors;

128.7 (2) require licensees to pass a nationally recognized exam approved by the commission;

128.8 (3) require licensees to have a 60 semester-hour or 90 quarter-hour master's degree in
128.9 counseling or 60 semester-hours or 90 quarter-hours of graduate coursework including the
128.10 following topic areas:

128.11 (i) professional counseling orientation and ethical practice;

128.12 (ii) social and cultural diversity;

128.13 (iii) human growth and development;

128.14 (iv) career development;

128.15 (v) counseling and helping relationships;

128.16 (vi) group counseling and group work;

128.17 (vii) diagnosis and treatment; assessment and testing;

128.18 (viii) research and program evaluation; and

128.19 (ix) other areas as determined by the commission;

128.20 (4) require licensees to complete a supervised postgraduate professional experience as
128.21 defined by the commission; and

128.22 (5) have a mechanism in place for receiving and investigating complaints about licensees.

128.23 (b) A member state shall:

128.24 (1) participate fully in the commission's data system, including using the commission's
128.25 unique identifier as defined in rules;

128.26 (2) notify the commission, in compliance with the terms of the compact and rules, of
128.27 any adverse action or the availability of investigative information regarding a licensee;

128.28 (3) implement or utilize procedures for considering the criminal history records of
128.29 applicants for an initial privilege to practice. These procedures shall include the submission

129.1 of fingerprints or other biometric-based information by applicants for the purpose of obtaining
129.2 an applicant's criminal history record information from the Federal Bureau of Investigation
129.3 and the agency responsible for retaining that state's criminal records;

129.4 (i) a member state must fully implement a criminal background check requirement,
129.5 within a time frame established by rule, by receiving the results of the Federal Bureau of
129.6 Investigation record search and shall use the results in making licensure decisions; and

129.7 (ii) communication between a member state, the commission, and among member states
129.8 regarding the verification of eligibility for licensure through the compact shall not include
129.9 any information received from the Federal Bureau of Investigation relating to a federal
129.10 criminal records check performed by a member state under Public Law 92-544;

129.11 (4) comply with the rules of the commission;

129.12 (5) require an applicant to obtain or retain a license in the home state and meet the home
129.13 state's qualifications for licensure or renewal of licensure, as well as all other applicable
129.14 state laws;

129.15 (6) grant the privilege to practice to a licensee holding a valid unencumbered license in
129.16 another member state in accordance with the terms of the compact and rules; and

129.17 (7) provide for the attendance of the state's commissioner to the counseling compact
129.18 commission meetings.

129.19 (c) Member states may charge a fee for granting the privilege to practice.

129.20 (d) Individuals not residing in a member state shall continue to be able to apply for a
129.21 member state's single state license as provided under the laws of each member state. However,
129.22 the single state license granted to these individuals shall not be recognized as granting a
129.23 privilege to practice professional counseling in any other member state.

129.24 (e) Nothing in this compact shall affect the requirements established by a member state
129.25 for the issuance of a single state license.

129.26 (f) A license issued to a licensed professional counselor by a home state to a resident in
129.27 that state shall be recognized by each member state as authorizing a licensed professional
129.28 counselor to practice professional counseling, under a privilege to practice, in each member
129.29 state.

129.30 ARTICLE IV

129.31 PRIVILEGE TO PRACTICE

130.1 (a) To exercise the privilege to practice under the terms and provisions of the compact,
130.2 the licensee shall:

130.3 (1) hold a license in the home state;

130.4 (2) have a valid United States Social Security number or national practitioner identifier;

130.5 (3) be eligible for a privilege to practice in any member state in accordance with this
130.6 article, paragraphs (d), (g), and (h);

130.7 (4) have not had any encumbrance or restriction against any license or privilege to
130.8 practice within the previous two years;

130.9 (5) notify the commission that the licensee is seeking the privilege to practice within a
130.10 remote state(s);

130.11 (6) pay any applicable fees, including any state fee, for the privilege to practice;

130.12 (7) meet any continuing competence or education requirements established by the home
130.13 state;

130.14 (8) meet any jurisprudence requirements established by the remote state in which the
130.15 licensee is seeking a privilege to practice; and

130.16 (9) report to the commission any adverse action, encumbrance, or restriction on license
130.17 taken by any nonmember state within 30 days from the date the action is taken.

130.18 (b) The privilege to practice is valid until the expiration date of the home state license.
130.19 The licensee must comply with the requirements of this article, paragraph (a), to maintain
130.20 the privilege to practice in the remote state.

130.21 (c) A licensee providing professional counseling in a remote state under the privilege
130.22 to practice shall adhere to the laws and regulations of the remote state.

130.23 (d) A licensee providing professional counseling services in a remote state is subject to
130.24 that state's regulatory authority. A remote state may, in accordance with due process and
130.25 that state's laws, remove a licensee's privilege to practice in the remote state for a specific
130.26 period of time, impose fines, or take any other necessary actions to protect the health and
130.27 safety of its citizens. The licensee may be ineligible for a privilege to practice in any member
130.28 state until the specific time for removal has passed and all fines are paid.

130.29 (e) If a home state license is encumbered, the licensee shall lose the privilege to practice
130.30 in any remote state until the following occur:

130.31 (1) the home state license is no longer encumbered; and

131.1 (2) have not had any encumbrance or restriction against any license or privilege to
131.2 practice within the previous two years.

131.3 (f) Once an encumbered license in the home state is restored to good standing, the
131.4 licensee must meet the requirements of this article, paragraph (a), to obtain a privilege to
131.5 practice in any remote state.

131.6 (g) If a licensee's privilege to practice in any remote state is removed, the individual
131.7 may lose the privilege to practice in all other remote states until the following occur:

131.8 (1) the specific period of time for which the privilege to practice was removed has ended;

131.9 (2) all fines have been paid; and

131.10 (3) have not had any encumbrance or restriction against any license or privilege to
131.11 practice within the previous two years.

131.12 (h) Once the requirements of this article, paragraph (g), have been met, the licensee must
131.13 meet the requirements in this article, paragraph (a), to obtain a privilege to practice in a
131.14 remote state.

131.15 ARTICLE V

131.16 OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO
131.17 PRACTICE

131.18 (a) A licensed professional counselor may hold a home state license, which allows for
131.19 a privilege to practice in other member states, in only one member state at a time.

131.20 (b) If a licensed professional counselor changes primary state of residence by moving
131.21 between two member states:

131.22 (1) the licensed professional counselor shall file an application for obtaining a new home
131.23 state license based on a privilege to practice, pay all applicable fees, and notify the current
131.24 and new home state in accordance with applicable rules adopted by the commission;

131.25 (2) upon receipt of an application for obtaining a new home state license by virtue of a
131.26 privilege to practice, the new home state shall verify that the licensed professional counselor
131.27 meets the pertinent criteria outlined in article IV via the data system, without need for
131.28 primary source verification, except for:

131.29 (i) a Federal Bureau of Investigation fingerprint-based criminal background check if not
131.30 previously performed or updated pursuant to applicable rules adopted by the commission
131.31 in accordance with Public Law 92-544;

- 132.1 (ii) other criminal background checks as required by the new home state; and
- 132.2 (iii) completion of any requisite jurisprudence requirements of the new home state;
- 132.3 (3) the former home state shall convert the former home state license into a privilege to
- 132.4 practice once the new home state has activated the new home state license in accordance
- 132.5 with applicable rules adopted by the commission;
- 132.6 (4) notwithstanding any other provision of this compact, if the licensed professional
- 132.7 counselor cannot meet the criteria in article VI, the new home state may apply its
- 132.8 requirements for issuing a new single state license; and
- 132.9 (5) the licensed professional counselor shall pay all applicable fees to the new home
- 132.10 state in order to be issued a new home state license.
- 132.11 (c) If a licensed professional counselor changes primary state of residence by moving
- 132.12 from a member state to a nonmember state, or from a nonmember state to a member state,
- 132.13 the state criteria shall apply for issuance of a single state license in the new state.
- 132.14 (d) Nothing in this compact shall interfere with a licensee's ability to hold a single state
- 132.15 license in multiple states, however, for the purposes of this compact, a licensee shall have
- 132.16 only one home state license.
- 132.17 (e) Nothing in this compact shall affect the requirements established by a member state
- 132.18 for the issuance of a single state license.

132.19 ARTICLE VI

132.20 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

- 132.21 Active duty military personnel, or their spouse, shall designate a home state where the
- 132.22 individual has a current license in good standing. The individual may retain the home state
- 132.23 designation during the period the service member is on active duty. Subsequent to designating
- 132.24 a home state, the individual shall only change their home state through application for
- 132.25 licensure in the new state or through the process outlined in article V.

132.26 ARTICLE VII

132.27 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

- 132.28 (a) Member states shall recognize the right of a licensed professional counselor, licensed
- 132.29 by a home state in accordance with article III and under rules promulgated by the commission,
- 132.30 to practice professional counseling in any member state via telehealth under a privilege to
- 132.31 practice as provided in the compact and rules promulgated by the commission.

133.1 (b) A licensee providing professional counseling services in a remote state under the
133.2 privilege to practice shall adhere to the laws and regulations of the remote state.

133.3 ARTICLE VIII

133.4 ADVERSE ACTIONS

133.5 (a) In addition to the other powers conferred by state law, a remote state shall have the
133.6 authority, in accordance with existing state due process law, to:

133.7 (1) take adverse action against a licensed professional counselor's privilege to practice
133.8 within that member state; and

133.9 (2) issue subpoenas for both hearings and investigations that require the attendance and
133.10 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
133.11 board in a member state for the attendance and testimony of witnesses or the production of
133.12 evidence from another member state shall be enforced in the latter state by any court of
133.13 competent jurisdiction according to the practice and procedure of that court applicable to
133.14 subpoenas issued in proceedings pending before it. The issuing authority shall pay any
133.15 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
133.16 state in which the witnesses or evidence are located.

133.17 (b) Only the home state shall have the power to take adverse action against a licensed
133.18 professional counselor's license issued by the home state.

133.19 (c) For purposes of taking adverse action, the home state shall give the same priority
133.20 and effect to reported conduct received from a member state as it would if the conduct had
133.21 occurred within the home state. In so doing, the home state shall apply its own state laws
133.22 to determine appropriate action.

133.23 (d) The home state shall complete any pending investigations of a licensed professional
133.24 counselor who changes primary state of residence during the course of the investigations.
133.25 The home state shall also have the authority to take appropriate action and shall promptly
133.26 report the conclusions of the investigations to the administrator of the data system. The
133.27 administrator of the coordinated licensure information system shall promptly notify the new
133.28 home state of any adverse actions.

133.29 (e) A member state, if otherwise permitted by state law, may recover from the affected
133.30 licensed professional counselor the costs of investigations and dispositions of cases resulting
133.31 from any adverse action taken against that licensed professional counselor.

134.1 (f) A member state may take adverse action based on the factual findings of the remote
134.2 state, provided that the member state follows its own procedures for taking the adverse
134.3 action.

134.4 (g) Joint investigations:

134.5 (1) in addition to the authority granted to a member state by its respective professional
134.6 counseling practice act or other applicable state law, any member state may participate with
134.7 other member states in joint investigations of licensees; and

134.8 (2) member states shall share any investigative, litigation, or compliance materials in
134.9 furtherance of any joint or individual investigation initiated under the compact.

134.10 (h) If adverse action is taken by the home state against the license of a licensed
134.11 professional counselor, the licensed professional counselor's privilege to practice in all other
134.12 member states shall be deactivated until all encumbrances have been removed from the
134.13 state license. All home state disciplinary orders that impose adverse action against the license
134.14 of a licensed professional counselor shall include a statement that the licensed professional
134.15 counselor's privilege to practice is deactivated in all member states during the pendency of
134.16 the order.

134.17 (i) If a member state takes adverse action, it shall promptly notify the administrator of
134.18 the data system. The administrator of the data system shall promptly notify the home state
134.19 of any adverse actions by remote states.

134.20 (j) Nothing in this compact shall override a member state's decision that participation
134.21 in an alternative program may be used in lieu of adverse action.

134.22 ARTICLE IX

134.23 ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

134.24 (a) The compact member states hereby create and establish a joint public agency known
134.25 as the counseling compact commission:

134.26 (1) the commission is an instrumentality of the compact states;

134.27 (2) except as provided under paragraph (i), venue is proper and judicial proceedings by
134.28 or against the commission shall be brought solely and exclusively in a court of competent
134.29 jurisdiction where the principal office of the commission is located. The commission may
134.30 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
134.31 alternative dispute resolution proceedings; and

134.32 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

- 135.1 (b) Membership, voting, and meetings:
- 135.2 (1) each member state shall have and be limited to one delegate selected by that member
- 135.3 state's licensing board;
- 135.4 (2) the delegate shall be either:
- 135.5 (i) a current member of the licensing board at the time of appointment who is a licensed
- 135.6 professional counselor or public member; or
- 135.7 (ii) an administrator of the licensing board;
- 135.8 (3) any delegate may be removed or suspended from office as provided by the law of
- 135.9 the state from which the delegate is appointed;
- 135.10 (4) the member state licensing board shall fill any vacancy occurring on the commission
- 135.11 within 60 days;
- 135.12 (5) each delegate shall be entitled to one vote with regard to the promulgation of rules
- 135.13 and creation of bylaws and shall otherwise have an opportunity to participate in the business
- 135.14 and affairs of the commission;
- 135.15 (6) a delegate shall vote in person or by such other means as provided in the bylaws.
- 135.16 The bylaws may provide for delegates' participation in meetings by telephone or other means
- 135.17 of communication;
- 135.18 (7) the commission shall meet at least once during each calendar year. Additional
- 135.19 meetings shall be held as set forth in the bylaws; and
- 135.20 (8) the commission shall by rule establish a term of office for delegates and may by rule
- 135.21 establish term limits.
- 135.22 (c) The commission shall have the following powers and duties:
- 135.23 (1) establish the fiscal year of the commission;
- 135.24 (2) establish bylaws;
- 135.25 (3) maintain its financial records in accordance with the bylaws;
- 135.26 (4) meet and take such actions as are consistent with the provisions of this compact and
- 135.27 the bylaws;
- 135.28 (5) promulgate rules which shall be binding to the extent and in the manner provided
- 135.29 for in the compact;

136.1 (6) bring and prosecute legal proceedings or actions in the name of the commission,
136.2 provided that the standing of any state licensing board to sue or be sued under applicable
136.3 law shall not be affected;

136.4 (7) purchase and maintain insurance and bonds;

136.5 (8) borrow, accept, or contract for services of personnel, including but not limited to
136.6 employees of a member state;

136.7 (9) hire employees, elect or appoint officers, fix compensation, define duties, grant such
136.8 individuals appropriate authority to carry out the purposes of the compact, and establish the
136.9 commission's personnel policies and programs relating to conflicts of interest, qualifications
136.10 of personnel, and other related personnel matters;

136.11 (10) accept any and all appropriate donations and grants of money, equipment, supplies,
136.12 materials, and services and to receive, utilize, and dispose of the same; provided that at all
136.13 times the commission shall avoid any appearance of impropriety and conflict of interest;

136.14 (11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
136.15 improve, or use any property, real, personal, or mixed; provided that at all times the
136.16 commission shall avoid any appearance of impropriety;

136.17 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
136.18 any property real, personal, or mixed;

136.19 (13) establish a budget and make expenditures;

136.20 (14) borrow money;

136.21 (15) appoint committees, including standing committees composed of members, state
136.22 regulators, state legislators or their representatives, and consumer representatives, and such
136.23 other interested persons as may be designated in this compact and the bylaws;

136.24 (16) provide and receive information from, and cooperate with, law enforcement agencies;

136.25 (17) establish and elect an executive committee; and

136.26 (18) perform such other functions as may be necessary or appropriate to achieve the
136.27 purposes of this compact consistent with the state regulation of professional counseling
136.28 licensure and practice.

136.29 (d) The executive committee:

136.30 (1) the executive committee shall have the power to act on behalf of the commission
136.31 according to the terms of this compact;

- 137.1 (2) the executive committee shall be composed of up to eleven members:
- 137.2 (i) seven voting members who are elected by the commission from the current
- 137.3 membership of the commission;
- 137.4 (ii) up to four ex-officio, nonvoting members from four recognized national professional
- 137.5 counselor organizations; and
- 137.6 (iii) the ex-officio members will be selected by their respective organizations;
- 137.7 (3) the commission may remove any member of the executive committee as provided
- 137.8 in the bylaws;
- 137.9 (4) the executive committee shall meet at least annually; and
- 137.10 (5) the executive committee shall have the following duties and responsibilities:
- 137.11 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
- 137.12 compact legislation, fees paid by compact member states such as annual dues, and any
- 137.13 commission compact fee charged to licensees for the privilege to practice;
- 137.14 (ii) ensure compact administration services are appropriately provided, contractual or
- 137.15 otherwise;
- 137.16 (iii) prepare and recommend the budget;
- 137.17 (iv) maintain financial records on behalf of the commission;
- 137.18 (v) monitor compact compliance of member states and provide compliance reports to
- 137.19 the commission;
- 137.20 (vi) establish additional committees as necessary; and
- 137.21 (vii) other duties as provided in rules or bylaws.
- 137.22 (e) Meetings of the commission:
- 137.23 (1) all meetings shall be open to the public, and public notice of meetings shall be given
- 137.24 in the same manner as required under the rulemaking provisions in article XI;
- 137.25 (2) the commission or the executive committee or other committees of the commission
- 137.26 may convene in a closed, non-public meeting if the commission or executive committee or
- 137.27 other committees of the commission must discuss:
- 137.28 (i) non-compliance of a member state with its obligations under the compact;

138.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
138.2 related to specific employees or other matters related to the commission's internal personnel
138.3 practices and procedures;

138.4 (iii) current, threatened, or reasonably anticipated litigation;

138.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
138.6 estate;

138.7 (v) accusing any person of a crime or formally censuring any person;

138.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged
138.9 or confidential;

138.10 (vii) disclosure of information of a personal nature where disclosure would constitute a
138.11 clearly unwarranted invasion of personal privacy;

138.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

138.13 (ix) disclosure of information related to any investigative reports prepared by or on
138.14 behalf of or for use of the commission or other committee charged with responsibility of
138.15 investigation or determination of compliance issues pursuant to the compact; or

138.16 (x) matters specifically exempted from disclosure by federal or member state statute;

138.17 (3) if a meeting, or portion of a meeting, is closed pursuant to this provision, the
138.18 commission's legal counsel or designee shall certify that the meeting may be closed and
138.19 shall reference each relevant exempting provision; and

138.20 (4) the commission shall keep minutes that fully and clearly describe all matters discussed
138.21 in a meeting and shall provide a full and accurate summary of actions taken and the reasons
138.22 therefore, including a description of the views expressed. All documents considered in
138.23 connection with an action shall be identified in such minutes. All minutes and documents
138.24 of a closed meeting shall remain under seal, subject to release by a majority vote of the
138.25 commission or order of a court of competent jurisdiction.

138.26 (f) Financing of the commission:

138.27 (i) the commission shall pay, or provide for the payment of, the reasonable expenses of
138.28 its establishment, organization, and ongoing activities;

138.29 (ii) the commission may accept any and all appropriate revenue sources, donations, and
138.30 grants of money, equipment, supplies, materials, and services;

139.1 (iii) the commission may levy on and collect an annual assessment from each member
139.2 state or impose fees on other parties to cover the cost of the operations and activities of the
139.3 commission and its staff, which must be in a total amount sufficient to cover its annual
139.4 budget as approved each year for which revenue is not provided by other sources. The
139.5 aggregate annual assessment amount shall be allocated based upon a formula to be determined
139.6 by the commission, which shall promulgate a rule binding upon all member states;

139.7 (iv) the commission shall not incur obligations of any kind prior to securing the funds
139.8 adequate to meet the same; nor shall the commission pledge the credit of any of the member
139.9 states, except by and with the authority of the member state; and

139.10 (v) the commission shall keep accurate accounts of all receipts and disbursements. The
139.11 receipts and disbursements of the commission shall be subject to the audit and accounting
139.12 procedures established under its bylaws. However, all receipts and disbursements of funds
139.13 handled by the commission shall be audited yearly by a certified or licensed public
139.14 accountant, and the report of the audit shall be included in and become part of the annual
139.15 report of the commission.

139.16 (g) Qualified immunity, defense, and indemnification:

139.17 (1) the members, officers, executive director, employees, and representatives of the
139.18 commission shall be immune from suit and liability, either personally or in their official
139.19 capacity, for any claim for damage to or loss of property or personal injury or other civil
139.20 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
139.21 or that the person against whom the claim is made had a reasonable basis for believing
139.22 occurred within the scope of commission employment, duties, or responsibilities; provided
139.23 that nothing in this paragraph shall be construed to protect any such person from suit or
139.24 liability for any damage, loss, injury, or liability caused by the intentional or willful or
139.25 wanton misconduct of that person;

139.26 (2) the commission shall defend any member, officer, executive director, employee, or
139.27 representative of the commission in any civil action seeking to impose liability arising out
139.28 of any actual or alleged act, error, or omission that occurred within the scope of commission
139.29 employment, duties, or responsibilities, or that the person against whom the claim is made
139.30 had a reasonable basis for believing occurred within the scope of commission employment,
139.31 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
139.32 person from retaining his or her own counsel; and provided further, that the actual or alleged
139.33 act, error, or omission did not result from that person's intentional or willful or wanton
139.34 misconduct; and

140.1 (3) the commission shall indemnify and hold harmless any member, officer, executive
140.2 director, employee, or representative of the commission for the amount of any settlement
140.3 or judgment obtained against that person arising out of any actual or alleged act, error, or
140.4 omission that occurred within the scope of commission employment, duties, or
140.5 responsibilities, or that such person had a reasonable basis for believing occurred within
140.6 the scope of commission employment, duties, or responsibilities, provided that the actual
140.7 or alleged act, error, or omission did not result from the intentional or willful or wanton
140.8 misconduct of that person.

140.9 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,
140.10 employees, or representatives of the interstate commission, acting within the scope of their
140.11 employment or duties, may not exceed the limits of liability set forth under the constitution
140.12 and laws of this state for state officials, employees, and agents. This paragraph expressly
140.13 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
140.14 under that statute.

140.15 (i) Except for a claim alleging a violation of this compact, a claim against the commission,
140.16 its executive director, employees, or representatives alleging a violation of the constitution
140.17 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
140.18 this paragraph creates a private right of action.

140.19 (j) Nothing in this compact shall be construed as a limitation on the liability of any
140.20 licensee for professional malpractice or misconduct, which shall be governed solely by any
140.21 other applicable state laws.

140.22 ARTICLE X

140.23 DATA SYSTEM

140.24 (a) The commission shall provide for the development, maintenance, operation, and
140.25 utilization of a coordinated database and reporting system containing licensure, adverse
140.26 action, and investigative information on all licensed individuals in member states.

140.27 (b) Notwithstanding any other provision of state law to the contrary, a member state
140.28 shall submit a uniform data set to the data system on all individuals to whom this compact
140.29 is applicable as required by the rules of the commission, including:

140.30 (1) identifying information;

140.31 (2) licensure data;

140.32 (3) adverse actions against a license or privilege to practice;

- 141.1 (4) nonconfidential information related to alternative program participation;
141.2 (5) any denial of application for licensure and the reason for such denial;
141.3 (6) current significant investigative information; and
141.4 (7) other information that may facilitate the administration of this compact, as determined
141.5 by the rules of the commission.

141.6 (c) Investigative information pertaining to a licensee in any member state will only be
141.7 available to other member states.

141.8 (d) The commission shall promptly notify all member states of any adverse action taken
141.9 against a licensee or an individual applying for a license. Adverse action information
141.10 pertaining to a licensee in any member state will be available to any other member state.

141.11 (e) Member states contributing information to the data system may designate information
141.12 that may not be shared with the public without the express permission of the contributing
141.13 state.

141.14 (f) Any information submitted to the data system that is subsequently required to be
141.15 expunged by the laws of the member state contributing the information shall be removed
141.16 from the data system.

141.17 ARTICLE XI

141.18 RULEMAKING

141.19 (a) The commission shall promulgate reasonable rules in order to effectively and
141.20 efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event
141.21 the commission exercises its rulemaking authority in a manner that is beyond the scope of
141.22 the purposes of the compact, or the powers granted hereunder, then such an action by the
141.23 commission shall be invalid and have no force or effect.

141.24 (b) The commission shall exercise its rulemaking powers pursuant to the criteria set
141.25 forth in this article and the rules adopted thereunder. Rules and amendments shall become
141.26 binding as of the date specified in each rule or amendment.

141.27 (c) If a majority of the legislatures of the member states rejects a rule, by enactment of
141.28 a statute or resolution in the same manner used to adopt the compact within four years of
141.29 the date of adoption of the rule, then such rule shall have no further force and effect in any
141.30 member state.

141.31 (d) Rules or amendments to the rules shall be adopted at a regular or special meeting of
141.32 the commission.

142.1 (e) Prior to promulgation and adoption of a final rule or rules by the commission, and
142.2 at least thirty days in advance of the meeting at which the rule will be considered and voted
142.3 upon, the commission shall file a notice of proposed rulemaking:

142.4 (1) on the website of the commission or other publicly accessible platform; and

142.5 (2) on the website of each member state professional counseling licensing board or other
142.6 publicly accessible platform or the publication in which each state would otherwise publish
142.7 proposed rules.

142.8 (f) The notice of proposed rulemaking shall include:

142.9 (1) the proposed time, date, and location of the meeting in which the rule will be
142.10 considered and voted upon;

142.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

142.12 (3) a request for comments on the proposed rule from any interested person; and

142.13 (4) the manner in which interested persons may submit notice to the commission of their
142.14 intention to attend the public hearing and any written comments.

142.15 (g) Prior to adoption of a proposed rule, the commission shall allow persons to submit
142.16 written data, facts, opinions, and arguments, which shall be made available to the public.

142.17 (h) The commission shall grant an opportunity for a public hearing before it adopts a
142.18 rule or amendment if a hearing is requested by:

142.19 (1) at least 25 persons;

142.20 (2) a state or federal governmental subdivision or agency; or

142.21 (3) an association having at least 25 members.

142.22 (i) If a hearing is held on the proposed rule or amendment, the commission shall publish
142.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
142.24 means, the commission shall publish the mechanism for access to the electronic hearing:

142.25 (1) all persons wishing to be heard at the hearing shall notify the executive director of
142.26 the commission or other designated member in writing of their desire to appear and testify
142.27 at the hearing not less than five business days before the scheduled date of the hearing;

142.28 (2) hearings shall be conducted in a manner providing each person who wishes to
142.29 comment a fair and reasonable opportunity to comment orally or in writing;

142.30 (3) all hearings will be recorded. A copy of the recording will be made available on
142.31 request; and

143.1 (4) nothing in this article shall be construed as requiring a separate hearing on each rule.
143.2 Rules may be grouped for the convenience of the commission at hearings required by this
143.3 article.

143.4 (j) Following the scheduled hearing date, or by the close of business on the scheduled
143.5 hearing date if the hearing was not held, the commission shall consider all written and oral
143.6 comments received.

143.7 (k) If no written notice of intent to attend the public hearing by interested parties is
143.8 received, the commission may proceed with promulgation of the proposed rule without a
143.9 public hearing.

143.10 (l) The commission shall, by majority vote of all members, take final action on the
143.11 proposed rule and shall determine the effective date of the rule, if any, based on the
143.12 rulemaking record and the full text of the rule.

143.13 (m) Upon determination that an emergency exists, the commission may consider and
143.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
143.15 that the usual rulemaking procedures provided in the compact and in this article shall be
143.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
143.17 days after the effective date of the rule. For the purposes of this provision, an emergency
143.18 rule is one that must be adopted immediately in order to:

143.19 (1) meet an imminent threat to public health, safety, or welfare;

143.20 (2) prevent a loss of commission or member state funds;

143.21 (3) meet a deadline for the promulgation of an administrative rule that is established by
143.22 federal law or rule; or

143.23 (4) protect public health and safety.

143.24 (n) The commission or an authorized committee of the commission may direct revisions
143.25 to a previously adopted rule or amendment for purposes of correcting typographical errors,
143.26 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
143.27 shall be posted on the website of the commission. The revision shall be subject to challenge
143.28 by any person for a period of thirty days after posting. The revision may be challenged only
143.29 on grounds that the revision results in a material change to a rule. A challenge shall be made
143.30 in writing and delivered to the chair of the commission prior to the end of the notice period.
143.31 If no challenge is made, the revision will take effect without further action. If the revision
143.32 is challenged, the revision may not take effect without the approval of the commission.

143.33

ARTICLE XII

144.1 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

144.2 (a) Oversight:

144.3 (1) the executive, legislative, and judicial branches of state government in each member
144.4 state shall enforce this compact and take all actions necessary and appropriate to effectuate
144.5 the compact's purposes and intent. The provisions of this compact and the rules promulgated
144.6 hereunder shall have standing as statutory law;

144.7 (2) all courts shall take judicial notice of the compact and the rules in any judicial or
144.8 administrative proceeding in a member state pertaining to the subject matter of this compact
144.9 which may affect the powers, responsibilities, or actions of the commission; and

144.10 (3) the commission shall be entitled to receive service of process in any such proceeding
144.11 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
144.12 service of process to the commission shall render a judgment or order void as to the
144.13 commission, this compact, or promulgated rules.

144.14 (b) Default, technical assistance, and termination:

144.15 (1) if the commission determines that a member state has defaulted in the performance
144.16 of its obligations or responsibilities under this compact or the promulgated rules, the
144.17 commission shall:

144.18 (i) provide written notice to the defaulting state and other member states of the nature
144.19 of the default, the proposed means of curing the default, or any other action to be taken by
144.20 the commission; and

144.21 (ii) provide remedial training and specific technical assistance regarding the default.

144.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated
144.23 from the compact upon an affirmative vote of a majority of the member states, and all rights,
144.24 privileges, and benefits conferred by this compact may be terminated on the effective date
144.25 of termination. A cure of the default does not relieve the offending state of obligations or
144.26 liabilities incurred during the period of default.

144.27 (d) Termination of membership in the compact shall be imposed only after all other
144.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
144.29 shall be given by the commission to the governor, the majority and minority leaders of the
144.30 defaulting state's legislature, and each of the member states.

145.1 (e) A state that has been terminated is responsible for all assessments, obligations, and
145.2 liabilities incurred through the effective date of termination, including obligations that
145.3 extend beyond the effective date of termination.

145.4 (f) The commission shall not bear any costs related to a state that is found to be in default
145.5 or that has been terminated from the compact, unless agreed upon in writing between the
145.6 commission and the defaulting state.

145.7 (g) The defaulting state may appeal the action of the commission by petitioning the
145.8 United States District Court for the District of Columbia or the federal district where the
145.9 commission has its principal offices. The prevailing member shall be awarded all costs of
145.10 such litigation, including reasonable attorney fees.

145.11 (h) Dispute resolution:

145.12 (1) upon request by a member state, the commission shall attempt to resolve disputes
145.13 related to the compact that arise among member states and between member and nonmember
145.14 states; and

145.15 (2) the commission shall promulgate a rule providing for both mediation and binding
145.16 dispute resolution for disputes as appropriate.

145.17 (i) Enforcement:

145.18 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
145.19 provisions and rules of this compact;

145.20 (2) by majority vote, the commission may initiate legal action in the United States District
145.21 Court for the District of Columbia or the federal district where the commission has its
145.22 principal offices against a member state in default to enforce compliance with the provisions
145.23 of the compact and its promulgated rules and bylaws. The relief sought may include both
145.24 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
145.25 member shall be awarded all costs of such litigation, including reasonable attorney fees;
145.26 and

145.27 (3) the remedies herein shall not be the exclusive remedies of the commission. The
145.28 commission may pursue any other remedies available under federal or state law.

145.29 ARTICLE XIII

145.30 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION
145.31 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

146.1 (a) The compact shall come into effect on the date on which the compact statute is
146.2 enacted into law in the tenth member state. The provisions, which become effective at that
146.3 time, shall be limited to the powers granted to the commission relating to assembly and the
146.4 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
146.5 powers necessary to the implementation and administration of the compact.

146.6 (b) Any state that joins the compact subsequent to the commission's initial adoption of
146.7 the rules shall be subject to the rules as they exist on the date on which the compact becomes
146.8 law in that state. Any rule that has been previously adopted by the commission shall have
146.9 the full force and effect of law on the day the compact becomes law in that state.

146.10 (c) Any member state may withdraw from this compact by enacting a statute repealing
146.11 the same.

146.12 (1) a member state's withdrawal shall not take effect until six months after enactment
146.13 of the repealing statute; and

146.14 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's
146.15 professional counseling licensing board to comply with the investigative and adverse action
146.16 reporting requirements of this compact prior to the effective date of withdrawal.

146.17 (d) Nothing contained in this compact shall be construed to invalidate or prevent any
146.18 professional counseling licensure agreement or other cooperative arrangement between a
146.19 member state and a nonmember state that does not conflict with the provisions of this
146.20 compact.

146.21 (e) This compact may be amended by the member states. No amendment to this compact
146.22 shall become effective and binding upon any member state until it is enacted into the laws
146.23 of all member states.

146.24 ARTICLE XIV

146.25 CONSTRUCTION AND SEVERABILITY

146.26 This compact shall be liberally construed so as to effectuate the purposes thereof. The
146.27 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
146.28 of this compact is declared to be contrary to the constitution of any member state or of the
146.29 United States or the applicability thereof to any government, agency, person, or circumstance
146.30 is held invalid, the validity of the remainder of this compact and the applicability thereof
146.31 to any government, agency, person, or circumstance shall not be affected thereby. If this
146.32 compact shall be held contrary to the constitution of any member state, the compact shall

147.1 remain in full force and effect as to the remaining member states and in full force and effect
147.2 as to the member state affected as to all severable matters.

147.3 ARTICLE XV

147.4 BINDING EFFECT OF COMPACT AND OTHER LAWS

147.5 (a) A licensee providing professional counseling services in a remote state under the
147.6 privilege to practice shall adhere to the laws and regulations, including scope of practice,
147.7 of the remote state.

147.8 (b) Nothing herein prevents the enforcement of any other law of a member state that is
147.9 not inconsistent with the compact.

147.10 (c) Any laws in a member state in conflict with the compact are superseded to the extent
147.11 of the conflict.

147.12 (d) Any lawful actions of the commission, including all rules and bylaws properly
147.13 promulgated by the commission, are binding upon the member states.

147.14 (e) All permissible agreements between the commission and the member states are
147.15 binding in accordance with their terms.

147.16 (f) In the event any provision of the compact exceeds the constitutional limits imposed
147.17 on the legislature of any member state, the provision shall be ineffective to the extent of the
147.18 conflict with the constitutional provision in question in that member state.

147.19 **ARTICLE 14**

147.20 **AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT**

147.21 Section 1. **[148.5185] AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**
147.22 **INTERSTATE COMPACT.**

147.23 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law
147.24 and entered into with all other jurisdictions legally joining in it in the form substantially
147.25 specified in this section.

147.26 ARTICLE I

147.27 DEFINITIONS

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

148.1 (A) "Active duty military" means full-time duty status in the active uniformed service
148.2 of the United States, including members of the National Guard and Reserve on active duty
148.3 orders pursuant to United States Code, title 10, sections 1209 and 1211.

148.4 (B) "Adverse action" means any administrative, civil, equitable, or criminal action
148.5 permitted by a state's laws which is imposed by a licensing board or other authority against
148.6 an audiologist or speech-language pathologist, including actions against an individual's
148.7 license or privilege to practice such as revocation, suspension, probation, monitoring of the
148.8 licensee, or restriction on the licensee's practice.

148.9 (C) "Alternative program" means a non-disciplinary monitoring process approved by
148.10 an audiology or speech-language pathology licensing board to address impaired practitioners.

148.11 (D) "Audiologist" means an individual who is licensed by a state to practice audiology.

148.12 (E) "Audiology" means the care and services provided by a licensed audiologist as set
148.13 forth in the member state's statutes and rules.

148.14 (F) "Audiology and Speech-Language Pathology Compact Commission" or "commission"
148.15 means the national administrative body whose membership consists of all states that have
148.16 enacted the compact.

148.17 (G) "Audiology and speech-language pathology licensing board," "audiology licensing
148.18 board," "speech-language pathology licensing board," or "licensing board" means the agency
148.19 of a state that is responsible for the licensing and regulation of audiologists or
148.20 speech-language pathologists or both.

148.21 (H) "Compact privilege" means the authorization granted by a remote state to allow a
148.22 licensee from another member state to practice as an audiologist or speech-language
148.23 pathologist in the remote state under its laws and rules. The practice of audiology or
148.24 speech-language pathology occurs in the member state where the patient, client, or student
148.25 is located at the time of the patient, client, or student encounter.

148.26 (I) "Current significant investigative information" means investigative information that
148.27 a licensing board, after an inquiry or investigation that includes notification and an
148.28 opportunity for the audiologist or speech-language pathologist to respond, if required by
148.29 state law, has reason to believe is not groundless and, if proved true, would indicate more
148.30 than a minor infraction.

148.31 (J) "Data system" means a repository of information about licensees, including but not
148.32 limited to continuing education, examination, licensure, investigation, compact privilege,
148.33 and adverse action.

149.1 (K) "Encumbered license" means a license in which an adverse action restricts the
149.2 practice of audiology or speech-language pathology by the licensee and said adverse action
149.3 has been reported to the National Practitioners Data Bank (NPDB).

149.4 (L) "Executive committee" means a group of directors elected or appointed to act on
149.5 behalf of, and within the powers granted to them by, the commission.

149.6 (M) "Home state" means the member state that is the licensee's primary state of residence.

149.7 (N) "Impaired practitioner" means individuals whose professional practice is adversely
149.8 affected by substance abuse, addiction, or other health-related conditions.

149.9 (O) "Licensee" means an individual who currently holds an authorization from the state
149.10 licensing board to practice as an audiologist or speech-language pathologist.

149.11 (P) "Member state" means a state that has enacted the compact.

149.12 (Q) "Privilege to practice" means a legal authorization permitting the practice of audiology
149.13 or speech-language pathology in a remote state.

149.14 (R) "Remote state" means a member state other than the home state where a licensee is
149.15 exercising or seeking to exercise the compact privilege.

149.16 (S) "Rule" means a regulation, principle, or directive promulgated by the commission
149.17 that has the force of law.

149.18 (T) "Single-state license" means an audiology or speech-language pathology license
149.19 issued by a member state that authorizes practice only within the issuing state and does not
149.20 include a privilege to practice in any other member state.

149.21 (U) "Speech-language pathologist" means an individual who is licensed by a state to
149.22 practice speech-language pathology.

149.23 (V) "Speech-language pathology" means the care and services provided by a licensed
149.24 speech-language pathologist as set forth in the member state's statutes and rules.

149.25 (W) "State" means any state, commonwealth, district, or territory of the United States
149.26 of America that regulates the practice of audiology and speech-language pathology.

149.27 (X) "State practice laws" means a member state's laws, rules, and regulations that govern
149.28 the practice of audiology or speech-language pathology, define the scope of audiology or
149.29 speech-language pathology practice, and create the methods and grounds for imposing
149.30 discipline.

150.1 (Y) "Telehealth" means the application of telecommunication technology to deliver
150.2 audiology or speech-language pathology services at a distance for assessment, intervention,
150.3 or consultation.

150.4 ARTICLE II

150.5 STATE PARTICIPATION IN THE COMPACT

150.6 (A) A license issued to an audiologist or speech-language pathologist by a home state
150.7 to a resident in that state shall be recognized by each member state as authorizing an
150.8 audiologist or speech-language pathologist to practice audiology or speech-language
150.9 pathology, under a privilege to practice, in each member state.

150.10 (B) A state must implement or utilize procedures for considering the criminal history
150.11 records of applicants for initial privilege to practice. These procedures shall include the
150.12 submission of fingerprints or other biometric-based information by applicants for the purpose
150.13 of obtaining an applicant's criminal history record information from the Federal Bureau of
150.14 Investigation and the agency responsible for retaining that state's criminal records.

150.15 (1) A member state must fully implement a criminal background check requirement,
150.16 within a time frame established by rule, by receiving the results of the Federal Bureau of
150.17 Investigation record search on criminal background checks and use the results in making
150.18 licensure decisions.

150.19 (2) Communication between a member state and the commission and among member
150.20 states regarding the verification of eligibility for licensure through the compact shall not
150.21 include any information received from the Federal Bureau of Investigation relating to a
150.22 federal criminal records check performed by a member state under Public Law 92-544.

150.23 (C) Upon application for a privilege to practice, the licensing board in the issuing remote
150.24 state shall ascertain, through the data system, whether the applicant has ever held, or is the
150.25 holder of, a license issued by any other state, whether there are any encumbrances on any
150.26 license or privilege to practice held by the applicant, and whether any adverse action has
150.27 been taken against any license or privilege to practice held by the applicant.

150.28 (D) Each member state shall require an applicant to obtain or retain a license in the home
150.29 state and meet the home state's qualifications for licensure or renewal of licensure, as well
150.30 as all other applicable state laws.

150.31 (E) An audiologist must:

150.32 (1) meet one of the following educational requirements:

151.1 (i) on or before December 31, 2007, have graduated with a master's degree or doctoral
151.2 degree in audiology, or equivalent degree regardless of degree name, from a program that
151.3 is accredited by an accrediting agency recognized by the Council for Higher Education
151.4 Accreditation, or its successor, or by the United States Department of Education and operated
151.5 by a college or university accredited by a regional or national accrediting organization
151.6 recognized by the board; or

151.7 (ii) on or after January 1, 2008, have graduated with a doctoral degree in audiology, or
151.8 equivalent degree regardless of degree name, from a program that is accredited by an
151.9 accrediting agency recognized by the Council for Higher Education Accreditation, or its
151.10 successor, or by the United States Department of Education and operated by a college or
151.11 university accredited by a regional or national accrediting organization recognized by the
151.12 board; or

151.13 (iii) have graduated from an audiology program that is housed in an institution of higher
151.14 education outside of the United States (a) for which the program and institution have been
151.15 approved by the authorized accrediting body in the applicable country and (b) the degree
151.16 program has been verified by an independent credentials review agency to be comparable
151.17 to a state licensing board-approved program;

151.18 (2) have completed a supervised clinical practicum experience from an accredited
151.19 educational institution or its cooperating programs as required by the board;

151.20 (3) have successfully passed a national examination approved by the commission;

151.21 (4) hold an active, unencumbered license;

151.22 (5) not have been convicted or found guilty, and not have entered into an agreed
151.23 disposition, of a felony related to the practice of audiology, under applicable state or federal
151.24 criminal law; and

151.25 (6) have a valid United States Social Security or National Practitioner Identification
151.26 number.

151.27 (F) A speech-language pathologist must:

151.28 (1) meet one of the following educational requirements:

151.29 (i) have graduated with a master's degree from a speech-language pathology program
151.30 that is accredited by an organization recognized by the United States Department of Education
151.31 and operated by a college or university accredited by a regional or national accrediting
151.32 organization recognized by the board; or

152.1 (ii) have graduated from a speech-language pathology program that is housed in an
152.2 institution of higher education outside of the United States (a) for which the program and
152.3 institution have been approved by the authorized accrediting body in the applicable country
152.4 and (b) the degree program has been verified by an independent credentials review agency
152.5 to be comparable to a state licensing board-approved program;

152.6 (2) have completed a supervised clinical practicum experience from an educational
152.7 institution or its cooperating programs as required by the commission;

152.8 (3) have completed a supervised postgraduate professional experience as required by
152.9 the commission;

152.10 (4) have successfully passed a national examination approved by the commission;

152.11 (5) hold an active, unencumbered license;

152.12 (6) not have been convicted or found guilty, and not have entered into an agreed
152.13 disposition, of a felony related to the practice of speech-language pathology, under applicable
152.14 state or federal criminal law; and

152.15 (7) have a valid United States Social Security or National Practitioner Identification
152.16 number.

152.17 (G) The privilege to practice is derived from the home state license.

152.18 (H) An audiologist or speech-language pathologist practicing in a member state must
152.19 comply with the state practice laws of the state in which the client is located at the time
152.20 service is provided. The practice of audiology and speech-language pathology shall include
152.21 all audiology and speech-language pathology practice as defined by the state practice laws
152.22 of the member state in which the client is located. The practice of audiology and
152.23 speech-language pathology in a member state under a privilege to practice shall subject an
152.24 audiologist or speech-language pathologist to the jurisdiction of the licensing board, the
152.25 courts and the laws of the member state in which the client is located at the time service is
152.26 provided.

152.27 (I) Individuals not residing in a member state shall continue to be able to apply for a
152.28 member state's single-state license as provided under the laws of each member state.
152.29 However, the single-state license granted to these individuals shall not be recognized as
152.30 granting the privilege to practice audiology or speech-language pathology in any other
152.31 member state. Nothing in this compact shall affect the requirements established by a member
152.32 state for the issuance of a single-state license.

152.33 (J) Member states may charge a fee for granting a compact privilege.

153.1 (K) Member states must comply with the bylaws and rules and regulations of the
153.2 commission.

153.3 ARTICLE III

153.4 COMPACT PRIVILEGE

153.5 (A) To exercise the compact privilege under the terms and provisions of the compact,
153.6 the audiologist or speech-language pathologist shall:

153.7 (1) hold an active license in the home state;

153.8 (2) have no encumbrance on any state license;

153.9 (3) be eligible for a compact privilege in any member state in accordance with Article
153.10 II;

153.11 (4) have not had any adverse action against any license or compact privilege within the
153.12 previous two years from date of application;

153.13 (5) notify the commission that the licensee is seeking the compact privilege within a
153.14 remote state or states;

153.15 (6) pay any applicable fees, including any state fee, for the compact privilege; and

153.16 (7) report to the commission adverse action taken by any nonmember state within 30
153.17 days from the date the adverse action is taken.

153.18 (B) For the purposes of the compact privilege, an audiologist or speech-language
153.19 pathologist shall only hold one home state license at a time.

153.20 (C) Except as provided in Article V, if an audiologist or speech-language pathologist
153.21 changes primary state of residence by moving between two member states, the audiologist
153.22 or speech-language pathologist must apply for licensure in the new home state, and the
153.23 license issued by the prior home state shall be deactivated in accordance with applicable
153.24 rules adopted by the commission.

153.25 (D) The audiologist or speech-language pathologist may apply for licensure in advance
153.26 of a change in primary state of residence.

153.27 (E) A license shall not be issued by the new home state until the audiologist or
153.28 speech-language pathologist provides satisfactory evidence of a change in primary state of
153.29 residence to the new home state and satisfies all applicable requirements to obtain a license
153.30 from the new home state.

154.1 (F) If an audiologist or speech-language pathologist changes primary state of residence
154.2 by moving from a member state to a nonmember state, the license issued by the prior home
154.3 state shall convert to a single-state license, valid only in the former home state.

154.4 (G) The compact privilege is valid until the expiration date of the home state license.
154.5 The licensee must comply with the requirements of Article III, (A), to maintain the compact
154.6 privilege in the remote state.

154.7 (H) A licensee providing audiology or speech-language pathology services in a remote
154.8 state under the compact privilege shall function within the laws and regulations of the remote
154.9 state.

154.10 (I) A licensee providing audiology or speech-language pathology services in a remote
154.11 state is subject to that state's regulatory authority. A remote state may, in accordance with
154.12 due process and that state's laws, remove a licensee's compact privilege in the remote state
154.13 for a specific period of time, impose fines, or take any other necessary actions to protect
154.14 the health and safety of its citizens.

154.15 (J) If a home state license is encumbered, the licensee shall lose the compact privilege
154.16 in any remote state until the following occur:

154.17 (1) the home state license is no longer encumbered; and

154.18 (2) two years have elapsed from the date of the adverse action.

154.19 (K) Once an encumbered license in the home state is restored to good standing, the
154.20 licensee must meet the requirements of Article III, (A), to obtain a compact privilege in any
154.21 remote state.

154.22 (L) Once the requirements of Article III, (J), have been met, the licensee must meet the
154.23 requirements in Article III, (A), to obtain a compact privilege in a remote state.

154.24 ARTICLE IV

154.25 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

154.26 Member states shall recognize the right of an audiologist or speech-language pathologist,
154.27 licensed by a home state in accordance with Article II and under rules promulgated by the
154.28 commission, to practice audiology or speech-language pathology in a member state via
154.29 telehealth under a privilege to practice as provided in the compact and rules promulgated
154.30 by the commission.

154.31 ARTICLE V

154.32 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

155.1 Active duty military personnel, or their spouse, shall designate a home state where the
155.2 individual has a current license in good standing. The individual may retain the home state
155.3 designation during the period the service member is on active duty. Subsequent to designating
155.4 a home state, the individual shall only change their home state through application for
155.5 licensure in the new state.

155.6 ARTICLE VI

155.7 ADVERSE ACTIONS

155.8 (A) In addition to the other powers conferred by state law, a remote state shall have the
155.9 authority, in accordance with existing state due process law, to:

155.10 (1) take adverse action against an audiologist's or speech-language pathologist's privilege
155.11 to practice within that member state; and

155.12 (2) issue subpoenas for both hearings and investigations that require the attendance and
155.13 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
155.14 board in a member state for the attendance and testimony of witnesses or the production of
155.15 evidence from another member state shall be enforced in the latter state by any court of
155.16 competent jurisdiction, according to the practice and procedure of that court applicable to
155.17 subpoenas issued in proceedings pending before it. The issuing authority shall pay any
155.18 witness fees, travel expenses, mileage and other fees required by the service statutes of the
155.19 state in which the witnesses or evidence are located.

155.20 (B) Only the home state shall have the power to take adverse action against an
155.21 audiologist's or speech-language pathologist's license issued by the home state.

155.22 (C) For purposes of taking adverse action, the home state shall give the same priority
155.23 and effect to reported conduct received from a member state as it would if the conduct had
155.24 occurred within the home state. In so doing, the home state shall apply its own state laws
155.25 to determine appropriate action.

155.26 (D) The home state shall complete any pending investigations of an audiologist or
155.27 speech-language pathologist who changes primary state of residence during the course of
155.28 the investigations. The home state shall also have the authority to take appropriate action
155.29 and shall promptly report the conclusions of the investigations to the administrator of the
155.30 data system. The administrator of the data system shall promptly notify the new home state
155.31 of any adverse actions.

155.32 (E) If otherwise permitted by state law, the member state may recover from the affected
155.33 audiologist or speech-language pathologist the costs of investigations and disposition of

156.1 cases resulting from any adverse action taken against that audiologist or speech-language
156.2 pathologist.

156.3 (F) The member state may take adverse action based on the factual findings of the remote
156.4 state, provided that the member state follows the member state's own procedures for taking
156.5 the adverse action.

156.6 (G) Joint Investigations:

156.7 (1) In addition to the authority granted to a member state by its respective audiology or
156.8 speech-language pathology practice act or other applicable state law, any member state may
156.9 participate with other member states in joint investigations of licensees.

156.10 (2) Member states shall share any investigative, litigation, or compliance materials in
156.11 furtherance of any joint or individual investigation initiated under the Compact.

156.12 (H) If adverse action is taken by the home state against an audiologist's or
156.13 speech-language pathologist's license, the audiologist's or speech-language pathologist's
156.14 privilege to practice in all other member states shall be deactivated until all encumbrances
156.15 have been removed from the state license. All home state disciplinary orders that impose
156.16 adverse action against an audiologist's or speech-language pathologist's license shall include
156.17 a statement that the audiologist's or speech-language pathologist's privilege to practice is
156.18 deactivated in all member states during the pendency of the order.

156.19 (I) If a member state takes adverse action, it shall promptly notify the administrator of
156.20 the data system. The administrator of the data system shall promptly notify the home state
156.21 of any adverse actions by remote states.

156.22 (J) Nothing in this compact shall override a member state's decision that participation
156.23 in an alternative program may be used in lieu of adverse action.

156.24 ARTICLE VII

156.25 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
156.26 COMPACT COMMISSION

156.27 (A) The compact member states hereby create and establish a joint public agency known
156.28 as the Audiology and Speech-Language Pathology Compact Commission:

156.29 (1) The commission is an instrumentality of the compact states.

156.30 (2) Except as provided under paragraph (H), venue is proper and judicial proceedings
156.31 by or against the commission shall be brought solely and exclusively in a court of competent
156.32 jurisdiction where the principal office of the commission is located. The commission may

157.1 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
157.2 alternative dispute resolution proceedings.

157.3 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

157.4 (B) Membership, Voting, and Meetings:

157.5 (1) Each member state shall have two delegates selected by that member state's licensing
157.6 board. The delegates shall be current members of the licensing board. One shall be an
157.7 audiologist and one shall be a speech-language pathologist.

157.8 (2) An additional five delegates, who are either a public member or board administrator
157.9 from a state licensing board, shall be chosen by the executive committee from a pool of
157.10 nominees provided by the commission at large.

157.11 (3) Any delegate may be removed or suspended from office as provided by the law of
157.12 the state from which the delegate is appointed.

157.13 (4) The member state board shall fill any vacancy occurring on the commission, within
157.14 90 days.

157.15 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules
157.16 and creation of bylaws and shall otherwise have an opportunity to participate in the business
157.17 and affairs of the commission.

157.18 (6) A delegate shall vote in person or by other means as provided in the bylaws. The
157.19 bylaws may provide for delegates' participation in meetings by telephone or other means
157.20 of communication.

157.21 (7) The commission shall meet at least once during each calendar year. Additional
157.22 meetings shall be held as set forth in the bylaws.

157.23 (C) The commission shall have the following powers and duties:

157.24 (1) establish the fiscal year of the commission;

157.25 (2) establish bylaws;

157.26 (3) establish a code of ethics;

157.27 (4) maintain its financial records in accordance with the bylaws;

157.28 (5) meet and take actions as are consistent with the provisions of this compact and the
157.29 bylaws;

- 158.1 (6) promulgate uniform rules to facilitate and coordinate implementation and
158.2 administration of this compact. The rules shall have the force and effect of law and shall
158.3 be binding in all member states;
- 158.4 (7) bring and prosecute legal proceedings or actions in the name of the commission,
158.5 provided that the standing of any state audiology or speech-language pathology licensing
158.6 board to sue or be sued under applicable law shall not be affected;
- 158.7 (8) purchase and maintain insurance and bonds;
- 158.8 (9) borrow, accept, or contract for services of personnel, including but not limited to
158.9 employees of a member state;
- 158.10 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant
158.11 individuals appropriate authority to carry out the purposes of the compact, and establish the
158.12 commission's personnel policies and programs relating to conflicts of interest, qualifications
158.13 of personnel, and other related personnel matters;
- 158.14 (11) accept any and all appropriate donations and grants of money, equipment, supplies,
158.15 materials, and services and to receive, utilize, and dispose of the same; provided that at all
158.16 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 158.17 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
158.18 improve, or use any property real, personal, or mixed; provided that at all times the
158.19 commission shall avoid any appearance of impropriety;
- 158.20 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
158.21 any property real, personal, or mixed;
- 158.22 (14) establish a budget and make expenditures;
- 158.23 (15) borrow money;
- 158.24 (16) appoint committees, including standing committees composed of members and
158.25 other interested persons as may be designated in this compact and the bylaws;
- 158.26 (17) provide and receive information from, and cooperate with, law enforcement agencies;
- 158.27 (18) establish and elect an executive committee; and
- 158.28 (19) perform other functions as may be necessary or appropriate to achieve the purposes
158.29 of this compact consistent with the state regulation of audiology and speech-language
158.30 pathology licensure and practice.
- 158.31 (D) The Executive Committee:

159.1 The executive committee shall have the power to act on behalf of the commission
159.2 according to the terms of this compact. The executive committee shall be composed of ten
159.3 members:

159.4 (1) seven voting members who are elected by the commission from the current
159.5 membership of the commission;

159.6 (2) two ex officios, consisting of one nonvoting member from a recognized national
159.7 audiology professional association and one nonvoting member from a recognized national
159.8 speech-language pathology association; and

159.9 (3) one ex officio, nonvoting member from the recognized membership organization of
159.10 the audiology and speech-language pathology licensing boards.

159.11 (E) The ex officio members shall be selected by their respective organizations.

159.12 (1) The commission may remove any member of the executive committee as provided
159.13 in bylaws.

159.14 (2) The executive committee shall meet at least annually.

159.15 (3) The executive committee shall have the following duties and responsibilities:

159.16 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
159.17 compact legislation, fees paid by compact member states such as annual dues, and any
159.18 commission compact fee charged to licensees for the compact privilege;

159.19 (ii) ensure compact administration services are appropriately provided, contractual or
159.20 otherwise;

159.21 (iii) prepare and recommend the budget;

159.22 (iv) maintain financial records on behalf of the commission;

159.23 (v) monitor compact compliance of member states and provide compliance reports to
159.24 the commission;

159.25 (vi) establish additional committees as necessary; and

159.26 (vii) other duties as provided in rules or bylaws.

159.27 (4) All meetings of the commission shall be open to the public and public notice of
159.28 meetings shall be given in the same manner as required under the rulemaking provisions in
159.29 Article IX.

160.1 (5) The commission or the executive committee or other committees of the commission
160.2 may convene in a closed, nonpublic meeting if the commission or executive committee or
160.3 other committees of the commission must discuss:

160.4 (i) noncompliance of a member state with its obligations under the compact;

160.5 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
160.6 related to specific employees or other matters related to the commission's internal personnel
160.7 practices and procedures;

160.8 (iii) current, threatened, or reasonably anticipated litigation;

160.9 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
160.10 estate;

160.11 (v) accusing any person of a crime or formally censuring any person;

160.12 (vi) disclosure of trade secrets or commercial or financial information that is privileged
160.13 or confidential;

160.14 (vii) disclosure of information of a personal nature where disclosure would constitute a
160.15 clearly unwarranted invasion of personal privacy;

160.16 (viii) disclosure of investigative records compiled for law enforcement purposes;

160.17 (ix) disclosure of information related to any investigative reports prepared by or on
160.18 behalf of or for use of the commission or other committee charged with responsibility of
160.19 investigation or determination of compliance issues pursuant to the compact; or

160.20 (x) matters specifically exempted from disclosure by federal or member state statute.

160.21 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
160.22 commission's legal counsel or designee shall certify that the meeting may be closed and
160.23 shall reference each relevant exempting provision.

160.24 (7) The commission shall keep minutes that fully and clearly describe all matters
160.25 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
160.26 the reasons therefore, including a description of the views expressed. All documents
160.27 considered in connection with an action shall be identified in minutes. All minutes and
160.28 documents of a closed meeting shall remain under seal, subject to release by a majority vote
160.29 of the commission or order of a court of competent jurisdiction.

160.30 (8) Financing of the Commission:

161.1 (i) The commission shall pay, or provide for the payment of, the reasonable expenses
161.2 of its establishment, organization, and ongoing activities.

161.3 (ii) The commission may accept any and all appropriate revenue sources, donations, and
161.4 grants of money, equipment, supplies, materials, and services.

161.5 (iii) The commission may levy on and collect an annual assessment from each member
161.6 state or impose fees on other parties to cover the cost of the operations and activities of the
161.7 commission and its staff, which must be in a total amount sufficient to cover its annual
161.8 budget as approved each year for which revenue is not provided by other sources. The
161.9 aggregate annual assessment amount shall be allocated based upon a formula to be determined
161.10 by the commission, which shall promulgate a rule binding upon all member states.

161.11 (9) The commission shall not incur obligations of any kind prior to securing the funds
161.12 adequate to meet the same; nor shall the commission pledge the credit of any of the member
161.13 states, except by and with the authority of the member state.

161.14 (10) The commission shall keep accurate accounts of all receipts and disbursements.
161.15 The receipts and disbursements of the commission shall be subject to the audit and accounting
161.16 procedures established under its bylaws. However, all receipts and disbursements of funds
161.17 handled by the commission shall be audited yearly by a certified or licensed public
161.18 accountant, and the report of the audit shall be included in and become part of the annual
161.19 report of the commission.

161.20 (F) Qualified Immunity, Defense, and Indemnification:

161.21 (1) The members, officers, executive director, employees, and representatives of the
161.22 commission shall be immune from suit and liability, either personally or in their official
161.23 capacity, for any claim for damage to or loss of property or personal injury or other civil
161.24 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
161.25 or that the person against whom the claim is made had a reasonable basis for believing
161.26 occurred, within the scope of commission employment, duties, or responsibilities; provided
161.27 that nothing in this paragraph shall be construed to protect any person from suit or liability
161.28 for any damage, loss, injury, or liability caused by the intentional or willful or wanton
161.29 misconduct of that person.

161.30 (2) The commission shall defend any member, officer, executive director, employee, or
161.31 representative of the commission in any civil action seeking to impose liability arising out
161.32 of any actual or alleged act, error, or omission that occurred within the scope of commission
161.33 employment, duties, or responsibilities, or that the person against whom the claim is made
161.34 had a reasonable basis for believing occurred within the scope of commission employment,

162.1 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
162.2 person from retaining his or her own counsel; and provided further that the actual or alleged
162.3 act, error, or omission did not result from that person's intentional or willful or wanton
162.4 misconduct.

162.5 (3) The commission shall indemnify and hold harmless any member, officer, executive
162.6 director, employee, or representative of the commission for the amount of any settlement
162.7 or judgment obtained against that person arising out of any actual or alleged act, error, or
162.8 omission that occurred within the scope of commission employment, duties, or
162.9 responsibilities, or that person had a reasonable basis for believing occurred within the scope
162.10 of commission employment, duties, or responsibilities; provided that the actual or alleged
162.11 act, error, or omission did not result from the intentional or willful or wanton misconduct
162.12 of that person.

162.13 (G) Notwithstanding paragraph (F), clause (1), the liability of the executive director,
162.14 employees, or representatives of the interstate commission, acting within the scope of their
162.15 employment or duties, may not exceed the limits of liability set forth under the constitution
162.16 and laws of this state for state officials, employees, and agents. This paragraph expressly
162.17 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
162.18 under that statute.

162.19 (H) Except for a claim alleging a violation of this compact, a claim against the
162.20 commission, its executive director, employees, or representatives alleging a violation of the
162.21 constitution and laws of this state may be brought in any county where the plaintiff resides.
162.22 Nothing in this paragraph creates a private right of action.

162.23 (I) Nothing in this compact shall be construed as a limitation on the liability of any
162.24 licensee for professional malpractice or misconduct, which shall be governed solely by any
162.25 other applicable state laws.

162.26 ARTICLE VIII

162.27 DATA SYSTEM

162.28 (A) The commission shall provide for the development, maintenance, and utilization of
162.29 a coordinated database and reporting system containing licensure, adverse action, and
162.30 investigative information on all licensed individuals in member states.

162.31 (B) Notwithstanding any other provision of state law to the contrary, a member state
162.32 shall submit a uniform data set to the data system on all individuals to whom this compact
162.33 is applicable as required by the rules of the commission, including:

- 163.1 (1) identifying information;
- 163.2 (2) licensure data;
- 163.3 (3) adverse actions against a license or compact privilege;
- 163.4 (4) nonconfidential information related to alternative program participation;
- 163.5 (5) any denial of application for licensure, and the reason or reasons for denial; and
- 163.6 (6) other information that may facilitate the administration of this compact, as determined
- 163.7 by the rules of the commission.
- 163.8 (C) Investigative information pertaining to a licensee in any member state shall only be
- 163.9 available to other member states.
- 163.10 (D) The commission shall promptly notify all member states of any adverse action taken
- 163.11 against a licensee or an individual applying for a license. Adverse action information
- 163.12 pertaining to a licensee in any member state shall be available to any other member state.
- 163.13 (E) Member states contributing information to the data system may designate information
- 163.14 that may not be shared with the public without the express permission of the contributing
- 163.15 state.
- 163.16 (F) Any information submitted to the data system that is subsequently required to be
- 163.17 expunged by the laws of the member state contributing the information shall be removed
- 163.18 from the data system.

163.19 ARTICLE IX

163.20 RULEMAKING

- 163.21 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
- 163.22 forth in this article and the rules adopted thereunder. Rules and amendments shall become
- 163.23 binding as of the date specified in each rule or amendment.
- 163.24 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of
- 163.25 a statute or resolution in the same manner used to adopt the compact within four years of
- 163.26 the date of adoption of the rule, the rule shall have no further force and effect in any member
- 163.27 state.
- 163.28 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting
- 163.29 of the commission.

164.1 (D) Prior to promulgation and adoption of a final rule or rules by the commission, and
164.2 at least 30 days in advance of the meeting at which the rule shall be considered and voted
164.3 upon, the commission shall file a notice of proposed rulemaking:

164.4 (1) on the website of the commission or other publicly accessible platform; and

164.5 (2) on the website of each member state audiology or speech-language pathology licensing
164.6 board or other publicly accessible platform or the publication in which each state would
164.7 otherwise publish proposed rules.

164.8 (E) The notice of proposed rulemaking shall include:

164.9 (1) the proposed time, date, and location of the meeting in which the rule shall be
164.10 considered and voted upon;

164.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

164.12 (3) a request for comments on the proposed rule from any interested person; and

164.13 (4) the manner in which interested persons may submit notice to the commission of their
164.14 intention to attend the public hearing and any written comments.

164.15 (F) Prior to the adoption of a proposed rule, the commission shall allow persons to submit
164.16 written data, facts, opinions, and arguments, which shall be made available to the public.

164.17 (G) The commission shall grant an opportunity for a public hearing before it adopts a
164.18 rule or amendment if a hearing is requested by:

164.19 (1) at least 25 persons;

164.20 (2) a state or federal governmental subdivision or agency; or

164.21 (3) an association having at least 25 members.

164.22 (H) If a hearing is held on the proposed rule or amendment, the commission shall publish
164.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
164.24 means, the commission shall publish the mechanism for access to the electronic hearing.

164.25 (1) All persons wishing to be heard at the hearing shall notify the executive director of
164.26 the commission or other designated member in writing of their desire to appear and testify
164.27 at the hearing not less than five business days before the scheduled date of the hearing.

164.28 (2) Hearings shall be conducted in a manner providing each person who wishes to
164.29 comment a fair and reasonable opportunity to comment orally or in writing.

164.30 (3) All hearings shall be recorded. A copy of the recording shall be made available on
164.31 request.

165.1 (4) Nothing in this Article shall be construed as requiring a separate hearing on each
165.2 rule. Rules may be grouped for the convenience of the commission at hearings required by
165.3 this Article.

165.4 (I) Following the scheduled hearing date, or by the close of business on the scheduled
165.5 hearing date if the hearing was not held, the commission shall consider all written and oral
165.6 comments received.

165.7 (J) If no written notice of intent to attend the public hearing by interested parties is
165.8 received, the commission may proceed with promulgation of the proposed rule without a
165.9 public hearing.

165.10 (K) The commission shall, by majority vote of all members, take final action on the
165.11 proposed rule and shall determine the effective date of the rule, if any, based on the
165.12 rulemaking record and the full text of the rule.

165.13 (L) Upon determination that an emergency exists, the commission may consider and
165.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided
165.15 that the usual rulemaking procedures provided in the compact and in this Article shall be
165.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
165.17 days after the effective date of the rule. For the purposes of this provision, an emergency
165.18 rule is one that must be adopted immediately in order to:

165.19 (1) meet an imminent threat to public health, safety, or welfare;

165.20 (2) prevent a loss of commission or member state funds; or

165.21 (3) meet a deadline for the promulgation of an administrative rule that is established by
165.22 federal law or rule.

165.23 (M) The commission or an authorized committee of the commission may direct revisions
165.24 to a previously adopted rule or amendment for purposes of correcting typographical errors,
165.25 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
165.26 shall be posted on the website of the commission. The revision shall be subject to challenge
165.27 by any person for a period of 30 days after posting. The revision may be challenged only
165.28 on grounds that the revision results in a material change to a rule. A challenge shall be made
165.29 in writing and delivered to the chair of the commission prior to the end of the notice period.
165.30 If no challenge is made, the revision shall take effect without further action. If the revision
165.31 is challenged, the revision may not take effect without the approval of the commission.

165.32 ARTICLE X

165.33 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

166.1 (A) Dispute Resolution:

166.2 (1) Upon request by a member state, the commission shall attempt to resolve disputes
166.3 related to the compact that arise among member states and between member and nonmember
166.4 states.

166.5 (2) The commission shall promulgate a rule providing for both mediation and binding
166.6 dispute resolution for such disputes as appropriate.

166.7 (B) Enforcement:

166.8 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
166.9 provisions and rules of this compact.

166.10 (2) By majority vote, the commission may initiate legal action in the United States
166.11 District Court for the District of Columbia or the federal district where the commission has
166.12 its principal offices against a member state in default to enforce compliance with the
166.13 provisions of the compact and its promulgated rules and bylaws. The relief sought may
166.14 include both injunctive relief and damages. In the event judicial enforcement is necessary,
166.15 the prevailing member shall be awarded all costs of litigation, including reasonable attorney's
166.16 fees.

166.17 (3) The remedies herein shall not be the exclusive remedies of the commission. The
166.18 commission may pursue any other remedies available under federal or state law.

166.19 ARTICLE XI

166.20 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
166.21 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND
166.22 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

166.23 (A) The compact shall come into effect on the date on which the compact statute is
166.24 enacted into law in the tenth member state. The provisions, which become effective at that
166.25 time, shall be limited to the powers granted to the commission relating to assembly and the
166.26 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
166.27 powers necessary to the implementation and administration of the compact.

166.28 (B) Any state that joins the compact subsequent to the commission's initial adoption of
166.29 the rules shall be subject to the rules as they exist on the date on which the compact becomes
166.30 law in that state. Any rule that has been previously adopted by the commission shall have
166.31 the full force and effect of law on the day the compact becomes law in that state.

167.1 (C) Any member state may withdraw from this compact by enacting a statute repealing
167.2 the same.

167.3 (1) A member state's withdrawal shall not take effect until six months after enactment
167.4 of the repealing statute.

167.5 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
167.6 audiology or speech-language pathology licensing board to comply with the investigative
167.7 and adverse action reporting requirements of this compact prior to the effective date of
167.8 withdrawal.

167.9 (D) Nothing contained in this compact shall be construed to invalidate or prevent any
167.10 audiology or speech-language pathology licensure agreement or other cooperative
167.11 arrangement between a member state and a nonmember state that does not conflict with the
167.12 provisions of this compact.

167.13 (E) This compact may be amended by the member states. No amendment to this compact
167.14 shall become effective and binding upon any member state until it is enacted into the laws
167.15 of all member states.

167.16 ARTICLE XII

167.17 CONSTRUCTION AND SEVERABILITY

167.18 This compact shall be liberally construed so as to effectuate the purposes thereof. The
167.19 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
167.20 of this compact is declared to be contrary to the constitution of any member state or of the
167.21 United States or the applicability thereof to any government, agency, person, or circumstance
167.22 is held invalid, the validity of the remainder of this compact and the applicability thereof
167.23 to any government, agency, person, or circumstance shall not be affected thereby. If this
167.24 compact shall be held contrary to the constitution of any member state, the compact shall
167.25 remain in full force and effect as to the remaining member states and in full force and effect
167.26 as to the member state affected as to all severable matters.

167.27 ARTICLE XIII

167.28 BINDING EFFECT OF COMPACT AND OTHER LAWS

167.29 (A) Nothing herein prevents the enforcement of any other law of a member state that is
167.30 not inconsistent with the compact.

167.31 (B) All laws in a member state in conflict with the compact are superseded to the extent
167.32 of the conflict.

168.1 (C) All lawful actions of the commission, including all rules and bylaws promulgated
 168.2 by the commission, are binding upon the member states.

168.3 (D) All agreements between the commission and the member states are binding in
 168.4 accordance with their terms.

168.5 (E) In the event any provision of the compact exceeds the constitutional limits imposed
 168.6 on the legislature of any member state, the provision shall be ineffective to the extent of the
 168.7 conflict with the constitutional provision in question in that member state.

168.8 **Sec. 2. [148.5186] APPLICATION OF AUDIOLOGY AND SPEECH-LANGUAGE**
 168.9 **PATHOLOGY INTERSTATE COMPACT TO EXISTING LAWS.**

168.10 Subdivision 1. **Rulemaking.** Rules developed by the Audiology and Speech-Language
 168.11 Pathology Compact Commission under section 148.5185 are not subject to sections 14.05
 168.12 to 14.389.

168.13 Subd. 2. **Background studies.** The commissioner of health is authorized to require an
 168.14 audiologist or speech-language pathologist licensed in Minnesota as the home state to submit
 168.15 to a criminal history background check under section 144.0572.

168.16 **ARTICLE 15**

168.17 **DENTIST AND DENTAL HYGIENIST COMPACT**

168.18 **Section 1. [150A.051] DENTIST AND DENTAL HYGIENIST COMPACT.**

168.19 The dentist and dental hygienist compact is enacted into law and entered into with all
 168.20 other jurisdictions legally joining in the compact in the form substantially specified in this
 168.21 section.

168.22 ARTICLE I

168.23 TITLE

168.24 This statute shall be known and cited as the dentist and dental hygienist compact.

168.25 ARTICLE II

168.26 DEFINITIONS

168.27 As used in this compact, unless the context requires otherwise, the following definitions
 168.28 shall apply:

168.29 (A) "Active military member" means any person with full-time duty status in the armed
 168.30 forces of the United States including members of the National Guard and Reserve.

169.1 (B) "Adverse action" means disciplinary action or encumbrance imposed on a license
169.2 or compact privilege by a state licensing authority.

169.3 (C) "Alternative program" means a nondisciplinary monitoring or practice remediation
169.4 process applicable to a dentist or dental hygienist approved by a state licensing authority
169.5 of a participating state in which the dentist or dental hygienist is licensed. This includes but
169.6 is not limited to programs to which licensees with substance abuse or addiction issues are
169.7 referred in lieu of adverse action.

169.8 (D) "Clinical assessment" means examination or process, required for licensure as a
169.9 dentist or dental hygienist as applicable, that provides evidence of clinical competence in
169.10 dentistry or dental hygiene.

169.11 (E) "Commissioner" means the individual appointed by a participating state to serve as
169.12 the member of the commission for that participating state.

169.13 (F) "Compact" means this dentist and dental hygienist compact.

169.14 (G) "Compact privilege" means the authorization granted by a remote state to allow a
169.15 licensee from a participating state to practice as a dentist or dental hygienist in a remote
169.16 state.

169.17 (H) "Continuing professional development" means a requirement as a condition of license
169.18 renewal to provide evidence of successful participation in educational or professional
169.19 activities relevant to practice or area of work.

169.20 (I) "Criminal background check" means the submission of fingerprints or other
169.21 biometric-based information for a license applicant for the purpose of obtaining that
169.22 applicant's criminal history record information, as defined in Code of Federal Regulations,
169.23 title 28, section 20.3(d), from the Federal Bureau of Investigation and the state's criminal
169.24 history record repository as defined in Code of Federal Regulations, title 28, section 20.3(f).

169.25 (J) "Data system" means the commission's repository of information about licensees,
169.26 including but not limited to examination, licensure, investigative, compact privilege, adverse
169.27 action, and alternative program.

169.28 (K) "Dental hygienist" means an individual who is licensed by a state licensing authority
169.29 to practice dental hygiene.

169.30 (L) "Dentist" means an individual who is licensed by a state licensing authority to practice
169.31 dentistry.

170.1 (M) "Dentist and dental hygienist compact commission" or "commission" means a joint
170.2 government agency established by this compact comprised of each state that has enacted
170.3 the compact and a national administrative body comprised of a commissioner from each
170.4 state that has enacted the compact.

170.5 (N) "Encumbered license" means a license that a state licensing authority has limited in
170.6 any way other than through an alternative program.

170.7 (O) "Executive board" means the chair, vice chair, secretary, and treasurer and any other
170.8 commissioners as may be determined by commission rule or bylaw.

170.9 (P) "Jurisprudence requirement" means the assessment of an individual's knowledge of
170.10 the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a
170.11 state.

170.12 (Q) "License" means current authorization by a state, other than authorization pursuant
170.13 to a compact privilege, or other privilege, for an individual to practice as a dentist or dental
170.14 hygienist in that state.

170.15 (R) "Licensee" means an individual who holds an unrestricted license from a participating
170.16 state to practice as a dentist or dental hygienist in that state.

170.17 (S) "Model compact" means the model for the dentist and dental hygienist compact on
170.18 file with the council of state governments or other entity as designated by the commission.

170.19 (T) "Participating state" means a state that has enacted the compact and been admitted
170.20 to the commission in accordance with the provisions herein and commission rules.

170.21 (U) "Qualifying license" means a license that is not an encumbered license issued by a
170.22 participating state to practice dentistry or dental hygiene.

170.23 (V) "Remote state" means a participating state where a licensee who is not licensed as
170.24 a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

170.25 (W) "Rule" means a regulation promulgated by an entity that has the force of law.

170.26 (X) "Scope of practice" means the procedures, actions, and processes a dentist or dental
170.27 hygienist licensed in a state is permitted to undertake in that state and the circumstances
170.28 under which the licensee is permitted to undertake those procedures, actions, and processes.
170.29 Such procedures, actions, and processes and the circumstances under which they may be
170.30 undertaken may be established through means, including but not limited to statute,
170.31 regulations, case law, and other processes available to the state licensing authority or other
170.32 government agency.

171.1 (Y) "Significant investigative information" means information, records, and documents
171.2 received or generated by a state licensing authority pursuant to an investigation for which
171.3 a determination has been made that there is probable cause to believe that the licensee has
171.4 violated a statute or regulation that is considered more than a minor infraction for which
171.5 the state licensing authority could pursue adverse action against the licensee.

171.6 (Z) "State" means any state, commonwealth, district, or territory of the United States of
171.7 America that regulates the practices of dentistry and dental hygiene.

171.8 (AA) "State licensing authority" means an agency or other entity of a state that is
171.9 responsible for the licensing and regulation of dentists or dental hygienists.

171.10 ARTICLE III

171.11 STATE PARTICIPATION IN THE COMPACT

171.12 (A) In order to join the compact and thereafter continue as a participating state, a state
171.13 must:

171.14 (1) enact a compact that is not materially different from the model compact as determined
171.15 in accordance with commission rules;

171.16 (2) participate fully in the commission's data system;

171.17 (3) have a mechanism in place for receiving and investigating complaints about its
171.18 licensees and license applicants;

171.19 (4) notify the commission, in compliance with the terms of the compact and commission
171.20 rules, of any adverse action or the availability of significant investigative information
171.21 regarding a licensee and license applicant;

171.22 (5) fully implement a criminal background check requirement, within a time frame
171.23 established by commission rule, by receiving the results of a qualifying criminal background
171.24 check;

171.25 (6) comply with the commission rules applicable to a participating state;

171.26 (7) accept the national board examinations of the joint commission on national dental
171.27 examinations or another examination accepted by commission rule as a licensure
171.28 examination;

171.29 (8) accept for licensure that applicants for a dentist license graduate from a predoctoral
171.30 dental education program accredited by the Commission on Dental Accreditation, or another
171.31 accrediting agency recognized by the United States Department of Education for the

172.1 accreditation of dentistry and dental hygiene education programs, leading to the Doctor of
172.2 Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

172.3 (9) accept for licensure that applicants for a dental hygienist license graduate from a
172.4 dental hygiene education program accredited by the Commission on Dental Accreditation
172.5 or another accrediting agency recognized by the United States Department of Education for
172.6 the accreditation of dentistry and dental hygiene education programs;

172.7 (10) require for licensure that applicants successfully complete a clinical assessment;

172.8 (11) have continuing professional development requirements as a condition for license
172.9 renewal; and

172.10 (12) pay a participation fee to the commission as established by commission rule.

172.11 (B) Providing alternative pathways for an individual to obtain an unrestricted license
172.12 does not disqualify a state from participating in the compact.

172.13 (C) When conducting a criminal background check, the state licensing authority shall:

172.14 (1) consider that information in making a licensure decision;

172.15 (2) maintain documentation of completion of the criminal background check and
172.16 background check information to the extent allowed by state and federal law; and

172.17 (3) report to the commission whether it has completed the criminal background check
172.18 and whether the individual was granted or denied a license.

172.19 (D) A licensee of a participating state who has a qualifying license in that state and does
172.20 not hold an encumbered license in any other participating state, shall be issued a compact
172.21 privilege in a remote state in accordance with the terms of the compact and commission
172.22 rules. If a remote state has a jurisprudence requirement a compact privilege will not be
172.23 issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

172.24 ARTICLE IV

172.25 COMPACT PRIVILEGE

172.26 (A) To obtain and exercise the compact privilege under the terms and provisions of the
172.27 compact, the licensee shall:

172.28 (1) have a qualifying license as a dentist or dental hygienist in a participating state;

172.29 (2) be eligible for a compact privilege in any remote state in accordance with (D), (G),
172.30 and (H) of this article;

172.31 (3) submit to an application process whenever the licensee is seeking a compact privilege;

173.1 (4) pay any applicable commission and remote state fees for a compact privilege in the
173.2 remote state;

173.3 (5) meet any jurisprudence requirement established by a remote state in which the licensee
173.4 is seeking a compact privilege;

173.5 (6) have passed a National Board Examination of the Joint Commission on National
173.6 Dental Examinations or another examination accepted by commission rule;

173.7 (7) for a dentist, have graduated from a predoctoral dental education program accredited
173.8 by the Commission on Dental Accreditation, or another accrediting agency recognized by
173.9 the United States Department of Education for the accreditation of dentistry and dental
173.10 hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor
173.11 of Dental Medicine (D.M.D.) degree;

173.12 (8) for a dental hygienist, have graduated from a dental hygiene education program
173.13 accredited by the Commission on Dental Accreditation or another accrediting agency
173.14 recognized by the United States Department of Education for the accreditation of dentistry
173.15 and dental hygiene education programs;

173.16 (9) have successfully completed a clinical assessment for licensure;

173.17 (10) report to the commission adverse action taken by any nonparticipating state when
173.18 applying for a compact privilege and, otherwise, within 30 days from the date the adverse
173.19 action is taken;

173.20 (11) report to the commission when applying for a compact privilege the address of the
173.21 licensee's primary residence and thereafter immediately report to the commission any change
173.22 in the address of the licensee's primary residence; and

173.23 (12) consent to accept service of process by mail at the licensee's primary residence on
173.24 record with the commission with respect to any action brought against the licensee by the
173.25 commission or a participating state, and consent to accept service of a subpoena by mail at
173.26 the licensee's primary residence on record with the commission with respect to any action
173.27 brought or investigation conducted by the commission or a participating state.

173.28 (B) The licensee must comply with the requirements of (A) of this article to maintain
173.29 the compact privilege in the remote state. If those requirements are met, the compact privilege
173.30 will continue as long as the licensee maintains a qualifying license in the state through which
173.31 the licensee applied for the compact privilege and pays any applicable compact privilege
173.32 renewal fees.

174.1 (C) A licensee providing dentistry or dental hygiene in a remote state under the compact
174.2 privilege shall function within the scope of practice authorized by the remote state for a
174.3 dentist or dental hygienist licensed in that state.

174.4 (D) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in
174.5 a remote state is subject to that state's regulatory authority. A remote state may, in accordance
174.6 with due process and that state's laws, by adverse action revoke or remove a licensee's
174.7 compact privilege in the remote state for a specific period of time and impose fines or take
174.8 any other necessary actions to protect the health and safety of its citizens. If a remote state
174.9 imposes an adverse action against a compact privilege that limits the compact privilege,
174.10 that adverse action applies to all compact privileges in all remote states. A licensee whose
174.11 compact privilege in a remote state is removed for a specified period of time is not eligible
174.12 for a compact privilege in any other remote state until the specific time for removal of the
174.13 compact privilege has passed and all encumbrance requirements are satisfied.

174.14 (E) If a license in a participating state is an encumbered license, the licensee shall lose
174.15 the compact privilege in a remote state and shall not be eligible for a compact privilege in
174.16 any remote state until the license is no longer encumbered.

174.17 (F) Once an encumbered license in a participating state is restored to good standing, the
174.18 licensee must meet the requirements of (A) of this article to obtain a compact privilege in
174.19 a remote state.

174.20 (G) If a licensee's compact privilege in a remote state is removed by the remote state,
174.21 the individual shall lose or be ineligible for the compact privilege in any remote state until
174.22 the following occur:

174.23 (1) the specific period of time for which the compact privilege was removed has ended;
174.24 and

174.25 (2) all conditions for removal of the compact privilege have been satisfied.

174.26 (H) Once the requirements of (G) of this article have been met, the licensee must meet
174.27 the requirements in (A) of this article to obtain a compact privilege in a remote state.

174.28 ARTICLE V

174.29 ACTIVE MILITARY MEMBER OR THEIR SPOUSES

174.30 An active military member and their spouse shall not be required to pay to the commission
174.31 for a compact privilege the fee otherwise charged by the commission. If a remote state
174.32 chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or
174.33 no fee to an active military member and their spouse for a compact privilege.

175.1

ARTICLE VI

175.2

ADVERSE ACTIONS

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(A) A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

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(B) A participating state may take adverse action based on the significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action.

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(C) Nothing in this compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

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(D) Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

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(E) A remote state shall have the authority to:

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(1) take adverse actions as set forth in article IV, (D), against a licensee's compact privilege in the state;

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(2) in furtherance of its rights and responsibilities under the compact and the commission's rules issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses, or the production of evidence from another participating state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

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(3) if otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

176.1 (F) Joint Investigations:

176.2 (1) In addition to the authority granted to a participating state by its dentist or dental
176.3 hygienist licensure act or other applicable state law, a participating state may jointly
176.4 investigate licensees with other participating states.

176.5 (2) Participating states shall share any significant investigative information, litigation,
176.6 or compliance materials in furtherance of any joint or individual investigation initiated under
176.7 the compact.

176.8 (G) Authority to Continue Investigation:

176.9 (1) After a licensee's compact privilege in a remote state is terminated, the remote state
176.10 may continue an investigation of the licensee that began when the licensee had a compact
176.11 privilege in that remote state.

176.12 (2) If the investigation yields what would be significant investigative information had
176.13 the licensee continued to have a compact privilege in that remote state, the remote state
176.14 shall report the presence of such information to the data system as required by article VIII,
176.15 (B), (6), as if it was significant investigative information.

176.16 ARTICLE VII

176.17 ESTABLISHMENT AND OPERATION OF THE COMMISSION

176.18 (A) The compact participating states hereby create and establish a joint government
176.19 agency whose membership consists of all participating states that have enacted the compact.
176.20 The commission is an instrumentality of the participating states acting jointly and not an
176.21 instrumentality of any one state. The commission shall come into existence on or after the
176.22 effective date of the compact as set forth in article XI, (A).

176.23 (B) Participation, Voting, and Meetings:

176.24 (1) Each participating state shall have and be limited to one commissioner selected by
176.25 that participating state's state licensing authority or, if the state has more than one state
176.26 licensing authority, selected collectively by the state licensing authorities.

176.27 (2) The commissioner shall be a member or designee of such authority or authorities.

176.28 (3) The commission may by rule or bylaw establish a term of office for commissioners
176.29 and may by rule or bylaw establish term limits.

176.30 (4) The commission may recommend to a state licensing authority or authorities, as
176.31 applicable, removal or suspension of an individual as the state's commissioner.

177.1 (5) A participating state's state licensing authority or authorities, as applicable, shall fill
177.2 any vacancy of its commissioner on the commission within 60 days of the vacancy.

177.3 (6) Each commissioner shall be entitled to one vote on all matters that are voted upon
177.4 by the commission.

177.5 (7) The commission shall meet at least once during each calendar year. Additional
177.6 meetings may be held as set forth in the bylaws. The commission may meet by
177.7 telecommunication, video conference, or other similar electronic means.

177.8 (C) The commission shall have the following powers:

177.9 (1) establish the fiscal year of the commission;

177.10 (2) establish a code of conduct and conflict of interest policies;

177.11 (3) adopt rules and bylaws;

177.12 (4) maintain its financial records in accordance with the bylaws;

177.13 (5) meet and take such actions as are consistent with the provisions of this compact, the
177.14 commission's rules, and the bylaws;

177.15 (6) initiate and conclude legal proceedings or actions in the name of the commission,
177.16 provided that the standing of any state licensing authority to sue or be sued under applicable
177.17 law shall not be affected;

177.18 (7) maintain and certify records and information provided to a participating state as the
177.19 authenticated business records of the commission, and designate a person to do so on the
177.20 commission's behalf;

177.21 (8) purchase and maintain insurance and bonds;

177.22 (9) borrow, accept, or contract for services of personnel, including but not limited to
177.23 employees of a participating state;

177.24 (10) conduct an annual financial review;

177.25 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant
177.26 such individuals appropriate authority to carry out the purposes of the compact, and establish
177.27 the commission's personnel policies and programs relating to conflicts of interest,
177.28 qualifications of personnel, and other related personnel matters;

177.29 (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a
177.30 compact privilege in a remote state and thereafter, as may be established by commission
177.31 rule, charge the licensee a compact privilege renewal fee for each renewal period in which

- 178.1 that licensee exercises or intends to exercise the compact privilege in that remote state.
- 178.2 Nothing herein shall be construed to prevent a remote state from charging a licensee a fee
- 178.3 for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence
- 178.4 requirement if the remote state imposes such a requirement for the grant of a compact
- 178.5 privilege;
- 178.6 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
- 178.7 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
- 178.8 the same; provided that at all times the commission shall avoid any appearance of impropriety
- 178.9 and conflict of interest;
- 178.10 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or
- 178.11 mixed, or any undivided interest therein;
- 178.12 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
- 178.13 any property real, personal, or mixed;
- 178.14 (16) establish a budget and make expenditures;
- 178.15 (17) borrow money;
- 178.16 (18) appoint committees, including standing committees, which may be composed of
- 178.17 members, state regulators, state legislators or their representatives, and consumer
- 178.18 representatives, and such other interested persons as may be designated in this compact and
- 178.19 the bylaws;
- 178.20 (19) provide and receive information from, and cooperate with, law enforcement agencies;
- 178.21 (20) elect a chair, vice chair, secretary, and treasurer and such other officers of the
- 178.22 commission as provided in the commission's bylaws;
- 178.23 (21) establish and elect an executive board;
- 178.24 (22) adopt and provide to the participating states an annual report;
- 178.25 (23) determine whether a state's enacted compact is materially different from the model
- 178.26 compact language such that the state would not qualify for participation in the compact;
- 178.27 and
- 178.28 (24) perform such other functions as may be necessary or appropriate to achieve the
- 178.29 purposes of this compact.
- 178.30 (D) Meetings of the Commission:

179.1 (1) All meetings of the commission that are not closed pursuant to (D)(4) of this article
179.2 shall be open to the public. Notice of public meetings shall be posted on the commission's
179.3 website at least 30 days prior to the public meeting.

179.4 (2) Notwithstanding (D)(1) of this article, the commission may convene an emergency
179.5 public meeting by providing at least 24 hours prior notice on the commission's website, and
179.6 any other means as provided in the commission's rules, for any of the reasons it may dispense
179.7 with notice of proposed rulemaking under article IX, (L). The commission's legal counsel
179.8 shall certify that one of the reasons justifying an emergency public meeting has been met.

179.9 (3) Notice of all commission meetings shall provide the time, date, and location of the
179.10 meeting, and if the meeting is to be held or accessible via telecommunication, video
179.11 conference, or other electronic means, the notice shall include the mechanism for access to
179.12 the meeting through such means.

179.13 (4) The commission may convene in a closed, nonpublic meeting for the commission
179.14 to receive legal advice or to discuss:

179.15 (i) noncompliance of a participating state with its obligations under the compact;

179.16 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
179.17 related to specific employees or other matters related to the commission's internal personnel
179.18 practices and procedures;

179.19 (iii) current or threatened discipline of a licensee or compact privilege holder by the
179.20 commission or by a participating state's licensing authority;

179.21 (iv) current, threatened, or reasonably anticipated litigation;

179.22 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
179.23 estate;

179.24 (vi) accusing any person of a crime or formally censuring any person;

179.25 (vii) trade secrets or commercial or financial information that is privileged or confidential;

179.26 (viii) information of a personal nature where disclosure would constitute a clearly
179.27 unwarranted invasion of personal privacy;

179.28 (ix) investigative records compiled for law enforcement purposes;

179.29 (x) information related to any investigative reports prepared by or on behalf of or for
179.30 use of the commission or other committee charged with responsibility of investigation or
179.31 determination of compliance issues pursuant to the compact;

180.1 (xi) legal advice;

180.2 (xii) matters specifically exempted from disclosure to the public by federal or participating
180.3 state law; and

180.4 (xiii) other matters as promulgated by the commission by rule.

180.5 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that
180.6 the meeting will be closed and reference each relevant exempting provision, and such
180.7 reference shall be recorded in the minutes.

180.8 (6) The commission shall keep minutes that fully and clearly describe all matters
180.9 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
180.10 the reasons therefore, including a description of the views expressed. All documents
180.11 considered in connection with an action shall be identified in such minutes. All minutes and
180.12 documents of a closed meeting shall remain under seal, subject to release only by a majority
180.13 vote of the commission or order of a court of competent jurisdiction.

180.14 (E) Financing of the Commission:

180.15 (1) The commission shall pay, or provide for the payment of, the reasonable expenses
180.16 of its establishment, organization, and ongoing activities.

180.17 (2) The commission may accept any and all appropriate sources of revenue, donations,
180.18 and grants of money, equipment, supplies, materials, and services.

180.19 (3) The commission may levy on and collect an annual assessment from each participating
180.20 state and impose fees on licensees of participating states when a compact privilege is granted
180.21 to cover the cost of the operations and activities of the commission and its staff, which must
180.22 be in a total amount sufficient to cover its annual budget as approved each fiscal year for
180.23 which sufficient revenue is not provided by other sources. The aggregate annual assessment
180.24 amount for participating states shall be allocated based upon a formula that the commission
180.25 shall promulgate by rule.

180.26 (4) The commission shall not incur obligations of any kind prior to securing the funds
180.27 adequate to meet the same; nor shall the commission pledge the credit of any participating
180.28 state, except by and with the authority of the participating state.

180.29 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
180.30 receipts and disbursements of the commission shall be subject to the financial review and
180.31 accounting procedures established under the commission's bylaws. All receipts and
180.32 disbursements of funds handled by the commission shall be subject to an annual financial

181.1 review by a certified or licensed public accountant, and the report of the financial review
181.2 shall be included in and become part of the annual report of the commission.

181.3 (F) The Executive Board:

181.4 (1) The executive board shall have the power to act on behalf of the commission according
181.5 to the terms of this compact. The powers, duties, and responsibilities of the executive board
181.6 shall include:

181.7 (i) overseeing the day-to-day activities of the administration of the compact including
181.8 compliance with the provisions of the compact and the commission's rules and bylaws;

181.9 (ii) recommending to the commission changes to the rules or bylaws, changes to this
181.10 compact legislation, fees charged to compact participating states, fees charged to licensees,
181.11 and other fees;

181.12 (iii) ensuring compact administration services are appropriately provided, including by
181.13 contract;

181.14 (iv) preparing and recommending the budget;

181.15 (v) maintaining financial records on behalf of the commission;

181.16 (vi) monitoring compact compliance of participating states and providing compliance
181.17 reports to the commission;

181.18 (vii) establishing additional committees as necessary;

181.19 (viii) exercising the powers and duties of the commission during the interim between
181.20 commission meetings, except for adopting or amending rules, adopting or amending bylaws,
181.21 and exercising any other powers and duties expressly reserved to the commission by rule
181.22 or bylaw; and

181.23 (ix) other duties as provided in the rules or bylaws of the commission.

181.24 (2) The executive board shall be composed of up to seven members:

181.25 (i) the chair, vice chair, secretary, and treasurer of the commission and any other members
181.26 of the commission who serve on the executive board shall be voting members of the executive
181.27 board; and

181.28 (ii) other than the chair, vice chair, secretary, and treasurer, the commission may elect
181.29 up to three voting members from the current membership of the commission.

181.30 (3) The commission may remove any member of the executive board as provided in the
181.31 commission's bylaws.

182.1 (4) The executive board shall meet at least annually.

182.2 (i) An executive board meeting at which it takes or intends to take formal action on a
182.3 matter shall be open to the public, except that the executive board may meet in a closed,
182.4 nonpublic session of a public meeting when dealing with any of the matters covered under
182.5 (D)(4) of this article.

182.6 (ii) The executive board shall give five business days' notice of its public meetings,
182.7 posted on its website and as it may otherwise determine to provide notice to persons with
182.8 an interest in the public matters the executive board intends to address at those meetings.

182.9 (5) The executive board may hold an emergency meeting when acting for the commission
182.10 to:

182.11 (i) meet an imminent threat to public health, safety, or welfare;

182.12 (ii) prevent a loss of commission or participating state funds; or

182.13 (iii) protect public health and safety.

182.14 (G) Qualified Immunity, Defense, and Indemnification:

182.15 (1) The members, officers, executive director, employees, and representatives of the
182.16 commission shall be immune from suit and liability, both personally and in their official
182.17 capacity, for any claim for damage to or loss of property or personal injury or other civil
182.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
182.19 or that the person against whom the claim is made had a reasonable basis for believing
182.20 occurred within the scope of commission employment, duties, or responsibilities; provided
182.21 that nothing in this paragraph shall be construed to protect any such person from suit or
182.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or
182.23 wanton misconduct of that person. The procurement of insurance of any type by the
182.24 commission shall not in any way compromise or limit the immunity granted hereunder.

182.25 (2) The commission shall defend any member, officer, executive director, employee, or
182.26 representative of the commission in any civil action seeking to impose liability arising out
182.27 of any actual or alleged act, error, or omission that occurred within the scope of commission
182.28 employment, duties, or responsibilities, or as determined by the commission that the person
182.29 against whom the claim is made had a reasonable basis for believing occurred within the
182.30 scope of commission employment, duties, or responsibilities; provided that nothing herein
182.31 shall be construed to prohibit that person from retaining their own counsel at their own
182.32 expense; and provided further that the actual or alleged act, error, or omission did not result
182.33 from that person's intentional or willful or wanton misconduct.

183.1 (3) Notwithstanding (G)(1) of this article, should any member, officer, executive director,
183.2 employee, or representative of the commission be held liable for the amount of any settlement
183.3 or judgment arising out of any actual or alleged act, error, or omission that occurred within
183.4 the scope of that individual's employment, duties, or responsibilities for the commission,
183.5 or that the person to whom that individual is liable had a reasonable basis for believing
183.6 occurred within the scope of the individual's employment, duties, or responsibilities for the
183.7 commission, the commission shall indemnify and hold harmless such individual; provided
183.8 that the actual or alleged act, error, or omission did not result from the intentional or willful
183.9 or wanton misconduct of the individual.

183.10 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
183.11 professional malpractice or misconduct, which shall be governed solely by any other
183.12 applicable state laws.

183.13 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a
183.14 participating state's state action immunity or state action affirmative defense with respect
183.15 to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust
183.16 or anticompetitive law or regulation.

183.17 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by
183.18 the participating states or by the commission.

183.19 (H) Notwithstanding paragraph (G), clause (1), of this article, the liability of the executive
183.20 director, employees, or representatives of the interstate commission, acting within the scope
183.21 of their employment or duties, may not exceed the limits of liability set forth under the
183.22 constitution and laws of this state for state officials, employees, and agents. This paragraph
183.23 expressly incorporates section 3.736, and neither expands nor limits the rights and remedies
183.24 provided under that statute.

183.25 (I) Except for a claim alleging a violation of this compact, a claim against the commission,
183.26 its executive director, employees, or representatives alleging a violation of the constitution
183.27 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
183.28 this paragraph creates a private right of action.

183.29 (J) Nothing in this compact shall be construed as a limitation on the liability of any
183.30 licensee for professional malpractice or misconduct, which shall be governed solely by any
183.31 other applicable state laws.

183.32 ARTICLE VIII

183.33 DATA SYSTEM

184.1 (A) The commission shall provide for the development, maintenance, operation, and
184.2 utilization of a coordinated database and reporting system containing licensure, adverse
184.3 action, and the presence of significant investigative information on all licensees and
184.4 applicants for a license in participating states.

184.5 (B) Notwithstanding any other provision of state law to the contrary, a participating state
184.6 shall submit a uniform data set to the data system on all individuals to whom this compact
184.7 is applicable as required by the rules of the commission, including:

184.8 (1) identifying information;

184.9 (2) licensure data;

184.10 (3) adverse actions against a licensee, license applicant, or compact privilege and
184.11 information related thereto;

184.12 (4) nonconfidential information related to alternative program participation, the beginning
184.13 and ending dates of such participation, and other information related to such participation;

184.14 (5) any denial of an application for licensure, and the reasons for such denial, excluding
184.15 the reporting of any criminal history record information where prohibited by law;

184.16 (6) the presence of significant investigative information; and

184.17 (7) other information that may facilitate the administration of this compact or the
184.18 protection of the public, as determined by the rules of the commission.

184.19 (C) The records and information provided to a participating state pursuant to this compact
184.20 or through the data system, when certified by the commission or an agent thereof, shall
184.21 constitute the authenticated business records of the commission, and shall be entitled to any
184.22 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
184.23 proceedings in a participating state.

184.24 (D) Significant investigative information pertaining to a licensee in any participating
184.25 state will only be available to other participating states.

184.26 (E) It is the responsibility of the participating states to monitor the database to determine
184.27 whether adverse action has been taken against a licensee or license applicant. Adverse action
184.28 information pertaining to a licensee or license applicant in any participating state will be
184.29 available to any other participating state.

184.30 (F) Participating states contributing information to the data system may designate
184.31 information that may not be shared with the public without the express permission of the
184.32 contributing state.

185.1 (G) Any information submitted to the data system that is subsequently expunged pursuant
185.2 to federal law or the laws of the participating state contributing the information shall be
185.3 removed from the data system.

185.4 ARTICLE IX

185.5 RULEMAKING

185.6 (A) The commission shall promulgate reasonable rules in order to effectively and
185.7 efficiently implement and administer the purposes and provisions of the compact. A
185.8 commission rule shall be invalid and have no force or effect only if a court of competent
185.9 jurisdiction holds that the rule is invalid because the commission exercised its rulemaking
185.10 authority in a manner that is beyond the scope and purposes of the compact, or the powers
185.11 granted hereunder, or based upon another applicable standard of review.

185.12 (B) The rules of the commission shall have the force of law in each participating state,
185.13 provided that where the rules of the commission conflict with the laws of the participating
185.14 state that establish the participating state's scope of practice as held by a court of competent
185.15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the
185.16 conflict.

185.17 (C) The commission shall exercise its rulemaking powers pursuant to the criteria set
185.18 forth in this article and the rules adopted thereunder. Rules shall become binding as of the
185.19 date specified by the commission for each rule.

185.20 (D) If a majority of the legislatures of the participating states rejects a commission rule
185.21 or portion of a commission rule, by enactment of a statute or resolution in the same manner
185.22 used to adopt the compact, within four years of the date of adoption of the rule, then such
185.23 rule shall have no further force and effect in any participating state or to any state applying
185.24 to participate in the compact.

185.25 (E) Rules shall be adopted at a regular or special meeting of the commission.

185.26 (F) Prior to adoption of a proposed rule, the commission shall hold a public hearing and
185.27 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

185.28 (G) Prior to adoption of a proposed rule by the commission, and at least 30 days in
185.29 advance of the meeting at which the commission will hold a public hearing on the proposed
185.30 rule, the commission shall provide a notice of proposed rulemaking:

185.31 (1) on the website of the commission or other publicly accessible platform;

186.1 (2) to persons who have requested notice of the commission's notices of proposed
186.2 rulemaking; and

186.3 (3) in such other ways as the commission may by rule specify.

186.4 (H) The notice of proposed rulemaking shall include:

186.5 (1) the time, date, and location of the public hearing at which the commission will hear
186.6 public comments on the proposed rule and, if different, the time, date, and location of the
186.7 meeting where the commission will consider and vote on the proposed rule;

186.8 (2) if the hearing is held via telecommunication, video conference, or other electronic
186.9 means, the commission shall include the mechanism for access to the hearing in the notice
186.10 of proposed rulemaking;

186.11 (3) the text of the proposed rule and the reason therefor;

186.12 (4) a request for comments on the proposed rule from any interested person; and

186.13 (5) the manner in which interested persons may submit written comments.

186.14 (I) All hearings will be recorded. A copy of the recording and all written comments and
186.15 documents received by the commission in response to the proposed rule shall be available
186.16 to the public.

186.17 (J) Nothing in this article shall be construed as requiring a separate hearing on each
186.18 commission rule. Rules may be grouped for the convenience of the commission at hearings
186.19 required by this article.

186.20 (K) The commission shall, by majority vote of all commissioners, take final action on
186.21 the proposed rule based on the rulemaking record.

186.22 (1) The commission may adopt changes to the proposed rule provided the changes do
186.23 not enlarge the original purpose of the proposed rule.

186.24 (2) The commission shall provide an explanation of the reasons for substantive changes
186.25 made to the proposed rule as well as reasons for substantive changes not made that were
186.26 recommended by commenters.

186.27 (3) The commission shall determine a reasonable effective date for the rule. Except for
186.28 an emergency as provided in (L) of this article, the effective date of the rule shall be no
186.29 sooner than 30 days after the commission issuing the notice that it adopted or amended the
186.30 rule.

187.1 (L) Upon determination that an emergency exists, the commission may consider and
187.2 adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that
187.3 the usual rulemaking procedures provided in the compact and in this article shall be
187.4 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
187.5 days after the effective date of the rule. For the purposes of this provision, an emergency
187.6 rule is one that must be adopted immediately in order to:

187.7 (1) meet an imminent threat to public health, safety, or welfare;

187.8 (2) prevent a loss of commission or participating state funds;

187.9 (3) meet a deadline for the promulgation of a rule that is established by federal law or
187.10 rule; or

187.11 (4) protect public health and safety.

187.12 (M) The commission or an authorized committee of the commission may direct revisions
187.13 to a previously adopted rule for purposes of correcting typographical errors, errors in format,
187.14 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
187.15 on the website of the commission. The revision shall be subject to challenge by any person
187.16 for a period of 30 days after posting. The revision may be challenged only on grounds that
187.17 the revision results in a material change to a rule. A challenge shall be made in writing and
187.18 delivered to the commission prior to the end of the notice period. If no challenge is made,
187.19 the revision will take effect without further action. If the revision is challenged, the revision
187.20 may not take effect without the approval of the commission.

187.21 (N) No participating state's rulemaking requirements shall apply under this compact.

187.22 ARTICLE X

187.23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

187.24 (A) Oversight:

187.25 (1) The executive and judicial branches of state government in each participating state
187.26 shall enforce this compact and take all actions necessary and appropriate to implement the
187.27 compact.

187.28 (2) Except as provided under article VII, paragraph (I), venue is proper and judicial
187.29 proceedings by or against the commission shall be brought solely and exclusively in a court
187.30 of competent jurisdiction where the principal office of the commission is located. The
187.31 commission may waive venue and jurisdictional defenses to the extent it adopts or consents
187.32 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or

188.1 limit the selection or propriety of venue in any action against a licensee for professional
188.2 malpractice, misconduct, or any such similar matter.

188.3 (3) The commission shall be entitled to receive service of process in any proceeding
188.4 regarding the enforcement or interpretation of the compact or commission rule and shall
188.5 have standing to intervene in such a proceeding for all purposes. Failure to provide the
188.6 commission service of process shall render a judgment or order void as to the commission,
188.7 this compact, or the promulgated rules.

188.8 (B) Default, Technical Assistance, and Termination:

188.9 (1) If the commission determines that a participating state has defaulted in the
188.10 performance of its obligations or responsibilities under this compact or the promulgated
188.11 rules, the commission shall provide written notice to the defaulting state. The notice of
188.12 default shall describe the default, the proposed means of curing the default, and any other
188.13 action that the commission may take, and shall offer training and specific technical assistance
188.14 regarding the default.

188.15 (2) The commission shall provide a copy of the notice of default to the other participating
188.16 states.

188.17 (C) If a state in default fails to cure the default, the defaulting state may be terminated
188.18 from the compact upon an affirmative vote of a majority of the commissioners, and all
188.19 rights, privileges, and benefits conferred on that state by this compact may be terminated
188.20 on the effective date of termination. A cure of the default does not relieve the offending
188.21 state of obligations or liabilities incurred during the period of default.

188.22 (D) Termination of participation in the compact shall be imposed only after all other
188.23 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
188.24 shall be given by the commission to the governor, the majority and minority leaders of the
188.25 defaulting state's legislature, the defaulting state's state licensing authority or authorities,
188.26 as applicable, and each of the participating states' state licensing authority or authorities, as
188.27 applicable.

188.28 (E) A state that has been terminated is responsible for all assessments, obligations, and
188.29 liabilities incurred through the effective date of termination, including obligations that
188.30 extend beyond the effective date of termination.

188.31 (F) Upon the termination of a state's participation in this compact, that state shall
188.32 immediately provide notice to all licensees of the state, including licensees of other
188.33 participating states issued a compact privilege to practice within that state, of such

189.1 termination. The terminated state shall continue to recognize all compact privileges then in
189.2 effect in that state for a minimum of 180 days after the date of said notice of termination.

189.3 (G) The commission shall not bear any costs related to a state that is found to be in
189.4 default or that has been terminated from the compact, unless agreed upon in writing between
189.5 the commission and the defaulting state.

189.6 (H) The defaulting state may appeal the action of the commission by petitioning the
189.7 United States District Court for the District of Columbia or the federal district where the
189.8 commission has its principal offices. The prevailing party shall be awarded all costs of such
189.9 litigation, including reasonable attorney fees.

189.10 (I) Dispute Resolution:

189.11 (1) Upon request by a participating state, the commission shall attempt to resolve disputes
189.12 related to the compact that arise among participating states and between participating states
189.13 and nonparticipating states.

189.14 (2) The commission shall promulgate a rule providing for both mediation and binding
189.15 dispute resolution for disputes as appropriate.

189.16 (J) Enforcement:

189.17 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
189.18 provisions of this compact and the commission's rules.

189.19 (2) By majority vote, the commission may initiate legal action against a participating
189.20 state in default in the United States District Court for the District of Columbia or the federal
189.21 district where the commission has its principal offices to enforce compliance with the
189.22 provisions of the compact and its promulgated rules. The relief sought may include both
189.23 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
189.24 party shall be awarded all costs of such litigation, including reasonable attorney fees. The
189.25 remedies herein shall not be the exclusive remedies of the commission. The commission
189.26 may pursue any other remedies available under federal or the defaulting participating state's
189.27 law.

189.28 (3) A participating state may initiate legal action against the commission in the United
189.29 States District Court for the District of Columbia or the federal district where the commission
189.30 has its principal offices to enforce compliance with the provisions of the compact and its
189.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the
189.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of
189.33 such litigation, including reasonable attorney fees.

190.1 (4) No individual or entity other than a participating state may enforce this compact
190.2 against the commission.

190.3 ARTICLE XI

190.4 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

190.5 (A) The compact shall come into effect on the date on which the compact statute is
190.6 enacted into law in the seventh participating state.

190.7 (1) On or after the effective date of the compact, the commission shall convene and
190.8 review the enactment of each of the states that enacted the compact prior to the commission
190.9 convening ("charter participating states") to determine if the statute enacted by each such
190.10 charter participating state is materially different than the model compact.

190.11 (i) A charter participating state whose enactment is found to be materially different from
190.12 the model compact shall be entitled to the default process set forth in article X.

190.13 (ii) If any participating state is later found to be in default, or is terminated or withdraws
190.14 from the compact, the commission shall remain in existence and the compact shall remain
190.15 in effect even if the number of participating states should be less than seven.

190.16 (2) Participating states enacting the compact subsequent to the charter participating states
190.17 shall be subject to the process set forth in article VII, (C)(23), to determine if their enactments
190.18 are materially different from the model compact and whether they qualify for participation
190.19 in the compact.

190.20 (3) All actions taken for the benefit of the commission or in furtherance of the purposes
190.21 of the administration of the compact prior to the effective date of the compact or the
190.22 commission coming into existence shall be considered to be actions of the commission
190.23 unless specifically repudiated by the commission.

190.24 (4) Any state that joins the compact subsequent to the commission's initial adoption of
190.25 the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on
190.26 the date on which the compact becomes law in that state. Any rule that has been previously
190.27 adopted by the commission shall have the full force and effect of law on the day the compact
190.28 becomes law in that state.

190.29 (B) Any participating state may withdraw from this compact by enacting a statute
190.30 repealing that state's enactment of the compact.

190.31 (1) A participating state's withdrawal shall not take effect until 180 days after enactment
190.32 of the repealing statute.

191.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
191.2 licensing authority or authorities to comply with the investigative and adverse action reporting
191.3 requirements of this compact prior to the effective date of withdrawal.

191.4 (3) Upon the enactment of a statute withdrawing from this compact, the state shall
191.5 immediately provide notice of such withdrawal to all licensees within that state.
191.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
191.7 state shall continue to recognize all compact privileges to practice within that state granted
191.8 pursuant to this compact for a minimum of 180 days after the date of such notice of
191.9 withdrawal.

191.10 (C) Nothing contained in this compact shall be construed to invalidate or prevent any
191.11 licensure agreement or other cooperative arrangement between a participating state and a
191.12 nonparticipating state that does not conflict with the provisions of this compact.

191.13 (D) This compact may be amended by the participating states. No amendment to this
191.14 compact shall become effective and binding upon any participating state until it is enacted
191.15 into the laws of all participating states.

191.16 ARTICLE XII

191.17 CONSTRUCTION AND SEVERABILITY

191.18 (A) This compact and the commission's rulemaking authority shall be liberally construed
191.19 so as to effectuate the purposes and the implementation and administration of the compact.
191.20 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall
191.21 not be construed to limit the commission's rulemaking authority solely for those purposes.

191.22 (B) The provisions of this compact shall be severable and if any phrase, clause, sentence,
191.23 or provision of this compact is held by a court of competent jurisdiction to be contrary to
191.24 the constitution of any participating state, a state seeking participation in the compact, or
191.25 of the United States, or the applicability thereof to any government, agency, person, or
191.26 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
191.27 of the remainder of this compact and the applicability thereof to any other government,
191.28 agency, person, or circumstance shall not be affected thereby.

191.29 (C) Notwithstanding (B) of this article, the commission may deny a state's participation
191.30 in the compact or, in accordance with the requirements of article X, (B), terminate a
191.31 participating state's participation in the compact, if it determines that a constitutional
191.32 requirement of a participating state is a material departure from the compact. Otherwise, if
191.33 this compact shall be held to be contrary to the constitution of any participating state, the

192.1 compact shall remain in full force and effect as to the remaining participating states and in
192.2 full force and effect as to the participating state affected as to all severable matters.

192.3 ARTICLE XIII

192.4 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

192.5 (A) Nothing herein shall prevent or inhibit the enforcement of any other law of a
192.6 participating state that is not inconsistent with the compact.

192.7 (B) Any laws, statutes, regulations, or other legal requirements in a participating state
192.8 in conflict with the compact are superseded to the extent of the conflict.

192.9 (C) All permissible agreements between the commission and the participating states are
192.10 binding in accordance with their terms.

192.11 ARTICLE 16

192.12 SOCIAL WORK SERVICES LICENSURE COMPACT

192.13 Section 1. [148E.40] TITLE.

192.14 Sections 148E.40 to 148E.55 shall be known and cited as the social work services
192.15 licensure compact.

192.16 Sec. 2. [148E.41] DEFINITIONS.

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

192.19 (1) "Active military member" means any individual with full-time duty status in the
192.20 active armed forces of the United States, including members of the National Guard and
192.21 Reserve.

192.22 (2) "Adverse action" means any administrative, civil, equitable, or criminal action
192.23 permitted by a state's laws which is imposed by a licensing authority or other authority
192.24 against a regulated social worker, including actions against an individual's license or
192.25 multistate authorization to practice such as revocation, suspension, probation, monitoring
192.26 of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure
192.27 affecting a regulated social worker's authorization to practice, including issuance of a cease
192.28 and desist action.

192.29 (3) "Alternative program" means a nondisciplinary monitoring or practice remediation
192.30 process approved by a licensing authority to address practitioners with an impairment.

193.1 (4) "Charter member states" means member states who have enacted legislation to adopt
193.2 this Compact where such legislation predates the effective date of this Compact as described
193.3 in section 148E.53.

193.4 (5) "Compact" means sections 148E.40 to 148E.55.

193.5 (6) "Compact Commission" or "Commission" means the government agency whose
193.6 membership consists of all States that have enacted this Compact, which is known as the
193.7 Social Work Licensure Compact Commission, as described in section 148E.49, and which
193.8 shall operate as an instrumentality of the member states.

193.9 (7) "Current significant investigative information" means:

193.10 (i) investigative information that a licensing authority, after a preliminary inquiry that
193.11 includes notification and an opportunity for the regulated social worker to respond, has
193.12 reason to believe is not groundless and, if proved true, would indicate more than a minor
193.13 infraction as may be defined by the Commission; or

193.14 (ii) investigative information that indicates that the regulated social worker represents
193.15 an immediate threat to public health and safety, as may be defined by the Commission,
193.16 regardless of whether the regulated social worker has been notified and has had an
193.17 opportunity to respond.

193.18 (8) "Data system" means a repository of information about licensees, including continuing
193.19 education, examinations, licensure, current significant investigative information, disqualifying
193.20 events, multistate licenses, and adverse action information or other information as required
193.21 by the Commission.

193.22 (9) "Disqualifying event" means any adverse action or incident which results in an
193.23 encumbrance that disqualifies or makes the licensee ineligible to obtain, retain, or renew a
193.24 multistate license.

193.25 (10) "Domicile" means the jurisdiction in which the licensee resides and intends to
193.26 remain indefinitely.

193.27 (11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full
193.28 and unrestricted practice of social work licensed and regulated by a licensing authority.

193.29 (12) "Executive Committee" means a group of delegates elected or appointed to act on
193.30 behalf of, and within the powers granted to them by, the Compact and Commission.

193.31 (13) "Home state" means the member state that is the licensee's primary domicile.

194.1 (14) "Impairment" means a condition that may impair a practitioner's ability to engage
194.2 in full and unrestricted practice as a regulated social worker without some type of intervention
194.3 and may include alcohol and drug dependence, mental health impairment, and neurological
194.4 or physical impairments.

194.5 (15) "Licensee" means an individual who currently holds a license from a state to practice
194.6 as a regulated social worker.

194.7 (16) "Licensing authority" means the board or agency of a member state, or equivalent,
194.8 that is responsible for the licensing and regulation of regulated social workers.

194.9 (17) "Member state" means a state, commonwealth, district, or territory of the United
194.10 States of America that has enacted this Compact.

194.11 (18) "Multistate authorization to practice" means a legally authorized privilege to practice,
194.12 which is equivalent to a license, associated with a multistate license permitting the practice
194.13 of social work in a remote state.

194.14 (19) "Multistate license" means a license to practice as a regulated social worker issued
194.15 by a home state licensing authority that authorizes the regulated social worker to practice
194.16 in all member states under multistate authorization to practice.

194.17 (20) "Qualifying national exam" means a national licensing examination approved by
194.18 the Commission.

194.19 (21) "Regulated social worker" means any clinical, master's, or bachelor's social worker
194.20 licensed by a member state regardless of the title used by that member state.

194.21 (22) "Remote state" means a member state other than the licensee's home state.

194.22 (23) "Rule" or "rule of the Commission" means a regulation or regulations duly
194.23 promulgated by the Commission, as authorized by the Compact, that has the force of law.

194.24 (24) "Single state license" means a social work license issued by any state that authorizes
194.25 practice only within the issuing state and does not include multistate authorization to practice
194.26 in any member state.

194.27 (25) "Social work" or "social work services" means the application of social work theory,
194.28 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
194.29 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
194.30 organizations, and communities through the care and services provided by a regulated social
194.31 worker as set forth in the member state's statutes and regulations in the state where the
194.32 services are being provided.

195.1 (26) "State" means any state, commonwealth, district, or territory of the United States
195.2 of America that regulates the practice of social work.

195.3 (27) "Unencumbered license" means a license that authorizes a regulated social worker
195.4 to engage in the full and unrestricted practice of social work.

195.5 **Sec. 3. [148E.42] STATE PARTICIPATION IN THE COMPACT.**

195.6 (a) To be eligible to participate in the compact, a potential member state must currently
195.7 meet all of the following criteria:

195.8 (1) license and regulate the practice of social work at either the clinical, master's, or
195.9 bachelor's category;

195.10 (2) require applicants for licensure to graduate from a program that:

195.11 (i) is operated by a college or university recognized by the licensing authority;

195.12 (ii) is accredited, or in candidacy by an institution that subsequently becomes accredited,
195.13 by an accrediting agency recognized by either:

195.14 (A) the Council for Higher Education Accreditation, or its successor; or

195.15 (B) the United States Department of Education; and

195.16 (iii) corresponds to the licensure sought as outlined in section 148E.43;

195.17 (3) require applicants for clinical licensure to complete a period of supervised practice;
195.18 and

195.19 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints
195.20 about licensees.

195.21 (b) To maintain membership in the Compact, a member state shall:

195.22 (1) require that applicants for a multistate license pass a qualifying national exam for
195.23 the corresponding category of multistate license sought as outlined in section 148E.43;

195.24 (2) participate fully in the Commission's data system, including using the Commission's
195.25 unique identifier as defined in rules;

195.26 (3) notify the Commission, in compliance with the terms of the Compact and rules, of
195.27 any adverse action or the availability of current significant investigative information regarding
195.28 a licensee;

195.29 (4) implement procedures for considering the criminal history records of applicants for
195.30 a multistate license. Such procedures shall include the submission of fingerprints or other

196.1 biometric-based information by applicants for the purpose of obtaining an applicant's criminal
196.2 history record information from the Federal Bureau of Investigation and the agency
196.3 responsible for retaining that state's criminal records;

196.4 (5) comply with the rules of the Commission;

196.5 (6) require an applicant to obtain or retain a license in the home state and meet the home
196.6 state's qualifications for licensure or renewal of licensure, as well as all other applicable
196.7 home state laws;

196.8 (7) authorize a licensee holding a multistate license in any member state to practice in
196.9 accordance with the terms of the Compact and rules of the Commission; and

196.10 (8) designate a delegate to participate in the Commission meetings.

196.11 (c) A member state meeting the requirements of paragraphs (a) and (b) shall designate
196.12 the categories of social work licensure that are eligible for issuance of a multistate license
196.13 for applicants in such member state. To the extent that any member state does not meet the
196.14 requirements for participation in the Compact at any particular category of social work
196.15 licensure, such member state may choose but is not obligated to issue a multistate license
196.16 to applicants that otherwise meet the requirements of section 148E.43 for issuance of a
196.17 multistate license in such category or categories of licensure.

196.18 (d) The home state may charge a fee for granting the multistate license.

196.19 **Sec. 4. [148E.43] SOCIAL WORKER PARTICIPATION IN THE COMPACT.**

196.20 (a) To be eligible for a multistate license under the terms and provisions of the Compact,
196.21 an applicant, regardless of category, must:

196.22 (1) hold or be eligible for an active, unencumbered license in the home state;

196.23 (2) pay any applicable fees, including any state fee, for the multistate license;

196.24 (3) submit, in connection with an application for a multistate license, fingerprints or
196.25 other biometric data for the purpose of obtaining criminal history record information from
196.26 the Federal Bureau of Investigation and the agency responsible for retaining that state's
196.27 criminal records;

196.28 (4) notify the home state of any adverse action, encumbrance, or restriction on any
196.29 professional license taken by any member state or nonmember state within 30 days from
196.30 the date the action is taken;

196.31 (5) meet any continuing competence requirements established by the home state; and

197.1 (6) abide by the laws, regulations, and applicable standards in the member state where
197.2 the client is located at the time care is rendered.

197.3 (b) An applicant for a clinical-category multistate license must meet all of the following
197.4 requirements:

197.5 (1) fulfill a competency requirement, which shall be satisfied by either:

197.6 (i) passage of a clinical-category qualifying national exam;

197.7 (ii) licensure of the applicant in their home state at the clinical category, beginning prior
197.8 to such time as a qualifying national exam was required by the home state and accompanied
197.9 by a period of continuous social work licensure thereafter, all of which may be further
197.10 governed by the rules of the Commission; or

197.11 (iii) the substantial equivalency of the foregoing competency requirements which the
197.12 Commission may determine by rule;

197.13 (2) attain at least a master's degree in social work from a program that is:

197.14 (i) operated by a college or university recognized by the licensing authority; and

197.15 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
197.16 agency recognized by either:

197.17 (A) the Council for Higher Education Accreditation or its successor; or

197.18 (B) the United States Department of Education; and

197.19 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion
197.20 of:

197.21 (i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000
197.22 hours;

197.23 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

197.24 (iii) the substantial equivalency of the foregoing practice requirements which the
197.25 Commission may determine by rule.

197.26 (c) An applicant for a master's-category multistate license must meet all of the following
197.27 requirements:

197.28 (1) fulfill a competency requirement, which shall be satisfied by either:

197.29 (i) passage of a masters-category qualifying national exam;

198.1 (ii) licensure of the applicant in their home state at the master's category, beginning prior
198.2 to such time as a qualifying national exam was required by the home state at the master's
198.3 category and accompanied by a continuous period of social work licensure thereafter, all
198.4 of which may be further governed by the rules of the Commission; or

198.5 (iii) the substantial equivalency of the foregoing competency requirements which the
198.6 Commission may determine by rule; and

198.7 (2) attain at least a master's degree in social work from a program that is:

198.8 (i) operated by a college or university recognized by the licensing authority; and

198.9 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
198.10 agency recognized by either:

198.11 (A) the Council for Higher Education Accreditation or its successor; or

198.12 (B) the United States Department of Education.

198.13 (d) An applicant for a bachelor's-category multistate license must meet all of the following
198.14 requirements:

198.15 (1) fulfill a competency requirement, which shall be satisfied by either:

198.16 (i) passage of a bachelor's-category qualifying national exam;

198.17 (ii) licensure of the applicant in their home state at the bachelor's category, beginning
198.18 prior to such time as a qualifying national exam was required by the home state and
198.19 accompanied by a period of continuous social work licensure thereafter, all of which may
198.20 be further governed by the rules of the Commission; or

198.21 (iii) the substantial equivalency of the foregoing competency requirements which the
198.22 Commission may determine by rule; and

198.23 (2) attain at least a bachelor's degree in social work from a program that is:

198.24 (i) operated by a college or university recognized by the licensing authority; and

198.25 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
198.26 agency recognized by either:

198.27 (A) the Council for Higher Education Accreditation or its successor; or

198.28 (B) the United States Department of Education.

199.1 (e) The multistate license for a regulated social worker is subject to the renewal
199.2 requirements of the home state. The regulated social worker must maintain compliance with
199.3 the requirements of paragraph (a) to be eligible to renew a multistate license.

199.4 (f) The regulated social worker's services in a remote state are subject to that member
199.5 state's regulatory authority. A remote state may, in accordance with due process and that
199.6 member state's laws, remove a regulated social worker's multistate authorization to practice
199.7 in the remote state for a specific period of time, impose fines, and take any other necessary
199.8 actions to protect the health and safety of its citizens.

199.9 (g) If a multistate license is encumbered, the regulated social worker's multistate
199.10 authorization to practice shall be deactivated in all remote states until the multistate license
199.11 is no longer encumbered.

199.12 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated
199.13 social worker's multistate authorization to practice may be deactivated in that state until the
199.14 multistate authorization to practice is no longer encumbered.

199.15 **Sec. 5. [148E.44] ISSUANCE OF A MULTISTATE LICENSE.**

199.16 (a) Upon receipt of an application for multistate license, the home state licensing authority
199.17 shall determine the applicant's eligibility for a multistate license in accordance with section
199.18 148E.43.

199.19 (b) If such applicant is eligible pursuant to section 148E.43, the home state licensing
199.20 authority shall issue a multistate license that authorizes the applicant or regulated social
199.21 worker to practice in all member states under a multistate authorization to practice.

199.22 (c) Upon issuance of a multistate license, the home state licensing authority shall designate
199.23 whether the regulated social worker holds a multistate license in the bachelor's, master's,
199.24 or clinical category of social work.

199.25 (d) A multistate license issued by a home state to a resident in that state shall be
199.26 recognized by all Compact member states as authorizing social work practice under a
199.27 multistate authorization to practice corresponding to each category of licensure regulated
199.28 in each member state.

199.29 **Sec. 6. [148E.45] AUTHORITY OF INTERSTATE COMPACT COMMISSION**
199.30 **AND MEMBER STATE LICENSING AUTHORITIES.**

199.31 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
199.32 restrict, or in any way reduce the ability of a member state to enact and enforce laws,

200.1 regulations, or other rules related to the practice of social work in that state, where those
200.2 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

200.3 (b) Nothing in this Compact shall affect the requirements established by a member state
200.4 for the issuance of a single state license.

200.5 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
200.6 restrict, or in any way reduce the ability of a member state to take adverse action against a
200.7 licensee's single state license to practice social work in that state.

200.8 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
200.9 restrict, or in any way reduce the ability of a remote state to take adverse action against a
200.10 licensee's multistate authorization to practice in that state.

200.11 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
200.12 restrict, or in any way reduce the ability of a licensee's home state to take adverse action
200.13 against a licensee's multistate license based upon information provided by a remote state.

200.14 **Sec. 7. [148E.46] REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME**
200.15 **STATE.**

200.16 (a) A licensee can hold a multistate license, issued by their home state, in only one
200.17 member state at any given time.

200.18 (b) If a licensee changes their home state by moving between two member states:

200.19 (1) The licensee shall immediately apply for the reissuance of their multistate license in
200.20 their new home state. The licensee shall pay all applicable fees and notify the prior home
200.21 state in accordance with the rules of the Commission.

200.22 (2) Upon receipt of an application to reissue a multistate license, the new home state
200.23 shall verify that the multistate license is active, unencumbered, and eligible for reissuance
200.24 under the terms of the Compact and the rules of the Commission. The multistate license
200.25 issued by the prior home state will be deactivated and all member states notified in
200.26 accordance with the applicable rules adopted by the Commission.

200.27 (3) Prior to the reissuance of the multistate license, the new home state shall conduct
200.28 procedures for considering the criminal history records of the licensee. Such procedures
200.29 shall include the submission of fingerprints or other biometric-based information by
200.30 applicants for the purpose of obtaining an applicant's criminal history record information
200.31 from the Federal Bureau of Investigation and the agency responsible for retaining that state's
200.32 criminal records.

201.1 (4) If required for initial licensure, the new home state may require completion of
201.2 jurisprudence requirements in the new home state.

201.3 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet
201.4 the requirements set forth in this Compact for the reissuance of a multistate license by the
201.5 new home state, then the licensee shall be subject to the new home state requirements for
201.6 the issuance of a single state license in that state.

201.7 (c) If a licensee changes their primary state of residence by moving from a member state
201.8 to a nonmember state, or from a nonmember state to a member state, then the licensee shall
201.9 be subject to the state requirements for the issuance of a single state license in the new home
201.10 state.

201.11 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state
201.12 license in multiple states; however, for the purposes of this Compact, a licensee shall have
201.13 only one home state, and only one multistate license.

201.14 (e) Nothing in this Compact shall interfere with the requirements established by a member
201.15 state for the issuance of a single state license.

201.16 **Sec. 8. [148E.47] MILITARY FAMILIES.**

201.17 An active military member or their spouse shall designate a home state where the
201.18 individual has a multistate license. The individual may retain their home state designation
201.19 during the period the service member is on active duty.

201.20 **Sec. 9. [148E.48] ADVERSE ACTIONS.**

201.21 (a) In addition to the other powers conferred by state law, a remote state shall have the
201.22 authority, in accordance with existing state due process law, to:

201.23 (1) take adverse action against a regulated social worker's multistate authorization to
201.24 practice only within that member state, and issue subpoenas for both hearings and
201.25 investigations that require the attendance and testimony of witnesses as well as the production
201.26 of evidence. Subpoenas issued by a licensing authority in a member state for the attendance
201.27 and testimony of witnesses or the production of evidence from another member state shall
201.28 be enforced in the latter state by any court of competent jurisdiction, according to the practice
201.29 and procedure of that court applicable to subpoenas issued in proceedings pending before
201.30 it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and
201.31 other fees required by the service statutes of the state in which the witnesses or evidence
201.32 are located; and

202.1 (2) only the home state shall have the power to take adverse action against a regulated
202.2 social worker's multistate license.

202.3 (b) For purposes of taking adverse action, the home state shall give the same priority
202.4 and effect to reported conduct received from a member state as it would if the conduct had
202.5 occurred within the home state. In so doing, the home state shall apply its own state laws
202.6 to determine appropriate action.

202.7 (c) The home state shall complete any pending investigations of a regulated social worker
202.8 who changes their home state during the course of the investigations. The home state shall
202.9 also have the authority to take appropriate action and shall promptly report the conclusions
202.10 of the investigations to the administrator of the data system. The administrator of the data
202.11 system shall promptly notify the new home state of any adverse actions.

202.12 (d) A member state, if otherwise permitted by state law, may recover from the affected
202.13 regulated social worker the costs of investigations and dispositions of cases resulting from
202.14 any adverse action taken against that regulated social worker.

202.15 (e) A member state may take adverse action based on the factual findings of another
202.16 member state, provided that the member state follows its own procedures for taking the
202.17 adverse action.

202.18 (f) Joint investigations:

202.19 (1) In addition to the authority granted to a member state by its respective social work
202.20 practice act or other applicable state law, any member state may participate with other
202.21 member states in joint investigations of licensees.

202.22 (2) Member states shall share any investigative, litigation, or compliance materials in
202.23 furtherance of any joint or individual investigation initiated under the Compact.

202.24 (g) If adverse action is taken by the home state against the multistate license of a regulated
202.25 social worker, the regulated social worker's multistate authorization to practice in all other
202.26 member states shall be deactivated until all encumbrances have been removed from the
202.27 multistate license. All home state disciplinary orders that impose adverse action against the
202.28 license of a regulated social worker shall include a statement that the regulated social worker's
202.29 multistate authorization to practice is deactivated in all member states until all conditions
202.30 of the decision, order, or agreement are satisfied.

202.31 (h) If a member state takes adverse action, it shall promptly notify the administrator of
202.32 the data system. The administrator of the data system shall promptly notify the home state
202.33 and all other member states of any adverse actions by remote states.

203.1 (i) Nothing in this compact shall override a member state's decision that participation
203.2 in an alternative program may be used in lieu of adverse action.

203.3 (j) Nothing in this Compact shall authorize a member state to demand the issuance of
203.4 subpoenas for attendance and testimony of witnesses or the production of evidence from
203.5 another member state for lawful actions within that member state.

203.6 (k) Nothing in this Compact shall authorize a member state to impose discipline against
203.7 a regulated social worker who holds a multistate authorization to practice for lawful actions
203.8 within another member state.

203.9 **Sec. 10. [148E.49] ESTABLISHMENT OF SOCIAL WORK LICENSURE**
203.10 **COMPACT COMMISSION.**

203.11 (a) The Compact member states hereby create and establish a joint government agency
203.12 whose membership consists of all member states that have enacted the compact known as
203.13 the Social Work Licensure Compact Commission. The Commission is an instrumentality
203.14 of the Compact states acting jointly and not an instrumentality of any one state. The
203.15 Commission shall come into existence on or after the effective date of the Compact as set
203.16 forth in section 148E.53.

203.17 (b) Membership, voting, and meetings:

203.18 (1) Each member state shall have and be limited to one delegate selected by that member
203.19 state's state licensing authority.

203.20 (2) The delegate shall be either:

203.21 (i) a current member of the state licensing authority at the time of appointment, who is
203.22 a regulated social worker or public member of the state licensing authority; or

203.23 (ii) an administrator of the state licensing authority or their designee.

203.24 (3) The Commission shall by rule or bylaw establish a term of office for delegates and
203.25 may by rule or bylaw establish term limits.

203.26 (4) The Commission may recommend removal or suspension of any delegate from office.

203.27 (5) A member state's state licensing authority shall fill any vacancy of its delegate
203.28 occurring on the Commission within 60 days of the vacancy.

203.29 (6) Each delegate shall be entitled to one vote on all matters before the Commission
203.30 requiring a vote by Commission delegates.

- 204.1 (7) A delegate shall vote in person or by such other means as provided in the bylaws.
204.2 The bylaws may provide for delegates to meet by telecommunication, video conference, or
204.3 other means of communication.
- 204.4 (8) The Commission shall meet at least once during each calendar year. Additional
204.5 meetings may be held as set forth in the bylaws. The Commission may meet by
204.6 telecommunication, video conference, or other similar electronic means.
- 204.7 (c) The Commission shall have the following powers:
- 204.8 (1) establish the fiscal year of the Commission;
- 204.9 (2) establish code of conduct and conflict of interest policies;
- 204.10 (3) establish and amend rules and bylaws;
- 204.11 (4) maintain its financial records in accordance with the bylaws;
- 204.12 (5) meet and take such actions as are consistent with the provisions of this Compact, the
204.13 Commission's rules, and the bylaws;
- 204.14 (6) initiate and conclude legal proceedings or actions in the name of the Commission,
204.15 provided that the standing of any state licensing board to sue or be sued under applicable
204.16 law shall not be affected;
- 204.17 (7) maintain and certify records and information provided to a member state as the
204.18 authenticated business records of the Commission, and designate an agent to do so on the
204.19 Commission's behalf;
- 204.20 (8) purchase and maintain insurance and bonds;
- 204.21 (9) borrow, accept, or contract for services of personnel, including but not limited to
204.22 employees of a member state;
- 204.23 (10) conduct an annual financial review;
- 204.24 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant
204.25 such individuals appropriate authority to carry out the purposes of the Compact, and establish
204.26 the Commission's personnel policies and programs relating to conflicts of interest,
204.27 qualifications of personnel, and other related personnel matters;
- 204.28 (12) assess and collect fees;
- 204.29 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
204.30 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of

205.1 the same, provided that at all times the Commission shall avoid any appearance of
205.2 impropriety or conflict of interest;

205.3 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or
205.4 mixed, or any undivided interest therein;

205.5 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
205.6 any property real, personal, or mixed;

205.7 (16) establish a budget and make expenditures;

205.8 (17) borrow money;

205.9 (18) appoint committees, including standing committees, composed of members, state
205.10 regulators, state legislators or their representatives, and consumer representatives, and such
205.11 other interested persons as may be designated in this Compact and the bylaws;

205.12 (19) provide and receive information from, and cooperate with, law enforcement agencies;

205.13 (20) establish and elect an Executive Committee, including a chair and a vice chair;

205.14 (21) determine whether a state's adopted language is materially different from the model
205.15 compact language such that the state would not qualify for participation in the Compact;
205.16 and

205.17 (22) perform such other functions as may be necessary or appropriate to achieve the
205.18 purposes of this Compact.

205.19 (d) The Executive Committee:

205.20 (1) The Executive Committee shall have the power to act on behalf of the Commission
205.21 according to the terms of this Compact. The powers, duties, and responsibilities of the
205.22 Executive Committee shall include:

205.23 (i) oversee the day-to-day activities of the administration of the Compact, including
205.24 enforcement and compliance with the provisions of the Compact, its rules and bylaws, and
205.25 other such duties as deemed necessary;

205.26 (ii) recommend to the Commission changes to the rules or bylaws, changes to this
205.27 Compact legislation, fees charged to Compact member states, fees charged to licensees,
205.28 and other fees;

205.29 (iii) ensure Compact administration services are appropriately provided, including by
205.30 contract;

205.31 (iv) prepare and recommend the budget;

- 206.1 (v) maintain financial records on behalf of the Commission;
- 206.2 (vi) monitor Compact compliance of member states and provide compliance reports to
206.3 the Commission;
- 206.4 (vii) establish additional committees as necessary;
- 206.5 (viii) exercise the powers and duties of the Commission during the interim between
206.6 Commission meetings, except for adopting or amending rules, adopting or amending bylaws,
206.7 and exercising any other powers and duties expressly reserved to the Commission by rule
206.8 or bylaw; and
- 206.9 (ix) other duties as provided in the rules or bylaws of the Commission.
- 206.10 (2) The Executive Committee shall be composed of up to 11 members:
- 206.11 (i) the chair and vice chair of the Commission shall be voting members of the Executive
206.12 Committee;
- 206.13 (ii) the Commission shall elect five voting members from the current membership of
206.14 the Commission;
- 206.15 (iii) up to four ex-officio, nonvoting members from four recognized national social work
206.16 organizations; and
- 206.17 (iv) the ex-officio members will be selected by their respective organizations.
- 206.18 (3) The Commission may remove any member of the Executive Committee as provided
206.19 in the Commission's bylaws.
- 206.20 (4) The Executive Committee shall meet at least annually.
- 206.21 (i) Executive Committee meetings shall be open to the public, except that the Executive
206.22 Committee may meet in a closed, nonpublic meeting as provided in paragraph (f), clause
206.23 (2).
- 206.24 (ii) The Executive Committee shall give seven days' notice of its meetings posted on its
206.25 website and as determined to provide notice to persons with an interest in the business of
206.26 the Commission.
- 206.27 (iii) The Executive Committee may hold a special meeting in accordance with paragraph
206.28 (f), clause (1), item (ii).
- 206.29 (e) The Commission shall adopt and provide to the member states an annual report.
- 206.30 (f) Meetings of the Commission:

207.1 (1) All meetings shall be open to the public, except that the Commission may meet in a
207.2 closed, nonpublic meeting as provided in paragraph (f), clause (2).

207.3 (i) Public notice for all meetings of the full Commission of meetings shall be given in
207.4 the same manner as required under the rulemaking provisions in section 148E.51, except
207.5 that the Commission may hold a special meeting as provided in paragraph (f), clause (1),
207.6 item (ii).

207.7 (ii) The Commission may hold a special meeting when it must meet to conduct emergency
207.8 business by giving 48 hours' notice to all commissioners on the Commission's website and
207.9 other means as provided in the Commission's rules. The Commission's legal counsel shall
207.10 certify that the Commission's need to meet qualifies as an emergency.

207.11 (2) The Commission or the Executive Committee or other committees of the Commission
207.12 may convene in a closed, nonpublic meeting for the Commission or Executive Committee
207.13 or other committees of the Commission to receive legal advice or to discuss:

207.14 (i) noncompliance of a member state with its obligations under the Compact;

207.15 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
207.16 related to specific employees;

207.17 (iii) current or threatened discipline of a licensee by the Commission or by a member
207.18 state's licensing authority;

207.19 (iv) current, threatened, or reasonably anticipated litigation;

207.20 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
207.21 estate;

207.22 (vi) accusing any person of a crime or formally censuring any person;

207.23 (vii) trade secrets or commercial or financial information that is privileged or confidential;

207.24 (viii) information of a personal nature where disclosure would constitute a clearly
207.25 unwarranted invasion of personal privacy;

207.26 (ix) investigative records compiled for law enforcement purposes;

207.27 (x) information related to any investigative reports prepared by or on behalf of or for
207.28 use of the Commission or other committee charged with responsibility of investigation or
207.29 determination of compliance issues pursuant to the Compact;

207.30 (xi) matters specifically exempted from disclosure by federal or member state law; or

207.31 (xii) other matters as promulgated by the Commission by rule.

208.1 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that
208.2 the meeting will be closed and reference each relevant exempting provision, and such
208.3 reference shall be recorded in the minutes.

208.4 (4) The Commission shall keep minutes that fully and clearly describe all matters
208.5 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
208.6 the reasons therefore, including a description of the views expressed. All documents
208.7 considered in connection with an action shall be identified in such minutes. All minutes and
208.8 documents of a closed meeting shall remain under seal, subject to release only by a majority
208.9 vote of the Commission or order of a court of competent jurisdiction.

208.10 (g) Financing of the Commission:

208.11 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
208.12 of its establishment, organization, and ongoing activities.

208.13 (2) The Commission may accept any and all appropriate revenue sources as provided
208.14 in paragraph (c), clause (13).

208.15 (3) The Commission may levy on and collect an annual assessment from each member
208.16 state and impose fees on licensees of member states to whom it grants a multistate license
208.17 to cover the cost of the operations and activities of the Commission and its staff, which
208.18 must be in a total amount sufficient to cover its annual budget as approved each year for
208.19 which revenue is not provided by other sources. The aggregate annual assessment amount
208.20 for member states shall be allocated based upon a formula that the Commission shall
208.21 promulgate by rule.

208.22 (4) The Commission shall not incur obligations of any kind prior to securing the funds
208.23 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
208.24 states, except by and with the authority of the member state.

208.25 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
208.26 receipts and disbursements of the Commission shall be subject to the financial review and
208.27 accounting procedures established under its bylaws. However, all receipts and disbursements
208.28 of funds handled by the Commission shall be subject to an annual financial review by a
208.29 certified or licensed public accountant, and the report of the financial review shall be included
208.30 in and become part of the annual report of the Commission.

208.31 (h) Qualified immunity, defense, and indemnification:

208.32 (1) The members, officers, executive director, employees, and representatives of the
208.33 Commission shall be immune from suit and liability, both personally and in their official

209.1 capacity, for any claim for damage to or loss of property or personal injury or other civil
209.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
209.3 or that the person against whom the claim is made had a reasonable basis for believing
209.4 occurred within the scope of Commission employment, duties, or responsibilities, provided
209.5 that nothing in this paragraph shall be construed to protect any such person from suit or
209.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or
209.7 wanton misconduct of that person. The procurement of insurance of any type by the
209.8 Commission shall not in any way compromise or limit the immunity granted hereunder.

209.9 (2) The Commission shall defend any member, officer, executive director, employee,
209.10 and representative of the Commission in any civil action seeking to impose liability arising
209.11 out of any actual or alleged act, error, or omission that occurred within the scope of
209.12 Commission employment, duties, or responsibilities, or as determined by the Commission
209.13 that the person against whom the claim is made had a reasonable basis for believing occurred
209.14 within the scope of Commission employment, duties, or responsibilities, provided that
209.15 nothing herein shall be construed to prohibit that person from retaining their own counsel
209.16 at their own expense, and provided further, that the actual or alleged act, error, or omission
209.17 did not result from that person's intentional or willful or wanton misconduct.

209.18 (3) The Commission shall indemnify and hold harmless any member, officer, executive
209.19 director, employee, and representative of the Commission for the amount of any settlement
209.20 or judgment obtained against that person arising out of any actual or alleged act, error, or
209.21 omission that occurred within the scope of Commission employment, duties, or
209.22 responsibilities, or that such person had a reasonable basis for believing occurred within
209.23 the scope of Commission employment, duties, or responsibilities, provided that the actual
209.24 or alleged act, error, or omission did not result from the intentional or willful or wanton
209.25 misconduct of that person.

209.26 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
209.27 professional malpractice or misconduct, which shall be governed solely by any other
209.28 applicable state laws.

209.29 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member
209.30 state's state action immunity or state action affirmative defense with respect to antitrust
209.31 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or
209.32 anticompetitive law or regulation.

209.33 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity
209.34 by the member states or by the Commission.

210.1 (i) Notwithstanding paragraph (h), clause (1), the liability of the executive director,
210.2 employees, or representatives of the interstate commission, acting within the scope of their
210.3 employment or duties, may not exceed the limits of liability set forth under the constitution
210.4 and laws of this state for state officials, employees, and agents. This paragraph expressly
210.5 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
210.6 under that statute.

210.7 (j) Except for a claim alleging a violation of this compact, a claim against the commission,
210.8 its executive director, employees, or representatives alleging a violation of the constitution
210.9 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
210.10 this paragraph creates a private right of action.

210.11 **Sec. 11. [148E.50] DATA SYSTEM.**

210.12 (a) The Commission shall provide for the development, maintenance, operation, and
210.13 utilization of a coordinated data system.

210.14 (b) The Commission shall assign each applicant for a multistate license a unique identifier,
210.15 as determined by the rules of the Commission.

210.16 (c) Notwithstanding any other provision of state law to the contrary, a member state
210.17 shall submit a uniform data set to the data system on all individuals to whom this Compact
210.18 is applicable as required by the rules of the Commission, including:

210.19 (1) identifying information;

210.20 (2) licensure data;

210.21 (3) adverse actions against a license and information related thereto;

210.22 (4) nonconfidential information related to alternative program participation, the beginning
210.23 and ending dates of such participation, and other information related to such participation
210.24 not made confidential under member state law;

210.25 (5) any denial of application for licensure, and the reason for such denial;

210.26 (6) the presence of current significant investigative information; and

210.27 (7) other information that may facilitate the administration of this Compact or the
210.28 protection of the public, as determined by the rules of the Commission.

210.29 (d) The records and information provided to a member state pursuant to this Compact
210.30 or through the data system, when certified by the Commission or an agent thereof, shall
210.31 constitute the authenticated business records of the Commission, and shall be entitled to

211.1 any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
211.2 proceedings in a member state.

211.3 (e) Current significant investigative information pertaining to a licensee in any member
211.4 state will only be available to other member states.

211.5 (f) It is the responsibility of the member states to report any adverse action against a
211.6 licensee and to monitor the database to determine whether adverse action has been taken
211.7 against a licensee. Adverse action information pertaining to a licensee in any member state
211.8 will be available to any other member state.

211.9 (g) Member states contributing information to the data system may designate information
211.10 that may not be shared with the public without the express permission of the contributing
211.11 state.

211.12 (h) Any information submitted to the data system that is subsequently expunged pursuant
211.13 to federal law or the laws of the member state contributing the information shall be removed
211.14 from the data system.

211.15 **Sec. 12. [148E.51] RULEMAKING.**

211.16 (a) The Commission shall promulgate reasonable rules in order to effectively and
211.17 efficiently implement and administer the purposes and provisions of the Compact. A rule
211.18 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
211.19 that the rule is invalid because the Commission exercised its rulemaking authority in a
211.20 manner that is beyond the scope and purposes of the Compact, or the powers granted
211.21 hereunder, or based upon another applicable standard of review.

211.22 (b) The rules of the Commission shall have the force of law in each member state,
211.23 provided however that where the rules of the Commission conflict with the laws of the
211.24 member state that establish the member state's laws, regulations, and applicable standards
211.25 that govern the practice of social work as held by a court of competent jurisdiction, the rules
211.26 of the Commission shall be ineffective in that state to the extent of the conflict.

211.27 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set
211.28 forth in this section and the rules adopted thereunder. Rules shall become binding on the
211.29 day following adoption or the date specified in the rule or amendment, whichever is later.

211.30 (d) If a majority of the legislatures of the member states rejects a rule or portion of a
211.31 rule, by enactment of a statute or resolution in the same manner used to adopt the Compact
211.32 within four years of the date of adoption of the rule, then such rule shall have no further
211.33 force and effect in any member state.

212.1 (e) Rules shall be adopted at a regular or special meeting of the Commission.

212.2 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and
212.3 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

212.4 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in
212.5 advance of the meeting at which the Commission will hold a public hearing on the proposed
212.6 rule, the Commission shall provide a notice of proposed rulemaking:

212.7 (1) on the website of the Commission or other publicly accessible platform;

212.8 (2) to persons who have requested notice of the Commission's notices of proposed
212.9 rulemaking; and

212.10 (3) in such other way as the Commission may by rule specify.

212.11 (h) The notice of proposed rulemaking shall include:

212.12 (1) the time, date, and location of the public hearing at which the Commission will hear
212.13 public comments on the proposed rule and, if different, the time, date, and location of the
212.14 meeting where the Commission will consider and vote on the proposed rule;

212.15 (2) if the hearing is held via telecommunication, video conference, or other electronic
212.16 means, the Commission shall include the mechanism for access to the hearing in the notice
212.17 of proposed rulemaking;

212.18 (3) the text of the proposed rule and the reason therefor;

212.19 (4) a request for comments on the proposed rule from any interested person; and

212.20 (5) the manner in which interested persons may submit written comments.

212.21 (i) All hearings will be recorded. A copy of the recording and all written comments and
212.22 documents received by the Commission in response to the proposed rule shall be available
212.23 to the public.

212.24 (j) Nothing in this section shall be construed as requiring a separate hearing on each
212.25 rule. Rules may be grouped for the convenience of the Commission at hearings required by
212.26 this section.

212.27 (k) The Commission shall, by majority vote of all members, take final action on the
212.28 proposed rule based on the rulemaking record and the full text of the rule.

212.29 (1) The Commission may adopt changes to the proposed rule, provided the changes do
212.30 not enlarge the original purpose of the proposed rule.

213.1 (2) The Commission shall provide an explanation of the reasons for substantive changes
213.2 made to the proposed rule as well as reasons for substantive changes not made that were
213.3 recommended by commenters.

213.4 (3) The Commission shall determine a reasonable effective date for the rule. Except for
213.5 an emergency as provided in paragraph (1), the effective date of the rule shall be no sooner
213.6 than 30 days after issuing the notice that it adopted or amended the rule.

213.7 (1) Upon determination that an emergency exists, the Commission may consider and
213.8 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that
213.9 the usual rulemaking procedures provided in the Compact and in this section shall be
213.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
213.11 days after the effective date of the rule. For the purposes of this provision, an emergency
213.12 rule is one that must be adopted immediately in order to:

213.13 (1) meet an imminent threat to public health, safety, or welfare;

213.14 (2) prevent a loss of Commission or member state funds;

213.15 (3) meet a deadline for the promulgation of a rule that is established by federal law or
213.16 rule; or

213.17 (4) protect public health and safety.

213.18 (m) The Commission or an authorized committee of the Commission may direct revisions
213.19 to a previously adopted rule for purposes of correcting typographical errors, errors in format,
213.20 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
213.21 on the website of the Commission. The revision shall be subject to challenge by any person
213.22 for a period of 30 days after posting. The revision may be challenged only on grounds that
213.23 the revision results in a material change to a rule. A challenge shall be made in writing and
213.24 delivered to the Commission prior to the end of the notice period. If no challenge is made,
213.25 the revision will take effect without further action. If the revision is challenged, the revision
213.26 may not take effect without the approval of the Commission.

213.27 (n) No member state's rulemaking requirements shall apply under this compact.

213.28 **Sec. 13. [148E.52] OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

213.29 (a) Oversight:

213.30 (1) The executive and judicial branches of state government in each member state shall
213.31 enforce this Compact and take all actions necessary and appropriate to implement the
213.32 Compact.

214.1 (2) Except as otherwise provided in this Compact, venue is proper and judicial
214.2 proceedings by or against the Commission shall be brought solely and exclusively in a court
214.3 of competent jurisdiction where the principal office of the Commission is located. The
214.4 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents
214.5 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or
214.6 limit the selection or propriety of venue in any action against a licensee for professional
214.7 malpractice, misconduct, or any such similar matter.

214.8 (3) The Commission shall be entitled to receive service of process in any proceeding
214.9 regarding the enforcement or interpretation of the Compact and shall have standing to
214.10 intervene in such a proceeding for all purposes. Failure to provide the Commission service
214.11 of process shall render a judgment or order void as to the Commission, this Compact, or
214.12 promulgated rules.

214.13 (b) Default, technical assistance, and termination:

214.14 (1) If the Commission determines that a member state has defaulted in the performance
214.15 of its obligations or responsibilities under this Compact or the promulgated rules, the
214.16 Commission shall provide written notice to the defaulting state. The notice of default shall
214.17 describe the default, the proposed means of curing the default, and any other action that the
214.18 Commission may take, and shall offer training and specific technical assistance regarding
214.19 the default.

214.20 (2) The Commission shall provide a copy of the notice of default to the other member
214.21 states.

214.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated
214.23 from the Compact upon an affirmative vote of a majority of the delegates of the member
214.24 states, and all rights, privileges, and benefits conferred on that state by this Compact may
214.25 be terminated on the effective date of termination. A cure of the default does not relieve the
214.26 offending state of obligations or liabilities incurred during the period of default.

214.27 (d) Termination of membership in the Compact shall be imposed only after all other
214.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
214.29 shall be given by the Commission to the governor, the majority and minority leaders of the
214.30 defaulting state's legislature, the defaulting state's state licensing authority, and each of the
214.31 member states' state licensing authority.

214.32 (e) A state that has been terminated is responsible for all assessments, obligations, and
214.33 liabilities incurred through the effective date of termination, including obligations that
214.34 extend beyond the effective date of termination.

215.1 (f) Upon the termination of a state's membership from this Compact, that state shall
215.2 immediately provide notice to all licensees within that state of such termination. The
215.3 terminated state shall continue to recognize all licenses granted pursuant to this Compact
215.4 for a minimum of six months after the date of said notice of termination.

215.5 (g) The Commission shall not bear any costs related to a state that is found to be in
215.6 default or that has been terminated from the Compact, unless agreed upon in writing between
215.7 the Commission and the defaulting state.

215.8 (h) The defaulting state may appeal the action of the Commission by petitioning the
215.9 United States District Court for the District of Columbia or the federal district where the
215.10 Commission has its principal offices. The prevailing party shall be awarded all costs of such
215.11 litigation, including reasonable attorney fees.

215.12 (i) Dispute resolution:

215.13 (1) Upon request by a member state, the Commission shall attempt to resolve disputes
215.14 related to the Compact that arise among member states and between member and nonmember
215.15 states.

215.16 (2) The Commission shall promulgate a rule providing for both mediation and binding
215.17 dispute resolution for disputes as appropriate.

215.18 (j) Enforcement:

215.19 (1) By majority vote as provided by rule, the Commission may initiate legal action
215.20 against a member state in default in the United States District Court for the District of
215.21 Columbia or the federal district where the Commission has its principal offices to enforce
215.22 compliance with the provisions of the Compact and its promulgated rules. The relief sought
215.23 may include both injunctive relief and damages. In the event judicial enforcement is
215.24 necessary, the prevailing party shall be awarded all costs of such litigation, including
215.25 reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the
215.26 Commission. The Commission may pursue any other remedies available under federal or
215.27 the defaulting member state's law.

215.28 (2) A member state may initiate legal action against the Commission in the United States
215.29 District Court for the District of Columbia or the federal district where the Commission has
215.30 its principal offices to enforce compliance with the provisions of the Compact and its
215.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the
215.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of
215.33 such litigation, including reasonable attorney fees.

216.1 (3) No person other than a member state shall enforce this compact against the
216.2 Commission.

216.3 **Sec. 14. [148E.53] EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

216.4 (a) The Compact shall come into effect on the date on which the Compact statute is
216.5 enacted into law in the seventh member state.

216.6 (1) On or after the effective date of the Compact, the Commission shall convene and
216.7 review the enactment of each of the first seven member states ("charter member states") to
216.8 determine if the statute enacted by each such charter member state is materially different
216.9 than the model Compact statute.

216.10 (i) A charter member state whose enactment is found to be materially different from the
216.11 model Compact statute shall be entitled to the default process set forth in section 148E.52.

216.12 (ii) If any member state is later found to be in default, or is terminated or withdraws
216.13 from the Compact, the Commission shall remain in existence and the Compact shall remain
216.14 in effect even if the number of member states should be less than seven.

216.15 (2) Member states enacting the compact subsequent to the seven initial charter member
216.16 states shall be subject to the process set forth in section 148E.49, paragraph (c), clause (21),
216.17 to determine if their enactments are materially different from the model Compact statute
216.18 and whether they qualify for participation in the Compact.

216.19 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes
216.20 of the administration of the Compact prior to the effective date of the Compact or the
216.21 Commission coming into existence shall be considered to be actions of the Commission
216.22 unless specifically repudiated by the Commission.

216.23 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of
216.24 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on
216.25 which the Compact becomes law in that state. Any rule that has been previously adopted
216.26 by the Commission shall have the full force and effect of law on the day the Compact
216.27 becomes law in that state.

216.28 (b) Any member state may withdraw from this Compact by enacting a statute repealing
216.29 the same.

216.30 (1) A member state's withdrawal shall not take effect until 180 days after enactment of
216.31 the repealing statute.

217.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
217.2 licensing authority to comply with the investigative and adverse action reporting requirements
217.3 of this Compact prior to the effective date of withdrawal.

217.4 (3) Upon the enactment of a statute withdrawing from this Compact, a state shall
217.5 immediately provide notice of such withdrawal to all licensees within that state.
217.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
217.7 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum
217.8 of 180 days after the date of such notice of withdrawal.

217.9 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any
217.10 licensure agreement or other cooperative arrangement between a member state and a
217.11 nonmember state that does not conflict with the provisions of this Compact.

217.12 (d) This Compact may be amended by the member states. No amendment to this Compact
217.13 shall become effective and binding upon any member state until it is enacted into the laws
217.14 of all member states.

217.15 Sec. 15. **[148E.54] CONSTRUCTION AND SEVERABILITY.**

217.16 (a) This Compact and the Commission's rulemaking authority shall be liberally construed
217.17 so as to effectuate the purposes, and the implementation and administration of the Compact.
217.18 Provisions of the Compact expressly authorizing or requiring the promulgation of rules
217.19 shall not be construed to limit the Commission's rulemaking authority solely for those
217.20 purposes.

217.21 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,
217.22 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
217.23 the constitution of any member state, a state seeking participation in the Compact, or of the
217.24 United States, or the applicability thereof to any government, agency, person or circumstance
217.25 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
217.26 remainder of this Compact and the applicability thereof to any other government, agency,
217.27 person or circumstance shall not be affected thereby.

217.28 (c) Notwithstanding paragraph (b), the Commission may deny a state's participation in
217.29 the Compact or, in accordance with the requirements of section 148E.52, paragraph (b),
217.30 terminate a member state's participation in the Compact, if it determines that a constitutional
217.31 requirement of a member state is a material departure from the Compact. Otherwise, if this
217.32 Compact shall be held to be contrary to the constitution of any member state, the Compact

218.1 shall remain in full force and effect as to the remaining member states and in full force and
218.2 effect as to the member state affected as to all severable matters.

218.3 Sec. 16. **[148E.55] CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**
218.4 **LAWS.**

218.5 (a) A licensee providing services in a remote state under a multistate authorization to
218.6 practice shall adhere to the laws and regulations, including laws, regulations, and applicable
218.7 standards, of the remote state where the client is located at the time care is rendered.

218.8 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member
218.9 state that is not inconsistent with the Compact.

218.10 (c) Any laws, statutes, regulations, or other legal requirements in a member state in
218.11 conflict with the Compact are superseded to the extent of the conflict.

218.12 (d) All permissible agreements between the Commission and the member states are
218.13 binding in accordance with their terms.

218.14 **ARTICLE 17**
218.15 **APPROPRIATIONS**

218.16 Section 1. **COMMISSIONER OF HEALTH.**

218.17 Subdivision 1. **Registration of transfer care specialists.** \$198,000 in fiscal year 2025
218.18 is appropriated from the state government special revenue fund to the commissioner of
218.19 health to implement Minnesota Statutes, section 149A.47. The state government special
218.20 revenue fund base for this appropriation is \$105,000 in fiscal year 2026 and \$105,000 in
218.21 fiscal year 2027.

218.22 Subd. 2. **Licensure of speech-language pathology assistants.** \$105,000 in fiscal year
218.23 2025 is appropriated from the state government special revenue fund to the commissioner
218.24 of health to implement licensing requirements for speech-language pathology assistants
218.25 under Minnesota Statutes, section 148.5181. The state government special revenue fund
218.26 base for this appropriation is \$22,000 in fiscal year 2026 and \$22,000 in fiscal year 2027.

218.27 Subd. 3. **Audiology and speech-language interstate compact.** \$279,000 in fiscal year
218.28 2025 is appropriated from the state government special revenue fund to the commissioner
218.29 of health to implement the audiology and speech-language pathology interstate compact
218.30 under Minnesota Statutes, section 148.5185. The state government special revenue fund
218.31 base for this appropriation is \$106,000 in fiscal year 2026 and \$106,000 in fiscal year 2027.

219.1 Sec. 2. **BOARD OF PSYCHOLOGY; LICENSING REQUIREMENTS FOR**
219.2 **BEHAVIOR ANALYSTS.**

219.3 \$81,000 in fiscal year 2025 is appropriated from the state government special revenue
219.4 fund to the Board of Psychology to implement licensing requirements for behavior analysts
219.5 under Minnesota Statutes, sections 148.9981 to 148.9995. The state government special
219.6 revenue fund base for this appropriation is \$47,000 in fiscal year 2026 and \$47,000 in fiscal
219.7 year 2027.

219.8 Sec. 3. **BOARD OF VETERINARY MEDICINE; LICENSING REQUIREMENTS**
219.9 **FOR VETERINARY TECHNICIANS.**

219.10 \$23,000 in fiscal year 2025 is appropriated from the state government special revenue
219.11 fund to the Board of Veterinary Medicine to implement Minnesota Statutes, section 156.077.
219.12 The state government special revenue fund base for this appropriation is \$52,000 in fiscal
219.13 year 2026 and \$52,000 in fiscal year 2027.

219.14 Sec. 4. **BOARD OF DENTISTRY.**

219.15 Subdivision 1. **Licensure by credential for dental assistants.** \$2,000 in fiscal year
219.16 2025 is appropriated from the state government special revenue fund to the Board of Dentistry
219.17 to implement Minnesota Statutes, section 150A.06, subdivision 8. The state government
219.18 special revenue fund base for this appropriation is \$3,000 in fiscal year 2026 and \$5,000 in
219.19 fiscal year 2027.

219.20 Subd. 2. **Dentist and dental hygienist compact.** \$41,000 in fiscal year 2025 is
219.21 appropriated from the state government special revenue fund to the Board of Dentistry to
219.22 implement the dentist and dental hygienist compact under Minnesota Statutes, section
219.23 150A.051. The state government special revenue fund base for this appropriation is \$42,000
219.24 in fiscal year 2026 and \$42,000 in fiscal year 2027.

219.25 Sec. 5. **BOARD OF MARRIAGE AND FAMILY THERAPY; LICENSED**
219.26 **MARRIAGE AND FAMILY THERAPIST GUEST LICENSE.**

219.27 \$18,000 in fiscal year 2025 is appropriated from the state government special revenue
219.28 fund to the Board of Marriage and Family Therapy to implement Minnesota Statutes, section
219.29 148B.331. The state government special revenue fund base for this appropriation is \$1,000
219.30 in fiscal year 2026 and \$1,000 in fiscal year 2027.

220.1 **Sec. 6. BOARD OF SOCIAL WORK.**

220.2 Subdivision 1. Social worker provisional licensing. \$133,000 in fiscal year 2025 is
220.3 appropriated from the state government special revenue fund to the Board of Social Work
220.4 to implement modifications to provisional licensure under Minnesota Statutes, chapters
220.5 148D and 148E. The state government special revenue fund base for this appropriation is
220.6 \$80,000 in fiscal year 2026 and \$80,000 in fiscal year 2027.

220.7 Subd. 2. Social work interstate compact. \$3,000 in fiscal year 2025 is appropriated
220.8 from the state government special revenue fund to the Board of Social Work to implement
220.9 the social work interstate compact under Minnesota Statutes, sections 148E.40 to 148E.55.
220.10 The state government special revenue fund base for this appropriation is \$149,000 in fiscal
220.11 year 2026 and \$83,000 in fiscal year 2027.

220.12 **Sec. 7. BOARD OF BEHAVIORAL HEALTH AND THERAPY; LICENSED**
220.13 **PROFESSIONAL COUNSELOR INTERSTATE COMPACT.**

220.14 \$159,000 in fiscal year 2025 is appropriated from the state government special revenue
220.15 fund to the Board of Behavioral Health and Therapy to implement the licensed professional
220.16 counselor interstate compact under Minnesota Statutes, section 148B.75. The state
220.17 government special revenue fund base for this appropriation is \$95,000 in fiscal year 2026
220.18 and \$95,000 in fiscal year 2027.

220.19 **Sec. 8. BOARD OF MEDICAL PRACTICE; PHYSICIAN ASSISTANT LICENSURE**
220.20 **COMPACT.**

220.21 \$113,000 in fiscal year 2025 is appropriated from the state government special revenue
220.22 fund to the Board of Medical Practice to implement the physician assistant licensure compact
220.23 under Minnesota Statutes, section 148.675. The state government special revenue fund base
220.24 for this appropriation is \$142,000 in fiscal year 2026 and \$96,000 in fiscal year 2027.

220.25 **Sec. 9. BOARD OF OCCUPATIONAL THERAPY PRACTICE; OCCUPATIONAL**
220.26 **THERAPY LICENSURE COMPACT.**

220.27 \$143,000 in fiscal year 2025 is appropriated from the state government special revenue
220.28 fund to the Board of Occupational Therapy Practice to implement the occupational therapy
220.29 licensure compact under Minnesota Statutes, section 148.645. The state government special
220.30 revenue fund base for this appropriation is \$80,000 in fiscal year 2026 and \$80,000 in fiscal
220.31 year 2027.

221.1 **Sec. 10. BOARD OF PHYSICAL THERAPY; PHYSICAL THERAPY LICENSURE**
 221.2 **COMPACT.**

221.3 \$160,000 in fiscal year 2025 is appropriated from the state government special revenue
 221.4 fund to the Board of Physical Therapy to implement the physical therapy licensure compact
 221.5 under Minnesota Statutes, section 148.676. The state government special revenue fund base
 221.6 for this appropriation is \$95,000 in fiscal year 2026 and \$95,000 in fiscal year 2027.

221.7 **Sec. 11. EFFECTIVE DATE.**

221.8 This article is effective July 1, 2024."

221.9 Delete the title and insert:

221.10 "A bill for an act

221.11 relating to health occupations; establishing registration for transfer care specialists,
 221.12 licensure for behavior analysts, licensure for veterinary technicians and a veterinary
 221.13 institutional license, guest licensure for marriage and family therapists, and licensure
 221.14 for speech-language pathology assistants; modifying provisions of veterinary
 221.15 supervision; modifying specialty dentist licensure and dental assistant licensure
 221.16 by credentials; removing additional collaboration requirements for physician
 221.17 assistants to provide certain psychiatric treatment; modifying social worker
 221.18 provisional licensure; revising the scope of practice for optometrists; creating a
 221.19 licensure compact for physician assistants, occupational therapists, physical
 221.20 therapists, licensed professional counselors, audiologists and speech-language
 221.21 pathologists, dentists and dental hygienists, and social workers; providing for
 221.22 rulemaking; establishing fees; appropriating money; amending Minnesota Statutes
 221.23 2022, sections 144.0572, subdivision 1; 148.511; 148.512, subdivision 17a;
 221.24 148.513, subdivisions 1, 2, 3, by adding a subdivision; 148.514, subdivision 2;
 221.25 148.515, subdivision 1; 148.518; 148.519, subdivision 1, by adding a subdivision;
 221.26 148.5191, subdivision 1, by adding a subdivision; 148.5192, subdivisions 1, 2, 3;
 221.27 148.5193, subdivision 1, by adding a subdivision; 148.5194, subdivision 8, by
 221.28 adding a subdivision; 148.5195, subdivisions 5, 6; 148.5196, subdivision 3; 148.56,
 221.29 subdivision 1; 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063,
 221.30 subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3;
 221.31 149A.02, subdivision 13a, by adding a subdivision; 149A.03; 149A.09; 149A.11;
 221.32 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision
 221.33 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 150A.06,
 221.34 subdivisions 1c, 8; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions
 221.35 2, 4; Minnesota Statutes 2023 Supplement, sections 148.5195, subdivision 3;
 221.36 148.5196, subdivision 1; 148B.392, subdivision 2; 245C.031, subdivision 4;
 221.37 proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 148E;
 221.38 149A; 150A; 156; repealing Minnesota Statutes 2022, sections 147A.09, subdivision
 221.39 5; 148D.061, subdivision 9; 156.12, subdivision 6."