

1.1 CONFERENCE COMMITTEE REPORT ON H. F. No. 4247

1.2 A bill for an act

1.3 relating to health; establishing registration for transfer care specialists; establishing
1.4 licensure for behavior analysts; establishing licensure for veterinary technicians
1.5 and a veterinary institutional license; modifying provisions of veterinary
1.6 supervision; modifying specialty dentist licensure and dental assistant licensure
1.7 by credentials; removing additional collaboration requirements for physician
1.8 assistants to provide certain psychiatric treatment; modifying social worker
1.9 provisional licensure; establishing guest licensure for marriage and family
1.10 therapists; modifying pharmacy provisions for certain reporting requirements and
1.11 change of ownership or relocation; appropriating money; amending Minnesota
1.12 Statutes 2022, sections 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4;
1.13 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01,
1.14 subdivision 3; 149A.02, subdivision 13a, by adding a subdivision; 149A.03;
1.15 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63;
1.16 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions
1.17 2, 4, 5; 150A.06, subdivisions 1c, 8; 151.065, by adding subdivisions; 151.066,
1.18 subdivisions 1, 2, 3; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions
1.19 2, 4; Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2;
1.20 proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 149A;
1.21 156; repealing Minnesota Statutes 2022, sections 147A.09, subdivision 5; 148D.061,
1.22 subdivision 9; 156.12, subdivision 6.

1.23 May 18, 2024

1.24 The Honorable Melissa Hortman
1.25 Speaker of the House of Representatives

1.26 The Honorable Bobby Joe Champion
1.27 President of the Senate

1.28 We, the undersigned conferees for H. F. No. 4247 report that we have agreed upon the
1.29 items in dispute and recommend as follows:

1.30 That the Senate recede from its amendments and that H. F. No. 4247 be further amended
1.31 as follows:

1.32 Delete everything after the enacting clause and insert:

2.1 "ARTICLE 1

2.2 TRANSFER CARE SPECIALISTS

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

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

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

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

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

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

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

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

2.18 (c) Noncompensated persons with the right to control the dead human body, under section
2.19 149A.80, subdivision 2, may remove a body from the place of death; transport the body;
2.20 prepare the body for disposition, except embalming; or arrange for final disposition of the
2.21 body, provided that all actions are in compliance with this chapter.

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

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

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

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

3.7 Subd. 13a. **Direct supervision.** "Direct supervision" means overseeing the performance
3.8 of an individual. For the purpose of a clinical, practicum, or internship, direct supervision
3.9 means that the supervisor is available to observe and correct, as needed, the performance
3.10 of the trainee. For the purpose of a transfer care specialist, direct supervision means that
3.11 the supervisor is available by being physically present or by telephone to advise and correct,
3.12 as needed, the performance of the transfer care specialist. The supervising mortician
3.13 ~~supervisor~~ is accountable for the actions of the clinical student, practicum student, or intern
3.14 throughout the course of the training. The supervising mortician is accountable for any
3.15 violations of law or rule, in the performance of their duties, by the clinical student, practicum
3.16 student, ~~or intern,~~ or transfer care specialist.

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

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

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

3.24 **149A.03 DUTIES OF COMMISSIONER.**

3.25 The commissioner shall:

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

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

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

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

- 4.1 (iv) licensing and operation of an alkaline hydrolysis facility; and
- 4.2 (v) licensing and operation of a crematory;
- 4.3 (2) provide copies of the requirements for licensure, registration, and permits to all
- 4.4 applicants;
- 4.5 (3) administer examinations and issue licenses, registrations, and permits to qualified
- 4.6 persons and other legal entities;
- 4.7 (4) maintain a record of the name and location of all current licensees ~~and~~, interns, and
- 4.8 transfer care specialists;
- 4.9 (5) perform periodic compliance reviews and premise inspections of licensees;
- 4.10 (6) accept and investigate complaints relating to conduct governed by this chapter;
- 4.11 (7) maintain a record of all current preneed arrangement trust accounts;
- 4.12 (8) maintain a schedule of application, examination, permit, registration, and licensure
- 4.13 fees, initial and renewal, sufficient to cover all necessary operating expenses;
- 4.14 (9) educate the public about the existence and content of the laws and rules for mortuary
- 4.15 science licensing and the removal, preparation, transportation, arrangements for disposition,
- 4.16 and final disposition of dead human bodies to enable consumers to file complaints against
- 4.17 licensees and others who may have violated those laws or rules;
- 4.18 (10) evaluate the laws, rules, and procedures regulating the practice of mortuary science
- 4.19 in order to refine the standards for licensing and to improve the regulatory and enforcement
- 4.20 methods used; and
- 4.21 (11) initiate proceedings to address and remedy deficiencies and inconsistencies in the
- 4.22 laws, rules, or procedures governing the practice of mortuary science and the removal,
- 4.23 preparation, transportation, arrangements for disposition, and final disposition of dead
- 4.24 human bodies.

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

4.26 **149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION;**

4.27 **LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

4.28 Subdivision 1. **Denial; refusal to renew; revocation; and suspension.** The regulatory

4.29 agency may deny, refuse to renew, revoke, or suspend any license, registration, or permit

4.30 applied for or issued pursuant to this chapter when the person subject to regulation under

4.31 this chapter:

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

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

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

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

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

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

5.23 (7) has a conservator or guardian appointed;

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

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

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

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

6.1 Subd. 2. **Hearings related to refusal to renew, suspension, or revocation of license,**
6.2 **registration, or permit.** If the regulatory agency proposes to deny renewal, suspend, or
6.3 revoke a license, registration, or permit issued under this chapter, the regulatory agency
6.4 must first notify, in writing, the person against whom the action is proposed to be taken and
6.5 provide an opportunity to request a hearing under the contested case provisions of sections
6.6 14.57 to 14.62. If the subject of the proposed action does not request a hearing by notifying
6.7 the regulatory agency, by mail, within 20 calendar days after the receipt of the notice of
6.8 proposed action, the regulatory agency may proceed with the action without a hearing and
6.9 the action will be the final order of the regulatory agency.

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

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

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

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

6.22 **149A.11 PUBLICATION OF DISCIPLINARY ACTIONS.**

6.23 The regulatory agencies shall report all disciplinary measures or actions taken to the
6.24 commissioner. At least annually, the commissioner shall publish and make available to the
6.25 public a description of all disciplinary measures or actions taken by the regulatory agencies.
6.26 The publication shall include, for each disciplinary measure or action taken, the name and
6.27 business address of the licensee ~~or~~, intern, or transfer care specialist; the nature of the
6.28 misconduct;; and the measure or action taken by the regulatory agency.

6.29 Sec. 7. **149A.47] TRANSFER CARE SPECIALIST.**

6.30 Subdivision 1. **General.** A transfer care specialist may remove a dead human body from
6.31 the place of death under the direct supervision of a licensed mortician if the transfer care
6.32 specialist is registered with the commissioner in accordance with this section. A transfer

7.1 care specialist is not licensed to engage in the practice of mortuary science and shall not
7.2 engage in the practice of mortuary science except as provided in this section. A transfer
7.3 care specialist must be an employee of a licensed funeral establishment.

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

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

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

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

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

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

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

7.18 Subd. 3. **Duties.** (a) A transfer care specialist registered under this section is authorized
7.19 to perform the removal of a dead human body from the place of death in accordance with
7.20 this chapter to a licensed funeral establishment. A transfer care specialist must comply with
7.21 the universal precaution requirements in section 149A.91, subdivision 1, when handling a
7.22 dead human body.

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

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

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

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

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

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

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

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

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

8.17 **149A.60 PROHIBITED CONDUCT.**

8.18 The regulatory agency may impose disciplinary measures or take disciplinary action
8.19 against a person whose conduct is subject to regulation under this chapter for failure to
8.20 comply with any provision of this chapter or laws, rules, orders, stipulation agreements,
8.21 settlements, compliance agreements, licenses, registrations, and permits adopted; or issued
8.22 for the regulation of the removal, preparation, transportation, arrangements for disposition
8.23 or final disposition of dead human bodies, or for the regulation of the practice of mortuary
8.24 science.

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

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

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

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

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

9.10 **149A.62 IMMUNITY; REPORTING.**

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

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

9.18 **149A.63 PROFESSIONAL COOPERATION.**

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

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

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

9.26 (1) \$75 for the initial and renewal registration of a mortuary science intern;

9.27 (2) \$125 for the mortuary science examination;

9.28 (3) \$200 for issuance of initial and renewal mortuary science licenses;

9.29 (4) \$100 late fee charge for a license renewal; ~~and~~

9.30 (5) \$250 for issuing a mortuary science license by endorsement; and

10.1 (6) \$226 for the initial and renewal registration of a transfer care specialist.

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

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

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

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

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

10.11 (3) using a surname not directly, actively, or presently associated with a licensed funeral
10.12 establishment, alkaline hydrolysis facility, or crematory, unless the surname had been
10.13 previously and continuously used by the licensed funeral establishment, alkaline hydrolysis
10.14 facility, or crematory; and

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

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

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

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

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

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

10.29 Subd. 5. **Reimbursement prohibited.** No licensee, clinical student, practicum student,
10.30 ~~or intern,~~ or transfer care specialist shall offer, solicit, or accept a commission, fee, bonus,
10.31 rebate, or other reimbursement in consideration for recommending or causing a dead human

11.1 body to be disposed of by a specific body donation program, funeral establishment, alkaline
11.2 hydrolysis facility, crematory, mausoleum, or cemetery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12.10 (2) the date and time of removal;

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

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

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

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

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

12.20 Subd. 5. **Retention of certificate of removal.** A copy of the certificate of removal shall
12.21 be given, where possible, to the person or representative of the legal entity having physical
12.22 or legal custody of the body at the death site. The original certificate of removal shall be
12.23 retained by the individual making the removal and shall be kept on file, at the funeral
12.24 establishment to which the body was taken, for a period of three calendar years following
12.25 the date of the removal. If the removal was performed by a transfer care specialist not
12.26 employed by the funeral establishment to which the body was taken, the transfer care
12.27 specialist must retain a copy of the certificate of removal at the transfer care specialist's
12.28 business address as registered with the commissioner for a period of three calendar years
12.29 following the date of removal. Following this period, and subject to any other laws requiring
12.30 retention of records, the funeral establishment may then place the records in storage or
12.31 reduce them to microfilm, microfiche, laser disc, or any other method that can produce an
12.32 accurate reproduction of the original record, for retention for a period of ten calendar years
12.33 from the date of the removal of the body. At the end of this period and subject to any other

13.1 laws requiring retention of records, the funeral establishment may destroy the records by
13.2 shredding, incineration, or any other manner that protects the privacy of the individuals
13.3 identified in the records.

13.4 **ARTICLE 2**

13.5 **BEHAVIOR ANALYST LICENSURE**

13.6 Section 1. **[148.9981] DEFINITIONS.**

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

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

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

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

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

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

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

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

13.30 Subd. 9. **Practice of applied behavior analysis.** (a) "Practice of applied behavior
13.31 analysis" means the design, implementation, and evaluation of social, instructional, and
13.32 environmental modifications to produce socially significant improvements in human behavior.

14.1 The practice of applied behavior analysis includes the empirical identification of functional
14.2 relations between behavior and environmental factors, known as functional behavioral
14.3 assessment and analysis. Applied behavior analysis interventions are based on scientific
14.4 research, direct and indirect observation, and measurement of behavior and environment
14.5 and utilize contextual factors, motivating operations, antecedent stimuli, positive
14.6 reinforcement, and other procedures to help individuals develop new behaviors, increase
14.7 or decrease existing behaviors, and emit behaviors under specific social, instructional, and
14.8 environmental conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.8 Subd. 3. Background investigation. The applicant must complete a background check
15.9 pursuant to section 214.075.

15.10 EFFECTIVE DATE. This section is effective July 1, 2024.

15.11 Sec. 4. [148.9984] LICENSE RENEWAL REQUIREMENTS.

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

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

15.19 Subd. 3. Renewal requirements. (a) To renew a license, a licensee must submit to the
15.20 board:

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

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

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

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

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

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

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

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

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

16.17 (b) The board must terminate the license of a licensee whose license renewal is at least
16.18 60 days overdue and to whom notification has been sent as provided in paragraph (a). Failure
16.19 of a licensee to receive notification is not grounds for later challenge of the termination.
16.20 The former licensee must be notified of the termination by letter within seven days after
16.21 board action, in the same manner as provided in paragraph (a).

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

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

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

16.27 Subdivision 1. **Practice.** Effective January 1, 2025, an individual must not engage in
16.28 the practice of applied behavior analysis unless the individual is licensed under sections
16.29 148.9981 to 148.9995 as a behavior analyst or is exempt under section 148.9987. A
16.30 psychologist licensed under sections 148.88 to 148.981 who practices behavior analysis is
16.31 not required to obtain a license as a behavior analyst under sections 148.9981 to 148.9995.

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

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

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

17.10 EFFECTIVE DATE. This section is effective July 1, 2024.

17.11 Sec. 7. [148.9987] EXCEPTIONS TO LICENSE REQUIREMENT.

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

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

17.16 (2) the practice of any other profession or occupation licensed, certified, or registered
17.17 by the state by an individual duly licensed, certified, or registered to practice the profession
17.18 or occupation or to perform any act that falls within the scope of practice of the profession
17.19 or occupation;

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

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

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

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

18.1 (7) a family member or guardian of the recipient of behavior analysis services from
18.2 performing behavior analysis services under the authority and direction of a licensed behavior
18.3 analyst; or

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

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

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

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

18.14 A behavior analyst license is not transferable.

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

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

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

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

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

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

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

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

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

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

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

19.5 **Subd. 2. Developing competence.** When a behavior analyst is developing competence
19.6 in a service, method, or procedure, or is developing competence to treat a specific client
19.7 population, the behavior analyst must obtain professional education, training, continuing
19.8 education, consultation, supervision or experience, or a combination thereof, necessary to
19.9 demonstrate competence.

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

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

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

19.20 **Sec. 12. [148.9992] DUTY TO WARN; LIMITATION ON LIABILITY; VIOLENT**
19.21 **BEHAVIOR OF PATIENT.**

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

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

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

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

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

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

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

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

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

20.19 Subd. 7. **Optional disclosure.** This section must not be construed to prohibit a licensee
20.20 from disclosing confidences to third parties in a good faith effort to warn or take precautions
20.21 against a client's violent behavior or threat to commit suicide for which a duty to warn does
20.22 not arise.

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

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

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

20.31 Subdivision 1. **Obtaining informed consent for services.** A behavior analyst must
20.32 obtain informed consent from the client or the client's legal guardian before initiating

21.1 services. The informed consent must be in writing, signed by the client, and include, at a
21.2 minimum, the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22.3 (4) review license applications and license renewal applications and make
22.4 recommendations to the board;

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

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

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

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

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

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

22.13 (1) application fee, \$225;

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

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

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

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

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

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

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

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

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

22.24 The Board of Psychology must make the first appointments to the Behavior Analyst

22.25 Advisory Council authorized under Minnesota Statutes, section 148.9994, by September 1,

22.26 2024. The initial behavior analysts appointed to the advisory council need not be licensed

22.27 under Minnesota Statutes, sections 148.9981 to 148.9995, but must hold a current and active

22.28 national certification as a board certified behavior analyst. The chair of the Board of

22.29 Psychology must convene the first meeting of the council by September 1, 2024, and must

23.1 convene subsequent meetings of the council until an advisory chair is elected. The council
23.2 must elect a chair from its members by the third meeting of the council.

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

23.4 **ARTICLE 3**

23.5 **BOARD OF VETERINARY MEDICINE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24.16 **156.07 LICENSE RENEWAL.**

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

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

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

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

25.1 Sec. 6. [156.0721] INSTITUTIONAL LICENSURE.

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

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

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

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

25.16 (4) has paid the license application fee;

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

25.18 (6) certifies that the applicant understands and agrees that the institutional license is
25.19 valid only for the practice of veterinary medicine associated with the applicant's employment
25.20 as a faculty member, intern, resident, or locum of the University of Minnesota College of
25.21 Veterinary Medicine or other unit of the University of Minnesota;

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

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

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

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

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

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

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

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

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

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

26.15 Sec. 7. **[156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY**
26.16 **EMPLOYEES.**

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

26.20 (b) This section does not prohibit:

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

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

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

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

26.29 Subdivision 1. **Licensure; practice.** (a) The board shall issue a license to practice as a
26.30 veterinary technician to an applicant who satisfies the requirements in this section and those
26.31 imposed by the board in rule. A licensed veterinary technician may practice veterinary

27.1 technology. A person may not use the title "veterinary technician" or the abbreviation "LVT"
27.2 unless licensed by the board.

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

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

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

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

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

27.14 (4) completed a criminal background check.

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

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

27.19 (2) proof of graduation from a veterinary technology program accredited or approved
27.20 by the American Veterinary Medical Association or Canadian Veterinary Medical
27.21 Association;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29.25 (e) veterinarians who are in compliance with ~~subdivision 6~~ section 156.0721 and who
29.26 are employed by the University of Minnesota from performing their duties with the College
29.27 of Veterinary Medicine, ~~College of Agriculture,~~ Veterinary Diagnostic Laboratory,
29.28 Agricultural Experiment Station, Agricultural Extension Service, Medical School, School
29.29 of Public Health, School of Nursing, or other unit within the university; or a person from
29.30 lecturing or giving instructions or demonstrations at the university or in connection with a
29.31 continuing education course or seminar to veterinarians ~~or pathologists at the University of~~
29.32 ~~Minnesota Veterinary Diagnostic Laboratory;~~

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

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

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

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

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

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

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

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

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

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

30.26 Sec. 12. **REPEALER.**

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

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

31.1 **ARTICLE 4**

31.2 **BOARD OF DENTISTRY**

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

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

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

31.8 (1) have successfully completed a postdoctoral specialty program accredited by the
31.9 Commission on Dental Accreditation, or have announced a limitation of practice before
31.10 1967;

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

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

31.18 (4) if requested by the board, be interviewed by a committee of the board, which may
31.19 include the assistance of specialists in the evaluation process, and satisfactorily respond to
31.20 questions designed to determine the applicant's knowledge of dental subjects and ability to
31.21 practice;

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

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

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

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

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

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

32.1 (c) The application must include:

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

32.3 (2) a nonrefundable fee; and

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

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

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

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

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

32.16 Subd. 8. **Licensure by credentials; dental assistant.** (a) Any dental assistant may, upon
32.17 application and payment of a fee established by the board, apply for licensure based on an
32.18 evaluation of the applicant's education, experience, and performance record in lieu of
32.19 completing a board-approved dental assisting program for expanded functions as defined
32.20 in rule, and may be interviewed by the board to determine if the applicant:

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

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

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

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

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

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

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

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

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

33.15 ARTICLE 5

33.16 PHYSICIAN ASSISTANT PRACTICE

33.17 Section 1. REPEALER.

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

33.19 ARTICLE 6

33.20 BOARD OF SOCIAL WORK

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

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

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

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

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

33.28 ~~(4) (1) has met the requirements of section 148E.055, subdivision 2, paragraph (a),~~
33.29 ~~clauses (1), (3), (4), (5), and (6); or subdivision 3, paragraph (a), clauses (1), (3), (4), (5),~~

34.1 and (6); ~~or~~ subdivision 4, ~~paragraph (a)~~, clauses (1), (2), (4), (5), (6), and (7); or subdivision
34.2 5, paragraph (a), clauses (1), (2), (3), (5), (6), (7), and (8); and
34.3 ~~(5)~~ (2) complies with the requirements of subdivisions 2 to 7.

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

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

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

34.9 (1) the licensee's supervisor does not submit an evaluation as required by section
34.10 148D.063;

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

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

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

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

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

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

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

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

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

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

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

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

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

35.4 ~~(1) 5,000 hours experience engaged in authorized social work practice; or~~

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

35.8 (b) Supervision must be provided:

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

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

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

35.14 (iii) a licensed independent social worker; or

35.15 (iv) a licensed independent clinical social worker;

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

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

35.21 (ii) a licensed independent social worker; or

35.22 (iii) a licensed independent clinical social worker;

35.23 (3) if the supervisee is engaged in clinical practice and the supervisee has a provisional
35.24 license to practice as a licensed graduate social worker, licensed independent social worker,
35.25 or licensed independent clinical social worker, by a licensed independent clinical social
35.26 worker; or

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

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

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

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

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

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

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

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

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

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

36.15 (4) the supervisee's position description;

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

36.18 (i) clinical practice, if applicable;

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

36.20 (iii) practice methods;

36.21 (iv) authorized scope of practice;

36.22 (v) ensuring continuing competence; and

36.23 (vi) ethical standards of practice; and

36.24 (6) if applicable, a detailed description of the supervisee's clinical social work practice,
36.25 addressing:

36.26 (i) the client population, the range of presenting issues, and the diagnoses;

36.27 (ii) the clinical modalities that were utilized; and

36.28 (iii) the process utilized for determining clinical diagnoses, including the diagnostic
36.29 instruments used and the role of the supervisee in the diagnostic process.

37.1 ~~(e)~~ (d) The board must receive a revised supervision plan within 30 days of any of the
37.2 following changes:

37.3 (1) the supervisee has a new supervisor;

37.4 (2) the supervisee begins a new social work position;

37.5 (3) the scope or content of the supervisee's social work practice changes substantially;

37.6 (4) the number of practice or supervision hours changes substantially; or

37.7 (5) the type of supervision changes as supervision is described in section 148D.062.

37.8 ~~(f) The board may revoke a licensee's provisional license for failure to submit a revised
37.9 supervision plan as required in paragraph (e).~~

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

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

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

37.13 Subd. 2. **Evaluation.** (a) When a licensee's supervisor submits an evaluation to the board
37.14 according to section 148D.061, subdivision 6, the supervisee and supervisor must provide
37.15 the following information on a form provided by the board:

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

37.18 (2) the name and qualifications of the supervisor;

37.19 (3) the number of hours and dates of each type of supervision completed;

37.20 (4) the supervisee's position description;

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

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

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

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

37.28 (ii) practice methods;

37.29 (iii) authorized scope of practice;

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

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

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

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

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

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

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

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

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

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

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

38.18 **Subd. 3b. Qualifications for licensure by completion of provisional license**
38.19 **requirements as a licensed graduate social worker (LGSW).** To be licensed as a licensed
38.20 graduate social worker, an applicant for licensure by completion of provisional license
38.21 requirements must provide evidence satisfactory to the board that the 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 3, clauses (1) and (3) to (6).

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

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

38.27 **Subd. 4b. Qualifications for licensure by completion of provisional license**
38.28 **requirements as a licensed independent social worker (LISW).** To be licensed as a

39.1 licensed independent social worker, an applicant for licensure by completion of provisional
39.2 license requirements must provide evidence satisfactory to the board that the applicant:

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

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

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

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

39.8 Subd. 5b. **Qualifications for licensure by completion of provisional license**
39.9 **requirements as a licensed independent clinical social worker (LICSW).** To be licensed
39.10 as a licensed independent clinical social worker, an applicant for licensure by completion
39.11 of provisional license requirements must provide evidence satisfactory to the board that the
39.12 applicant:

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

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

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

39.17 Sec. 11. **REVISOR INSTRUCTION.**

39.18 The revisor of statutes shall renumber each section of Minnesota Statutes listed in column
39.19 A with the number listed in column B. The revisor of statutes shall also make necessary
39.20 cross-reference changes in Minnesota Statutes and Minnesota Rules consistent with the
39.21 renumbering.

	<u>Column A</u>	<u>Column B</u>
39.22	<u>148D.061</u>	<u>148E.0551</u>
39.23	<u>148D.062</u>	<u>148E.116</u>
39.24	<u>148D.063</u>	<u>148E.126</u>

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

39.26 Sec. 12. **REPEALER.**

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

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

ARTICLE 7

BOARD OF MARRIAGE AND FAMILY THERAPY

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

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

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

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

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

(3) be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41.21 (11) fee for LMFT emeritus license status is \$225; ~~and~~

41.22 (12) fee for temporary license for members of the military is \$100; and

41.23 (13) fee for LMFT guest license is \$150.

41.24 EFFECTIVE DATE. This section is effective October 1, 2024.

42.1 **ARTICLE 8**

42.2 **BOARD OF OPTOMETRY**

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

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

42.6 (1) advertise as an optometrist;

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

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

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

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

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

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

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

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

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

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

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

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

43.3 ARTICLE 9

43.4 SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSURE

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

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

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

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

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

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

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

43.25 **148.511 SCOPE.**

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

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

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

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

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

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

44.9 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice
44.10 of speech-language pathology or audiology or practice as a speech-language pathology
44.11 assistant unless the person is licensed as a speech-language pathologist or an audiologist,
44.12 or a speech-language pathology assistant under sections 148.511 to 148.5198 or is practicing
44.13 ~~as a speech-language pathology assistant in accordance with section 148.5192.~~ For purposes
44.14 of this subdivision, a speech-language pathology assistant's duties are limited to the duties
44.15 described in accordance with section 148.5192, subdivision 2.

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

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

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

44.23 (1) speech-language;

44.24 (2) speech-language pathologist, S, SP, or SLP;

44.25 (3) speech pathologist;

44.26 (4) language pathologist;

44.27 (5) audiologist, A, or AUD;

44.28 (6) speech therapist;

44.29 (7) speech clinician;

- 45.1 (8) speech correctionist;
- 45.2 (9) language therapist;
- 45.3 (10) voice therapist;
- 45.4 (11) voice pathologist;
- 45.5 (12) logopedist;
- 45.6 (13) communicologist;
- 45.7 (14) aphasiologist;
- 45.8 (15) phoniatriest;
- 45.9 (16) audiometrist;
- 45.10 (17) audioprosthologist;
- 45.11 (18) hearing therapist;
- 45.12 (19) hearing clinician; or
- 45.13 (20) hearing aid audiologist.

45.14 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
45.15 ~~this~~ paragraph (a) by any person is prohibited unless that person is licensed as a
45.16 speech-language pathologist or audiologist under sections 148.511 to 148.5198.

45.17 ~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections
45.18 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant
45.19 is a licensed speech-language pathologist and shall only utilize ~~one of the following titles:~~
45.20 ~~"speech-language pathology assistant," "SLP assistant," or "SLP asst."~~ the titles provided
45.21 in subdivision 2b.

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

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

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

- 45.29 (1) speech-language pathology assistant;

46.1 (2) SLP assistant; or

46.2 (3) SLP asst.

46.3 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under
46.4 this subdivision by any person is prohibited unless that person is licensed under section
46.5 148.5181.

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

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

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

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

46.15 (b) Subdivision 1 does not apply to a student participating in supervised field work or
46.16 supervised course work that is necessary to meet the requirements of ~~section~~ sections
46.17 148.515, subdivision 2 ~~or 3~~, or 148.5181, subdivision 2, if the person is designated by a
46.18 title which clearly indicates the person's status as a student trainee.

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

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

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

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

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

46.30 (2) a person who applies for licensure and who has a current certificate of clinical
46.31 competence issued by the American Speech-Language-Hearing Association, or board

47.1 certification by the American Board of Audiology, must meet the requirements of section
47.2 148.516; or

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

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

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

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

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

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

47.12 **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

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

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

47.19 (2) fulfill the requirements of section 148.517;

47.20 (3) apply for renewal according to section 148.5191, provide evidence to the
47.21 commissioner that the applicant holds a current and unrestricted credential for the practice
47.22 of speech-language pathology from the Professional Educator Licensing and Standards
47.23 Board or for the practice of speech-language pathology or audiology in another jurisdiction
47.24 that has requirements equivalent to or higher than those in effect for Minnesota, and provide
47.25 evidence of compliance with Professional Educator Licensing and Standards Board or that
47.26 jurisdiction's continuing education requirements;

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

48.1 (5) apply for renewal according to section 148.5191 and provide documentation of
48.2 obtaining a qualifying score on the examination described in section 148.515, subdivision
48.3 4, within one year of the application date for license renewal.

48.4 Subd. 2. **Speech-language pathology assistant licensure lapse.** An applicant applying
48.5 for speech-language pathology assistant licensure and whose licensure status has lapsed
48.6 must:

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

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

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

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

48.19 Sec. 11. **[148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**
48.20 **ASSISTANTS.**

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

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

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

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

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

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

49.6 (b) Within one month following expiration of a license, an applicant for licensure renewal
49.7 as a speech-language pathology assistant must provide, on a form provided by the
49.8 commissioner, evidence to the commissioner of a minimum of 20 contact hours of continuing
49.9 education obtained within the two years immediately preceding licensure expiration. A
49.10 minimum of 13 contact hours of continuing education must be directly related to the licensee's
49.11 area of licensure. Seven contact hours of continuing education may be in areas generally
49.12 related to the licensee's area of licensure. Licensees who are issued licenses for a period of
49.13 less than two years must prorate the number of contact hours required for licensure renewal
49.14 based on the number of months licensed during the biennial licensure period. Licensees
49.15 must receive contact hours for continuing education activities only for the biennial licensure
49.16 period in which the continuing education activity was performed.

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

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

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

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

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

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

49.29 (1) submit a completed application for licensure on forms provided by the commissioner.
49.30 The application must include the applicant's name, certification number under chapter 153A,
49.31 if applicable, business address and telephone number, or home address and telephone number
49.32 if the applicant practices speech-language pathology or audiology out of the home, and a
49.33 description of the applicant's education, training, and experience, including previous work

50.1 history for the five years immediately preceding the date of application. The commissioner
50.2 may ask the applicant to provide additional information necessary to clarify information
50.3 submitted in the application; and

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

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

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

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

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

50.14 (b) In addition, an applicant must:

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

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

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

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

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

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

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

50.30 (1) **submit a completed application on forms provided by the commissioner. The**
50.31 **application must include the applicant's name, business address and telephone number,**

51.1 home address and telephone number, and a description of the applicant's education, training,
51.2 and experience, including previous work history for the five years immediately preceding
51.3 the application date. The commissioner may ask the applicant to provide additional
51.4 information needed to clarify information submitted in the application;

51.5 (2) submit a transcript showing the completion of the requirements set forth in section
51.6 148.5181;

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

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

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

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

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

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

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

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

51.23 (2) meet the continuing education requirements of section 148.5193 and submit evidence
51.24 of attending continuing education courses, as required in section 148.5193, subdivision 6;
51.25 and

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

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

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

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

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

52.7 (2) meet the continuing education requirements of section 148.5193, subdivision 1a,
52.8 and submit evidence of attending continuing education courses, as required in section
52.9 148.5193, subdivision 1a; and

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

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

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

52.15 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may
52.16 delegate duties to a licensed speech-language pathology assistant in accordance with this
52.17 section following an initial introduction to a client with the speech-language pathologist
52.18 and speech-language pathology assistant present. ~~Duties may only be delegated to an~~
52.19 individual who has ~~documented with a transcript from an educational institution satisfactory~~
52.20 completion of either:

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

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

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

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

52.30 Subd. 2. **Delegated duties; prohibitions.** (a) A speech-language pathology assistant
52.31 may perform only those duties delegated by a licensed speech-language pathologist and

53.1 must be limited to duties within the training and experience of the speech-language pathology
53.2 assistant.

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

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

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

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

53.9 (4) assist with assessments of clients;

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

53.11 (6) perform checks and maintenance of equipment;

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

53.14 (8) collect data for quality improvement.

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

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

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

53.23 (3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team
53.24 ~~without the presence of the supervising speech-language pathologist or other licensed~~
53.25 ~~speech-language pathologist as authorized by the supervising speech-language pathologist~~
53.26 meetings without approval from the speech-language pathologist or misrepresent themselves
53.27 as a speech-language pathologist at such a conference or meeting. The speech-language
53.28 pathologist and speech-language pathology assistant are required to meet prior to the parent
53.29 conferences, case conferences, or interdisciplinary team meetings to determine the
53.30 information to be shared;

54.1 (4) provide client or family counseling or consult with the client or the family regarding
54.2 the client status or service;

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

54.5 (6) select clients for service;

54.6 (7) discharge clients from service;

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

54.10 (9) make referrals for additional services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56.7 (b) Within one month following expiration of a license, an applicant for licensure renewal
56.8 as either a speech-language pathologist or an audiologist must provide evidence to the
56.9 commissioner of a minimum of 30 contact hours of continuing education obtained within
56.10 the two years immediately preceding licensure expiration. A minimum of 20 contact hours
56.11 of continuing education must be directly related to the licensee's area of licensure. Ten
56.12 contact hours of continuing education may be in areas generally related to the licensee's
56.13 area of licensure. Licensees who are issued licenses for a period of less than two years shall
56.14 prorate the number of contact hours required for licensure renewal based on the number of
56.15 months licensed during the biennial licensure period. Licensees shall receive contact hours
56.16 for continuing education activities only for the biennial licensure period in which the
56.17 continuing education activity was performed.

56.18 (c) An applicant for licensure renewal as both a speech-language pathologist and an
56.19 audiologist must attest to and document completion of a minimum of 36 contact hours of
56.20 continuing education offered by a continuing education sponsor within the two years
56.21 immediately preceding licensure renewal. A minimum of 15 contact hours must be received
56.22 in the area of speech-language pathology and a minimum of 15 contact hours must be
56.23 received in the area of audiology. Six contact hours of continuing education may be in areas
56.24 generally related to the licensee's areas of licensure. Licensees who are issued licenses for
56.25 a period of less than two years shall prorate the number of contact hours required for licensure
56.26 renewal based on the number of months licensed during the biennial licensure period.
56.27 Licensees shall receive contact hours for continuing education activities only for the biennial
56.28 licensure period in which the continuing education activity was performed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57.27 **Subd. 8. Penalty fees.** (a) The penalty fee for practicing speech-language pathology or
57.28 audiology, practicing as a speech-language pathology assistant, or using protected titles
57.29 without a current license after the credential has expired and before it is renewed is the

58.1 amount of the license renewal fee for any part of the first month, plus the license renewal
58.2 fee for any part of any subsequent month up to 36 months.

58.3 (b) The penalty fee for applicants who engage in the unauthorized practice of
58.4 speech-language pathology or audiology, practice as a speech-language pathology assistant,
58.5 or ~~using~~ use of protected titles before being issued a license is the amount of the license
58.6 application fee for any part of the first month, plus the license application fee for any part
58.7 of any subsequent month up to 36 months. This paragraph does not apply to applicants not
58.8 qualifying for a license who engage in the unauthorized practice of speech language
58.9 pathology or audiology or in the unauthorized practice as a speech-language pathology
58.10 assistant.

58.11 (c) The penalty fee for practicing speech-language pathology or audiology and failing
58.12 to submit a continuing education report by the due date with the correct number or type of
58.13 hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty
58.14 fee for a licensed speech-language pathology assistant who fails to submit a continuing
58.15 education report by the due date with the correct number or type of hours in the correct time
58.16 period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between
58.17 the effective and expiration dates of the certificate, the one-month period following the
58.18 certificate expiration date, or the 30 days following notice of a penalty fee for failing to
58.19 report all continuing education hours. The licensee must obtain the missing number of
58.20 continuing education hours by the next reporting due date.

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

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

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

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

58.31 (1) intentionally submitted false or misleading information to the commissioner or the
58.32 advisory council;

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

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

59.5 (4) violated sections 148.511 to 148.5198;

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

59.8 (6) violated any state or federal law, rule, or regulation, and the violation is a felony or
59.9 misdemeanor, an essential element of which is dishonesty, or which relates directly or
59.10 indirectly to the practice of speech-language pathology or audiology or to the practice of a
59.11 speech-language pathology assistant. Conviction for violating any state or federal law which
59.12 relates to speech-language pathology ~~or~~ audiology, or to the practice of a speech-language
59.13 pathology assistant is necessarily considered to constitute a violation, except as provided
59.14 in chapter 364;

59.15 (7) aided or abetted another person in violating any provision of sections 148.511 to
59.16 148.5198;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

60.25 (iv) failed to comply with restrictions on sales of prescription hearing aids in sections
60.26 148.5197, subdivision 3, and 148.5198;

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

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

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

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

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

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

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

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

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

61.14 Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of
61.15 licensure, the speech-language pathologist or audiologist, or speech-language pathology
61.16 assistant, shall cease to practice speech-language pathology or audiology, or practice as a
61.17 speech-language pathology assistant, to use titles protected under sections 148.511 to
61.18 148.5198, and to represent to the public that the speech-language pathologist or audiologist,
61.19 or speech-language pathology assistant, is licensed by the commissioner.

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

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

61.22 Subd. 6. **Reinstatement requirements after disciplinary action.** A speech-language
61.23 pathologist or audiologist, or speech-language pathology assistant, who has had licensure
61.24 suspended may petition on forms provided by the commissioner for reinstatement following
61.25 the period of suspension specified by the commissioner. The requirements of section
61.26 148.5191 for renewing licensure must be met before licensure may be reinstated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64.4 EFFECTIVE DATE. This section is effective July 1, 2025.

64.5 **ARTICLE 10**

64.6 **PHYSICIAN ASSISTANT LICENSURE COMPACT**

64.7 Section 1. [148.675] PHYSICIAN ASSISTANT LICENSURE COMPACT.

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

64.10 ARTICLE I

64.11 TITLE

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

64.13 ARTICLE II

64.14 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66.16 ARTICLE III

66.17 STATE PARTICIPATION IN THE COMPACT

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

66.19 (1) license PAs;

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

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

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

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

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

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

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

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

67.7 ARTICLE IV

67.8 COMPACT PRIVILEGE

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

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

67.13 (2) hold current NCCPA certification;

67.14 (3) have no felony or misdemeanor convictions;

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

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

67.18 (6) hold a qualifying license;

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

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

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

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

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

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

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

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

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

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

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

68.21 ARTICLE V

68.22 DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR
68.23 COMPACT PRIVILEGE

68.24 Upon a licensee's application for a compact privilege, the licensee must identify to the
68.25 commission the participating state from which the licensee is applying, in accordance with
68.26 applicable rules adopted by the commission, and subject to the following requirements:

68.27 (1) the licensee must provide the commission with the address of the licensee's primary
68.28 residence and thereafter shall immediately report to the commission any change in the
68.29 address of the licensee's primary residence; and

68.30 (2) the licensee must consent to accept service of process by mail at the licensee's primary
68.31 residence on file with the commission with respect to any action brought against the licensee

69.1 by the commission or a participating state, including a subpoena, with respect to any action
69.2 brought or investigation conducted by the commission or a participating state.

69.3 ARTICLE VI

69.4 ADVERSE ACTIONS

69.5 (a) A participating state in which a licensee is licensed shall have exclusive power to
69.6 impose adverse action against the qualifying license issued by that participating state.

69.7 (b) In addition to the other powers conferred by state law, a remote state shall have the
69.8 authority, in accordance with existing state due process law, to do the following:

69.9 (1) take adverse action against a PA's compact privilege in the state to remove a licensee's
69.10 compact privilege or take other action necessary under applicable law to protect the health
69.11 and safety of its citizens; and

69.12 (2) issue subpoenas for both hearings and investigations that require the attendance and
69.13 testimony of witnesses and the production of evidence. Subpoenas issued by a licensing
69.14 board in a participating state for the attendance and testimony of witnesses or the production
69.15 of evidence from another participating state shall be enforced in the latter state by any court
69.16 of competent jurisdiction, according to the practice and procedure of that court applicable
69.17 to subpoenas issued in proceedings pending before it. The issuing authority shall pay any
69.18 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
69.19 state in which the witnesses or evidence are located.

69.20 (c) Notwithstanding paragraph (b), clause (1), subpoenas may not be issued by a
69.21 participating state to gather evidence of conduct in another state that is lawful in that other
69.22 state, for the purpose of taking adverse action against a licensee's compact privilege or
69.23 application for a compact privilege in that participating state.

69.24 (d) Nothing in this compact authorizes a participating state to impose discipline against
69.25 a PA's compact privilege or to deny an application for a compact privilege in that participating
69.26 state for the individual's otherwise lawful practice in another state.

69.27 (e) For purposes of taking adverse action, the participating state which issued the
69.28 qualifying license shall give the same priority and effect to reported conduct received from
69.29 any other participating state as it would if the conduct had occurred within the participating
69.30 state which issued the qualifying license. In so doing, that participating state shall apply its
69.31 own state laws to determine appropriate action.

70.1 (f) A participating state, if otherwise permitted by state law, may recover from the
70.2 affected PA the costs of investigations and disposition of cases resulting from any adverse
70.3 action taken against that PA.

70.4 (g) A participating state may take adverse action based on the factual findings of a remote
70.5 state, provided that the participating state follows its own procedures for taking the adverse
70.6 action.

70.7 (h) Joint investigations:

70.8 (1) in addition to the authority granted to a participating state by its respective state PA
70.9 laws and regulations or other applicable state law, any participating state may participate
70.10 with other participating states in joint investigations of licensees; and

70.11 (2) participating states shall share any investigative, litigation, or compliance materials
70.12 in furtherance of any joint or individual investigation initiated under this compact.

70.13 (i) If an adverse action is taken against a PA's qualifying license, the PA's compact
70.14 privilege in all remote states shall be deactivated until two years have elapsed after all
70.15 restrictions have been removed from the state license. All disciplinary orders by the
70.16 participating state which issued the qualifying license that impose adverse action against a
70.17 PA's license shall include a statement that the PA's compact privilege is deactivated in all
70.18 participating states during the pendency of the order.

70.19 (j) If any participating state takes adverse action, it promptly shall notify the administrator
70.20 of the data system.

70.21 ARTICLE VII

70.22 ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

70.23 (a) The participating states hereby create and establish a joint government agency and
70.24 national administrative body known as the PA Licensure Compact Commission. The
70.25 commission is an instrumentality of the compact states acting jointly, and is not an
70.26 instrumentality of any one state. The commission shall come into existence on or after the
70.27 effective date of the compact as set forth in article XI, paragraph (a).

70.28 (b) Membership, voting, and meetings:

70.29 (1) each participating state shall have and be limited to one delegate selected by that
70.30 participating state's licensing board or, if the state has more than one licensing board, selected
70.31 collectively by the participating state's licensing boards;

70.32 (2) the delegate shall be:

71.1 (i) a current PA, physician, or public member of a licensing board or PA council or
71.2 committee; or

71.3 (ii) an administrator of a licensing board;

71.4 (3) any delegate may be removed or suspended from office as provided by the laws of
71.5 the state from which the delegate is appointed;

71.6 (4) the participating state board shall fill any vacancy occurring in the commission within
71.7 60 days;

71.8 (5) each delegate shall be entitled to one vote on all matters voted on by the commission
71.9 and shall otherwise have an opportunity to participate in the business and affairs of the
71.10 commission;

71.11 (6) a delegate shall vote in person or by such other means as provided in the bylaws.
71.12 The bylaws may provide for delegates' participation in meetings by telecommunications,
71.13 video conference, or other means of communication;

71.14 (7) the commission shall meet at least once during each calendar year. Additional
71.15 meetings shall be held as set forth in this compact and the bylaws; and

71.16 (8) the commission shall establish by rule a term of office for delegates.

71.17 (c) The commission shall have the following powers and duties:

71.18 (1) establish a code of ethics for the commission;

71.19 (2) establish the fiscal year of the commission;

71.20 (3) establish fees;

71.21 (4) establish bylaws;

71.22 (5) maintain its financial records in accordance with the bylaws;

71.23 (6) meet and take such actions as are consistent with the provisions of this compact and
71.24 the bylaws;

71.25 (7) promulgate rules to facilitate and coordinate implementation and administration of
71.26 this compact. The rules shall have the force and effect of law and shall be binding in all
71.27 participating states;

71.28 (8) bring and prosecute legal proceedings or actions in the name of the commission,
71.29 provided that the standing of any state licensing board to sue or be sued under applicable
71.30 law shall not be affected;

- 72.1 (9) purchase and maintain insurance and bonds;
- 72.2 (10) borrow, accept, or contract for services of personnel, including but not limited to
72.3 employees of a participating state;
- 72.4 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,
72.5 define duties, grant such individuals appropriate authority to carry out the purposes of this
72.6 compact, and establish the commission's personnel policies and programs relating to conflicts
72.7 of interest, qualifications of personnel, and other related personnel matters;
- 72.8 (12) accept any and all appropriate donations and grants of money, equipment, supplies,
72.9 materials, and services, and receive, utilize, and dispose of the same, provided that at all
72.10 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 72.11 (13) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
72.12 improve, or use, any property, real, personal, or mixed, provided that at all times the
72.13 commission shall avoid any appearance of impropriety;
- 72.14 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
72.15 any property real, personal, or mixed;
- 72.16 (15) establish a budget and make expenditures;
- 72.17 (16) borrow money;
- 72.18 (17) appoint committees, including standing committees composed of members, state
72.19 regulators, state legislators or their representatives, and consumer representatives, and such
72.20 other interested persons as may be designated in this compact and the bylaws;
- 72.21 (18) provide and receive information from, and cooperate with, law enforcement agencies;
- 72.22 (19) elect a chair, vice chair, secretary, and treasurer and such other officers of the
72.23 commission as provided in the commission's bylaws;
- 72.24 (20) reserve for itself, in addition to those reserved exclusively to the commission under
72.25 the compact, powers that the executive committee may not exercise;
- 72.26 (21) approve or disapprove a state's participation in the compact based upon its
72.27 determination as to whether the state's compact legislation departs in a material manner
72.28 from the model compact language;
- 72.29 (22) prepare and provide to the participating states an annual report; and
- 72.30 (23) perform such other functions as may be necessary or appropriate to achieve the
72.31 purposes of this compact consistent with the state regulation of PA licensure and practice.

73.1 (d) Meetings of the commission:

73.2 (1) all meetings of the commission that are not closed pursuant to this paragraph shall
73.3 be open to the public. Notice of public meetings shall be posted on the commission's website
73.4 at least 30 days prior to the public meeting;

73.5 (2) notwithstanding clause (1), the commission may convene a public meeting by
73.6 providing at least 24 hours' prior notice on the commission's website, and any other means
73.7 as provided in the commission's rules, for any of the reasons it may dispense with notice of
73.8 proposed rulemaking under article IX, paragraph (1);

73.9 (3) the commission may convene in a closed, nonpublic meeting or nonpublic part of a
73.10 public meeting to receive legal advice or to discuss:

73.11 (i) noncompliance of a participating state with its obligations under this compact;

73.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
73.13 related to specific employees, or other matters related to the commission's internal personnel
73.14 practices and procedures;

73.15 (iii) current, threatened, or reasonably anticipated litigation;

73.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
73.17 estate;

73.18 (v) accusing any person of a crime or formally censuring any person;

73.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged
73.20 or confidential;

73.21 (vii) disclosure of information of a personal nature where disclosure would constitute a
73.22 clearly unwarranted invasion of personal privacy;

73.23 (viii) disclosure of investigative records compiled for law enforcement purposes;

73.24 (ix) disclosure of information related to any investigative reports prepared by or on
73.25 behalf of, or for use of, the commission or other committee charged with responsibility of
73.26 investigation or determination of compliance issues pursuant to this compact;

73.27 (x) legal advice; or

73.28 (xi) matters specifically exempted from disclosure by federal or participating states'
73.29 statutes;

74.1 (4) if a meeting, or portion of a meeting, is closed pursuant to clause (3), the chair of
74.2 the meeting or the chair's designee shall certify that the meeting or portion of the meeting
74.3 may be closed and shall reference each relevant exempting provision; and

74.4 (5) the commission shall keep minutes that fully and clearly describe all matters discussed
74.5 in a meeting and shall provide a full and accurate summary of actions taken, including a
74.6 description of the views expressed. All documents considered in connection with an action
74.7 shall be identified in such minutes. All minutes and documents of a closed meeting shall
74.8 remain under seal, subject to release by a majority vote of the commission or order of a
74.9 court of competent jurisdiction.

74.10 (e) Financing of the commission:

74.11 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of
74.12 its establishment, organization, and ongoing activities;

74.13 (2) the commission may accept any and all appropriate revenue sources, donations, and
74.14 grants of money, equipment, supplies, materials, and services;

74.15 (3) the commission may levy on and collect an annual assessment from each participating
74.16 state and may impose compact privilege fees on licensees of participating states to whom
74.17 a compact privilege is granted, to cover the cost of the operations and activities of the
74.18 commission and its staff. The cost of the operations and activities of the commission and
74.19 its staff must be in a total amount sufficient to cover its annual budget as approved by the
74.20 commission each year for which revenue is not provided by other sources. The aggregate
74.21 annual assessment amount levied on participating states shall be allocated based upon a
74.22 formula to be determined by commission rule:

74.23 (i) a compact privilege expires when the licensee's qualifying license in the participating
74.24 state from which the licensee applied for the compact privilege expires; and

74.25 (ii) if the licensee terminates the qualifying license through which the licensee applied
74.26 for the compact privilege before its scheduled expiration, and the licensee has a qualifying
74.27 license in another participating state, the licensee shall inform the commission that it is
74.28 changing the participating state through which it applies for a compact privilege to the other
74.29 participating state and pay to the commission any compact privilege fee required by
74.30 commission rule;

74.31 (4) the commission shall not incur obligations of any kind prior to securing the funds
74.32 adequate to meet the same, nor shall the commission pledge the credit of any of the
74.33 participating states, except by and with the authority of the participating state; and

75.1 (5) the commission shall keep accurate accounts of all receipts and disbursements. The
75.2 receipts and disbursements of the commission shall be subject to the financial review and
75.3 accounting procedures established under its bylaws. All receipts and disbursements of funds
75.4 handled by the commission shall be subject to an annual financial review by a certified or
75.5 licensed public accountant, and the report of the financial review shall be included in and
75.6 become part of the annual report of the commission.

75.7 (f) The executive committee:

75.8 (1) the executive committee shall have the power to act on behalf of the commission
75.9 according to the terms of this compact and commission rules;

75.10 (2) the executive committee shall be composed of nine members as follows:

75.11 (i) seven voting members who are elected by the commission from the current
75.12 membership of the commission;

75.13 (ii) one ex officio, nonvoting member from a recognized national PA professional
75.14 association; and

75.15 (iii) one ex officio, nonvoting member from a recognized national PA certification
75.16 organization;

75.17 (3) the ex officio members will be selected by their respective organizations;

75.18 (4) the commission may remove any member of the executive committee as provided
75.19 in its bylaws;

75.20 (5) the executive committee shall meet at least annually;

75.21 (6) the executive committee shall have the following duties and responsibilities:

75.22 (i) recommend to the entire commission changes to the commission's rules or bylaws,
75.23 changes to this compact legislation, fees paid by compact participating states such as annual
75.24 dues, and any commission compact fee charged to licensees for the compact privilege;

75.25 (ii) ensure compact administration services are appropriately provided, contractual or
75.26 otherwise;

75.27 (iii) prepare and recommend the budget;

75.28 (iv) maintain financial records on behalf of the commission;

75.29 (v) monitor compact compliance of participating states and provide compliance reports
75.30 to the commission;

75.31 (vi) establish additional committees as necessary;

76.1 (vii) exercise the powers and duties of the commission during the interim between
76.2 commission meetings, except for issuing proposed rulemaking or adopting commission
76.3 rules or bylaws, or exercising any other powers and duties exclusively reserved to the
76.4 commission by the commission's rules; and

76.5 (viii) perform other duties as provided in commission's rules or bylaws;

76.6 (7) all meetings of the executive committee at which it votes or plans to vote on matters
76.7 in exercising the powers and duties of the commission shall be open to the public, and public
76.8 notice of such meetings shall be given as public meetings of the commission are given; and

76.9 (8) the executive committee may convene in a closed, nonpublic meeting for the same
76.10 reasons that the commission may convene in a nonpublic meeting as set forth in paragraph
76.11 (d), clause (3), and shall announce the closed meeting as the commission is required to
76.12 under paragraph (d), clause (4), and keep minutes of the closed meeting as the commission
76.13 is required to under paragraph (d), clause (5).

76.14 (g) Qualified immunity, defense, and indemnification:

76.15 (1) the members, officers, executive director, employees, and representatives of the
76.16 commission shall be immune from suit and liability, both personally and in their official
76.17 capacity, for any claim for damage to or loss of property or personal injury or other civil
76.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
76.19 or that the person against whom the claim is made had a reasonable basis for believing
76.20 occurred, within the scope of commission employment, duties, or responsibilities, provided
76.21 that nothing in this paragraph shall be construed to protect any such person from suit or
76.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or
76.23 wanton misconduct of that person. The procurement of insurance of any type by the
76.24 commission shall not in any way compromise or limit the immunity granted hereunder;

76.25 (2) the commission shall defend any member, officer, executive director, employee, or
76.26 representative of the commission in any civil action seeking to impose liability arising out
76.27 of any actual or alleged act, error, or omission that occurred within the scope of commission
76.28 employment, duties, or responsibilities, or that the person against whom the claim is made
76.29 had a reasonable basis for believing occurred within the scope of commission employment,
76.30 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
76.31 person from retaining their own counsel at their own expense, and provided further that the
76.32 actual or alleged act, error, or omission did not result from that person's intentional or willful
76.33 or wanton misconduct;

77.1 (3) the commission shall indemnify and hold harmless any member, officer, executive
77.2 director, employee, or representative of the commission for the amount of any settlement
77.3 or judgment obtained against that person arising out of any actual or alleged act, error, or
77.4 omission that occurred within the scope of commission employment, duties, or
77.5 responsibilities, or that such person had a reasonable basis for believing occurred within
77.6 the scope of commission employment, duties, or responsibilities, provided that the actual
77.7 or alleged act, error, or omission did not result from the intentional or willful or wanton
77.8 misconduct of that person;

77.9 (4) except as provided under paragraph (i), venue is proper and judicial proceedings by
77.10 or against the commission shall be brought solely and exclusively in a court of competent
77.11 jurisdiction where the principal office of the commission is located. The commission may
77.12 waive venue and jurisdictional defenses in any proceedings as authorized by commission
77.13 rules;

77.14 (5) nothing herein shall be construed as a limitation on the liability of any licensee for
77.15 professional malpractice or misconduct, which shall be governed solely by any other
77.16 applicable state laws;

77.17 (6) nothing herein shall be construed to designate the venue or jurisdiction to bring
77.18 actions for alleged acts of malpractice, professional misconduct, negligence, or other such
77.19 civil action pertaining to the practice of a PA. All such matters shall be determined
77.20 exclusively by state law other than this compact;

77.21 (7) nothing in this compact shall be interpreted to waive or otherwise abrogate a
77.22 participating state's state action immunity or state action affirmative defense with respect
77.23 to antitrust claims under the federal Sherman Act, Clayton Act, or any other state or federal
77.24 antitrust or anticompetitive law or regulation; and

77.25 (8) nothing in this compact shall be construed to be a waiver of sovereign immunity by
77.26 the participating states or by the commission.

77.27 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,
77.28 employees, or representatives of the interstate commission, acting within the scope of their
77.29 employment or duties, may not exceed the limits of liability set forth under the constitution
77.30 and laws of this state for state officials, employees, and agents. This paragraph expressly
77.31 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
77.32 under that statute.

77.33 (i) Except for a claim alleging a violation of this compact, a claim against the commission,
77.34 its executive director, employees, or representatives alleging a violation of the constitution

78.1 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
78.2 this paragraph creates a private right of action.

78.3 ARTICLE VIII

78.4 DATA SYSTEM

78.5 (a) The commission shall provide for the development, maintenance, and utilization of
78.6 a coordinated database and reporting system containing licensure and adverse action
78.7 information, and the reporting of significant investigative information on all licensed PAs
78.8 and applicants denied a license in participating states.

78.9 (b) Notwithstanding any other state law to the contrary, a participating state shall submit
78.10 a uniform data set to the data system on all PAs to whom this compact is applicable, using
78.11 a unique identifier, as required by the rules of the commission, including:

78.12 (1) identifying information;

78.13 (2) licensure data;

78.14 (3) adverse actions against a license or compact privilege;

78.15 (4) any denial of application for licensure and the reason or reasons for the denial,
78.16 excluding the reporting of any criminal history record information where prohibited by law;

78.17 (5) the existence of significant investigative information; and

78.18 (6) other information that may facilitate the administration of this compact, as determined
78.19 by the rules of the commission.

78.20 (c) Significant investigative information pertaining to a licensee in any participating
78.21 state shall only be available to other participating states.

78.22 (d) The commission shall promptly notify all participating states of any reports it receives
78.23 of any adverse action taken against a licensee or an individual applying for a license. This
78.24 adverse action information shall be available to any other participating state.

78.25 (e) Participating states contributing information to the data system may, in accordance
78.26 with state or federal law, designate information that may not be shared with the public
78.27 without the express permission of the contributing state. Notwithstanding any such
78.28 designation, such information shall be reported to the commission through the data system.

78.29 (f) Any information submitted to the data system that is subsequently expunged by
78.30 federal law or the laws of the participating state contributing the information shall be removed
78.31 from the data system upon reporting of such by the participating state to the commission.

79.1 (g) The records and information provided to a participating state pursuant to this compact
79.2 or through the data system, when certified by the commission or an agent thereof, shall
79.3 constitute the authenticated business records of the commission and shall be entitled to any
79.4 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
79.5 proceedings in a participating state.

79.6 ARTICLE IX

79.7 RULEMAKING

79.8 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
79.9 forth in this article and the rules adopted thereunder. Commission rules shall become binding
79.10 as of the date specified by the commission for each rule.

79.11 (b) The commission shall promulgate reasonable rules in order to effectively and
79.12 efficiently implement and administer this compact and achieve its purposes. A commission
79.13 rule shall be invalid and have no force or effect only if a court of competent jurisdiction
79.14 holds that the rule is invalid because the commission exercised its rulemaking authority in
79.15 a manner that is beyond the scope of the purposes of this compact, or the powers granted
79.16 hereunder, or based upon another applicable standard of review.

79.17 (c) The rules of the commission shall have the force of law in each participating state,
79.18 provided however that where the rules of the commission conflict with the laws of the
79.19 participating state that establish the medical services a PA may perform in the participating
79.20 state, as held by a court of competent jurisdiction, the rules of the commission shall be
79.21 ineffective in that state to the extent of the conflict.

79.22 (d) If a majority of the legislatures of the participating states rejects a commission rule,
79.23 by enactment of a statute or resolution in the same manner used to adopt the compact within
79.24 four years of the date of adoption of the rule, then such rule shall have no further force and
79.25 effect in any participating state or in any state applying to participate in the compact.

79.26 (e) Rules or amendments to the rules shall be adopted at a regular or special meeting of
79.27 the commission.

79.28 (f) Prior to promulgation and adoption of a final rule or rules by the commission and at
79.29 least 30 days in advance of the meeting at which the rule will be considered and voted upon,
79.30 the commission shall file a notice of proposed rulemaking:

79.31 (1) on the website of the commission or other publicly accessible platform;

79.32 (2) to persons who have requested notice of the commission's notices of proposed
79.33 rulemaking; and

80.1 (3) in such other ways as the commission may specify by rule.

80.2 (g) The notice of proposed rulemaking shall include:

80.3 (1) the time, date, and location of the public hearing on the proposed rule;

80.4 (2) the time, date, and location of the public hearing in which the proposed rule will be
80.5 considered and voted upon;

80.6 (3) the text of the proposed rule and the reason for the proposed rule;

80.7 (4) a request for comments on the proposed rule from any interested person and the date
80.8 by which written comments must be received; and

80.9 (5) the manner in which interested persons may submit notice to the commission of their
80.10 intention to attend the public hearing and any written comments.

80.11 (h) Prior to adoption of a proposed rule, the commission shall allow persons to submit
80.12 written data, facts, opinions, and arguments, which shall be made available to the public.

80.13 (i) If the hearing is held via electronic means, the commission shall publish the mechanism
80.14 for access to the electronic hearing:

80.15 (1) all persons wishing to be heard at the hearing shall notify the commission of their
80.16 desire to appear and testify at the hearing, not less than five business days before the
80.17 scheduled date of the hearing, as directed in the notice of proposed rulemaking;

80.18 (2) hearings shall be conducted in a manner providing each person who wishes to
80.19 comment a fair and reasonable opportunity to comment orally or in writing;

80.20 (3) all hearings shall be recorded. A copy of the recording and the written comments,
80.21 data, facts, opinions, and arguments received in response to the proposed rulemaking shall
80.22 be made available to a person on request; and

80.23 (4) nothing in this section shall be construed as requiring a separate hearing on each
80.24 rule. Proposed rules may be grouped for the convenience of the commission at hearings
80.25 required by this article.

80.26 (j) Following the public hearing, the commission shall consider all written and oral
80.27 comments timely received.

80.28 (k) The commission shall, by majority vote of all delegates, take final action on the
80.29 proposed rule and shall determine the effective date of the rule, if adopted, based on the
80.30 rulemaking record and the full text of the rule. The commission:

80.31 (1) shall, if adopted, post the rule on the commission's website;

81.1 (2) may adopt changes to the proposed rule provided the changes do not expand the
81.2 original purpose of the proposed rule;

81.3 (3) shall provide on its website an explanation of the reasons for substantive changes
81.4 made to the proposed rule as well as reasons for substantive changes not made that were
81.5 recommended by commenters; and

81.6 (4) shall determine a reasonable effective date for the rule. Except for an emergency as
81.7 provided in paragraph (l), the effective date of the rule shall be no sooner than 30 days after
81.8 the commission issued the notice that it adopted the rule.

81.9 (l) Upon determination that an emergency exists, the commission may consider and
81.10 adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment
81.11 or hearing, provided that the usual rulemaking procedures provided in the compact and in
81.12 this article shall be retroactively applied to the rule as soon as reasonably possible, in no
81.13 event later than 90 days after the effective date of the rule. For the purposes of this provision,
81.14 an emergency rule is one that must be adopted immediately by the commission in order to:

81.15 (1) meet an imminent threat to public health, safety, or welfare;

81.16 (2) prevent a loss of commission or participating state funds;

81.17 (3) meet a deadline for the promulgation of a commission rule that is established by
81.18 federal law or rule; or

81.19 (4) protect public health and safety.

81.20 (m) The commission or an authorized committee of the commission may direct revisions
81.21 to a previously adopted commission rule for purposes of correcting typographical errors,
81.22 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
81.23 shall be posted on the website of the commission. The revision shall be subject to challenge
81.24 by any person for a period of 30 days after posting. The revision may be challenged only
81.25 on grounds that the revision results in a material change to a rule. A challenge shall be made
81.26 as set forth in the notice of revisions and delivered to the commission prior to the end of
81.27 the notice period. If no challenge is made, the revision will take effect without further action.
81.28 If the revision is challenged, the revision may not take effect without the approval of the
81.29 commission.

81.30 (n) No participating state's rulemaking requirements shall apply under this compact.

81.31 ARTICLE X

81.32 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

82.1 (a) Oversight:

82.2 (1) the executive and judicial branches of state government in each participating state
82.3 shall enforce this compact and take all actions necessary and appropriate to implement the
82.4 compact;

82.5 (2) venue is proper and judicial proceedings by or against the commission shall be
82.6 brought solely and exclusively in a court of competent jurisdiction where the principal office
82.7 of the commission is located. The commission may waive venue and jurisdictional defenses
82.8 to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
82.9 Nothing herein shall affect or limit the selection or propriety of venue in any action against
82.10 a licensee for professional malpractice, misconduct, or any such similar matter; and

82.11 (3) the commission shall be entitled to receive service of process in any such proceeding
82.12 regarding the enforcement or interpretation of the compact or the commission's rules and
82.13 shall have standing to intervene in such a proceeding for all purposes. Failure to provide
82.14 service of process to the commission shall render a judgment or order void as to the
82.15 commission, this compact, or commission rules.

82.16 (b) Default, technical assistance, and termination:

82.17 (1) if the commission determines that a participating state has defaulted in the
82.18 performance of its obligations or responsibilities under this compact or the commission
82.19 rules, the commission shall:

82.20 (i) provide written notice to the defaulting state and other participating states describing
82.21 the default, the proposed means of curing the default, or any other action that the commission
82.22 may take; and

82.23 (ii) offer remedial training and specific technical assistance regarding the default;

82.24 (2) if a state in default fails to cure the default, the defaulting state may be terminated
82.25 from this compact upon an affirmative vote of a majority of the delegates of the participating
82.26 states, and all rights, privileges, and benefits conferred by this compact may be terminated
82.27 on the effective date of termination. A cure of the default does not relieve the offending
82.28 state of obligations or liabilities incurred during the period of default;

82.29 (3) termination of participation in this compact shall be imposed only after all other
82.30 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
82.31 shall be given by the commission to the governor, the majority and minority leaders of the
82.32 defaulting state's legislature, and the licensing board or boards of each of the participating
82.33 states;

83.1 (4) a state that has been terminated is responsible for all assessments, obligations, and
83.2 liabilities incurred through the effective date of termination, including obligations that
83.3 extend beyond the effective date of termination;

83.4 (5) the commission shall not bear any costs related to a state that is found to be in default
83.5 or that has been terminated from this compact, unless agreed upon in writing between the
83.6 commission and the defaulting state;

83.7 (6) the defaulting state may appeal its termination from the compact by the commission
83.8 by petitioning the United States District Court for the District of Columbia or the federal
83.9 district where the commission has its principal offices. The prevailing member shall be
83.10 awarded all costs of such litigation, including reasonable attorney fees; and

83.11 (7) upon the termination of a state's participation in the compact, the state shall
83.12 immediately provide notice to all licensees within that state of such termination:

83.13 (i) licensees who have been granted a compact privilege in that state shall retain the
83.14 compact privilege for 180 days following the effective date of such termination; and

83.15 (ii) licensees who are licensed in that state who have been granted a compact privilege
83.16 in a participating state shall retain the compact privilege for 180 days, unless the licensee
83.17 also has a qualifying license in a participating state or obtains a qualifying license in a
83.18 participating state before the 180-day period ends, in which case the compact privilege shall
83.19 continue.

83.20 (c) Dispute resolution:

83.21 (1) upon request by a participating state, the commission shall attempt to resolve disputes
83.22 related to this compact that arise among participating states and between participating and
83.23 nonparticipating states; and

83.24 (2) the commission shall promulgate a rule providing for both mediation and binding
83.25 dispute resolution for disputes, as appropriate.

83.26 (d) Enforcement:

83.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
83.28 provisions of this compact and rules of the commission;

83.29 (2) if compliance is not secured after all means to secure compliance have been exhausted,
83.30 by majority vote, the commission may initiate legal action in the United States District
83.31 Court for the District of Columbia or the federal district where the commission has its
83.32 principal offices against a participating state in default, to enforce compliance with the

84.1 provisions of this compact and the commission's promulgated rules and bylaws. The relief
84.2 sought may include both injunctive relief and damages. In the event judicial enforcement
84.3 is necessary, the prevailing member shall be awarded all costs of such litigation, including
84.4 reasonable attorney fees; and

84.5 (3) the remedies herein shall not be the exclusive remedies of the commission. The
84.6 commission may pursue any other remedies available under federal or state law.

84.7 (e) Legal action against the commission:

84.8 (1) a participating state may initiate legal action against the commission in the United
84.9 States District Court for the District of Columbia or the federal district where the commission
84.10 has its principal offices to enforce compliance with the provisions of the compact and the
84.11 commission's rules. The relief sought may include both injunctive relief and damages. In
84.12 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
84.13 of such litigation, including reasonable attorney fees; and

84.14 (2) no person other than a participating state shall enforce this compact against the
84.15 commission.

84.16 ARTICLE XI

84.17 DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

84.18 (a) This compact shall come into effect on the date on which the compact statute is
84.19 enacted into law in the seventh participating state.

84.20 (b) On or after the effective date of the compact, the commission shall convene and
84.21 review the enactment of each of the charter participating states to determine if the statute
84.22 enacted by each charter participating state is materially different than the model compact.
84.23 A charter participating state whose enactment is found to be materially different from the
84.24 model compact shall be entitled to the default process set forth in article X, paragraph (b).

84.25 (c) If any participating state later withdraws from the compact or its participation is
84.26 terminated, the commission shall remain in existence and the compact shall remain in effect
84.27 even if the number of participating states should be less than seven. Participating states
84.28 enacting the compact subsequent to the commission convening shall be subject to the process
84.29 set forth in article VII, paragraph (c), clause (21), to determine if their enactments are
84.30 materially different from the model compact and whether they qualify for participation in
84.31 the compact.

84.32 (d) Any participating state enacting the compact subsequent to the seven initial charter
84.33 participating states shall be subject to the process set forth in article VII, paragraph (c),

85.1 clause (21), to determine if the state's enactment is materially different from the model
85.2 compact and whether the state qualifies for participation in the compact.

85.3 (e) All actions taken for the benefit of the commission or in furtherance of the purposes
85.4 of the administration of the compact prior to the effective date of the compact or the
85.5 commission coming into existence shall be considered to be actions of the commission
85.6 unless specifically repudiated by the commission.

85.7 (f) Any state that joins this compact shall be subject to the commission's rules and bylaws
85.8 as they exist on the date on which this compact becomes law in that state. Any rule that has
85.9 been previously adopted by the commission shall have the full force and effect of law on
85.10 the day this compact becomes law in that state.

85.11 (g) Any participating state may withdraw from this compact by enacting a statute
85.12 repealing the same:

85.13 (1) a participating state's withdrawal shall not take effect until 180 days after enactment
85.14 of the repealing statute. During this 180-day period, all compact privileges that were in
85.15 effect in the withdrawing state and were granted to licensees licensed in the withdrawing
85.16 state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed
85.17 in another participating state or obtains a license in another participating state within the
85.18 180 days, the licensee's compact privileges in other participating states shall not be affected
85.19 by the passage of the 180 days;

85.20 (2) withdrawal shall not affect the continuing requirement of the state licensing board
85.21 or boards of the withdrawing state to comply with the investigative and adverse action
85.22 reporting requirements of this compact prior to the effective date of withdrawal; and

85.23 (3) upon the enactment of a statute withdrawing a state from this compact, the state shall
85.24 immediately provide notice of such withdrawal to all licensees within that state. Such
85.25 withdrawing state shall continue to recognize all licenses granted pursuant to this compact
85.26 for a minimum of 180 days after the date of such notice of withdrawal.

85.27 (h) Nothing contained in this compact shall be construed to invalidate or prevent any
85.28 PA licensure agreement or other cooperative arrangement between participating states or a
85.29 participating state and a nonparticipating state that does not conflict with the provisions of
85.30 this compact.

85.31 (i) This compact may be amended by the participating states. No amendment to this
85.32 compact shall become effective and binding upon any participating state until it is enacted

86.1 materially in the same manner into the laws of all participating states, as determined by the
86.2 commission.

86.3 ARTICLE XII

86.4 CONSTRUCTION AND SEVERABILITY

86.5 (a) This compact and the commission's rulemaking authority shall be liberally construed
86.6 so as to effectuate the purposes of the compact and its implementation and administration.
86.7 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall
86.8 not be construed to limit the commission's rulemaking authority solely for those purposes.

86.9 (b) The provisions of this compact shall be severable and if any phrase, clause, sentence,
86.10 or provision of this compact is held by a court of competent jurisdiction to be contrary to
86.11 the constitution of any participating state, of a state seeking participation in the compact,
86.12 or of the United States, or the applicability thereof to any government, agency, person, or
86.13 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
86.14 of the remainder of this compact and the applicability thereof to any government, agency,
86.15 person, or circumstance shall not be affected thereby.

86.16 (c) Notwithstanding paragraph (b) or any provision of this article, the commission may
86.17 deny a state's participation in the compact or, in accordance with the requirements of article
86.18 X, paragraph (b), terminate a participating state's participation in the compact, if it determines
86.19 that a constitutional requirement of a participating state is, or would be with respect to a
86.20 state seeking to participate in the compact, a material departure from the compact. Otherwise,
86.21 if this compact shall be held to be contrary to the constitution of any participating state, the
86.22 compact shall remain in full force and effect as to the remaining participating states and in
86.23 full force and effect as to the participating state affected as to all severable matters.

86.24 ARTICLE XIII

86.25 BINDING EFFECT OF THE COMPACT

86.26 (a) Nothing herein prevents the enforcement of any other law of a participating state
86.27 that is not inconsistent with this compact.

86.28 (b) Any laws in a participating state in conflict with this compact are superseded to the
86.29 extent of the conflict.

86.30 (c) All agreements between the commission and the participating states are binding in
86.31 accordance with their terms.

86.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

87.1 Sec. 2. DIRECTION TO BOARD OF MEDICAL PRACTICE.

87.2 The Board of Medical Practice must publish the effective date of the compact in
87.3 Minnesota Statutes, section 148.675, in the State Register and on the board's website.

87.4 **ARTICLE 11**

87.5 **OCCUPATIONAL THERAPY LICENSURE COMPACT**

87.6 Section 1. [148.645] OCCUPATIONAL THERAPY LICENSURE COMPACT.

87.7 ARTICLE I

87.8 TITLE

87.9 This statute shall be known and cited as the occupational therapist licensure compact.

87.10 ARTICLE II

87.11 DEFINITIONS

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

87.14 (A) "Active duty military" means full-time duty status in the active uniformed service
87.15 of the United States, including members of the National Guard and Reserve on active duty
87.16 orders pursuant to United States Code, title 10, sections 1209 and 1211.

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

87.22 (C) "Alternative program" means a nondisciplinary monitoring process approved by an
87.23 occupational therapy licensing board.

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

87.29 (E) "Continuing competence" or "continuing education" means a requirement, as a
87.30 condition of license renewal, to provide evidence of participation in, and completion of,
87.31 educational and professional activities relevant to practice or area of work.

88.1 (F) "Current significant investigative information" means investigative information that
88.2 a licensing board, after an inquiry or investigation that includes notification and an
88.3 opportunity for the occupational therapist or occupational therapy assistant to respond, if
88.4 required by state law, has reason to believe is not groundless and, if proven true, would
88.5 indicate more than a minor infraction.

88.6 (G) "Data system" means a repository of information about licensees, including but not
88.7 limited to license status, investigative information, compact privileges, and adverse actions.

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

88.11 (I) "Executive committee" means a group of directors elected or appointed to act on
88.12 behalf of, and within the powers granted to them by, the commission.

88.13 (J) "Home state" means the member state that is the licensee's primary state of residence.

88.14 (K) "Impaired practitioner" means an individual whose professional practice is adversely
88.15 affected by substance abuse, addiction, or other health-related conditions.

88.16 (L) "Investigative information" means information, records, or documents received or
88.17 generated by an occupational therapy licensing board pursuant to an investigation.

88.18 (M) "Jurisprudence requirement" means the assessment of an individual's knowledge
88.19 of the laws and rules governing the practice of occupational therapy in a state.

88.20 (N) "Licensee" means an individual who currently holds an authorization from the state
88.21 to practice as an occupational therapist or as an occupational therapy assistant.

88.22 (O) "Member state" means a state that has enacted the compact.

88.23 (P) "Occupational therapist" means an individual who is licensed by a state to practice
88.24 occupational therapy.

88.25 (Q) "Occupational therapy assistant" means an individual who is licensed by a state to
88.26 assist in the practice of occupational therapy.

88.27 (R) "Occupational therapy," "occupational therapy practice," and "the practice of
88.28 occupational therapy" mean the care and services provided by an occupational therapist or
88.29 an occupational therapy assistant as set forth in the member state's statutes and regulations.

88.30 (S) "Occupational therapy compact commission" or "commission" means the national
88.31 administrative body whose membership consists of all states that have enacted the compact.

89.1 (T) "Occupational therapy licensing board" or "licensing board" means the agency of a
89.2 state that is authorized to license and regulate occupational therapists and occupational
89.3 therapy assistants.

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

89.9 (V) "Remote state" means a member state other than the home state where a licensee is
89.10 exercising or seeking to exercise the compact privilege.

89.11 (W) "Rule" means a regulation promulgated by the commission that has the force of
89.12 law.

89.13 (X) "State" means any state, commonwealth, district, or territory of the United States
89.14 of America that regulates the practice of occupational therapy.

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

89.18 (Z) "Telehealth" means the application of telecommunication technology to deliver
89.19 occupational therapy services for assessment, intervention, or consultation.

89.20 ARTICLE III

89.21 STATE PARTICIPATION IN THE COMPACT

89.22 (A) To participate in the compact, a member state shall:

89.23 (1) license occupational therapists and occupational therapy assistants;

89.24 (2) participate fully in the commission's data system, including but not limited to using
89.25 the commission's unique identifier as defined in rules of the commission;

89.26 (3) have a mechanism in place for receiving and investigating complaints about licensees;

89.27 (4) notify the commission, in compliance with the terms of the compact and rules, of
89.28 any adverse action or the availability of investigative information regarding a licensee;

89.29 (5) implement or utilize procedures for considering the criminal history records of
89.30 applicants for an initial compact privilege. These procedures shall include the submission
89.31 of fingerprints or other biometric-based information by applicants for the purpose of obtaining

90.1 an applicant's criminal history record information from the Federal Bureau of Investigation
90.2 and the agency responsible for retaining that state's criminal records;

90.3 (i) A member state shall, within a time frame established by the commission, require a
90.4 criminal background check for a licensee seeking or applying for a compact privilege whose
90.5 primary state of residence is that member state by receiving the results of the Federal Bureau
90.6 of Investigation criminal record search, and shall use the results in making licensure
90.7 decisions.

90.8 (ii) Communication between a member state, the commission, and among member states
90.9 regarding the verification of eligibility for licensure through the compact shall not include
90.10 any information received from the Federal Bureau of Investigation relating to a federal
90.11 criminal records check performed by a member state under Public Law 92-544;

90.12 (6) comply with the rules of the commission;

90.13 (7) utilize only a recognized national examination as a requirement for licensure pursuant
90.14 to the rules of the commission; and

90.15 (8) have continuing competence or education requirements as a condition for license
90.16 renewal.

90.17 (B) A member state shall grant the compact privilege to a licensee holding a valid
90.18 unencumbered license in another member state in accordance with the terms of the compact
90.19 and rules.

90.20 (C) Member states may charge a fee for granting a compact privilege.

90.21 (D) A member state shall provide for the state's delegate to attend all occupational therapy
90.22 compact commission meetings.

90.23 (E) Individuals not residing in a member state shall continue to be able to apply for a
90.24 member state's single-state license as provided under the laws of each member state.
90.25 However, the single-state license granted to these individuals shall not be recognized as
90.26 granting the compact privilege in any other member state.

90.27 (F) Nothing in this compact shall affect the requirements established by a member state
90.28 for the issuance of a single-state license.

90.29 ARTICLE IV

90.30 COMPACT PRIVILEGE

90.31 (A) To exercise the compact privilege under the terms and provisions of the compact,
90.32 the licensee shall:

- 91.1 (1) hold a license in the home state;
- 91.2 (2) have a valid United States Social Security number or national practitioner
91.3 identification number;
- 91.4 (3) have no encumbrance on any state license;
- 91.5 (4) be eligible for a compact privilege in any member state in accordance with Article
91.6 IV, (D), (F), (G), and (H);
- 91.7 (5) have paid all fines and completed all requirements resulting from any adverse action
91.8 against any license or compact privilege, and two years have elapsed from the date of such
91.9 completion;
- 91.10 (6) notify the commission that the licensee is seeking the compact privilege within a
91.11 remote state or states;
- 91.12 (7) pay any applicable fees, including any state fee, for the compact privilege;
- 91.13 (8) complete a criminal background check in accordance with Article III, (A)(5). The
91.14 licensee shall be responsible for the payment of any fee associated with the completion of
91.15 a criminal background check;
- 91.16 (9) meet any jurisprudence requirements established by the remote state or states in
91.17 which the licensee is seeking a compact privilege; and
- 91.18 (10) report to the commission adverse action taken by any nonmember state within 30
91.19 days from the date the adverse action is taken.
- 91.20 (B) The compact privilege is valid until the expiration date of the home state license.
91.21 The licensee must comply with the requirements of Article IV, (A), to maintain the compact
91.22 privilege in the remote state.
- 91.23 (C) A licensee providing occupational therapy in a remote state under the compact
91.24 privilege shall function within the laws and regulations of the remote state.
- 91.25 (D) Occupational therapy assistants practicing in a remote state shall be supervised by
91.26 an occupational therapist licensed or holding a compact privilege in that remote state.
- 91.27 (E) A licensee providing occupational therapy in a remote state is subject to that state's
91.28 regulatory authority. A remote state may, in accordance with due process and that state's
91.29 laws, remove a licensee's compact privilege in the remote state for a specific period of time,
91.30 impose fines, or take any other necessary actions to protect the health and safety of its
91.31 citizens. The licensee may be ineligible for a compact privilege in any state until the specific
91.32 time for removal has passed and all fines are paid.

92.1 (F) If a home state license is encumbered, the licensee shall lose the compact privilege
92.2 in any remote state until the following occur:

92.3 (1) the home state license is no longer encumbered; and

92.4 (2) two years have elapsed from the date on which the home state license is no longer
92.5 encumbered in accordance with Article IV, (F)(1).

92.6 (G) Once an encumbered license in the home state is restored to good standing, the
92.7 licensee must meet the requirements of Article IV, (A), to obtain a compact privilege in any
92.8 remote state.

92.9 (H) If a licensee's compact privilege in any remote state is removed, the individual may
92.10 lose the compact privilege in any other remote state until the following occur:

92.11 (1) the specific period of time for which the compact privilege was removed has ended;

92.12 (2) all fines have been paid and all conditions have been met;

92.13 (3) two years have elapsed from the date of completing requirements for Article IV,
92.14 (H)(1) and (2); and

92.15 (4) the compact privileges are reinstated by the commission and the compact data system
92.16 is updated to reflect reinstatement.

92.17 (I) If a licensee's compact privilege in any remote state is removed due to an erroneous
92.18 charge, privileges shall be restored through the compact data system.

92.19 (J) Once the requirements of Article IV, (H), have been met, the licensee must meet the
92.20 requirements in Article IV, (A), to obtain a compact privilege in a remote state.

92.21 ARTICLE V

92.22 OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

92.23 (A) An occupational therapist or occupational therapy assistant may hold a home state
92.24 license, which allows for compact privileges in member states, in only one member state
92.25 at a time.

92.26 (B) If an occupational therapist or occupational therapy assistant changes their primary
92.27 state of residence by moving between two member states:

92.28 (1) the occupational therapist or occupational therapy assistant shall file an application
92.29 for obtaining a new home state license by virtue of a compact privilege, pay all applicable
92.30 fees, and notify the current and new home state in accordance with applicable rules adopted
92.31 by the commission;

93.1 (2) upon receipt of an application for obtaining a new home state license by virtue of
93.2 compact privilege, the new home state shall verify that the occupational therapist or
93.3 occupational therapy assistant meets the pertinent criteria outlined in Article IV via the data
93.4 system, without need for primary source verification except for:

93.5 (i) an FBI fingerprint-based criminal background check if not previously performed or
93.6 updated pursuant to applicable rules adopted by the commission in accordance with Public
93.7 Law 92-544;

93.8 (ii) other criminal background checks as required by the new home state; and

93.9 (iii) submission of any requisite jurisprudence requirements of the new home state;

93.10 (3) the former home state shall convert the former home state license into a compact
93.11 privilege once the new home state has activated the new home state license in accordance
93.12 with applicable rules adopted by the commission;

93.13 (4) notwithstanding any other provision of this compact, if the occupational therapist or
93.14 occupational therapy assistant cannot meet the criteria in Article IV, the new home state
93.15 shall apply its requirements for issuing a new single-state license; and

93.16 (5) the occupational therapist or the occupational therapy assistant shall pay all applicable
93.17 fees to the new home state in order to be issued a new home state license.

93.18 (C) If an occupational therapist or occupational therapy assistant changes their primary
93.19 state of residence by moving from a member state to a nonmember state, or from a
93.20 nonmember state to a member state, the state criteria shall apply for issuance of a single-state
93.21 license in the new state.

93.22 (D) Nothing in this compact shall interfere with a licensee's ability to hold a single-state
93.23 license in multiple states; however, for the purposes of this compact, a licensee shall have
93.24 only one home state license.

93.25 (E) Nothing in this compact shall affect the requirements established by a member state
93.26 for the issuance of a single-state license.

93.27 ARTICLE VI

93.28 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

93.29 Active duty military personnel, or their spouses, shall designate a home state where the
93.30 individual has a current license in good standing. The individual may retain the home state
93.31 designation during the period the service member is on active duty. Subsequent to designating

94.1 a home state, the individual shall only change their home state through application for
94.2 licensure in the new state or through the process described in Article V.

94.3 ARTICLE VII

94.4 ADVERSE ACTIONS

94.5 (A) A home state shall have exclusive power to impose adverse action against an
94.6 occupational therapist's or occupational therapy assistant's license issued by the home state.

94.7 (B) In addition to the other powers conferred by state law, a remote state shall have the
94.8 authority, in accordance with existing state due process law, to:

94.9 (1) take adverse action against an occupational therapist's or occupational therapy
94.10 assistant's compact privilege within that member state; and

94.11 (2) issue subpoenas for both hearings and investigations that require the attendance and
94.12 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
94.13 board in a member state for the attendance and testimony of witnesses or the production of
94.14 evidence from another member state shall be enforced in the latter state by any court of
94.15 competent jurisdiction, according to the practice and procedure of that court applicable to
94.16 subpoenas issued in proceedings pending before that court. The issuing authority shall pay
94.17 any witness fees, travel expenses, mileage, and other fees required by the service statutes
94.18 of the state in which the witnesses or evidence are located.

94.19 (C) For purposes of taking adverse action, the home state shall give the same priority
94.20 and effect to reported conduct received from a member state as it would if the conduct had
94.21 occurred within the home state. In so doing, the home state shall apply its own state laws
94.22 to determine appropriate action.

94.23 (D) The home state shall complete any pending investigations of an occupational therapist
94.24 or occupational therapy assistant who changes their primary state of residence during the
94.25 course of the investigations. The home state, where the investigations were initiated, shall
94.26 also have the authority to take appropriate action and shall promptly report the conclusions
94.27 of the investigations to the compact commission data system. The occupational therapy
94.28 compact commission data system administrator shall promptly notify the new home state
94.29 of any adverse actions.

94.30 (E) A member state, if otherwise permitted by state law, may recover from the affected
94.31 occupational therapist or occupational therapy assistant the costs of investigations and
94.32 disposition of cases resulting from any adverse action taken against that occupational
94.33 therapist or occupational therapy assistant.

95.1 (F) A member state may take adverse action based on the factual findings of the remote
95.2 state, provided that the member state follows its own procedures for taking the adverse
95.3 action.

95.4 (G) Joint Investigations:

95.5 (1) In addition to the authority granted to a member state by its respective state
95.6 occupational therapy laws and regulations or other applicable state law, any member state
95.7 may participate with other member states in joint investigations of licensees.

95.8 (2) Member states shall share any investigative, litigation, or compliance materials in
95.9 furtherance of any joint or individual investigation initiated under the compact.

95.10 (H) If an adverse action is taken by the home state against an occupational therapist's
95.11 or occupational therapy assistant's license, the occupational therapist's or occupational
95.12 therapy assistant's compact privilege in all other member states shall be deactivated until
95.13 all encumbrances have been removed from the state license. All home state disciplinary
95.14 orders that impose adverse action against an occupational therapist's or occupational therapy
95.15 assistant's license shall include a statement that the occupational therapist's or occupational
95.16 therapy assistant's compact privilege is deactivated in all member states during the pendency
95.17 of the order.

95.18 (I) If a member state takes adverse action, the member state shall promptly notify the
95.19 administrator of the data system. The administrator of the data system shall promptly notify
95.20 the home state of any adverse actions by remote states.

95.21 (J) Nothing in this compact shall override a member state's decision that participation
95.22 in an alternative program may be used in lieu of adverse action.

95.23 ARTICLE VIII

95.24 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

95.25 (A) The compact member states hereby create and establish a joint public agency known
95.26 as the occupational therapy compact commission:

95.27 (1) The commission is an instrumentality of the compact states.

95.28 (2) Except as provided under paragraph (I), venue is proper and judicial proceedings by
95.29 or against the commission shall be brought solely and exclusively in a court of competent
95.30 jurisdiction where the principal office of the commission is located. The commission may
95.31 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
95.32 alternative dispute resolution proceedings.

96.1 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

96.2 (B) Membership, Voting, and Meetings:

96.3 (1) Each member state shall have and be limited to one delegate selected by that member
96.4 state's licensing board.

96.5 (2) The delegate shall be either:

96.6 (i) a current member of the licensing board who is an occupational therapist, occupational
96.7 therapy assistant, or public member; or

96.8 (ii) an administrator of the licensing board.

96.9 (3) Any delegate may be removed or suspended from office as provided by the law of
96.10 the state from which the delegate is appointed.

96.11 (4) The member state board shall fill any vacancy occurring in the commission within
96.12 90 days.

96.13 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules
96.14 and creation of bylaws and shall otherwise have an opportunity to participate in the business
96.15 and affairs of the commission. A delegate shall vote in person or by such other means as
96.16 provided in the bylaws. The bylaws may provide for delegates' participation in meetings
96.17 by telephone or other means of communication.

96.18 (6) The commission shall meet at least once during each calendar year. Additional
96.19 meetings shall be held as set forth in the bylaws.

96.20 (7) The commission shall establish by rule a term of office for delegates.

96.21 (C) The commission shall have the following powers and duties:

96.22 (1) establish a code of ethics for the commission;

96.23 (2) establish the fiscal year of the commission;

96.24 (3) establish bylaws;

96.25 (4) maintain its financial records in accordance with the bylaws;

96.26 (5) meet and take such actions as are consistent with the provisions of this compact and
96.27 the bylaws;

96.28 (6) promulgate uniform rules to facilitate and coordinate implementation and
96.29 administration of this compact. The rules shall have the force and effect of law and shall
96.30 be binding in all member states;

- 97.1 (7) bring and prosecute legal proceedings or actions in the name of the commission,
97.2 provided that the standing of any state occupational therapy licensing board to sue or be
97.3 sued under applicable law shall not be affected;
- 97.4 (8) purchase and maintain insurance and bonds;
- 97.5 (9) borrow, accept, or contract for services of personnel, including but not limited to
97.6 employees of a member state;
- 97.7 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant
97.8 such individuals appropriate authority to carry out the purposes of the compact, and establish
97.9 the commission's personnel policies and programs relating to conflicts of interest,
97.10 qualifications of personnel, and other related personnel matters;
- 97.11 (11) accept any and all appropriate donations and grants of money, equipment, supplies,
97.12 materials, and services, and receive, utilize, and dispose of the same; provided that at all
97.13 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 97.14 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
97.15 improve, or use any property, real, personal, or mixed; provided that at all times the
97.16 commission shall avoid any appearance of impropriety;
- 97.17 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
97.18 any property real, personal, or mixed;
- 97.19 (14) establish a budget and make expenditures;
- 97.20 (15) borrow money;
- 97.21 (16) appoint committees, including standing committees composed of members, state
97.22 regulators, state legislators or their representatives, and consumer representatives, and other
97.23 interested persons as may be designated in this compact and the bylaws;
- 97.24 (17) provide and receive information from, and cooperate with, law enforcement agencies;
- 97.25 (18) establish and elect an executive committee; and
- 97.26 (19) perform other functions as may be necessary or appropriate to achieve the purposes
97.27 of this compact consistent with the state regulation of occupational therapy licensure and
97.28 practice.
- 97.29 (D) The Executive Committee:
- 97.30 (1) The executive committee shall have the power to act on behalf of the commission
97.31 according to the terms of this compact.

98.1 (2) The executive committee shall be composed of nine members:

98.2 (i) seven voting members who are elected by the commission from the current
98.3 membership of the commission;

98.4 (ii) one ex-officio, nonvoting member from a recognized national occupational therapy
98.5 professional association; and

98.6 (iii) one ex-officio, nonvoting member from a recognized national occupational therapy
98.7 certification organization.

98.8 (3) The ex-officio members will be selected by their respective organizations.

98.9 (4) The commission may remove any member of the executive committee as provided
98.10 in the bylaws.

98.11 (5) The executive committee shall meet at least annually.

98.12 (6) The executive committee shall have the following duties and responsibilities:

98.13 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
98.14 compact legislation, fees paid by compact member states such as annual dues, and any
98.15 commission compact fee charged to licensees for the compact privilege;

98.16 (ii) ensure compact administration services are appropriately provided, contractual or
98.17 otherwise;

98.18 (iii) prepare and recommend the budget;

98.19 (iv) maintain financial records on behalf of the commission;

98.20 (v) monitor compact compliance of member states and provide compliance reports to
98.21 the commission;

98.22 (vi) establish additional committees as necessary; and

98.23 (vii) perform other duties as provided in rules or bylaws.

98.24 (E) Meetings of the Commission:

98.25 (1) All meetings shall be open to the public, and public notice of meetings shall be given
98.26 in the same manner as required under the rulemaking provisions in Article X.

98.27 (2) The commission or the executive committee or other committees of the commission
98.28 may convene in a closed, nonpublic meeting if the commission or executive committee or
98.29 other committees of the commission must discuss:

98.30 (i) noncompliance of a member state with its obligations under the compact;

99.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
99.2 related to specific employees or other matters related to the commission's internal personnel
99.3 practices and procedures;

99.4 (iii) current, threatened, or reasonably anticipated litigation;

99.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
99.6 estate;

99.7 (v) accusing any person of a crime or formally censuring any person;

99.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged
99.9 or confidential;

99.10 (vii) disclosure of information of a personal nature where disclosure would constitute a
99.11 clearly unwarranted invasion of personal privacy;

99.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

99.13 (ix) disclosure of information related to any investigative reports prepared by or on
99.14 behalf of or for use of the commission or other committee charged with responsibility of
99.15 investigation or determination of compliance issues pursuant to the compact; or

99.16 (x) matters specifically exempted from disclosure by federal or member state statute.

99.17 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
99.18 commission's legal counsel or designee shall certify that the meeting may be closed and
99.19 shall reference each relevant exempting provision.

99.20 (4) The commission shall keep minutes that fully and clearly describe all matters
99.21 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
99.22 the reasons therefore, including a description of the views expressed. All documents
99.23 considered in connection with an action shall be identified in such minutes. All minutes and
99.24 documents of a closed meeting shall remain under seal, subject to release by a majority vote
99.25 of the commission or order of a court of competent jurisdiction.

99.26 (F) Financing of the Commission:

99.27 (1) The commission shall pay, or provide for the payment of, the reasonable expenses
99.28 of its establishment, organization, and ongoing activities.

99.29 (2) The commission may accept any and all appropriate revenue sources, donations, and
99.30 grants of money, equipment, supplies, materials, and services.

100.1 (3) The commission may levy on and collect an annual assessment from each member
100.2 state or impose fees on other parties to cover the cost of the operations and activities of the
100.3 commission and its staff, which must be in a total amount sufficient to cover its annual
100.4 budget as approved by the commission each year for which revenue is not provided by other
100.5 sources. The aggregate annual assessment amount shall be allocated based upon a formula
100.6 to be determined by the commission, which shall promulgate a rule binding upon all member
100.7 states.

100.8 (4) The commission shall not incur obligations of any kind prior to securing the funds
100.9 adequate to meet the same; nor shall the commission pledge the credit of any of the member
100.10 states, except by and with the authority of the member state.

100.11 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
100.12 receipts and disbursements of the commission shall be subject to the audit and accounting
100.13 procedures established under its bylaws. However, all receipts and disbursements of funds
100.14 handled by the commission shall be audited yearly by a certified or licensed public
100.15 accountant, and the report of the audit shall be included in and become part of the annual
100.16 report of the commission.

100.17 (G) Qualified Immunity, Defense, and Indemnification:

100.18 (1) The members, officers, executive director, employees, and representatives of the
100.19 commission shall be immune from suit and liability, either personally or in their official
100.20 capacity, for any claim for damage to or loss of property or personal injury or other civil
100.21 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
100.22 or that the person against whom the claim is made had a reasonable basis for believing
100.23 occurred within the scope of commission employment, duties, or responsibilities; provided
100.24 that nothing in this paragraph shall be construed to protect any such person from suit or
100.25 liability for any damage, loss, injury, or liability caused by the intentional or willful or
100.26 wanton misconduct of that person.

100.27 (2) The commission shall defend any member, officer, executive director, employee, or
100.28 representative of the commission in any civil action seeking to impose liability arising out
100.29 of any actual or alleged act, error, or omission that occurred within the scope of commission
100.30 employment, duties, or responsibilities, or that the person against whom the claim is made
100.31 had a reasonable basis for believing occurred within the scope of commission employment,
100.32 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
100.33 person from retaining their own counsel; and provided further, that the actual or alleged

101.1 act, error, or omission did not result from that person's intentional or willful or wanton
101.2 misconduct.

101.3 (3) The commission shall indemnify and hold harmless any member, officer, executive
101.4 director, employee, or representative of the commission for the amount of any settlement
101.5 or judgment obtained against that person arising out of any actual or alleged act, error, or
101.6 omission that occurred within the scope of commission employment, duties, or
101.7 responsibilities, or that such person had a reasonable basis for believing occurred within
101.8 the scope of commission employment, duties, or responsibilities; provided that the actual
101.9 or alleged act, error, or omission did not result from the intentional or willful or wanton
101.10 misconduct of that person.

101.11 (H) Notwithstanding paragraph (G), clause (1), the liability of the executive director,
101.12 employees, or representatives of the interstate commission, acting within the scope of their
101.13 employment or duties, may not exceed the limits of liability set forth under the constitution
101.14 and laws of this state for state officials, employees, and agents. This paragraph expressly
101.15 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
101.16 under that statute.

101.17 (I) Except for a claim alleging a violation of this compact, a claim against the commission,
101.18 its executive director, employees, or representatives alleging a violation of the constitution
101.19 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
101.20 this paragraph creates a private right of action.

101.21 (J) Nothing in this compact shall be construed as a limitation on the liability of any
101.22 licensee for professional malpractice or misconduct, which shall be governed solely by any
101.23 other applicable state laws.

101.24 ARTICLE IX

101.25 DATA SYSTEM

101.26 (A) The commission shall provide for the development, maintenance, and utilization of
101.27 a coordinated database and reporting system containing licensure, adverse action, and
101.28 investigative information on all licensed individuals in member states.

101.29 (B) A member state shall submit a uniform data set to the data system on all individuals
101.30 to whom this compact is applicable, utilizing a unique identifier, as required by the rules
101.31 of the commission, including:

101.32 (1) identifying information;

101.33 (2) licensure data;

- 102.1 (3) adverse actions against a license or compact privilege;
- 102.2 (4) nonconfidential information related to alternative program participation;
- 102.3 (5) any denial of application for licensure and the reason or reasons for such denial;
- 102.4 (6) other information that may facilitate the administration of this compact, as determined
102.5 by the rules of the commission; and
- 102.6 (7) current significant investigative information.
- 102.7 (C) Current significant investigative information and other investigative information
102.8 pertaining to a licensee in any member state will only be available to other member states.
- 102.9 (D) The commission shall promptly notify all member states of any adverse action taken
102.10 against a licensee or an individual applying for a license. Adverse action information
102.11 pertaining to a licensee in any member state will be available to any other member state.
- 102.12 (E) Member states contributing information to the data system may designate information
102.13 that may not be shared with the public without the express permission of the contributing
102.14 state.
- 102.15 (F) Any information submitted to the data system that is subsequently required to be
102.16 expunged by the laws of the member state contributing the information shall be removed
102.17 from the data system.

102.18 ARTICLE X

102.19 RULEMAKING

- 102.20 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
102.21 forth in this Article and the rules adopted thereunder. Rules and amendments shall become
102.22 binding as of the date specified in each rule or amendment.
- 102.23 (B) The commission shall promulgate reasonable rules in order to effectively and
102.24 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event
102.25 the commission exercises its rulemaking authority in a manner that is beyond the scope of
102.26 the purposes of the compact, or the powers granted hereunder, then such an action by the
102.27 commission shall be invalid and have no force and effect.
- 102.28 (C) If a majority of the legislatures of the member states rejects a rule, by enactment of
102.29 a statute or resolution in the same manner used to adopt the compact within four years of
102.30 the date of adoption of the rule, then such rule shall have no further force and effect in any
102.31 member state.

103.1 (D) Rules or amendments to the rules shall be adopted at a regular or special meeting
103.2 of the commission.

103.3 (E) Prior to promulgation and adoption of a final rule or rules by the commission, and
103.4 at least 30 days in advance of the meeting at which the rule will be considered and voted
103.5 upon, the commission shall file a notice of proposed rulemaking:

103.6 (1) on the website of the commission or other publicly accessible platform; and

103.7 (2) on the website of each member state occupational therapy licensing board or other
103.8 publicly accessible platform or the publication in which each state would otherwise publish
103.9 proposed rules.

103.10 (F) The notice of proposed rulemaking shall include:

103.11 (1) the proposed time, date, and location of the meeting in which the rule will be
103.12 considered and voted upon;

103.13 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

103.14 (3) a request for comments on the proposed rule from any interested person; and

103.15 (4) the manner in which interested persons may submit notice to the commission of their
103.16 intention to attend the public hearing and any written comments.

103.17 (G) Prior to adoption of a proposed rule, the commission shall allow persons to submit
103.18 written data, facts, opinions, and arguments, which shall be made available to the public.

103.19 (H) The commission shall grant an opportunity for a public hearing before it adopts a
103.20 rule or amendment if a hearing is requested by:

103.21 (1) at least 25 persons;

103.22 (2) a state or federal governmental subdivision or agency; or

103.23 (3) an association or organization having at least 25 members.

103.24 (I) If a hearing is held on the proposed rule or amendment, the commission shall publish
103.25 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
103.26 means, the commission shall publish the mechanism for access to the electronic hearing:

103.27 (1) All persons wishing to be heard at the hearing shall notify the executive director of
103.28 the commission or other designated member in writing of their desire to appear and testify
103.29 at the hearing not less than five business days before the scheduled date of the hearing.

103.30 (2) Hearings shall be conducted in a manner providing each person who wishes to
103.31 comment a fair and reasonable opportunity to comment orally or in writing.

104.1 (3) All hearings will be recorded. A copy of the recording will be made available on
104.2 request.

104.3 (4) Nothing in this Article shall be construed as requiring a separate hearing on each
104.4 rule. Rules may be grouped for the convenience of the commission at hearings required by
104.5 this Article.

104.6 (J) Following the scheduled hearing date, or by the close of business on the scheduled
104.7 hearing date if the hearing was not held, the commission shall consider all written and oral
104.8 comments received.

104.9 (K) If no written notice of intent to attend the public hearing by interested parties is
104.10 received, the commission may proceed with promulgation of the proposed rule without a
104.11 public hearing.

104.12 (L) The commission shall, by majority vote of all members, take final action on the
104.13 proposed rule and shall determine the effective date of the rule, if any, based on the
104.14 rulemaking record and the full text of the rule.

104.15 (M) Upon determination that an emergency exists, the commission may consider and
104.16 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided
104.17 that the usual rulemaking procedures provided in the compact and in this Article shall be
104.18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
104.19 days after the effective date of the rule. For the purposes of this provision, an emergency
104.20 rule is one that must be adopted immediately in order to:

104.21 (1) meet an imminent threat to public health, safety, or welfare;

104.22 (2) prevent a loss of commission or member state funds;

104.23 (3) meet a deadline for the promulgation of an administrative rule that is established by
104.24 federal law or rule; or

104.25 (4) protect public health and safety.

104.26 (N) The commission or an authorized committee of the commission may direct revisions
104.27 to a previously adopted rule or amendment for purposes of correcting typographical errors,
104.28 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
104.29 shall be posted on the website of the commission. The revision shall be subject to challenge
104.30 by any person for a period of 30 days after posting. The revision may be challenged only
104.31 on grounds that the revision results in a material change to a rule. A challenge shall be made
104.32 in writing and delivered to the chair of the commission prior to the end of the notice period.

105.1 If no challenge is made, the revision will take effect without further action. If the revision
105.2 is challenged, the revision may not take effect without the approval of the commission.

105.3 ARTICLE XI

105.4 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

105.5 (A) Oversight:

105.6 (1) The executive, legislative, and judicial branches of state government in each member
105.7 state shall enforce this compact and take all actions necessary and appropriate to effectuate
105.8 the compact's purposes and intent. The provisions of this compact and the rules promulgated
105.9 hereunder shall have standing as statutory law.

105.10 (2) All courts shall take judicial notice of the compact and the rules in any judicial or
105.11 administrative proceeding in a member state pertaining to the subject matter of this compact
105.12 which may affect the powers, responsibilities, or actions of the commission.

105.13 (3) The commission shall be entitled to receive service of process in any such proceeding,
105.14 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
105.15 service of process to the commission shall render a judgment or order void as to the
105.16 commission, this compact, or promulgated rules.

105.17 (B) Default, Technical Assistance, and Termination:

105.18 (1) If the commission determines that a member state has defaulted in the performance
105.19 of its obligations or responsibilities under this compact or the promulgated rules, the
105.20 commission shall:

105.21 (i) provide written notice to the defaulting state and other member states of the nature
105.22 of the default, the proposed means of curing the default, or any other action to be taken by
105.23 the commission; and

105.24 (ii) provide remedial training and specific technical assistance regarding the default.

105.25 (2) If a state in default fails to cure the default, the defaulting state may be terminated
105.26 from the compact upon an affirmative vote of a majority of the member states, and all rights,
105.27 privileges, and benefits conferred by this compact may be terminated on the effective date
105.28 of termination. A cure of the default does not relieve the offending state of obligations or
105.29 liabilities incurred during the period of default.

105.30 (3) Termination of membership in the compact shall be imposed only after all other
105.31 means of securing compliance have been exhausted. Notice of intent to suspend or terminate

106.1 shall be given by the commission to the governor, the majority and minority leaders of the
106.2 defaulting state's legislature, and each of the member states.

106.3 (4) A state that has been terminated is responsible for all assessments, obligations, and
106.4 liabilities incurred through the effective date of termination, including obligations that
106.5 extend beyond the effective date of termination.

106.6 (5) The commission shall not bear any costs related to a state that is found to be in default
106.7 or that has been terminated from the compact, unless agreed upon in writing between the
106.8 commission and the defaulting state.

106.9 (6) The defaulting state may appeal the action of the commission by petitioning the
106.10 United States District Court for the District of Columbia or the federal district where the
106.11 commission has its principal offices. The prevailing member shall be awarded all costs of
106.12 such litigation, including reasonable attorney fees.

106.13 (C) Dispute Resolution:

106.14 (1) Upon request by a member state, the commission shall attempt to resolve disputes
106.15 related to the compact that arise among member states and between member and nonmember
106.16 states.

106.17 (2) The commission shall promulgate a rule providing for both mediation and binding
106.18 dispute resolution for disputes as appropriate.

106.19 (D) Enforcement:

106.20 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
106.21 provisions and rules of this compact.

106.22 (2) By majority vote, the commission may initiate legal action in the United States
106.23 District Court for the District of Columbia or the federal district where the commission has
106.24 its principal offices against a member state in default to enforce compliance with the
106.25 provisions of the compact and its promulgated rules and bylaws. The relief sought may
106.26 include both injunctive relief and damages. In the event that judicial enforcement is necessary,
106.27 the prevailing member shall be awarded all costs of such litigation, including reasonable
106.28 attorney fees.

106.29 (3) The remedies herein shall not be the exclusive remedies of the commission. The
106.30 commission may pursue any other remedies available under federal or state law.

106.31

ARTICLE XII

107.1 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
107.2 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
107.3 AND AMENDMENT

107.4 (A) The compact shall come into effect on the date on which the compact statute is
107.5 enacted into law in the tenth member state. The provisions, which become effective at that
107.6 time, shall be limited to the powers granted to the commission relating to assembly and the
107.7 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
107.8 powers necessary to the implementation and administration of the compact.

107.9 (B) Any state that joins the compact subsequent to the commission's initial adoption of
107.10 the rules shall be subject to the rules as they exist on the date on which the compact becomes
107.11 law in that state. Any rule that has been previously adopted by the commission shall have
107.12 the full force and effect of law on the day the compact becomes law in that state.

107.13 (C) Any member state may withdraw from this compact by enacting a statute repealing
107.14 the same:

107.15 (1) A member state's withdrawal shall not take effect until six months after enactment
107.16 of the repealing statute.

107.17 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
107.18 occupational therapy licensing board to comply with the investigative and adverse action
107.19 reporting requirements of this compact prior to the effective date of withdrawal.

107.20 (D) Nothing contained in this compact shall be construed to invalidate or prevent any
107.21 occupational therapy licensure agreement or other cooperative arrangement between a
107.22 member state and a nonmember state that does not conflict with the provisions of this
107.23 compact.

107.24 (E) This compact may be amended by the member states. No amendment to this compact
107.25 shall become effective and binding upon any member state until it is enacted into the laws
107.26 of all member states.

107.27 ARTICLE XIII

107.28 CONSTRUCTION AND SEVERABILITY

107.29 This compact shall be liberally construed so as to effectuate the purposes thereof. The
107.30 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
107.31 of this compact is declared to be contrary to the constitution of any member state or of the
107.32 United States or the applicability thereof to any government, agency, person, or circumstance
107.33 is held invalid, the validity of the remainder of this compact and the applicability thereof

108.1 to any government, agency, person, or circumstance shall not be affected thereby. If this
108.2 compact shall be held contrary to the constitution of any member state, the compact shall
108.3 remain in full force and effect as to the remaining member states and in full force and effect
108.4 as to the member state affected as to all severable matters.

108.5 ARTICLE XIV

108.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

108.7 (A) A licensee providing occupational therapy in a remote state under the compact
108.8 privilege shall function within the laws and regulations of the remote state.

108.9 (B) Nothing herein prevents the enforcement of any other law of a member state that is
108.10 not inconsistent with the compact.

108.11 (C) Any laws in a member state in conflict with the compact are superseded to the extent
108.12 of the conflict.

108.13 (D) Any lawful actions of the commission, including all rules and bylaws promulgated
108.14 by the commission, are binding upon the member states.

108.15 (E) All agreements between the commission and the member states are binding in
108.16 accordance with their terms.

108.17 (F) In the event any provision of the compact exceeds the constitutional limits imposed
108.18 on the legislature of any member state, the provision shall be ineffective to the extent of the
108.19 conflict with the constitutional provision in question in that member state.

108.20 **ARTICLE 12**

108.21 **PHYSICAL THERAPY LICENSURE COMPACT**

108.22 Section 1. **[148.676] PHYSICAL THERAPY LICENSURE COMPACT.**

108.23 The physical therapy licensure compact is enacted into law and entered into with all
108.24 other jurisdictions legally joining in the compact in the form substantially specified in this
108.25 section.

108.26 ARTICLE I

108.27 TITLE

108.28 This statute shall be known and cited as the physical therapy licensure compact.

108.29 ARTICLE II

108.30 DEFINITIONS

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

109.3 (a) "Active duty military" means full-time duty status in the active uniformed service
109.4 of the United States, including members of the National Guard and Reserve on active duty
109.5 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

109.6 (b) "Adverse action" means disciplinary action taken by a physical therapy licensing
109.7 board based upon misconduct, unacceptable performance, or a combination of both.

109.8 (c) "Alternative program" means a nondisciplinary monitoring or practice remediation
109.9 process approved by a physical therapy licensing board. Alternative program includes but
109.10 is not limited to substance abuse issues.

109.11 (d) "Compact privilege" means the authorization granted by a remote state to allow a
109.12 licensee from another member state to practice as a physical therapist or work as a physical
109.13 therapist assistant in the remote state under its laws and rules. The practice of physical
109.14 therapy occurs in the member state where the patient or client is located at the time of the
109.15 patient or client encounter.

109.16 (e) "Continuing competence" means a requirement, as a condition of license renewal,
109.17 to provide evidence of participation in, or completion of, educational and professional
109.18 activities relevant to practice or area of work.

109.19 (f) "Data system" means a repository of information about licensees, including
109.20 examination, licensure, investigative, compact privilege, and adverse action.

109.21 (g) "Encumbered license" means a license that a physical therapy licensing board has
109.22 limited in any way.

109.23 (h) "Executive board" means a group of directors elected or appointed to act on behalf
109.24 of, and within the powers granted to them by, the commission.

109.25 (i) "Home state" means the member state that is the licensee's primary state of residence.

109.26 (j) "Investigative information" means information, records, and documents received or
109.27 generated by a physical therapy licensing board pursuant to an investigation.

109.28 (k) "Jurisprudence requirement" means the assessment of an individual's knowledge of
109.29 the laws and rules governing the practice of physical therapy in a state.

109.30 (l) "Licensee" means an individual who currently holds an authorization from the state
109.31 to practice as a physical therapist or to work as a physical therapist assistant.

109.32 (m) "Member state" means a state that has enacted the compact.

110.1 (n) "Party state" means any member state in which a licensee holds a current license or
110.2 compact privilege or is applying for a license or compact privilege.

110.3 (o) "Physical therapist" means an individual who is licensed by a state to practice physical
110.4 therapy.

110.5 (p) "Physical therapist assistant" means an individual who is licensed or certified by a
110.6 state and who assists the physical therapist in selected components of physical therapy.

110.7 (q) "Physical therapy," "physical therapy practice," or "the practice of physical therapy"
110.8 means the care and services provided by or under the direction and supervision of a licensed
110.9 physical therapist.

110.10 (r) "Physical Therapy Compact Commission" or "commission" means the national
110.11 administrative body whose membership consists of all states that have enacted the compact.

110.12 (s) "Physical therapy licensing board" or "licensing board" means the agency of a state
110.13 that is responsible for the licensing and regulation of physical therapists and physical therapist
110.14 assistants.

110.15 (t) "Remote state" means a member state other than the home state where a licensee is
110.16 exercising or seeking to exercise the compact privilege.

110.17 (u) "Rule" means a regulation, principle, or directive promulgated by the commission
110.18 that has the force of law.

110.19 (v) "State" means any state, commonwealth, district, or territory of the United States
110.20 that regulates the practice of physical therapy.

110.21 ARTICLE III

110.22 STATE PARTICIPATION IN THE COMPACT

110.23 (a) To participate in the compact, a state must:

110.24 (1) participate fully in the commission's data system, including using the commission's
110.25 unique identifier as defined in rules;

110.26 (2) have a mechanism in place for receiving and investigating complaints about licensees;

110.27 (3) notify the commission, in compliance with the terms of the compact and rules, of
110.28 any adverse action or the availability of investigative information regarding a licensee;

110.29 (4) fully implement a criminal background check requirement, within a time frame
110.30 established by rule, by receiving the results of the Federal Bureau of Investigation record

111.1 search on criminal background checks and use the results in making licensure decisions in
111.2 accordance with paragraph (b);

111.3 (5) comply with the rules of the commission;

111.4 (6) utilize a recognized national examination as a requirement for licensure pursuant to
111.5 the rules of the commission; and

111.6 (7) have continuing competence requirements as a condition for license renewal.

111.7 (b) Upon adoption of this compact, the member state shall have the authority to obtain
111.8 biometric-based information from each physical therapy licensure applicant and submit this
111.9 information to the Federal Bureau of Investigation for a criminal background check in
111.10 accordance with United States Code, title 28, section 534, and United States Code, title 42,
111.11 section 14616.

111.12 (c) A member state shall grant the compact privilege to a licensee holding a valid
111.13 unencumbered license in another member state in accordance with the terms of the compact
111.14 and rules.

111.15 (d) Member states may charge a fee for granting a compact privilege.

111.16 ARTICLE IV

111.17 COMPACT PRIVILEGE

111.18 (a) To exercise the compact privilege under the terms and provisions of the compact,
111.19 the licensee shall:

111.20 (1) hold a license in the home state;

111.21 (2) have no encumbrance on any state license;

111.22 (3) be eligible for a compact privilege in any member state in accordance with paragraphs
111.23 (d), (g), and (h);

111.24 (4) have not had any adverse action against any license or compact privilege within the
111.25 previous two years;

111.26 (5) notify the commission that the licensee is seeking the compact privilege within a
111.27 remote state or states;

111.28 (6) pay any applicable fees, including any state fee, for the compact privilege;

111.29 (7) meet any jurisprudence requirements established by the remote state or states in
111.30 which the licensee is seeking a compact privilege; and

112.1 (8) report to the commission adverse action taken by any nonmember state within 30
112.2 days from the date the adverse action is taken.

112.3 (b) The compact privilege is valid until the expiration date of the home license. The
112.4 licensee must comply with the requirements of paragraph (a) to maintain the compact
112.5 privilege in the remote state.

112.6 (c) A licensee providing physical therapy in a remote state under the compact privilege
112.7 shall function within the laws and regulations of the remote state.

112.8 (d) A licensee providing physical therapy in a remote state is subject to that state's
112.9 regulatory authority. A remote state may, in accordance with due process and that state's
112.10 laws, remove a licensee's compact privilege in the remote state for a specific period of time,
112.11 impose fines, or take any other necessary actions to protect the health and safety of its
112.12 citizens. The licensee is not eligible for a compact privilege in any state until the specific
112.13 time for removal has passed and all fines are paid.

112.14 (e) If a home state license is encumbered, the licensee shall lose the compact privilege
112.15 in any remote state until the following occur:

112.16 (1) the home state license is no longer encumbered; and

112.17 (2) two years have elapsed from the date of the adverse action.

112.18 (f) Once an encumbered license in the home state is restored to good standing, the
112.19 licensee must meet the requirements of paragraph (a) to obtain a compact privilege in any
112.20 remote state.

112.21 (g) If a licensee's compact privilege in any remote state is removed, the individual shall
112.22 lose the compact privilege in any remote state until the following occur:

112.23 (1) the specific period of time for which the compact privilege was removed has ended;

112.24 (2) all fines have been paid; and

112.25 (3) two years have elapsed from the date of the adverse action.

112.26 (h) Once the requirements of paragraph (g) have been met, the licensee must meet the
112.27 requirements in paragraph (a) to obtain a compact privilege in a remote state.

112.28 ARTICLE V

112.29 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

112.30 A licensee who is active duty military or is the spouse of an individual who is active
112.31 duty military may designate one of the following as the home state:

- 113.1 (1) home of record;
- 113.2 (2) permanent change of station (PCS) state; or
- 113.3 (3) state of current residence if different than the PCS state or home of record.

113.4 ARTICLE VI

113.5 ADVERSE ACTIONS

113.6 (a) A home state shall have exclusive power to impose adverse action against a license
113.7 issued by the home state.

113.8 (b) A home state may take adverse action based on the investigative information of a
113.9 remote state, so long as the home state follows its own procedures for imposing adverse
113.10 action.

113.11 (c) Nothing in this compact shall override a member state's decision that participation
113.12 in an alternative program may be used in lieu of adverse action and that such participation
113.13 shall remain nonpublic if required by the member state's laws. Member states must require
113.14 licensees who enter any alternative programs in lieu of discipline to agree not to practice
113.15 in any other member state during the term of the alternative program without prior
113.16 authorization from such other member state.

113.17 (d) Any member state may investigate actual or alleged violations of the statutes and
113.18 rules authorizing the practice of physical therapy in any other member state in which a
113.19 physical therapist or physical therapist assistant holds a license or compact privilege.

113.20 (e) A remote state shall have the authority to:

113.21 (1) take adverse actions as set forth in article IV, paragraph (d), against a licensee's
113.22 compact privilege in the state;

113.23 (2) issue subpoenas for both hearings and investigations that require the attendance and
113.24 testimony of witnesses and the production of evidence. Subpoenas issued by a physical
113.25 therapy licensing board in a party state for the attendance and testimony of witnesses, or
113.26 the production of evidence from another party state, shall be enforced in the latter state by
113.27 any court of competent jurisdiction, according to the practice and procedure of that court
113.28 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall
113.29 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes
113.30 of the state where the witnesses or evidence are located; and

114.1 (3) if otherwise permitted by state law, recover from the licensee the costs of
114.2 investigations and disposition of cases resulting from any adverse action taken against that
114.3 licensee.

114.4 (f) In addition to the authority granted to a member state by its respective physical therapy
114.5 practice act or other applicable state law, a member state may participate with other member
114.6 states in joint investigations of licensees.

114.7 (g) Member states shall share any investigative, litigation, or compliance materials in
114.8 furtherance of any joint or individual investigation initiated under the compact.

114.9 ARTICLE VII

114.10 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

114.11 (a) The compact member states hereby create and establish a joint public agency known
114.12 as the Physical Therapy Compact Commission:

114.13 (1) the commission is an instrumentality of the compact states;

114.14 (2) except as provided under paragraph (h), venue is proper and judicial proceedings by
114.15 or against the commission shall be brought solely and exclusively in a court of competent
114.16 jurisdiction where the principal office of the commission is located. The commission may
114.17 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
114.18 alternative dispute resolution proceedings; and

114.19 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

114.20 (b) Membership, voting, and meetings:

114.21 (1) each member state shall have and be limited to one delegate selected by that member
114.22 state's licensing board;

114.23 (2) the delegate shall be a current member of the licensing board who is a physical
114.24 therapist, physical therapist assistant, public member, or the board administrator;

114.25 (3) each delegate shall be entitled to one vote with regard to the promulgation of rules
114.26 and creation of bylaws and shall otherwise have an opportunity to participate in the business
114.27 and affairs of the commission;

114.28 (4) a delegate shall vote in person or by such other means as provided in the bylaws.
114.29 The bylaws may provide for delegates' participation in meetings by telephone or other means
114.30 of communication;

- 115.1 (5) any delegate may be removed or suspended from office as provided by the laws of
115.2 the state from which the delegate is appointed;
- 115.3 (6) the member state board shall fill any vacancy occurring in the commission;
- 115.4 (7) the commission shall meet at least once during each calendar year. Additional
115.5 meetings shall be held as set forth in the bylaws;
- 115.6 (8) all meetings shall be open to the public and public notice of meetings shall be given
115.7 in the same manner as required under the rulemaking provisions in article IX;
- 115.8 (9) the commission or the executive board or other committees of the commission may
115.9 convene in a closed, nonpublic meeting if the commission or executive board or other
115.10 committees of the commission must discuss:
- 115.11 (i) noncompliance of a member state with its obligations under the compact;
- 115.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
115.13 related to specific employees or other matters related to the commission's internal personnel
115.14 practices and procedures;
- 115.15 (iii) current, threatened, or reasonably anticipated litigation;
- 115.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
115.17 estate;
- 115.18 (v) accusing any person of a crime or formally censuring any person;
- 115.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged
115.20 or confidential;
- 115.21 (vii) disclosure of information of a personal nature where disclosure would constitute a
115.22 clearly unwarranted invasion of personal privacy;
- 115.23 (viii) disclosure of investigative records compiled for law enforcement purposes;
- 115.24 (ix) disclosure of information related to any investigative reports prepared by or on
115.25 behalf of or for use of the commission or other committee charged with responsibility of
115.26 investigation or determination of compliance issues pursuant to the compact; or
- 115.27 (x) matters specifically exempted from disclosure by federal or member state statute;
- 115.28 (10) if a meeting, or portion of a meeting, is closed pursuant to this provision, the
115.29 commission's legal counsel or designee shall certify that the meeting may be closed and
115.30 shall reference each relevant exempting provision; and

116.1 (11) the commission shall keep minutes that fully and clearly describe all matters
116.2 discussed in a meeting and shall provide a full and accurate summary of actions taken and
116.3 the reasons therefore, including a description of the views expressed. All documents
116.4 considered in connection with an action shall be identified in such minutes. All minutes and
116.5 documents of a closed meeting shall remain under seal, subject to release by a majority vote
116.6 of the commission or order of a court of competent jurisdiction.

116.7 (c) The commission shall have the following powers and duties:

116.8 (1) establish the fiscal year of the commission;

116.9 (2) establish bylaws;

116.10 (3) maintain its financial records in accordance with the bylaws;

116.11 (4) meet and take such actions as are consistent with the provisions of this compact and
116.12 the bylaws;

116.13 (5) promulgate uniform rules to facilitate and coordinate implementation and
116.14 administration of this compact. The rules shall have the force and effect of law and shall
116.15 be binding in all member states;

116.16 (6) bring and prosecute legal proceedings or actions in the name of the commission,
116.17 provided that the standing of any state physical therapy licensing board to sue or be sued
116.18 under applicable law shall not be affected;

116.19 (7) purchase and maintain insurance and bonds;

116.20 (8) borrow, accept, or contract for services of personnel, including but not limited to
116.21 employees of a member state;

116.22 (9) hire employees; elect or appoint officers; fix compensation; define duties; grant such
116.23 individuals appropriate authority to carry out the purposes of the compact; and establish the
116.24 commission's personnel policies and programs relating to conflicts of interest, qualifications
116.25 of personnel, and other related personnel matters;

116.26 (10) accept any and all appropriate donations and grants of money, equipment, supplies,
116.27 materials, and services and receive, utilize, and dispose of the same, provided that at all
116.28 times the commission shall avoid any appearance of impropriety or conflict of interest;

116.29 (11) lease; purchase; accept appropriate gifts or donations of; or otherwise to own, hold,
116.30 improve, or use any property, real, personal, or mixed, provided that at all times the
116.31 commission shall avoid any appearance of impropriety;

- 117.1 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
117.2 any property real, personal, or mixed;
- 117.3 (13) establish a budget and make expenditures;
- 117.4 (14) borrow money;
- 117.5 (15) appoint committees, including standing committees composed of members, state
117.6 regulators, state legislators or their representatives, consumer representatives, and such
117.7 other interested persons as may be designated in this compact and the bylaws;
- 117.8 (16) provide and receive information from, and cooperate with, law enforcement agencies;
- 117.9 (17) establish and elect an executive board; and
- 117.10 (18) perform such other functions as may be necessary or appropriate to achieve the
117.11 purposes of this compact consistent with the state regulation of physical therapy licensure
117.12 and practice.
- 117.13 (d) The executive board:
- 117.14 (1) the executive board shall have the power to act on behalf of the commission according
117.15 to the terms of this compact;
- 117.16 (2) the executive board shall be composed of nine members as follows:
- 117.17 (i) seven voting members who are elected by the commission from the current
117.18 membership of the commission;
- 117.19 (ii) one ex officio, nonvoting member from the recognized national physical therapy
117.20 professional association; and
- 117.21 (iii) one ex officio, nonvoting member from the recognized membership organization
117.22 of the physical therapy licensing boards;
- 117.23 (3) the ex officio members must be selected by their respective organizations;
- 117.24 (4) the commission may remove any member of the executive board as provided in the
117.25 bylaws;
- 117.26 (5) the executive board shall meet at least annually; and
- 117.27 (6) the executive board shall have the following duties and responsibilities:
- 117.28 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
117.29 compact legislation, fees paid by compact member states such as annual dues, and any
117.30 commission compact fee charged to licensees for the compact privilege;

118.1 (ii) ensure compact administration services are appropriately provided, contractual or
118.2 otherwise;

118.3 (iii) prepare and recommend the budget;

118.4 (iv) maintain financial records on behalf of the commission;

118.5 (v) monitor compact compliance of member states and provide compliance reports to
118.6 the commission;

118.7 (vi) establish additional committees as necessary; and

118.8 (vii) other duties as provided in rules or bylaws.

118.9 (e) Financing of the commission:

118.10 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of
118.11 the commission's establishment, organization, and ongoing activities;

118.12 (2) the commission may accept any and all appropriate revenue sources, donations, and
118.13 grants of money, equipment, supplies, materials, and services;

118.14 (3) the commission may levy on and collect an annual assessment from each member
118.15 state or impose fees on other parties to cover the cost of the operations and activities of the
118.16 commission and the commission's staff, which must be in a total amount sufficient to cover
118.17 its annual budget as approved each year for which revenue is not provided by other sources.
118.18 The aggregate annual assessment amount shall be allocated based upon a formula to be
118.19 determined by the commission, which shall promulgate a rule binding upon all member
118.20 states;

118.21 (4) the commission shall not incur obligations of any kind prior to securing the funds
118.22 adequate to meet the same; nor shall the commission pledge the credit of any of the member
118.23 states, except by and with the authority of the member state; and

118.24 (5) the commission shall keep accurate accounts of all receipts and disbursements. The
118.25 receipts and disbursements of the commission shall be subject to the audit and accounting
118.26 procedures established under the commission's bylaws. However, all receipts and
118.27 disbursements of funds handled by the commission shall be audited yearly by a certified or
118.28 licensed public accountant and the report of the audit shall be included in and become part
118.29 of the annual report of the commission.

118.30 (f) Qualified immunity, defense, and indemnification:

118.31 (1) the members, officers, executive director, employees, and representatives of the
118.32 commission shall be immune from suit and liability, either personally or in their official

119.1 capacity, for any claim for damage to or loss of property or personal injury or other civil
119.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
119.3 or that the person against whom the claim is made had a reasonable basis for believing
119.4 occurred, within the scope of commission employment, duties, or responsibilities, provided
119.5 that nothing in this paragraph shall be construed to protect any such person from suit or
119.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or
119.7 wanton misconduct of that person;

119.8 (2) the commission shall defend any member, officer, executive director, employee, or
119.9 representative of the commission in any civil action seeking to impose liability arising out
119.10 of any actual or alleged act, error, or omission that occurred within the scope of commission
119.11 employment, duties, or responsibilities, or that the person against whom the claim is made
119.12 had a reasonable basis for believing occurred within the scope of commission employment,
119.13 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that
119.14 person from retaining his or her own counsel, and provided further that the actual or alleged
119.15 act, error, or omission did not result from the intentional or willful or wanton misconduct
119.16 of that person; and

119.17 (3) the commission shall indemnify and hold harmless any member, officer, executive
119.18 director, employee, or representative of the commission for the amount of any settlement
119.19 or judgment obtained against that person arising out of any actual or alleged act, error, or
119.20 omission that occurred within the scope of commission employment, duties, or
119.21 responsibilities, or that such person had a reasonable basis for believing occurred within
119.22 the scope of commission employment, duties, or responsibilities, provided that the actual
119.23 or alleged act, error, or omission did not result from the intentional or willful or wanton
119.24 misconduct of that person.

119.25 (g) Notwithstanding paragraph (f), clause (1), the liability of the executive director,
119.26 employees, or representatives of the interstate commission, acting within the scope of their
119.27 employment or duties, may not exceed the limits of liability set forth under the constitution
119.28 and laws of this state for state officials, employees, and agents. This paragraph expressly
119.29 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
119.30 under that statute.

119.31 (h) Except for a claim alleging a violation of this compact, a claim against the
119.32 commission, its executive director, employees, or representatives alleging a violation of the
119.33 constitution and laws of this state may be brought in any county where the plaintiff resides.
119.34 Nothing in this paragraph creates a private right of action.

120.1 (i) Nothing in this compact shall be construed as a limitation on the liability of any
120.2 licensee for professional malpractice or misconduct, which shall be governed solely by any
120.3 other applicable state laws.

120.4 ARTICLE VIII

120.5 DATA SYSTEM

120.6 (a) The commission shall provide for the development, maintenance, and utilization of
120.7 a coordinated database and reporting system containing licensure, adverse action, and
120.8 investigative information on all licensed individuals in member states.

120.9 (b) Notwithstanding any other provision of state law to the contrary, a member state
120.10 shall submit a uniform data set to the data system on all individuals to whom this compact
120.11 is applicable as required by the rules of the commission, including:

120.12 (1) identifying information;

120.13 (2) licensure data;

120.14 (3) adverse actions against a license or compact privilege;

120.15 (4) nonconfidential information related to alternative program participation;

120.16 (5) any denial of application for licensure and the reason or reasons for the denial; and

120.17 (6) other information that may facilitate the administration of this compact, as determined
120.18 by the rules of the commission.

120.19 (c) Investigative information pertaining to a licensee in any member state will only be
120.20 available to other party states.

120.21 (d) The commission shall promptly notify all member states of any adverse action taken
120.22 against a licensee or an individual applying for a license. Adverse action information
120.23 pertaining to a licensee in any member state will be available to any other member state.

120.24 (e) Member states contributing information to the data system may designate information
120.25 that may not be shared with the public without the express permission of the contributing
120.26 state.

120.27 (f) Any information submitted to the data system that is subsequently required to be
120.28 expunged by the laws of the member state contributing the information shall be removed
120.29 from the data system.

120.30 ARTICLE IX

120.31 RULEMAKING

121.1 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set
121.2 forth in this article and the rules adopted thereunder. Rules and amendments shall become
121.3 binding as of the date specified in each rule or amendment.

121.4 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of
121.5 a statute or resolution in the same manner used to adopt the compact within four years of
121.6 the date of adoption of the rule, then such rule shall have no further force and effect in any
121.7 member state.

121.8 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of
121.9 the commission.

121.10 (d) Prior to promulgation and adoption of a final rule or rules by the commission and at
121.11 least 30 days in advance of the meeting at which the rule will be considered and voted upon,
121.12 the commission shall file a notice of proposed rulemaking:

121.13 (1) on the website of the commission or other publicly accessible platform; and

121.14 (2) on the website of each member state physical therapy licensing board or other publicly
121.15 accessible platform or the publication in which each state would otherwise publish proposed
121.16 rules.

121.17 (e) The notice of proposed rulemaking shall include:

121.18 (1) the proposed time, date, and location of the meeting in which the rule will be
121.19 considered and voted upon;

121.20 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

121.21 (3) a request for comments on the proposed rule from any interested person; and

121.22 (4) the manner in which interested persons may submit notice to the commission of their
121.23 intention to attend the public hearing and any written comments.

121.24 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit
121.25 written data, facts, opinions, and arguments, which shall be made available to the public.

121.26 (g) The commission shall grant an opportunity for a public hearing before it adopts a
121.27 rule or amendment if a hearing is requested by:

121.28 (1) at least 25 persons;

121.29 (2) a state or federal governmental subdivision or agency; or

121.30 (3) an association having at least 25 members.

122.1 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish
122.2 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
122.3 means, the commission shall publish the mechanism for access to the electronic hearing:

122.4 (1) all persons wishing to be heard at the hearing shall notify the executive director of
122.5 the commission or other designated member in writing of their desire to appear and testify
122.6 at the hearing not less than five business days before the scheduled date of the hearing;

122.7 (2) hearings shall be conducted in a manner providing each person who wishes to
122.8 comment a fair and reasonable opportunity to comment orally or in writing;

122.9 (3) all hearings will be recorded. A copy of the recording will be made available on
122.10 request; and

122.11 (4) nothing in this section shall be construed as requiring a separate hearing on each
122.12 rule. Rules may be grouped for the convenience of the commission at hearings required by
122.13 this section.

122.14 (i) Following the scheduled hearing date, or by the close of business on the scheduled
122.15 hearing date if the hearing was not held, the commission shall consider all written and oral
122.16 comments received.

122.17 (j) If no written notice of intent to attend the public hearing by interested parties is
122.18 received, the commission may proceed with promulgation of the proposed rule without a
122.19 public hearing.

122.20 (k) The commission shall, by majority vote of all members, take final action on the
122.21 proposed rule and shall determine the effective date of the rule, if any, based on the
122.22 rulemaking record and the full text of the rule.

122.23 (l) Upon determination that an emergency exists, the commission may consider and
122.24 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
122.25 that the usual rulemaking procedures provided in the compact and in this section shall be
122.26 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
122.27 days after the effective date of the rule. For the purposes of this provision, an emergency
122.28 rule is one that must be adopted immediately in order to:

122.29 (1) meet an imminent threat to public health, safety, or welfare;

122.30 (2) prevent a loss of commission or member state funds;

122.31 (3) meet a deadline for the promulgation of an administrative rule that is established by
122.32 federal law or rule; or

123.1 (4) protect public health and safety.

123.2 (m) The commission or an authorized committee of the commission may direct revisions
123.3 to a previously adopted rule or amendment for purposes of correcting typographical errors,
123.4 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
123.5 shall be posted on the website of the commission. The revision shall be subject to challenge
123.6 by any person for a period of 30 days after posting. The revision may be challenged only
123.7 on grounds that the revision results in a material change to a rule. A challenge shall be made
123.8 in writing and delivered to the chair of the commission prior to the end of the notice period.
123.9 If no challenge is made, the revision will take effect without further action. If the revision
123.10 is challenged, the revision may not take effect without the approval of the commission.

123.11 ARTICLE X

123.12 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

123.13 (a) Oversight:

123.14 (1) the executive, legislative, and judicial branches of state government in each member
123.15 state shall enforce this compact and take all actions necessary and appropriate to effectuate
123.16 the compact's purposes and intent. The provisions of this compact and the rules promulgated
123.17 hereunder shall have standing as statutory law;

123.18 (2) all courts shall take judicial notice of the compact and the rules in any judicial or
123.19 administrative proceeding in a member state pertaining to the subject matter of this compact
123.20 which may affect the powers, responsibilities, or actions of the commission; and

123.21 (3) the commission shall be entitled to receive service of process in any such proceeding
123.22 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
123.23 service of process to the commission shall render a judgment or order void as to the
123.24 commission, this compact, or promulgated rules.

123.25 (b) Default, technical assistance, and termination:

123.26 (1) if the commission determines that a member state has defaulted in the performance
123.27 of its obligations or responsibilities under this compact or the promulgated rules, the
123.28 commission shall:

123.29 (i) provide written notice to the defaulting state and other member states of the nature
123.30 of the default, the proposed means of curing the default, or any other action to be taken by
123.31 the commission; and

123.32 (ii) provide remedial training and specific technical assistance regarding the default;

124.1 (2) if a state in default fails to cure the default, the defaulting state may be terminated
124.2 from the compact upon an affirmative vote of a majority of the member states, and all rights,
124.3 privileges, and benefits conferred by this compact may be terminated on the effective date
124.4 of termination. A cure of the default does not relieve the offending state of obligations or
124.5 liabilities incurred during the period of default;

124.6 (3) termination of membership in the compact shall be imposed only after all other means
124.7 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
124.8 be given by the commission to the governor, the majority and minority leaders of the
124.9 defaulting state's legislature, and each of the member states;

124.10 (4) a state that has been terminated is responsible for all assessments, obligations, and
124.11 liabilities incurred through the effective date of termination, including obligations that
124.12 extend beyond the effective date of termination;

124.13 (5) the commission shall not bear any costs related to a state that is found to be in default
124.14 or that has been terminated from the compact, unless agreed upon in writing between the
124.15 commission and the defaulting state; and

124.16 (6) the defaulting state may appeal the action of the commission by petitioning the United
124.17 States District Court for the District of Columbia or the federal district where the commission
124.18 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
124.19 including reasonable attorney fees.

124.20 (c) Dispute resolution:

124.21 (1) upon request by a member state, the commission shall attempt to resolve disputes
124.22 related to the compact that arise among member states and between member and nonmember
124.23 states; and

124.24 (2) the commission shall promulgate a rule providing for both mediation and binding
124.25 dispute resolution for disputes as appropriate.

124.26 (d) Enforcement:

124.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
124.28 provisions and rules of this compact;

124.29 (2) by majority vote, the commission may initiate legal action in the United States District
124.30 Court for the District of Columbia or the federal district where the commission has its
124.31 principal offices against a member state in default to enforce compliance with the provisions
124.32 of the compact and its promulgated rules and bylaws. The relief sought may include both
124.33 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

125.1 member shall be awarded all costs of such litigation, including reasonable attorney fees;
125.2 and

125.3 (3) the remedies herein shall not be the exclusive remedies of the commission. The
125.4 commission may pursue any other remedies available under federal or state law.

125.5 ARTICLE XI

125.6 DATE OF IMPLEMENTATION OF THE INTERSTATE COMPACT FOR PHYSICAL
125.7 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
125.8 AMENDMENTS

125.9 (a) The compact shall come into effect on the date on which the compact statute is
125.10 enacted into law in the tenth member state. The provisions, which become effective at that
125.11 time, shall be limited to the powers granted to the commission relating to assembly and the
125.12 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
125.13 powers necessary to the implementation and administration of the compact.

125.14 (b) Any state that joins the compact subsequent to the commission's initial adoption of
125.15 the rules shall be subject to the rules as they exist on the date on which the compact becomes
125.16 law in that state. Any rule that has been previously adopted by the commission shall have
125.17 the full force and effect of law on the day the compact becomes law in that state.

125.18 (c) Any member state may withdraw from this compact by enacting a statute repealing
125.19 the same:

125.20 (1) a member state's withdrawal shall not take effect until six months after enactment
125.21 of the repealing statute; and

125.22 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's
125.23 physical therapy licensing board to comply with the investigative and adverse action reporting
125.24 requirements of this compact prior to the effective date of withdrawal.

125.25 (d) Nothing contained in this compact shall be construed to invalidate or prevent any
125.26 physical therapy licensure agreement or other cooperative arrangement between a member
125.27 state and a nonmember state that does not conflict with the provisions of this compact.

125.28 (e) This compact may be amended by the member states. No amendment to this compact
125.29 shall become effective and binding upon any member state until it is enacted into the laws
125.30 of all member states.

125.31 ARTICLE XII

125.32 CONSTRUCTION AND SEVERABILITY

126.1 This compact shall be liberally construed so as to effectuate the purposes thereof. The
126.2 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
126.3 of this compact is declared to be contrary to the constitution of any party state or of the
126.4 United States or the applicability thereof to any government, agency, person, or circumstance
126.5 is held invalid, the validity of the remainder of this compact and the applicability thereof
126.6 to any government, agency, person, or circumstance shall not be affected thereby. If this
126.7 compact shall be held contrary to the constitution of any party state, the compact shall
126.8 remain in full force and effect as to the remaining party states and in full force and effect
126.9 as to the party state affected as to all severable matters.

126.10 **EFFECTIVE DATE.** This section is effective the day following final enactment. The
126.11 Board of Physical Therapy must publish the effective date of the compact in the State
126.12 Register and on the board's website.

126.13 **ARTICLE 13**

126.14 **LICENSED PROFESSIONAL COUNSELOR COMPACT**

126.15 Section 1. **[148B.75] LICENSED PROFESSIONAL COUNSELOR INTERSTATE**
126.16 **COMPACT.**

126.17 The licensed professional counselor interstate compact is enacted into law and entered
126.18 into with all other jurisdictions legally joining in it, in the form substantially specified in
126.19 this section.

126.20 ARTICLE I

126.21 TITLE

126.22 This statute shall be known and cited as the professional counselors licensure compact.

126.23 ARTICLE II

126.24 DEFINITIONS

126.25 (a) As used in this compact, and except as otherwise provided, the following definitions
126.26 shall apply.

126.27 (b) "Active duty military" means full-time duty status in the active uniformed service
126.28 of the United States, including members of the national guard and reserve on active duty
126.29 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

126.30 (c) "Adverse action" means any administrative, civil, equitable, or criminal action
126.31 permitted by a state's laws which is imposed by a licensing board or other authority against

127.1 a licensed professional counselor, including actions against an individual's license or privilege
127.2 to practice such as revocation, suspension, probation, monitoring of the licensee, limitation
127.3 on the licensee's practice, or any other encumbrance on licensure affecting a licensed
127.4 professional counselor's authorization to practice, including issuance of a cease and desist
127.5 action.

127.6 (d) "Alternative program" means a non-disciplinary monitoring or practice remediation
127.7 process approved by a professional counseling licensing board to address impaired
127.8 practitioners.

127.9 (e) "Continuing competence" and "continuing education" means a requirement, as a
127.10 condition of license renewal, to provide evidence of participation in, or completion of,
127.11 educational and professional activities relevant to practice or area of work.

127.12 (f) "Counseling compact commission" or "commission" means the national administrative
127.13 body whose membership consists of all states that have enacted the compact.

127.14 (g) "Current significant investigative information" means:

127.15 (1) investigative information that a licensing board, after a preliminary inquiry that
127.16 includes notification and an opportunity for the licensed professional counselor to respond,
127.17 if required by state law, has reason to believe is not groundless and, if proved true, would
127.18 indicate more than a minor infraction; or

127.19 (2) investigative information that indicates that the licensed professional counselor
127.20 represents an immediate threat to public health and safety regardless of whether the licensed
127.21 professional counselor has been notified and had an opportunity to respond.

127.22 (h) "Data system" means a repository of information about licensees, including but not
127.23 limited to continuing education, examination, licensure, investigative, privilege to practice,
127.24 and adverse action information.

127.25 (i) "Encumbered license" means a license in which an adverse action restricts the practice
127.26 of licensed professional counseling by the licensee and said adverse action has been reported
127.27 to the National Practitioners Data Bank (NPDB).

127.28 (j) "Encumbrance" means a revocation or suspension of, or any limitation on, the full
127.29 and unrestricted practice of licensed professional counseling by a licensing board.

127.30 (k) "Executive committee" means a group of directors elected or appointed to act on
127.31 behalf of, and within the powers granted to them by, the commission.

127.32 (l) "Home state" means the member state that is the licensee's primary state of residence.

128.1 (m) "Impaired practitioner" means an individual who has a condition that may impair
128.2 their ability to practice as a licensed professional counselor without some type of intervention
128.3 and may include but is not limited to alcohol and drug dependence, mental health impairment,
128.4 and neurological or physical impairment.

128.5 (n) "Investigative information" means information, records, and documents received or
128.6 generated by a professional counseling licensing board pursuant to an investigation.

128.7 (o) "Jurisprudence requirement," if required by a member state, means the assessment
128.8 of an individual's knowledge of the laws and rules governing the practice of professional
128.9 counseling in a state.

128.10 (p) "Licensed professional counselor" means a counselor licensed by a member state,
128.11 regardless of the title used by that state, to independently assess, diagnose, and treat
128.12 behavioral health conditions.

128.13 (q) "Licensee" means an individual who currently holds an authorization from the state
128.14 to practice as a licensed professional counselor.

128.15 (r) "Licensing board" means the agency of a state, or equivalent, that is responsible for
128.16 the licensing and regulation of licensed professional counselors.

128.17 (s) "Member state" means a state that has enacted the compact.

128.18 (t) "Privilege to practice" means a legal authorization, which is equivalent to a license,
128.19 permitting the practice of professional counseling in a remote state.

128.20 (u) "Professional counseling" means the assessment, diagnosis, and treatment of
128.21 behavioral health conditions by a licensed professional counselor.

128.22 (v) "Remote state" means a member state other than the home state, where a licensee is
128.23 exercising or seeking to exercise the privilege to practice.

128.24 (w) "Rule" means a regulation promulgated by the commission that has the force of law.

128.25 (x) "Single state license" means a licensed professional counselor license issued by a
128.26 member state that authorizes practice only within the issuing state and does not include a
128.27 privilege to practice in any other member state.

128.28 (y) "State" means any state, commonwealth, district, or territory of the United States
128.29 that regulates the practice of professional counseling.

128.30 (z) "Telehealth" means the application of telecommunication technology to deliver
128.31 professional counseling services remotely to assess, diagnose, and treat behavioral health
128.32 conditions.

129.1 (aa) "Unencumbered license" means a license that authorizes a licensed professional
129.2 counselor to engage in the full and unrestricted practice of professional counseling.

129.3 ARTICLE III

129.4 STATE PARTICIPATION IN THE COMPACT

129.5 (a) To participate in the compact, a state must currently:

129.6 (1) license and regulate licensed professional counselors;

129.7 (2) require licensees to pass a nationally recognized exam approved by the commission;

129.8 (3) require licensees to have a 60 semester-hour or 90 quarter-hour master's degree in
129.9 counseling or 60 semester-hours or 90 quarter-hours of graduate coursework including the
129.10 following topic areas:

129.11 (i) professional counseling orientation and ethical practice;

129.12 (ii) social and cultural diversity;

129.13 (iii) human growth and development;

129.14 (iv) career development;

129.15 (v) counseling and helping relationships;

129.16 (vi) group counseling and group work;

129.17 (vii) diagnosis and treatment; assessment and testing;

129.18 (viii) research and program evaluation; and

129.19 (ix) other areas as determined by the commission;

129.20 (4) require licensees to complete a supervised postgraduate professional experience as
129.21 defined by the commission; and

129.22 (5) have a mechanism in place for receiving and investigating complaints about licensees.

129.23 (b) A member state shall:

129.24 (1) participate fully in the commission's data system, including using the commission's
129.25 unique identifier as defined in rules;

129.26 (2) notify the commission, in compliance with the terms of the compact and rules, of
129.27 any adverse action or the availability of investigative information regarding a licensee;

129.28 (3) implement or utilize procedures for considering the criminal history records of
129.29 applicants for an initial privilege to practice. These procedures shall include the submission

130.1 of fingerprints or other biometric-based information by applicants for the purpose of obtaining
130.2 an applicant's criminal history record information from the Federal Bureau of Investigation
130.3 and the agency responsible for retaining that state's criminal records;

130.4 (i) a member state must fully implement a criminal background check requirement,
130.5 within a time frame established by rule, by receiving the results of the Federal Bureau of
130.6 Investigation record search and shall use the results in making licensure decisions; and

130.7 (ii) communication between a member state, the commission, and among member states
130.8 regarding the verification of eligibility for licensure through the compact shall not include
130.9 any information received from the Federal Bureau of Investigation relating to a federal
130.10 criminal records check performed by a member state under Public Law 92-544;

130.11 (4) comply with the rules of the commission;

130.12 (5) require an applicant to obtain or retain a license in the home state and meet the home
130.13 state's qualifications for licensure or renewal of licensure, as well as all other applicable
130.14 state laws;

130.15 (6) grant the privilege to practice to a licensee holding a valid unencumbered license in
130.16 another member state in accordance with the terms of the compact and rules; and

130.17 (7) provide for the attendance of the state's commissioner to the counseling compact
130.18 commission meetings.

130.19 (c) Member states may charge a fee for granting the privilege to practice.

130.20 (d) Individuals not residing in a member state shall continue to be able to apply for a
130.21 member state's single state license as provided under the laws of each member state. However,
130.22 the single state license granted to these individuals shall not be recognized as granting a
130.23 privilege to practice professional counseling in any other member state.

130.24 (e) Nothing in this compact shall affect the requirements established by a member state
130.25 for the issuance of a single state license.

130.26 (f) A license issued to a licensed professional counselor by a home state to a resident in
130.27 that state shall be recognized by each member state as authorizing a licensed professional
130.28 counselor to practice professional counseling, under a privilege to practice, in each member
130.29 state.

130.30 ARTICLE IV

130.31 PRIVILEGE TO PRACTICE

131.1 (a) To exercise the privilege to practice under the terms and provisions of the compact,
131.2 the licensee shall:

131.3 (1) hold a license in the home state;

131.4 (2) have a valid United States Social Security number or national practitioner identifier;

131.5 (3) be eligible for a privilege to practice in any member state in accordance with this
131.6 article, paragraphs (d), (g), and (h);

131.7 (4) have not had any encumbrance or restriction against any license or privilege to
131.8 practice within the previous two years;

131.9 (5) notify the commission that the licensee is seeking the privilege to practice within a
131.10 remote state(s);

131.11 (6) pay any applicable fees, including any state fee, for the privilege to practice;

131.12 (7) meet any continuing competence or education requirements established by the home
131.13 state;

131.14 (8) meet any jurisprudence requirements established by the remote state in which the
131.15 licensee is seeking a privilege to practice; and

131.16 (9) report to the commission any adverse action, encumbrance, or restriction on license
131.17 taken by any nonmember state within 30 days from the date the action is taken.

131.18 (b) The privilege to practice is valid until the expiration date of the home state license.
131.19 The licensee must comply with the requirements of this article, paragraph (a), to maintain
131.20 the privilege to practice in the remote state.

131.21 (c) A licensee providing professional counseling in a remote state under the privilege
131.22 to practice shall adhere to the laws and regulations of the remote state.

131.23 (d) A licensee providing professional counseling services in a remote state is subject to
131.24 that state's regulatory authority. A remote state may, in accordance with due process and
131.25 that state's laws, remove a licensee's privilege to practice in the remote state for a specific
131.26 period of time, impose fines, or take any other necessary actions to protect the health and
131.27 safety of its citizens. The licensee may be ineligible for a privilege to practice in any member
131.28 state until the specific time for removal has passed and all fines are paid.

131.29 (e) If a home state license is encumbered, the licensee shall lose the privilege to practice
131.30 in any remote state until the following occur:

131.31 (1) the home state license is no longer encumbered; and

132.1 (2) have not had any encumbrance or restriction against any license or privilege to
132.2 practice within the previous two years.

132.3 (f) Once an encumbered license in the home state is restored to good standing, the
132.4 licensee must meet the requirements of this article, paragraph (a), to obtain a privilege to
132.5 practice in any remote state.

132.6 (g) If a licensee's privilege to practice in any remote state is removed, the individual
132.7 may lose the privilege to practice in all other remote states until the following occur:

132.8 (1) the specific period of time for which the privilege to practice was removed has ended;

132.9 (2) all fines have been paid; and

132.10 (3) have not had any encumbrance or restriction against any license or privilege to
132.11 practice within the previous two years.

132.12 (h) Once the requirements of this article, paragraph (g), have been met, the licensee must
132.13 meet the requirements in this article, paragraph (a), to obtain a privilege to practice in a
132.14 remote state.

132.15 ARTICLE V

132.16 OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO
132.17 PRACTICE

132.18 (a) A licensed professional counselor may hold a home state license, which allows for
132.19 a privilege to practice in other member states, in only one member state at a time.

132.20 (b) If a licensed professional counselor changes primary state of residence by moving
132.21 between two member states:

132.22 (1) the licensed professional counselor shall file an application for obtaining a new home
132.23 state license based on a privilege to practice, pay all applicable fees, and notify the current
132.24 and new home state in accordance with applicable rules adopted by the commission;

132.25 (2) upon receipt of an application for obtaining a new home state license by virtue of a
132.26 privilege to practice, the new home state shall verify that the licensed professional counselor
132.27 meets the pertinent criteria outlined in article IV via the data system, without need for
132.28 primary source verification, except for:

132.29 (i) a Federal Bureau of Investigation fingerprint-based criminal background check if not
132.30 previously performed or updated pursuant to applicable rules adopted by the commission
132.31 in accordance with Public Law 92-544;

- 133.1 (ii) other criminal background checks as required by the new home state; and
133.2 (iii) completion of any requisite jurisprudence requirements of the new home state;
133.3 (3) the former home state shall convert the former home state license into a privilege to
133.4 practice once the new home state has activated the new home state license in accordance
133.5 with applicable rules adopted by the commission;
133.6 (4) notwithstanding any other provision of this compact, if the licensed professional
133.7 counselor cannot meet the criteria in article VI, the new home state may apply its
133.8 requirements for issuing a new single state license; and
133.9 (5) the licensed professional counselor shall pay all applicable fees to the new home
133.10 state in order to be issued a new home state license.
133.11 (c) If a licensed professional counselor changes primary state of residence by moving
133.12 from a member state to a nonmember state, or from a nonmember state to a member state,
133.13 the state criteria shall apply for issuance of a single state license in the new state.
133.14 (d) Nothing in this compact shall interfere with a licensee's ability to hold a single state
133.15 license in multiple states, however, for the purposes of this compact, a licensee shall have
133.16 only one home state license.
133.17 (e) Nothing in this compact shall affect the requirements established by a member state
133.18 for the issuance of a single state license.

133.19 ARTICLE VI

133.20 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

- 133.21 Active duty military personnel, or their spouse, shall designate a home state where the
133.22 individual has a current license in good standing. The individual may retain the home state
133.23 designation during the period the service member is on active duty. Subsequent to designating
133.24 a home state, the individual shall only change their home state through application for
133.25 licensure in the new state or through the process outlined in article V.

133.26 ARTICLE VII

133.27 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

- 133.28 (a) Member states shall recognize the right of a licensed professional counselor, licensed
133.29 by a home state in accordance with article III and under rules promulgated by the commission,
133.30 to practice professional counseling in any member state via telehealth under a privilege to
133.31 practice as provided in the compact and rules promulgated by the commission.

134.1 (b) A licensee providing professional counseling services in a remote state under the
134.2 privilege to practice shall adhere to the laws and regulations of the remote state.

134.3 ARTICLE VIII

134.4 ADVERSE ACTIONS

134.5 (a) In addition to the other powers conferred by state law, a remote state shall have the
134.6 authority, in accordance with existing state due process law, to:

134.7 (1) take adverse action against a licensed professional counselor's privilege to practice
134.8 within that member state; and

134.9 (2) issue subpoenas for both hearings and investigations that require the attendance and
134.10 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
134.11 board in a member state for the attendance and testimony of witnesses or the production of
134.12 evidence from another member state shall be enforced in the latter state by any court of
134.13 competent jurisdiction according to the practice and procedure of that court applicable to
134.14 subpoenas issued in proceedings pending before it. The issuing authority shall pay any
134.15 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
134.16 state in which the witnesses or evidence are located.

134.17 (b) Only the home state shall have the power to take adverse action against a licensed
134.18 professional counselor's license issued by the home state.

134.19 (c) For purposes of taking adverse action, the home state shall give the same priority
134.20 and effect to reported conduct received from a member state as it would if the conduct had
134.21 occurred within the home state. In so doing, the home state shall apply its own state laws
134.22 to determine appropriate action.

134.23 (d) The home state shall complete any pending investigations of a licensed professional
134.24 counselor who changes primary state of residence during the course of the investigations.
134.25 The home state shall also have the authority to take appropriate action and shall promptly
134.26 report the conclusions of the investigations to the administrator of the data system. The
134.27 administrator of the coordinated licensure information system shall promptly notify the new
134.28 home state of any adverse actions.

134.29 (e) A member state, if otherwise permitted by state law, may recover from the affected
134.30 licensed professional counselor the costs of investigations and dispositions of cases resulting
134.31 from any adverse action taken against that licensed professional counselor.

135.1 (f) A member state may take adverse action based on the factual findings of the remote
135.2 state, provided that the member state follows its own procedures for taking the adverse
135.3 action.

135.4 (g) Joint investigations:

135.5 (1) in addition to the authority granted to a member state by its respective professional
135.6 counseling practice act or other applicable state law, any member state may participate with
135.7 other member states in joint investigations of licensees; and

135.8 (2) member states shall share any investigative, litigation, or compliance materials in
135.9 furtherance of any joint or individual investigation initiated under the compact.

135.10 (h) If adverse action is taken by the home state against the license of a licensed
135.11 professional counselor, the licensed professional counselor's privilege to practice in all other
135.12 member states shall be deactivated until all encumbrances have been removed from the
135.13 state license. All home state disciplinary orders that impose adverse action against the license
135.14 of a licensed professional counselor shall include a statement that the licensed professional
135.15 counselor's privilege to practice is deactivated in all member states during the pendency of
135.16 the order.

135.17 (i) If a member state takes adverse action, it shall promptly notify the administrator of
135.18 the data system. The administrator of the data system shall promptly notify the home state
135.19 of any adverse actions by remote states.

135.20 (j) Nothing in this compact shall override a member state's decision that participation
135.21 in an alternative program may be used in lieu of adverse action.

135.22 ARTICLE IX

135.23 ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

135.24 (a) The compact member states hereby create and establish a joint public agency known
135.25 as the counseling compact commission:

135.26 (1) the commission is an instrumentality of the compact states;

135.27 (2) except as provided under paragraph (i), venue is proper and judicial proceedings by
135.28 or against the commission shall be brought solely and exclusively in a court of competent
135.29 jurisdiction where the principal office of the commission is located. The commission may
135.30 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
135.31 alternative dispute resolution proceedings; and

135.32 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

136.1 (b) Membership, voting, and meetings:

136.2 (1) each member state shall have and be limited to one delegate selected by that member
136.3 state's licensing board;

136.4 (2) the delegate shall be either:

136.5 (i) a current member of the licensing board at the time of appointment who is a licensed
136.6 professional counselor or public member; or

136.7 (ii) an administrator of the licensing board;

136.8 (3) any delegate may be removed or suspended from office as provided by the law of
136.9 the state from which the delegate is appointed;

136.10 (4) the member state licensing board shall fill any vacancy occurring on the commission
136.11 within 60 days;

136.12 (5) each delegate shall be entitled to one vote with regard to the promulgation of rules
136.13 and creation of bylaws and shall otherwise have an opportunity to participate in the business
136.14 and affairs of the commission;

136.15 (6) a delegate shall vote in person or by such other means as provided in the bylaws.
136.16 The bylaws may provide for delegates' participation in meetings by telephone or other means
136.17 of communication;

136.18 (7) the commission shall meet at least once during each calendar year. Additional
136.19 meetings shall be held as set forth in the bylaws; and

136.20 (8) the commission shall by rule establish a term of office for delegates and may by rule
136.21 establish term limits.

136.22 (c) The commission shall have the following powers and duties:

136.23 (1) establish the fiscal year of the commission;

136.24 (2) establish bylaws;

136.25 (3) maintain its financial records in accordance with the bylaws;

136.26 (4) meet and take such actions as are consistent with the provisions of this compact and
136.27 the bylaws;

136.28 (5) promulgate rules which shall be binding to the extent and in the manner provided
136.29 for in the compact;

137.1 (6) bring and prosecute legal proceedings or actions in the name of the commission,
137.2 provided that the standing of any state licensing board to sue or be sued under applicable
137.3 law shall not be affected;

137.4 (7) purchase and maintain insurance and bonds;

137.5 (8) borrow, accept, or contract for services of personnel, including but not limited to
137.6 employees of a member state;

137.7 (9) hire employees, elect or appoint officers, fix compensation, define duties, grant such
137.8 individuals appropriate authority to carry out the purposes of the compact, and establish the
137.9 commission's personnel policies and programs relating to conflicts of interest, qualifications
137.10 of personnel, and other related personnel matters;

137.11 (10) accept any and all appropriate donations and grants of money, equipment, supplies,
137.12 materials, and services and to receive, utilize, and dispose of the same; provided that at all
137.13 times the commission shall avoid any appearance of impropriety and conflict of interest;

137.14 (11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
137.15 improve, or use any property, real, personal, or mixed; provided that at all times the
137.16 commission shall avoid any appearance of impropriety;

137.17 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
137.18 any property real, personal, or mixed;

137.19 (13) establish a budget and make expenditures;

137.20 (14) borrow money;

137.21 (15) appoint committees, including standing committees composed of members, state
137.22 regulators, state legislators or their representatives, and consumer representatives, and such
137.23 other interested persons as may be designated in this compact and the bylaws;

137.24 (16) provide and receive information from, and cooperate with, law enforcement agencies;

137.25 (17) establish and elect an executive committee; and

137.26 (18) perform such other functions as may be necessary or appropriate to achieve the
137.27 purposes of this compact consistent with the state regulation of professional counseling
137.28 licensure and practice.

137.29 (d) The executive committee:

137.30 (1) the executive committee shall have the power to act on behalf of the commission
137.31 according to the terms of this compact;

- 138.1 (2) the executive committee shall be composed of up to eleven members:
- 138.2 (i) seven voting members who are elected by the commission from the current
- 138.3 membership of the commission;
- 138.4 (ii) up to four ex-officio, nonvoting members from four recognized national professional
- 138.5 counselor organizations; and
- 138.6 (iii) the ex-officio members will be selected by their respective organizations;
- 138.7 (3) the commission may remove any member of the executive committee as provided
- 138.8 in the bylaws;
- 138.9 (4) the executive committee shall meet at least annually; and
- 138.10 (5) the executive committee shall have the following duties and responsibilities:
- 138.11 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
- 138.12 compact legislation, fees paid by compact member states such as annual dues, and any
- 138.13 commission compact fee charged to licensees for the privilege to practice;
- 138.14 (ii) ensure compact administration services are appropriately provided, contractual or
- 138.15 otherwise;
- 138.16 (iii) prepare and recommend the budget;
- 138.17 (iv) maintain financial records on behalf of the commission;
- 138.18 (v) monitor compact compliance of member states and provide compliance reports to
- 138.19 the commission;
- 138.20 (vi) establish additional committees as necessary; and
- 138.21 (vii) other duties as provided in rules or bylaws.
- 138.22 (e) Meetings of the commission:
- 138.23 (1) all meetings shall be open to the public, and public notice of meetings shall be given
- 138.24 in the same manner as required under the rulemaking provisions in article XI;
- 138.25 (2) the commission or the executive committee or other committees of the commission
- 138.26 may convene in a closed, non-public meeting if the commission or executive committee or
- 138.27 other committees of the commission must discuss:
- 138.28 (i) non-compliance of a member state with its obligations under the compact;

139.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
139.2 related to specific employees or other matters related to the commission's internal personnel
139.3 practices and procedures;

139.4 (iii) current, threatened, or reasonably anticipated litigation;

139.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
139.6 estate;

139.7 (v) accusing any person of a crime or formally censuring any person;

139.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged
139.9 or confidential;

139.10 (vii) disclosure of information of a personal nature where disclosure would constitute a
139.11 clearly unwarranted invasion of personal privacy;

139.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

139.13 (ix) disclosure of information related to any investigative reports prepared by or on
139.14 behalf of or for use of the commission or other committee charged with responsibility of
139.15 investigation or determination of compliance issues pursuant to the compact; or

139.16 (x) matters specifically exempted from disclosure by federal or member state statute;

139.17 (3) if a meeting, or portion of a meeting, is closed pursuant to this provision, the
139.18 commission's legal counsel or designee shall certify that the meeting may be closed and
139.19 shall reference each relevant exempting provision; and

139.20 (4) the commission shall keep minutes that fully and clearly describe all matters discussed
139.21 in a meeting and shall provide a full and accurate summary of actions taken and the reasons
139.22 therefore, including a description of the views expressed. All documents considered in
139.23 connection with an action shall be identified in such minutes. All minutes and documents
139.24 of a closed meeting shall remain under seal, subject to release by a majority vote of the
139.25 commission or order of a court of competent jurisdiction.

139.26 (f) Financing of the commission:

139.27 (i) the commission shall pay, or provide for the payment of, the reasonable expenses of
139.28 its establishment, organization, and ongoing activities;

139.29 (ii) the commission may accept any and all appropriate revenue sources, donations, and
139.30 grants of money, equipment, supplies, materials, and services;

140.1 (iii) the commission may levy on and collect an annual assessment from each member
140.2 state or impose fees on other parties to cover the cost of the operations and activities of the
140.3 commission and its staff, which must be in a total amount sufficient to cover its annual
140.4 budget as approved each year for which revenue is not provided by other sources. The
140.5 aggregate annual assessment amount shall be allocated based upon a formula to be determined
140.6 by the commission, which shall promulgate a rule binding upon all member states;

140.7 (iv) the commission shall not incur obligations of any kind prior to securing the funds
140.8 adequate to meet the same; nor shall the commission pledge the credit of any of the member
140.9 states, except by and with the authority of the member state; and

140.10 (v) the commission shall keep accurate accounts of all receipts and disbursements. The
140.11 receipts and disbursements of the commission shall be subject to the audit and accounting
140.12 procedures established under its bylaws. However, all receipts and disbursements of funds
140.13 handled by the commission shall be audited yearly by a certified or licensed public
140.14 accountant, and the report of the audit shall be included in and become part of the annual
140.15 report of the commission.

140.16 (g) Qualified immunity, defense, and indemnification:

140.17 (1) the members, officers, executive director, employees, and representatives of the
140.18 commission shall be immune from suit and liability, either personally or in their official
140.19 capacity, for any claim for damage to or loss of property or personal injury or other civil
140.20 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
140.21 or that the person against whom the claim is made had a reasonable basis for believing
140.22 occurred within the scope of commission employment, duties, or responsibilities; provided
140.23 that nothing in this paragraph shall be construed to protect any such person from suit or
140.24 liability for any damage, loss, injury, or liability caused by the intentional or willful or
140.25 wanton misconduct of that person;

140.26 (2) the commission shall defend any member, officer, executive director, employee, or
140.27 representative of the commission in any civil action seeking to impose liability arising out
140.28 of any actual or alleged act, error, or omission that occurred within the scope of commission
140.29 employment, duties, or responsibilities, or that the person against whom the claim is made
140.30 had a reasonable basis for believing occurred within the scope of commission employment,
140.31 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
140.32 person from retaining his or her own counsel; and provided further, that the actual or alleged
140.33 act, error, or omission did not result from that person's intentional or willful or wanton
140.34 misconduct; and

141.1 (3) the commission shall indemnify and hold harmless any member, officer, executive
141.2 director, employee, or representative of the commission for the amount of any settlement
141.3 or judgment obtained against that person arising out of any actual or alleged act, error, or
141.4 omission that occurred within the scope of commission employment, duties, or
141.5 responsibilities, or that such person had a reasonable basis for believing occurred within
141.6 the scope of commission employment, duties, or responsibilities, provided that the actual
141.7 or alleged act, error, or omission did not result from the intentional or willful or wanton
141.8 misconduct of that person.

141.9 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,
141.10 employees, or representatives of the interstate commission, acting within the scope of their
141.11 employment or duties, may not exceed the limits of liability set forth under the constitution
141.12 and laws of this state for state officials, employees, and agents. This paragraph expressly
141.13 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
141.14 under that statute.

141.15 (i) Except for a claim alleging a violation of this compact, a claim against the commission,
141.16 its executive director, employees, or representatives alleging a violation of the constitution
141.17 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
141.18 this paragraph creates a private right of action.

141.19 (j) Nothing in this compact shall be construed as a limitation on the liability of any
141.20 licensee for professional malpractice or misconduct, which shall be governed solely by any
141.21 other applicable state laws.

141.22 ARTICLE X

141.23 DATA SYSTEM

141.24 (a) The commission shall provide for the development, maintenance, operation, and
141.25 utilization of a coordinated database and reporting system containing licensure, adverse
141.26 action, and investigative information on all licensed individuals in member states.

141.27 (b) Notwithstanding any other provision of state law to the contrary, a member state
141.28 shall submit a uniform data set to the data system on all individuals to whom this compact
141.29 is applicable as required by the rules of the commission, including:

141.30 (1) identifying information;

141.31 (2) licensure data;

141.32 (3) adverse actions against a license or privilege to practice;

- 142.1 (4) nonconfidential information related to alternative program participation;
142.2 (5) any denial of application for licensure and the reason for such denial;
142.3 (6) current significant investigative information; and
142.4 (7) other information that may facilitate the administration of this compact, as determined
142.5 by the rules of the commission.

142.6 (c) Investigative information pertaining to a licensee in any member state will only be
142.7 available to other member states.

142.8 (d) The commission shall promptly notify all member states of any adverse action taken
142.9 against a licensee or an individual applying for a license. Adverse action information
142.10 pertaining to a licensee in any member state will be available to any other member state.

142.11 (e) Member states contributing information to the data system may designate information
142.12 that may not be shared with the public without the express permission of the contributing
142.13 state.

142.14 (f) Any information submitted to the data system that is subsequently required to be
142.15 expunged by the laws of the member state contributing the information shall be removed
142.16 from the data system.

142.17 ARTICLE XI

142.18 RULEMAKING

142.19 (a) The commission shall promulgate reasonable rules in order to effectively and
142.20 efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event
142.21 the commission exercises its rulemaking authority in a manner that is beyond the scope of
142.22 the purposes of the compact, or the powers granted hereunder, then such an action by the
142.23 commission shall be invalid and have no force or effect.

142.24 (b) The commission shall exercise its rulemaking powers pursuant to the criteria set
142.25 forth in this article and the rules adopted thereunder. Rules and amendments shall become
142.26 binding as of the date specified in each rule or amendment.

142.27 (c) If a majority of the legislatures of the member states rejects a rule, by enactment of
142.28 a statute or resolution in the same manner used to adopt the compact within four years of
142.29 the date of adoption of the rule, then such rule shall have no further force and effect in any
142.30 member state.

142.31 (d) Rules or amendments to the rules shall be adopted at a regular or special meeting of
142.32 the commission.

143.1 (e) Prior to promulgation and adoption of a final rule or rules by the commission, and
143.2 at least thirty days in advance of the meeting at which the rule will be considered and voted
143.3 upon, the commission shall file a notice of proposed rulemaking:

143.4 (1) on the website of the commission or other publicly accessible platform; and

143.5 (2) on the website of each member state professional counseling licensing board or other
143.6 publicly accessible platform or the publication in which each state would otherwise publish
143.7 proposed rules.

143.8 (f) The notice of proposed rulemaking shall include:

143.9 (1) the proposed time, date, and location of the meeting in which the rule will be
143.10 considered and voted upon;

143.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

143.12 (3) a request for comments on the proposed rule from any interested person; and

143.13 (4) the manner in which interested persons may submit notice to the commission of their
143.14 intention to attend the public hearing and any written comments.

143.15 (g) Prior to adoption of a proposed rule, the commission shall allow persons to submit
143.16 written data, facts, opinions, and arguments, which shall be made available to the public.

143.17 (h) The commission shall grant an opportunity for a public hearing before it adopts a
143.18 rule or amendment if a hearing is requested by:

143.19 (1) at least 25 persons;

143.20 (2) a state or federal governmental subdivision or agency; or

143.21 (3) an association having at least 25 members.

143.22 (i) If a hearing is held on the proposed rule or amendment, the commission shall publish
143.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
143.24 means, the commission shall publish the mechanism for access to the electronic hearing:

143.25 (1) all persons wishing to be heard at the hearing shall notify the executive director of
143.26 the commission or other designated member in writing of their desire to appear and testify
143.27 at the hearing not less than five business days before the scheduled date of the hearing;

143.28 (2) hearings shall be conducted in a manner providing each person who wishes to
143.29 comment a fair and reasonable opportunity to comment orally or in writing;

143.30 (3) all hearings will be recorded. A copy of the recording will be made available on
143.31 request; and

144.1 (4) nothing in this article shall be construed as requiring a separate hearing on each rule.
144.2 Rules may be grouped for the convenience of the commission at hearings required by this
144.3 article.

144.4 (j) Following the scheduled hearing date, or by the close of business on the scheduled
144.5 hearing date if the hearing was not held, the commission shall consider all written and oral
144.6 comments received.

144.7 (k) If no written notice of intent to attend the public hearing by interested parties is
144.8 received, the commission may proceed with promulgation of the proposed rule without a
144.9 public hearing.

144.10 (l) The commission shall, by majority vote of all members, take final action on the
144.11 proposed rule and shall determine the effective date of the rule, if any, based on the
144.12 rulemaking record and the full text of the rule.

144.13 (m) Upon determination that an emergency exists, the commission may consider and
144.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
144.15 that the usual rulemaking procedures provided in the compact and in this article shall be
144.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
144.17 days after the effective date of the rule. For the purposes of this provision, an emergency
144.18 rule is one that must be adopted immediately in order to:

144.19 (1) meet an imminent threat to public health, safety, or welfare;

144.20 (2) prevent a loss of commission or member state funds;

144.21 (3) meet a deadline for the promulgation of an administrative rule that is established by
144.22 federal law or rule; or

144.23 (4) protect public health and safety.

144.24 (n) The commission or an authorized committee of the commission may direct revisions
144.25 to a previously adopted rule or amendment for purposes of correcting typographical errors,
144.26 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
144.27 shall be posted on the website of the commission. The revision shall be subject to challenge
144.28 by any person for a period of thirty days after posting. The revision may be challenged only
144.29 on grounds that the revision results in a material change to a rule. A challenge shall be made
144.30 in writing and delivered to the chair of the commission prior to the end of the notice period.
144.31 If no challenge is made, the revision will take effect without further action. If the revision
144.32 is challenged, the revision may not take effect without the approval of the commission.

144.33 ARTICLE XII

145.1 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

145.2 (a) Oversight:

145.3 (1) the executive, legislative, and judicial branches of state government in each member
145.4 state shall enforce this compact and take all actions necessary and appropriate to effectuate
145.5 the compact's purposes and intent. The provisions of this compact and the rules promulgated
145.6 hereunder shall have standing as statutory law;

145.7 (2) all courts shall take judicial notice of the compact and the rules in any judicial or
145.8 administrative proceeding in a member state pertaining to the subject matter of this compact
145.9 which may affect the powers, responsibilities, or actions of the commission; and

145.10 (3) the commission shall be entitled to receive service of process in any such proceeding
145.11 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
145.12 service of process to the commission shall render a judgment or order void as to the
145.13 commission, this compact, or promulgated rules.

145.14 (b) Default, technical assistance, and termination:

145.15 (1) if the commission determines that a member state has defaulted in the performance
145.16 of its obligations or responsibilities under this compact or the promulgated rules, the
145.17 commission shall:

145.18 (i) provide written notice to the defaulting state and other member states of the nature
145.19 of the default, the proposed means of curing the default, or any other action to be taken by
145.20 the commission; and

145.21 (ii) provide remedial training and specific technical assistance regarding the default.

145.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated
145.23 from the compact upon an affirmative vote of a majority of the member states, and all rights,
145.24 privileges, and benefits conferred by this compact may be terminated on the effective date
145.25 of termination. A cure of the default does not relieve the offending state of obligations or
145.26 liabilities incurred during the period of default.

145.27 (d) Termination of membership in the compact shall be imposed only after all other
145.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
145.29 shall be given by the commission to the governor, the majority and minority leaders of the
145.30 defaulting state's legislature, and each of the member states.

146.1 (e) A state that has been terminated is responsible for all assessments, obligations, and
146.2 liabilities incurred through the effective date of termination, including obligations that
146.3 extend beyond the effective date of termination.

146.4 (f) The commission shall not bear any costs related to a state that is found to be in default
146.5 or that has been terminated from the compact, unless agreed upon in writing between the
146.6 commission and the defaulting state.

146.7 (g) The defaulting state may appeal the action of the commission by petitioning the
146.8 United States District Court for the District of Columbia or the federal district where the
146.9 commission has its principal offices. The prevailing member shall be awarded all costs of
146.10 such litigation, including reasonable attorney fees.

146.11 (h) Dispute resolution:

146.12 (1) upon request by a member state, the commission shall attempt to resolve disputes
146.13 related to the compact that arise among member states and between member and nonmember
146.14 states; and

146.15 (2) the commission shall promulgate a rule providing for both mediation and binding
146.16 dispute resolution for disputes as appropriate.

146.17 (i) Enforcement:

146.18 (1) the commission, in the reasonable exercise of its discretion, shall enforce the
146.19 provisions and rules of this compact;

146.20 (2) by majority vote, the commission may initiate legal action in the United States District
146.21 Court for the District of Columbia or the federal district where the commission has its
146.22 principal offices against a member state in default to enforce compliance with the provisions
146.23 of the compact and its promulgated rules and bylaws. The relief sought may include both
146.24 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
146.25 member shall be awarded all costs of such litigation, including reasonable attorney fees;
146.26 and

146.27 (3) the remedies herein shall not be the exclusive remedies of the commission. The
146.28 commission may pursue any other remedies available under federal or state law.

146.29 ARTICLE XIII

146.30 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION
146.31 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

147.1 (a) The compact shall come into effect on the date on which the compact statute is
147.2 enacted into law in the tenth member state. The provisions, which become effective at that
147.3 time, shall be limited to the powers granted to the commission relating to assembly and the
147.4 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
147.5 powers necessary to the implementation and administration of the compact.

147.6 (b) Any state that joins the compact subsequent to the commission's initial adoption of
147.7 the rules shall be subject to the rules as they exist on the date on which the compact becomes
147.8 law in that state. Any rule that has been previously adopted by the commission shall have
147.9 the full force and effect of law on the day the compact becomes law in that state.

147.10 (c) Any member state may withdraw from this compact by enacting a statute repealing
147.11 the same.

147.12 (1) a member state's withdrawal shall not take effect until six months after enactment
147.13 of the repealing statute; and

147.14 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's
147.15 professional counseling licensing board to comply with the investigative and adverse action
147.16 reporting requirements of this compact prior to the effective date of withdrawal.

147.17 (d) Nothing contained in this compact shall be construed to invalidate or prevent any
147.18 professional counseling licensure agreement or other cooperative arrangement between a
147.19 member state and a nonmember state that does not conflict with the provisions of this
147.20 compact.

147.21 (e) This compact may be amended by the member states. No amendment to this compact
147.22 shall become effective and binding upon any member state until it is enacted into the laws
147.23 of all member states.

147.24 ARTICLE XIV

147.25 CONSTRUCTION AND SEVERABILITY

147.26 This compact shall be liberally construed so as to effectuate the purposes thereof. The
147.27 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
147.28 of this compact is declared to be contrary to the constitution of any member state or of the
147.29 United States or the applicability thereof to any government, agency, person, or circumstance
147.30 is held invalid, the validity of the remainder of this compact and the applicability thereof
147.31 to any government, agency, person, or circumstance shall not be affected thereby. If this
147.32 compact shall be held contrary to the constitution of any member state, the compact shall

148.1 remain in full force and effect as to the remaining member states and in full force and effect
148.2 as to the member state affected as to all severable matters.

148.3 ARTICLE XV

148.4 BINDING EFFECT OF COMPACT AND OTHER LAWS

148.5 (a) A licensee providing professional counseling services in a remote state under the
148.6 privilege to practice shall adhere to the laws and regulations, including scope of practice,
148.7 of the remote state.

148.8 (b) Nothing herein prevents the enforcement of any other law of a member state that is
148.9 not inconsistent with the compact.

148.10 (c) Any laws in a member state in conflict with the compact are superseded to the extent
148.11 of the conflict.

148.12 (d) Any lawful actions of the commission, including all rules and bylaws properly
148.13 promulgated by the commission, are binding upon the member states.

148.14 (e) All permissible agreements between the commission and the member states are
148.15 binding in accordance with their terms.

148.16 (f) In the event any provision of the compact exceeds the constitutional limits imposed
148.17 on the legislature of any member state, the provision shall be ineffective to the extent of the
148.18 conflict with the constitutional provision in question in that member state.

148.19 ARTICLE 14

148.20 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT

148.21 Section 1. [148.5185] AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
148.22 INTERSTATE COMPACT.

148.23 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law
148.24 and entered into with all other jurisdictions legally joining in it in the form substantially
148.25 specified in this section.

148.26 ARTICLE I

148.27 DEFINITIONS

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

149.1 (A) "Active duty military" means full-time duty status in the active uniformed service
149.2 of the United States, including members of the National Guard and Reserve on active duty
149.3 orders pursuant to United States Code, title 10, sections 1209 and 1211.

149.4 (B) "Adverse action" means any administrative, civil, equitable, or criminal action
149.5 permitted by a state's laws which is imposed by a licensing board or other authority against
149.6 an audiologist or speech-language pathologist, including actions against an individual's
149.7 license or privilege to practice such as revocation, suspension, probation, monitoring of the
149.8 licensee, or restriction on the licensee's practice.

149.9 (C) "Alternative program" means a non-disciplinary monitoring process approved by
149.10 an audiology or speech-language pathology licensing board to address impaired practitioners.

149.11 (D) "Audiologist" means an individual who is licensed by a state to practice audiology.

149.12 (E) "Audiology" means the care and services provided by a licensed audiologist as set
149.13 forth in the member state's statutes and rules.

149.14 (F) "Audiology and Speech-Language Pathology Compact Commission" or "commission"
149.15 means the national administrative body whose membership consists of all states that have
149.16 enacted the compact.

149.17 (G) "Audiology and speech-language pathology licensing board," "audiology licensing
149.18 board," "speech-language pathology licensing board," or "licensing board" means the agency
149.19 of a state that is responsible for the licensing and regulation of audiologists or
149.20 speech-language pathologists or both.

149.21 (H) "Compact privilege" means the authorization granted by a remote state to allow a
149.22 licensee from another member state to practice as an audiologist or speech-language
149.23 pathologist in the remote state under its laws and rules. The practice of audiology or
149.24 speech-language pathology occurs in the member state where the patient, client, or student
149.25 is located at the time of the patient, client, or student encounter.

149.26 (I) "Current significant investigative information" means investigative information that
149.27 a licensing board, after an inquiry or investigation that includes notification and an
149.28 opportunity for the audiologist or speech-language pathologist to respond, if required by
149.29 state law, has reason to believe is not groundless and, if proved true, would indicate more
149.30 than a minor infraction.

149.31 (J) "Data system" means a repository of information about licensees, including but not
149.32 limited to continuing education, examination, licensure, investigation, compact privilege,
149.33 and adverse action.

150.1 (K) "Encumbered license" means a license in which an adverse action restricts the
150.2 practice of audiology or speech-language pathology by the licensee and said adverse action
150.3 has been reported to the National Practitioners Data Bank (NPDB).

150.4 (L) "Executive committee" means a group of directors elected or appointed to act on
150.5 behalf of, and within the powers granted to them by, the commission.

150.6 (M) "Home state" means the member state that is the licensee's primary state of residence.

150.7 (N) "Impaired practitioner" means individuals whose professional practice is adversely
150.8 affected by substance abuse, addiction, or other health-related conditions.

150.9 (O) "Licensee" means an individual who currently holds an authorization from the state
150.10 licensing board to practice as an audiologist or speech-language pathologist.

150.11 (P) "Member state" means a state that has enacted the compact.

150.12 (Q) "Privilege to practice" means a legal authorization permitting the practice of audiology
150.13 or speech-language pathology in a remote state.

150.14 (R) "Remote state" means a member state other than the home state where a licensee is
150.15 exercising or seeking to exercise the compact privilege.

150.16 (S) "Rule" means a regulation, principle, or directive promulgated by the commission
150.17 that has the force of law.

150.18 (T) "Single-state license" means an audiology or speech-language pathology license
150.19 issued by a member state that authorizes practice only within the issuing state and does not
150.20 include a privilege to practice in any other member state.

150.21 (U) "Speech-language pathologist" means an individual who is licensed by a state to
150.22 practice speech-language pathology.

150.23 (V) "Speech-language pathology" means the care and services provided by a licensed
150.24 speech-language pathologist as set forth in the member state's statutes and rules.

150.25 (W) "State" means any state, commonwealth, district, or territory of the United States
150.26 of America that regulates the practice of audiology and speech-language pathology.

150.27 (X) "State practice laws" means a member state's laws, rules, and regulations that govern
150.28 the practice of audiology or speech-language pathology, define the scope of audiology or
150.29 speech-language pathology practice, and create the methods and grounds for imposing
150.30 discipline.

151.1 (Y) "Telehealth" means the application of telecommunication technology to deliver
151.2 audiology or speech-language pathology services at a distance for assessment, intervention,
151.3 or consultation.

151.4 ARTICLE II

151.5 STATE PARTICIPATION IN THE COMPACT

151.6 (A) A license issued to an audiologist or speech-language pathologist by a home state
151.7 to a resident in that state shall be recognized by each member state as authorizing an
151.8 audiologist or speech-language pathologist to practice audiology or speech-language
151.9 pathology, under a privilege to practice, in each member state.

151.10 (B) A state must implement or utilize procedures for considering the criminal history
151.11 records of applicants for initial privilege to practice. These procedures shall include the
151.12 submission of fingerprints or other biometric-based information by applicants for the purpose
151.13 of obtaining an applicant's criminal history record information from the Federal Bureau of
151.14 Investigation and the agency responsible for retaining that state's criminal records.

151.15 (1) A member state must fully implement a criminal background check requirement,
151.16 within a time frame established by rule, by receiving the results of the Federal Bureau of
151.17 Investigation record search on criminal background checks and use the results in making
151.18 licensure decisions.

151.19 (2) Communication between a member state and the commission and among member
151.20 states regarding the verification of eligibility for licensure through the compact shall not
151.21 include any information received from the Federal Bureau of Investigation relating to a
151.22 federal criminal records check performed by a member state under Public Law 92-544.

151.23 (C) Upon application for a privilege to practice, the licensing board in the issuing remote
151.24 state shall ascertain, through the data system, whether the applicant has ever held, or is the
151.25 holder of, a license issued by any other state, whether there are any encumbrances on any
151.26 license or privilege to practice held by the applicant, and whether any adverse action has
151.27 been taken against any license or privilege to practice held by the applicant.

151.28 (D) Each member state shall require an applicant to obtain or retain a license in the home
151.29 state and meet the home state's qualifications for licensure or renewal of licensure, as well
151.30 as all other applicable state laws.

151.31 (E) An audiologist must:

151.32 (1) meet one of the following educational requirements:

152.1 (i) on or before December 31, 2007, have graduated with a master's degree or doctoral
152.2 degree in audiology, or equivalent degree regardless of degree name, from a program that
152.3 is accredited by an accrediting agency recognized by the Council for Higher Education
152.4 Accreditation, or its successor, or by the United States Department of Education and operated
152.5 by a college or university accredited by a regional or national accrediting organization
152.6 recognized by the board; or

152.7 (ii) on or after January 1, 2008, have graduated with a doctoral degree in audiology, or
152.8 equivalent degree regardless of degree name, from a program that is accredited by an
152.9 accrediting agency recognized by the Council for Higher Education Accreditation, or its
152.10 successor, or by the United States Department of Education and operated by a college or
152.11 university accredited by a regional or national accrediting organization recognized by the
152.12 board; or

152.13 (iii) have graduated from an audiology program that is housed in an institution of higher
152.14 education outside of the United States (a) for which the program and institution have been
152.15 approved by the authorized accrediting body in the applicable country and (b) the degree
152.16 program has been verified by an independent credentials review agency to be comparable
152.17 to a state licensing board-approved program;

152.18 (2) have completed a supervised clinical practicum experience from an accredited
152.19 educational institution or its cooperating programs as required by the board;

152.20 (3) have successfully passed a national examination approved by the commission;

152.21 (4) hold an active, unencumbered license;

152.22 (5) not have been convicted or found guilty, and not have entered into an agreed
152.23 disposition, of a felony related to the practice of audiology, under applicable state or federal
152.24 criminal law; and

152.25 (6) have a valid United States Social Security or National Practitioner Identification
152.26 number.

152.27 (F) A speech-language pathologist must:

152.28 (1) meet one of the following educational requirements:

152.29 (i) have graduated with a master's degree from a speech-language pathology program
152.30 that is accredited by an organization recognized by the United States Department of Education
152.31 and operated by a college or university accredited by a regional or national accrediting
152.32 organization recognized by the board; or

153.1 (ii) have graduated from a speech-language pathology program that is housed in an
153.2 institution of higher education outside of the United States (a) for which the program and
153.3 institution have been approved by the authorized accrediting body in the applicable country
153.4 and (b) the degree program has been verified by an independent credentials review agency
153.5 to be comparable to a state licensing board-approved program;

153.6 (2) have completed a supervised clinical practicum experience from an educational
153.7 institution or its cooperating programs as required by the commission;

153.8 (3) have completed a supervised postgraduate professional experience as required by
153.9 the commission;

153.10 (4) have successfully passed a national examination approved by the commission;

153.11 (5) hold an active, unencumbered license;

153.12 (6) not have been convicted or found guilty, and not have entered into an agreed
153.13 disposition, of a felony related to the practice of speech-language pathology, under applicable
153.14 state or federal criminal law; and

153.15 (7) have a valid United States Social Security or National Practitioner Identification
153.16 number.

153.17 (G) The privilege to practice is derived from the home state license.

153.18 (H) An audiologist or speech-language pathologist practicing in a member state must
153.19 comply with the state practice laws of the state in which the client is located at the time
153.20 service is provided. The practice of audiology and speech-language pathology shall include
153.21 all audiology and speech-language pathology practice as defined by the state practice laws
153.22 of the member state in which the client is located. The practice of audiology and
153.23 speech-language pathology in a member state under a privilege to practice shall subject an
153.24 audiologist or speech-language pathologist to the jurisdiction of the licensing board, the
153.25 courts and the laws of the member state in which the client is located at the time service is
153.26 provided.

153.27 (I) Individuals not residing in a member state shall continue to be able to apply for a
153.28 member state's single-state license as provided under the laws of each member state.
153.29 However, the single-state license granted to these individuals shall not be recognized as
153.30 granting the privilege to practice audiology or speech-language pathology in any other
153.31 member state. Nothing in this compact shall affect the requirements established by a member
153.32 state for the issuance of a single-state license.

153.33 (J) Member states may charge a fee for granting a compact privilege.

154.1 (K) Member states must comply with the bylaws and rules and regulations of the
154.2 commission.

154.3 ARTICLE III

154.4 COMPACT PRIVILEGE

154.5 (A) To exercise the compact privilege under the terms and provisions of the compact,
154.6 the audiologist or speech-language pathologist shall:

154.7 (1) hold an active license in the home state;

154.8 (2) have no encumbrance on any state license;

154.9 (3) be eligible for a compact privilege in any member state in accordance with Article
154.10 II;

154.11 (4) have not had any adverse action against any license or compact privilege within the
154.12 previous two years from date of application;

154.13 (5) notify the commission that the licensee is seeking the compact privilege within a
154.14 remote state or states;

154.15 (6) pay any applicable fees, including any state fee, for the compact privilege; and

154.16 (7) report to the commission adverse action taken by any nonmember state within 30
154.17 days from the date the adverse action is taken.

154.18 (B) For the purposes of the compact privilege, an audiologist or speech-language
154.19 pathologist shall only hold one home state license at a time.

154.20 (C) Except as provided in Article V, if an audiologist or speech-language pathologist
154.21 changes primary state of residence by moving between two member states, the audiologist
154.22 or speech-language pathologist must apply for licensure in the new home state, and the
154.23 license issued by the prior home state shall be deactivated in accordance with applicable
154.24 rules adopted by the commission.

154.25 (D) The audiologist or speech-language pathologist may apply for licensure in advance
154.26 of a change in primary state of residence.

154.27 (E) A license shall not be issued by the new home state until the audiologist or
154.28 speech-language pathologist provides satisfactory evidence of a change in primary state of
154.29 residence to the new home state and satisfies all applicable requirements to obtain a license
154.30 from the new home state.

155.1 (F) If an audiologist or speech-language pathologist changes primary state of residence
155.2 by moving from a member state to a nonmember state, the license issued by the prior home
155.3 state shall convert to a single-state license, valid only in the former home state.

155.4 (G) The compact privilege is valid until the expiration date of the home state license.
155.5 The licensee must comply with the requirements of Article III, (A), to maintain the compact
155.6 privilege in the remote state.

155.7 (H) A licensee providing audiology or speech-language pathology services in a remote
155.8 state under the compact privilege shall function within the laws and regulations of the remote
155.9 state.

155.10 (I) A licensee providing audiology or speech-language pathology services in a remote
155.11 state is subject to that state's regulatory authority. A remote state may, in accordance with
155.12 due process and that state's laws, remove a licensee's compact privilege in the remote state
155.13 for a specific period of time, impose fines, or take any other necessary actions to protect
155.14 the health and safety of its citizens.

155.15 (J) If a home state license is encumbered, the licensee shall lose the compact privilege
155.16 in any remote state until the following occur:

155.17 (1) the home state license is no longer encumbered; and

155.18 (2) two years have elapsed from the date of the adverse action.

155.19 (K) Once an encumbered license in the home state is restored to good standing, the
155.20 licensee must meet the requirements of Article III, (A), to obtain a compact privilege in any
155.21 remote state.

155.22 (L) Once the requirements of Article III, (J), have been met, the licensee must meet the
155.23 requirements in Article III, (A), to obtain a compact privilege in a remote state.

155.24 ARTICLE IV

155.25 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

155.26 Member states shall recognize the right of an audiologist or speech-language pathologist,
155.27 licensed by a home state in accordance with Article II and under rules promulgated by the
155.28 commission, to practice audiology or speech-language pathology in a member state via
155.29 telehealth under a privilege to practice as provided in the compact and rules promulgated
155.30 by the commission.

155.31 ARTICLE V

155.32 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

156.1 Active duty military personnel, or their spouse, shall designate a home state where the
156.2 individual has a current license in good standing. The individual may retain the home state
156.3 designation during the period the service member is on active duty. Subsequent to designating
156.4 a home state, the individual shall only change their home state through application for
156.5 licensure in the new state.

156.6 ARTICLE VI

156.7 ADVERSE ACTIONS

156.8 (A) In addition to the other powers conferred by state law, a remote state shall have the
156.9 authority, in accordance with existing state due process law, to:

156.10 (1) take adverse action against an audiologist's or speech-language pathologist's privilege
156.11 to practice within that member state; and

156.12 (2) issue subpoenas for both hearings and investigations that require the attendance and
156.13 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
156.14 board in a member state for the attendance and testimony of witnesses or the production of
156.15 evidence from another member state shall be enforced in the latter state by any court of
156.16 competent jurisdiction, according to the practice and procedure of that court applicable to
156.17 subpoenas issued in proceedings pending before it. The issuing authority shall pay any
156.18 witness fees, travel expenses, mileage and other fees required by the service statutes of the
156.19 state in which the witnesses or evidence are located.

156.20 (B) Only the home state shall have the power to take adverse action against an
156.21 audiologist's or speech-language pathologist's license issued by the home state.

156.22 (C) For purposes of taking adverse action, the home state shall give the same priority
156.23 and effect to reported conduct received from a member state as it would if the conduct had
156.24 occurred within the home state. In so doing, the home state shall apply its own state laws
156.25 to determine appropriate action.

156.26 (D) The home state shall complete any pending investigations of an audiologist or
156.27 speech-language pathologist who changes primary state of residence during the course of
156.28 the investigations. The home state shall also have the authority to take appropriate action
156.29 and shall promptly report the conclusions of the investigations to the administrator of the
156.30 data system. The administrator of the data system shall promptly notify the new home state
156.31 of any adverse actions.

156.32 (E) If otherwise permitted by state law, the member state may recover from the affected
156.33 audiologist or speech-language pathologist the costs of investigations and disposition of

157.1 cases resulting from any adverse action taken against that audiologist or speech-language
157.2 pathologist.

157.3 (F) The member state may take adverse action based on the factual findings of the remote
157.4 state, provided that the member state follows the member state's own procedures for taking
157.5 the adverse action.

157.6 (G) Joint Investigations:

157.7 (1) In addition to the authority granted to a member state by its respective audiology or
157.8 speech-language pathology practice act or other applicable state law, any member state may
157.9 participate with other member states in joint investigations of licensees.

157.10 (2) Member states shall share any investigative, litigation, or compliance materials in
157.11 furtherance of any joint or individual investigation initiated under the Compact.

157.12 (H) If adverse action is taken by the home state against an audiologist's or
157.13 speech-language pathologist's license, the audiologist's or speech-language pathologist's
157.14 privilege to practice in all other member states shall be deactivated until all encumbrances
157.15 have been removed from the state license. All home state disciplinary orders that impose
157.16 adverse action against an audiologist's or speech-language pathologist's license shall include
157.17 a statement that the audiologist's or speech-language pathologist's privilege to practice is
157.18 deactivated in all member states during the pendency of the order.

157.19 (I) If a member state takes adverse action, it shall promptly notify the administrator of
157.20 the data system. The administrator of the data system shall promptly notify the home state
157.21 of any adverse actions by remote states.

157.22 (J) Nothing in this compact shall override a member state's decision that participation
157.23 in an alternative program may be used in lieu of adverse action.

157.24 ARTICLE VII

157.25 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

157.26 COMPACT COMMISSION

157.27 (A) The compact member states hereby create and establish a joint public agency known
157.28 as the Audiology and Speech-Language Pathology Compact Commission:

157.29 (1) The commission is an instrumentality of the compact states.

157.30 (2) Except as provided under paragraph (H), venue is proper and judicial proceedings
157.31 by or against the commission shall be brought solely and exclusively in a court of competent
157.32 jurisdiction where the principal office of the commission is located. The commission may

158.1 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in
158.2 alternative dispute resolution proceedings.

158.3 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

158.4 (B) Membership, Voting, and Meetings:

158.5 (1) Each member state shall have two delegates selected by that member state's licensing
158.6 board. The delegates shall be current members of the licensing board. One shall be an
158.7 audiologist and one shall be a speech-language pathologist.

158.8 (2) An additional five delegates, who are either a public member or board administrator
158.9 from a state licensing board, shall be chosen by the executive committee from a pool of
158.10 nominees provided by the commission at large.

158.11 (3) Any delegate may be removed or suspended from office as provided by the law of
158.12 the state from which the delegate is appointed.

158.13 (4) The member state board shall fill any vacancy occurring on the commission, within
158.14 90 days.

158.15 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules
158.16 and creation of bylaws and shall otherwise have an opportunity to participate in the business
158.17 and affairs of the commission.

158.18 (6) A delegate shall vote in person or by other means as provided in the bylaws. The
158.19 bylaws may provide for delegates' participation in meetings by telephone or other means
158.20 of communication.

158.21 (7) The commission shall meet at least once during each calendar year. Additional
158.22 meetings shall be held as set forth in the bylaws.

158.23 (C) The commission shall have the following powers and duties:

158.24 (1) establish the fiscal year of the commission;

158.25 (2) establish bylaws;

158.26 (3) establish a code of ethics;

158.27 (4) maintain its financial records in accordance with the bylaws;

158.28 (5) meet and take actions as are consistent with the provisions of this compact and the
158.29 bylaws;

159.1 (6) promulgate uniform rules to facilitate and coordinate implementation and
159.2 administration of this compact. The rules shall have the force and effect of law and shall
159.3 be binding in all member states;

159.4 (7) bring and prosecute legal proceedings or actions in the name of the commission,
159.5 provided that the standing of any state audiology or speech-language pathology licensing
159.6 board to sue or be sued under applicable law shall not be affected;

159.7 (8) purchase and maintain insurance and bonds;

159.8 (9) borrow, accept, or contract for services of personnel, including but not limited to
159.9 employees of a member state;

159.10 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant
159.11 individuals appropriate authority to carry out the purposes of the compact, and establish the
159.12 commission's personnel policies and programs relating to conflicts of interest, qualifications
159.13 of personnel, and other related personnel matters;

159.14 (11) accept any and all appropriate donations and grants of money, equipment, supplies,
159.15 materials, and services and to receive, utilize, and dispose of the same; provided that at all
159.16 times the commission shall avoid any appearance of impropriety or conflict of interest;

159.17 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
159.18 improve, or use any property real, personal, or mixed; provided that at all times the
159.19 commission shall avoid any appearance of impropriety;

159.20 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
159.21 any property real, personal, or mixed;

159.22 (14) establish a budget and make expenditures;

159.23 (15) borrow money;

159.24 (16) appoint committees, including standing committees composed of members and
159.25 other interested persons as may be designated in this compact and the bylaws;

159.26 (17) provide and receive information from, and cooperate with, law enforcement agencies;

159.27 (18) establish and elect an executive committee; and

159.28 (19) perform other functions as may be necessary or appropriate to achieve the purposes
159.29 of this compact consistent with the state regulation of audiology and speech-language
159.30 pathology licensure and practice.

159.31 (D) The Executive Committee:

160.1 The executive committee shall have the power to act on behalf of the commission
160.2 according to the terms of this compact. The executive committee shall be composed of ten
160.3 members:

160.4 (1) seven voting members who are elected by the commission from the current
160.5 membership of the commission;

160.6 (2) two ex officios, consisting of one nonvoting member from a recognized national
160.7 audiology professional association and one nonvoting member from a recognized national
160.8 speech-language pathology association; and

160.9 (3) one ex officio, nonvoting member from the recognized membership organization of
160.10 the audiology and speech-language pathology licensing boards.

160.11 (E) The ex officio members shall be selected by their respective organizations.

160.12 (1) The commission may remove any member of the executive committee as provided
160.13 in bylaws.

160.14 (2) The executive committee shall meet at least annually.

160.15 (3) The executive committee shall have the following duties and responsibilities:

160.16 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
160.17 compact legislation, fees paid by compact member states such as annual dues, and any
160.18 commission compact fee charged to licensees for the compact privilege;

160.19 (ii) ensure compact administration services are appropriately provided, contractual or
160.20 otherwise;

160.21 (iii) prepare and recommend the budget;

160.22 (iv) maintain financial records on behalf of the commission;

160.23 (v) monitor compact compliance of member states and provide compliance reports to
160.24 the commission;

160.25 (vi) establish additional committees as necessary; and

160.26 (vii) other duties as provided in rules or bylaws.

160.27 (4) All meetings of the commission shall be open to the public and public notice of
160.28 meetings shall be given in the same manner as required under the rulemaking provisions in
160.29 Article IX.

161.1 (5) The commission or the executive committee or other committees of the commission
161.2 may convene in a closed, nonpublic meeting if the commission or executive committee or
161.3 other committees of the commission must discuss:

161.4 (i) noncompliance of a member state with its obligations under the compact;

161.5 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
161.6 related to specific employees or other matters related to the commission's internal personnel
161.7 practices and procedures;

161.8 (iii) current, threatened, or reasonably anticipated litigation;

161.9 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
161.10 estate;

161.11 (v) accusing any person of a crime or formally censuring any person;

161.12 (vi) disclosure of trade secrets or commercial or financial information that is privileged
161.13 or confidential;

161.14 (vii) disclosure of information of a personal nature where disclosure would constitute a
161.15 clearly unwarranted invasion of personal privacy;

161.16 (viii) disclosure of investigative records compiled for law enforcement purposes;

161.17 (ix) disclosure of information related to any investigative reports prepared by or on
161.18 behalf of or for use of the commission or other committee charged with responsibility of
161.19 investigation or determination of compliance issues pursuant to the compact; or

161.20 (x) matters specifically exempted from disclosure by federal or member state statute.

161.21 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
161.22 commission's legal counsel or designee shall certify that the meeting may be closed and
161.23 shall reference each relevant exempting provision.

161.24 (7) The commission shall keep minutes that fully and clearly describe all matters
161.25 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
161.26 the reasons therefore, including a description of the views expressed. All documents
161.27 considered in connection with an action shall be identified in minutes. All minutes and
161.28 documents of a closed meeting shall remain under seal, subject to release by a majority vote
161.29 of the commission or order of a court of competent jurisdiction.

161.30 (8) Financing of the Commission:

162.1 (i) The commission shall pay, or provide for the payment of, the reasonable expenses
162.2 of its establishment, organization, and ongoing activities.

162.3 (ii) The commission may accept any and all appropriate revenue sources, donations, and
162.4 grants of money, equipment, supplies, materials, and services.

162.5 (iii) The commission may levy on and collect an annual assessment from each member
162.6 state or impose fees on other parties to cover the cost of the operations and activities of the
162.7 commission and its staff, which must be in a total amount sufficient to cover its annual
162.8 budget as approved each year for which revenue is not provided by other sources. The
162.9 aggregate annual assessment amount shall be allocated based upon a formula to be determined
162.10 by the commission, which shall promulgate a rule binding upon all member states.

162.11 (9) The commission shall not incur obligations of any kind prior to securing the funds
162.12 adequate to meet the same; nor shall the commission pledge the credit of any of the member
162.13 states, except by and with the authority of the member state.

162.14 (10) The commission shall keep accurate accounts of all receipts and disbursements.
162.15 The receipts and disbursements of the commission shall be subject to the audit and accounting
162.16 procedures established under its bylaws. However, all receipts and disbursements of funds
162.17 handled by the commission shall be audited yearly by a certified or licensed public
162.18 accountant, and the report of the audit shall be included in and become part of the annual
162.19 report of the commission.

162.20 (F) Qualified Immunity, Defense, and Indemnification:

162.21 (1) The members, officers, executive director, employees, and representatives of the
162.22 commission shall be immune from suit and liability, either personally or in their official
162.23 capacity, for any claim for damage to or loss of property or personal injury or other civil
162.24 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
162.25 or that the person against whom the claim is made had a reasonable basis for believing
162.26 occurred, within the scope of commission employment, duties, or responsibilities; provided
162.27 that nothing in this paragraph shall be construed to protect any person from suit or liability
162.28 for any damage, loss, injury, or liability caused by the intentional or willful or wanton
162.29 misconduct of that person.

162.30 (2) The commission shall defend any member, officer, executive director, employee, or
162.31 representative of the commission in any civil action seeking to impose liability arising out
162.32 of any actual or alleged act, error, or omission that occurred within the scope of commission
162.33 employment, duties, or responsibilities, or that the person against whom the claim is made
162.34 had a reasonable basis for believing occurred within the scope of commission employment,

163.1 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
163.2 person from retaining his or her own counsel; and provided further that the actual or alleged
163.3 act, error, or omission did not result from that person's intentional or willful or wanton
163.4 misconduct.

163.5 (3) The commission shall indemnify and hold harmless any member, officer, executive
163.6 director, employee, or representative of the commission for the amount of any settlement
163.7 or judgment obtained against that person arising out of any actual or alleged act, error, or
163.8 omission that occurred within the scope of commission employment, duties, or
163.9 responsibilities, or that person had a reasonable basis for believing occurred within the scope
163.10 of commission employment, duties, or responsibilities; provided that the actual or alleged
163.11 act, error, or omission did not result from the intentional or willful or wanton misconduct
163.12 of that person.

163.13 (G) Notwithstanding paragraph (F), clause (1), the liability of the executive director,
163.14 employees, or representatives of the interstate commission, acting within the scope of their
163.15 employment or duties, may not exceed the limits of liability set forth under the constitution
163.16 and laws of this state for state officials, employees, and agents. This paragraph expressly
163.17 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
163.18 under that statute.

163.19 (H) Except for a claim alleging a violation of this compact, a claim against the
163.20 commission, its executive director, employees, or representatives alleging a violation of the
163.21 constitution and laws of this state may be brought in any county where the plaintiff resides.
163.22 Nothing in this paragraph creates a private right of action.

163.23 (I) Nothing in this compact shall be construed as a limitation on the liability of any
163.24 licensee for professional malpractice or misconduct, which shall be governed solely by any
163.25 other applicable state laws.

163.26 ARTICLE VIII

163.27 DATA SYSTEM

163.28 (A) The commission shall provide for the development, maintenance, and utilization of
163.29 a coordinated database and reporting system containing licensure, adverse action, and
163.30 investigative information on all licensed individuals in member states.

163.31 (B) Notwithstanding any other provision of state law to the contrary, a member state
163.32 shall submit a uniform data set to the data system on all individuals to whom this compact
163.33 is applicable as required by the rules of the commission, including:

- 164.1 (1) identifying information;
- 164.2 (2) licensure data;
- 164.3 (3) adverse actions against a license or compact privilege;
- 164.4 (4) nonconfidential information related to alternative program participation;
- 164.5 (5) any denial of application for licensure, and the reason or reasons for denial; and
- 164.6 (6) other information that may facilitate the administration of this compact, as determined
- 164.7 by the rules of the commission.
- 164.8 (C) Investigative information pertaining to a licensee in any member state shall only be
- 164.9 available to other member states.
- 164.10 (D) The commission shall promptly notify all member states of any adverse action taken
- 164.11 against a licensee or an individual applying for a license. Adverse action information
- 164.12 pertaining to a licensee in any member state shall be available to any other member state.
- 164.13 (E) Member states contributing information to the data system may designate information
- 164.14 that may not be shared with the public without the express permission of the contributing
- 164.15 state.
- 164.16 (F) Any information submitted to the data system that is subsequently required to be
- 164.17 expunged by the laws of the member state contributing the information shall be removed
- 164.18 from the data system.

164.19 ARTICLE IX

164.20 RULEMAKING

- 164.21 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
- 164.22 forth in this article and the rules adopted thereunder. Rules and amendments shall become
- 164.23 binding as of the date specified in each rule or amendment.
- 164.24 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of
- 164.25 a statute or resolution in the same manner used to adopt the compact within four years of
- 164.26 the date of adoption of the rule, the rule shall have no further force and effect in any member
- 164.27 state.
- 164.28 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting
- 164.29 of the commission.

165.1 (D) Prior to promulgation and adoption of a final rule or rules by the commission, and
165.2 at least 30 days in advance of the meeting at which the rule shall be considered and voted
165.3 upon, the commission shall file a notice of proposed rulemaking:

165.4 (1) on the website of the commission or other publicly accessible platform; and

165.5 (2) on the website of each member state audiology or speech-language pathology licensing
165.6 board or other publicly accessible platform or the publication in which each state would
165.7 otherwise publish proposed rules.

165.8 (E) The notice of proposed rulemaking shall include:

165.9 (1) the proposed time, date, and location of the meeting in which the rule shall be
165.10 considered and voted upon;

165.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

165.12 (3) a request for comments on the proposed rule from any interested person; and

165.13 (4) the manner in which interested persons may submit notice to the commission of their
165.14 intention to attend the public hearing and any written comments.

165.15 (F) Prior to the adoption of a proposed rule, the commission shall allow persons to submit
165.16 written data, facts, opinions, and arguments, which shall be made available to the public.

165.17 (G) The commission shall grant an opportunity for a public hearing before it adopts a
165.18 rule or amendment if a hearing is requested by:

165.19 (1) at least 25 persons;

165.20 (2) a state or federal governmental subdivision or agency; or

165.21 (3) an association having at least 25 members.

165.22 (H) If a hearing is held on the proposed rule or amendment, the commission shall publish
165.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
165.24 means, the commission shall publish the mechanism for access to the electronic hearing.

165.25 (1) All persons wishing to be heard at the hearing shall notify the executive director of
165.26 the commission or other designated member in writing of their desire to appear and testify
165.27 at the hearing not less than five business days before the scheduled date of the hearing.

165.28 (2) Hearings shall be conducted in a manner providing each person who wishes to
165.29 comment a fair and reasonable opportunity to comment orally or in writing.

165.30 (3) All hearings shall be recorded. A copy of the recording shall be made available on
165.31 request.

166.1 (4) Nothing in this Article shall be construed as requiring a separate hearing on each
166.2 rule. Rules may be grouped for the convenience of the commission at hearings required by
166.3 this Article.

166.4 (I) Following the scheduled hearing date, or by the close of business on the scheduled
166.5 hearing date if the hearing was not held, the commission shall consider all written and oral
166.6 comments received.

166.7 (J) If no written notice of intent to attend the public hearing by interested parties is
166.8 received, the commission may proceed with promulgation of the proposed rule without a
166.9 public hearing.

166.10 (K) The commission shall, by majority vote of all members, take final action on the
166.11 proposed rule and shall determine the effective date of the rule, if any, based on the
166.12 rulemaking record and the full text of the rule.

166.13 (L) Upon determination that an emergency exists, the commission may consider and
166.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided
166.15 that the usual rulemaking procedures provided in the compact and in this Article shall be
166.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
166.17 days after the effective date of the rule. For the purposes of this provision, an emergency
166.18 rule is one that must be adopted immediately in order to:

166.19 (1) meet an imminent threat to public health, safety, or welfare;

166.20 (2) prevent a loss of commission or member state funds; or

166.21 (3) meet a deadline for the promulgation of an administrative rule that is established by
166.22 federal law or rule.

166.23 (M) The commission or an authorized committee of the commission may direct revisions
166.24 to a previously adopted rule or amendment for purposes of correcting typographical errors,
166.25 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions
166.26 shall be posted on the website of the commission. The revision shall be subject to challenge
166.27 by any person for a period of 30 days after posting. The revision may be challenged only
166.28 on grounds that the revision results in a material change to a rule. A challenge shall be made
166.29 in writing and delivered to the chair of the commission prior to the end of the notice period.
166.30 If no challenge is made, the revision shall take effect without further action. If the revision
166.31 is challenged, the revision may not take effect without the approval of the commission.

166.32 ARTICLE X

166.33 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

167.1 (A) Dispute Resolution:

167.2 (1) Upon request by a member state, the commission shall attempt to resolve disputes
167.3 related to the compact that arise among member states and between member and nonmember
167.4 states.

167.5 (2) The commission shall promulgate a rule providing for both mediation and binding
167.6 dispute resolution for such disputes as appropriate.

167.7 (B) Enforcement:

167.8 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
167.9 provisions and rules of this compact.

167.10 (2) By majority vote, the commission may initiate legal action in the United States
167.11 District Court for the District of Columbia or the federal district where the commission has
167.12 its principal offices against a member state in default to enforce compliance with the
167.13 provisions of the compact and its promulgated rules and bylaws. The relief sought may
167.14 include both injunctive relief and damages. In the event judicial enforcement is necessary,
167.15 the prevailing member shall be awarded all costs of litigation, including reasonable attorney's
167.16 fees.

167.17 (3) The remedies herein shall not be the exclusive remedies of the commission. The
167.18 commission may pursue any other remedies available under federal or state law.

167.19 ARTICLE XI

167.20 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
167.21 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND
167.22 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

167.23 (A) The compact shall come into effect on the date on which the compact statute is
167.24 enacted into law in the tenth member state. The provisions, which become effective at that
167.25 time, shall be limited to the powers granted to the commission relating to assembly and the
167.26 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking
167.27 powers necessary to the implementation and administration of the compact.

167.28 (B) Any state that joins the compact subsequent to the commission's initial adoption of
167.29 the rules shall be subject to the rules as they exist on the date on which the compact becomes
167.30 law in that state. Any rule that has been previously adopted by the commission shall have
167.31 the full force and effect of law on the day the compact becomes law in that state.

168.1 (C) Any member state may withdraw from this compact by enacting a statute repealing
168.2 the same.

168.3 (1) A member state's withdrawal shall not take effect until six months after enactment
168.4 of the repealing statute.

168.5 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
168.6 audiology or speech-language pathology licensing board to comply with the investigative
168.7 and adverse action reporting requirements of this compact prior to the effective date of
168.8 withdrawal.

168.9 (D) Nothing contained in this compact shall be construed to invalidate or prevent any
168.10 audiology or speech-language pathology licensure agreement or other cooperative
168.11 arrangement between a member state and a nonmember state that does not conflict with the
168.12 provisions of this compact.

168.13 (E) This compact may be amended by the member states. No amendment to this compact
168.14 shall become effective and binding upon any member state until it is enacted into the laws
168.15 of all member states.

168.16 ARTICLE XII

168.17 CONSTRUCTION AND SEVERABILITY

168.18 This compact shall be liberally construed so as to effectuate the purposes thereof. The
168.19 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision
168.20 of this compact is declared to be contrary to the constitution of any member state or of the
168.21 United States or the applicability thereof to any government, agency, person, or circumstance
168.22 is held invalid, the validity of the remainder of this compact and the applicability thereof
168.23 to any government, agency, person, or circumstance shall not be affected thereby. If this
168.24 compact shall be held contrary to the constitution of any member state, the compact shall
168.25 remain in full force and effect as to the remaining member states and in full force and effect
168.26 as to the member state affected as to all severable matters.

168.27 ARTICLE XIII

168.28 BINDING EFFECT OF COMPACT AND OTHER LAWS

168.29 (A) Nothing herein prevents the enforcement of any other law of a member state that is
168.30 not inconsistent with the compact.

168.31 (B) All laws in a member state in conflict with the compact are superseded to the extent
168.32 of the conflict.

169.1 (C) All lawful actions of the commission, including all rules and bylaws promulgated
169.2 by the commission, are binding upon the member states.

169.3 (D) All agreements between the commission and the member states are binding in
169.4 accordance with their terms.

169.5 (E) In the event any provision of the compact exceeds the constitutional limits imposed
169.6 on the legislature of any member state, the provision shall be ineffective to the extent of the
169.7 conflict with the constitutional provision in question in that member state.

169.8 **Sec. 2. [148.5186] APPLICATION OF AUDIOLOGY AND SPEECH-LANGUAGE**
169.9 **PATHOLOGY INTERSTATE COMPACT TO EXISTING LAWS.**

169.10 Subdivision 1. **Rulemaking.** Rules developed by the Audiology and Speech-Language
169.11 Pathology Compact Commission under section 148.5185 are not subject to sections 14.05
169.12 to 14.389.

169.13 Subd. 2. **Background studies.** The commissioner of health is authorized to require an
169.14 audiologist or speech-language pathologist licensed in Minnesota as the home state to submit
169.15 to a criminal history background check under section 144.0572.

169.16 **ARTICLE 15**

169.17 **DENTIST AND DENTAL HYGIENIST COMPACT**

169.18 **Section 1. [150A.051] DENTIST AND DENTAL HYGIENIST COMPACT.**

169.19 The dentist and dental hygienist compact is enacted into law and entered into with all
169.20 other jurisdictions legally joining in the compact in the form substantially specified in this
169.21 section.

169.22 ARTICLE I

169.23 TITLE

169.24 This statute shall be known and cited as the dentist and dental hygienist compact.

169.25 ARTICLE II

169.26 DEFINITIONS

169.27 As used in this compact, unless the context requires otherwise, the following definitions
169.28 shall apply:

169.29 (A) "Active military member" means any person with full-time duty status in the armed
169.30 forces of the United States including members of the National Guard and Reserve.

170.1 (B) "Adverse action" means disciplinary action or encumbrance imposed on a license
170.2 or compact privilege by a state licensing authority.

170.3 (C) "Alternative program" means a nondisciplinary monitoring or practice remediation
170.4 process applicable to a dentist or dental hygienist approved by a state licensing authority
170.5 of a participating state in which the dentist or dental hygienist is licensed. This includes but
170.6 is not limited to programs to which licensees with substance abuse or addiction issues are
170.7 referred in lieu of adverse action.

170.8 (D) "Clinical assessment" means examination or process, required for licensure as a
170.9 dentist or dental hygienist as applicable, that provides evidence of clinical competence in
170.10 dentistry or dental hygiene.

170.11 (E) "Commissioner" means the individual appointed by a participating state to serve as
170.12 the member of the commission for that participating state.

170.13 (F) "Compact" means this dentist and dental hygienist compact.

170.14 (G) "Compact privilege" means the authorization granted by a remote state to allow a
170.15 licensee from a participating state to practice as a dentist or dental hygienist in a remote
170.16 state.

170.17 (H) "Continuing professional development" means a requirement as a condition of license
170.18 renewal to provide evidence of successful participation in educational or professional
170.19 activities relevant to practice or area of work.

170.20 (I) "Criminal background check" means the submission of fingerprints or other
170.21 biometric-based information for a license applicant for the purpose of obtaining that
170.22 applicant's criminal history record information, as defined in Code of Federal Regulations,
170.23 title 28, section 20.3(d), from the Federal Bureau of Investigation and the state's criminal
170.24 history record repository as defined in Code of Federal Regulations, title 28, section 20.3(f).

170.25 (J) "Data system" means the commission's repository of information about licensees,
170.26 including but not limited to examination, licensure, investigative, compact privilege, adverse
170.27 action, and alternative program.

170.28 (K) "Dental hygienist" means an individual who is licensed by a state licensing authority
170.29 to practice dental hygiene.

170.30 (L) "Dentist" means an individual who is licensed by a state licensing authority to practice
170.31 dentistry.

171.1 (M) "Dentist and dental hygienist compact commission" or "commission" means a joint
171.2 government agency established by this compact comprised of each state that has enacted
171.3 the compact and a national administrative body comprised of a commissioner from each
171.4 state that has enacted the compact.

171.5 (N) "Encumbered license" means a license that a state licensing authority has limited in
171.6 any way other than through an alternative program.

171.7 (O) "Executive board" means the chair, vice chair, secretary, and treasurer and any other
171.8 commissioners as may be determined by commission rule or bylaw.

171.9 (P) "Jurisprudence requirement" means the assessment of an individual's knowledge of
171.10 the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a
171.11 state.

171.12 (Q) "License" means current authorization by a state, other than authorization pursuant
171.13 to a compact privilege, or other privilege, for an individual to practice as a dentist or dental
171.14 hygienist in that state.

171.15 (R) "Licensee" means an individual who holds an unrestricted license from a participating
171.16 state to practice as a dentist or dental hygienist in that state.

171.17 (S) "Model compact" means the model for the dentist and dental hygienist compact on
171.18 file with the council of state governments or other entity as designated by the commission.

171.19 (T) "Participating state" means a state that has enacted the compact and been admitted
171.20 to the commission in accordance with the provisions herein and commission rules.

171.21 (U) "Qualifying license" means a license that is not an encumbered license issued by a
171.22 participating state to practice dentistry or dental hygiene.

171.23 (V) "Remote state" means a participating state where a licensee who is not licensed as
171.24 a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

171.25 (W) "Rule" means a regulation promulgated by an entity that has the force of law.

171.26 (X) "Scope of practice" means the procedures, actions, and processes a dentist or dental
171.27 hygienist licensed in a state is permitted to undertake in that state and the circumstances
171.28 under which the licensee is permitted to undertake those procedures, actions, and processes.
171.29 Such procedures, actions, and processes and the circumstances under which they may be
171.30 undertaken may be established through means, including but not limited to statute,
171.31 regulations, case law, and other processes available to the state licensing authority or other
171.32 government agency.

172.1 (Y) "Significant investigative information" means information, records, and documents
172.2 received or generated by a state licensing authority pursuant to an investigation for which
172.3 a determination has been made that there is probable cause to believe that the licensee has
172.4 violated a statute or regulation that is considered more than a minor infraction for which
172.5 the state licensing authority could pursue adverse action against the licensee.

172.6 (Z) "State" means any state, commonwealth, district, or territory of the United States of
172.7 America that regulates the practices of dentistry and dental hygiene.

172.8 (AA) "State licensing authority" means an agency or other entity of a state that is
172.9 responsible for the licensing and regulation of dentists or dental hygienists.

172.10 ARTICLE III

172.11 STATE PARTICIPATION IN THE COMPACT

172.12 (A) In order to join the compact and thereafter continue as a participating state, a state
172.13 must:

172.14 (1) enact a compact that is not materially different from the model compact as determined
172.15 in accordance with commission rules;

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

172.17 (3) have a mechanism in place for receiving and investigating complaints about its
172.18 licensees and license applicants;

172.19 (4) notify the commission, in compliance with the terms of the compact and commission
172.20 rules, of any adverse action or the availability of significant investigative information
172.21 regarding a licensee and license applicant;

172.22 (5) fully implement a criminal background check requirement, within a time frame
172.23 established by commission rule, by receiving the results of a qualifying criminal background
172.24 check;

172.25 (6) comply with the commission rules applicable to a participating state;

172.26 (7) accept the national board examinations of the joint commission on national dental
172.27 examinations or another examination accepted by commission rule as a licensure
172.28 examination;

172.29 (8) accept for licensure that applicants for a dentist license graduate from a predoctoral
172.30 dental education program accredited by the Commission on Dental Accreditation, or another
172.31 accrediting agency recognized by the United States Department of Education for the

173.1 accreditation of dentistry and dental hygiene education programs, leading to the Doctor of
173.2 Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

173.3 (9) accept for licensure that applicants for a dental hygienist license graduate from a
173.4 dental hygiene education program accredited by the Commission on Dental Accreditation
173.5 or another accrediting agency recognized by the United States Department of Education for
173.6 the accreditation of dentistry and dental hygiene education programs;

173.7 (10) require for licensure that applicants successfully complete a clinical assessment;

173.8 (11) have continuing professional development requirements as a condition for license
173.9 renewal; and

173.10 (12) pay a participation fee to the commission as established by commission rule.

173.11 (B) Providing alternative pathways for an individual to obtain an unrestricted license
173.12 does not disqualify a state from participating in the compact.

173.13 (C) When conducting a criminal background check, the state licensing authority shall:

173.14 (1) consider that information in making a licensure decision;

173.15 (2) maintain documentation of completion of the criminal background check and
173.16 background check information to the extent allowed by state and federal law; and

173.17 (3) report to the commission whether it has completed the criminal background check
173.18 and whether the individual was granted or denied a license.

173.19 (D) A licensee of a participating state who has a qualifying license in that state and does
173.20 not hold an encumbered license in any other participating state, shall be issued a compact
173.21 privilege in a remote state in accordance with the terms of the compact and commission
173.22 rules. If a remote state has a jurisprudence requirement a compact privilege will not be
173.23 issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

173.24 ARTICLE IV

173.25 COMPACT PRIVILEGE

173.26 (A) To obtain and exercise the compact privilege under the terms and provisions of the
173.27 compact, the licensee shall:

173.28 (1) have a qualifying license as a dentist or dental hygienist in a participating state;

173.29 (2) be eligible for a compact privilege in any remote state in accordance with (D), (G),
173.30 and (H) of this article;

173.31 (3) submit to an application process whenever the licensee is seeking a compact privilege;

174.1 (4) pay any applicable commission and remote state fees for a compact privilege in the
174.2 remote state;

174.3 (5) meet any jurisprudence requirement established by a remote state in which the licensee
174.4 is seeking a compact privilege;

174.5 (6) have passed a National Board Examination of the Joint Commission on National
174.6 Dental Examinations or another examination accepted by commission rule;

174.7 (7) for a dentist, have graduated from a predoctoral dental education program accredited
174.8 by the Commission on Dental Accreditation, or another accrediting agency recognized by
174.9 the United States Department of Education for the accreditation of dentistry and dental
174.10 hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor
174.11 of Dental Medicine (D.M.D.) degree;

174.12 (8) for a dental hygienist, have graduated from a dental hygiene education program
174.13 accredited by the Commission on Dental Accreditation or another accrediting agency
174.14 recognized by the United States Department of Education for the accreditation of dentistry
174.15 and dental hygiene education programs;

174.16 (9) have successfully completed a clinical assessment for licensure;

174.17 (10) report to the commission adverse action taken by any nonparticipating state when
174.18 applying for a compact privilege and, otherwise, within 30 days from the date the adverse
174.19 action is taken;

174.20 (11) report to the commission when applying for a compact privilege the address of the
174.21 licensee's primary residence and thereafter immediately report to the commission any change
174.22 in the address of the licensee's primary residence; and

174.23 (12) consent to accept service of process by mail at the licensee's primary residence on
174.24 record with the commission with respect to any action brought against the licensee by the
174.25 commission or a participating state, and consent to accept service of a subpoena by mail at
174.26 the licensee's primary residence on record with the commission with respect to any action
174.27 brought or investigation conducted by the commission or a participating state.

174.28 (B) The licensee must comply with the requirements of (A) of this article to maintain
174.29 the compact privilege in the remote state. If those requirements are met, the compact privilege
174.30 will continue as long as the licensee maintains a qualifying license in the state through which
174.31 the licensee applied for the compact privilege and pays any applicable compact privilege
174.32 renewal fees.

175.1 (C) A licensee providing dentistry or dental hygiene in a remote state under the compact
175.2 privilege shall function within the scope of practice authorized by the remote state for a
175.3 dentist or dental hygienist licensed in that state.

175.4 (D) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in
175.5 a remote state is subject to that state's regulatory authority. A remote state may, in accordance
175.6 with due process and that state's laws, by adverse action revoke or remove a licensee's
175.7 compact privilege in the remote state for a specific period of time and impose fines or take
175.8 any other necessary actions to protect the health and safety of its citizens. If a remote state
175.9 imposes an adverse action against a compact privilege that limits the compact privilege,
175.10 that adverse action applies to all compact privileges in all remote states. A licensee whose
175.11 compact privilege in a remote state is removed for a specified period of time is not eligible
175.12 for a compact privilege in any other remote state until the specific time for removal of the
175.13 compact privilege has passed and all encumbrance requirements are satisfied.

175.14 (E) If a license in a participating state is an encumbered license, the licensee shall lose
175.15 the compact privilege in a remote state and shall not be eligible for a compact privilege in
175.16 any remote state until the license is no longer encumbered.

175.17 (F) Once an encumbered license in a participating state is restored to good standing, the
175.18 licensee must meet the requirements of (A) of this article to obtain a compact privilege in
175.19 a remote state.

175.20 (G) If a licensee's compact privilege in a remote state is removed by the remote state,
175.21 the individual shall lose or be ineligible for the compact privilege in any remote state until
175.22 the following occur:

175.23 (1) the specific period of time for which the compact privilege was removed has ended;
175.24 and

175.25 (2) all conditions for removal of the compact privilege have been satisfied.

175.26 (H) Once the requirements of (G) of this article have been met, the licensee must meet
175.27 the requirements in (A) of this article to obtain a compact privilege in a remote state.

175.28 ARTICLE V

175.29 ACTIVE MILITARY MEMBER OR THEIR SPOUSES

175.30 An active military member and their spouse shall not be required to pay to the commission
175.31 for a compact privilege the fee otherwise charged by the commission. If a remote state
175.32 chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or
175.33 no fee to an active military member and their spouse for a compact privilege.

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ARTICLE VI

ADVERSE ACTIONS

(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.

(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.

(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.

(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.

(E) A remote state shall have the authority to:

(1) take adverse actions as set forth in article IV, (D), against a licensee's compact privilege in the state;

(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

(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.

177.1 (F) Joint Investigations:

177.2 (1) In addition to the authority granted to a participating state by its dentist or dental
177.3 hygienist licensure act or other applicable state law, a participating state may jointly
177.4 investigate licensees with other participating states.

177.5 (2) Participating states shall share any significant investigative information, litigation,
177.6 or compliance materials in furtherance of any joint or individual investigation initiated under
177.7 the compact.

177.8 (G) Authority to Continue Investigation:

177.9 (1) After a licensee's compact privilege in a remote state is terminated, the remote state
177.10 may continue an investigation of the licensee that began when the licensee had a compact
177.11 privilege in that remote state.

177.12 (2) If the investigation yields what would be significant investigative information had
177.13 the licensee continued to have a compact privilege in that remote state, the remote state
177.14 shall report the presence of such information to the data system as required by article VIII,
177.15 (B), (6), as if it was significant investigative information.

177.16 ARTICLE VII

177.17 ESTABLISHMENT AND OPERATION OF THE COMMISSION

177.18 (A) The compact participating states hereby create and establish a joint government
177.19 agency whose membership consists of all participating states that have enacted the compact.
177.20 The commission is an instrumentality of the participating states acting jointly and not an
177.21 instrumentality of any one state. The commission shall come into existence on or after the
177.22 effective date of the compact as set forth in article XI, (A).

177.23 (B) Participation, Voting, and Meetings:

177.24 (1) Each participating state shall have and be limited to one commissioner selected by
177.25 that participating state's state licensing authority or, if the state has more than one state
177.26 licensing authority, selected collectively by the state licensing authorities.

177.27 (2) The commissioner shall be a member or designee of such authority or authorities.

177.28 (3) The commission may by rule or bylaw establish a term of office for commissioners
177.29 and may by rule or bylaw establish term limits.

177.30 (4) The commission may recommend to a state licensing authority or authorities, as
177.31 applicable, removal or suspension of an individual as the state's commissioner.

178.1 (5) A participating state's state licensing authority or authorities, as applicable, shall fill
178.2 any vacancy of its commissioner on the commission within 60 days of the vacancy.

178.3 (6) Each commissioner shall be entitled to one vote on all matters that are voted upon
178.4 by the commission.

178.5 (7) The commission shall meet at least once during each calendar year. Additional
178.6 meetings may be held as set forth in the bylaws. The commission may meet by
178.7 telecommunication, video conference, or other similar electronic means.

178.8 (C) The commission shall have the following powers:

178.9 (1) establish the fiscal year of the commission;

178.10 (2) establish a code of conduct and conflict of interest policies;

178.11 (3) adopt rules and bylaws;

178.12 (4) maintain its financial records in accordance with the bylaws;

178.13 (5) meet and take such actions as are consistent with the provisions of this compact, the
178.14 commission's rules, and the bylaws;

178.15 (6) initiate and conclude legal proceedings or actions in the name of the commission,
178.16 provided that the standing of any state licensing authority to sue or be sued under applicable
178.17 law shall not be affected;

178.18 (7) maintain and certify records and information provided to a participating state as the
178.19 authenticated business records of the commission, and designate a person to do so on the
178.20 commission's behalf;

178.21 (8) purchase and maintain insurance and bonds;

178.22 (9) borrow, accept, or contract for services of personnel, including but not limited to
178.23 employees of a participating state;

178.24 (10) conduct an annual financial review;

178.25 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant
178.26 such individuals appropriate authority to carry out the purposes of the compact, and establish
178.27 the commission's personnel policies and programs relating to conflicts of interest,
178.28 qualifications of personnel, and other related personnel matters;

178.29 (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a
178.30 compact privilege in a remote state and thereafter, as may be established by commission
178.31 rule, charge the licensee a compact privilege renewal fee for each renewal period in which

- 179.1 that licensee exercises or intends to exercise the compact privilege in that remote state.
- 179.2 Nothing herein shall be construed to prevent a remote state from charging a licensee a fee
- 179.3 for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence
- 179.4 requirement if the remote state imposes such a requirement for the grant of a compact
- 179.5 privilege;
- 179.6 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
- 179.7 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
- 179.8 the same; provided that at all times the commission shall avoid any appearance of impropriety
- 179.9 and conflict of interest;
- 179.10 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or
- 179.11 mixed, or any undivided interest therein;
- 179.12 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
- 179.13 any property real, personal, or mixed;
- 179.14 (16) establish a budget and make expenditures;
- 179.15 (17) borrow money;
- 179.16 (18) appoint committees, including standing committees, which may be composed of
- 179.17 members, state regulators, state legislators or their representatives, and consumer
- 179.18 representatives, and such other interested persons as may be designated in this compact and
- 179.19 the bylaws;
- 179.20 (19) provide and receive information from, and cooperate with, law enforcement agencies;
- 179.21 (20) elect a chair, vice chair, secretary, and treasurer and such other officers of the
- 179.22 commission as provided in the commission's bylaws;
- 179.23 (21) establish and elect an executive board;
- 179.24 (22) adopt and provide to the participating states an annual report;
- 179.25 (23) determine whether a state's enacted compact is materially different from the model
- 179.26 compact language such that the state would not qualify for participation in the compact;
- 179.27 and
- 179.28 (24) perform such other functions as may be necessary or appropriate to achieve the
- 179.29 purposes of this compact.
- 179.30 (D) Meetings of the Commission:

180.1 (1) All meetings of the commission that are not closed pursuant to (D)(4) of this article
180.2 shall be open to the public. Notice of public meetings shall be posted on the commission's
180.3 website at least 30 days prior to the public meeting.

180.4 (2) Notwithstanding (D)(1) of this article, the commission may convene an emergency
180.5 public meeting by providing at least 24 hours prior notice on the commission's website, and
180.6 any other means as provided in the commission's rules, for any of the reasons it may dispense
180.7 with notice of proposed rulemaking under article IX, (L). The commission's legal counsel
180.8 shall certify that one of the reasons justifying an emergency public meeting has been met.

180.9 (3) Notice of all commission meetings shall provide the time, date, and location of the
180.10 meeting, and if the meeting is to be held or accessible via telecommunication, video
180.11 conference, or other electronic means, the notice shall include the mechanism for access to
180.12 the meeting through such means.

180.13 (4) The commission may convene in a closed, nonpublic meeting for the commission
180.14 to receive legal advice or to discuss:

180.15 (i) noncompliance of a participating state with its obligations under the compact;

180.16 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
180.17 related to specific employees or other matters related to the commission's internal personnel
180.18 practices and procedures;

180.19 (iii) current or threatened discipline of a licensee or compact privilege holder by the
180.20 commission or by a participating state's licensing authority;

180.21 (iv) current, threatened, or reasonably anticipated litigation;

180.22 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
180.23 estate;

180.24 (vi) accusing any person of a crime or formally censuring any person;

180.25 (vii) trade secrets or commercial or financial information that is privileged or confidential;

180.26 (viii) information of a personal nature where disclosure would constitute a clearly
180.27 unwarranted invasion of personal privacy;

180.28 (ix) investigative records compiled for law enforcement purposes;

180.29 (x) information related to any investigative reports prepared by or on behalf of or for
180.30 use of the commission or other committee charged with responsibility of investigation or
180.31 determination of compliance issues pursuant to the compact;

181.1 (xi) legal advice;

181.2 (xii) matters specifically exempted from disclosure to the public by federal or participating
181.3 state law; and

181.4 (xiii) other matters as promulgated by the commission by rule.

181.5 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that
181.6 the meeting will be closed and reference each relevant exempting provision, and such
181.7 reference shall be recorded in the minutes.

181.8 (6) The commission shall keep minutes that fully and clearly describe all matters
181.9 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
181.10 the reasons therefore, including a description of the views expressed. All documents
181.11 considered in connection with an action shall be identified in such minutes. All minutes and
181.12 documents of a closed meeting shall remain under seal, subject to release only by a majority
181.13 vote of the commission or order of a court of competent jurisdiction.

181.14 (E) Financing of the Commission:

181.15 (1) The commission shall pay, or provide for the payment of, the reasonable expenses
181.16 of its establishment, organization, and ongoing activities.

181.17 (2) The commission may accept any and all appropriate sources of revenue, donations,
181.18 and grants of money, equipment, supplies, materials, and services.

181.19 (3) The commission may levy on and collect an annual assessment from each participating
181.20 state and impose fees on licensees of participating states when a compact privilege is granted
181.21 to cover the cost of the operations and activities of the commission and its staff, which must
181.22 be in a total amount sufficient to cover its annual budget as approved each fiscal year for
181.23 which sufficient revenue is not provided by other sources. The aggregate annual assessment
181.24 amount for participating states shall be allocated based upon a formula that the commission
181.25 shall promulgate by rule.

181.26 (4) The commission shall not incur obligations of any kind prior to securing the funds
181.27 adequate to meet the same; nor shall the commission pledge the credit of any participating
181.28 state, except by and with the authority of the participating state.

181.29 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
181.30 receipts and disbursements of the commission shall be subject to the financial review and
181.31 accounting procedures established under the commission's bylaws. All receipts and
181.32 disbursements of funds handled by the commission shall be subject to an annual financial

182.1 review by a certified or licensed public accountant, and the report of the financial review
182.2 shall be included in and become part of the annual report of the commission.

182.3 (F) The Executive Board:

182.4 (1) The executive board shall have the power to act on behalf of the commission according
182.5 to the terms of this compact. The powers, duties, and responsibilities of the executive board
182.6 shall include:

182.7 (i) overseeing the day-to-day activities of the administration of the compact including
182.8 compliance with the provisions of the compact and the commission's rules and bylaws;

182.9 (ii) recommending to the commission changes to the rules or bylaws, changes to this
182.10 compact legislation, fees charged to compact participating states, fees charged to licensees,
182.11 and other fees;

182.12 (iii) ensuring compact administration services are appropriately provided, including by
182.13 contract;

182.14 (iv) preparing and recommending the budget;

182.15 (v) maintaining financial records on behalf of the commission;

182.16 (vi) monitoring compact compliance of participating states and providing compliance
182.17 reports to the commission;

182.18 (vii) establishing additional committees as necessary;

182.19 (viii) exercising the powers and duties of the commission during the interim between
182.20 commission meetings, except for adopting or amending rules, adopting or amending bylaws,
182.21 and exercising any other powers and duties expressly reserved to the commission by rule
182.22 or bylaw; and

182.23 (ix) other duties as provided in the rules or bylaws of the commission.

182.24 (2) The executive board shall be composed of up to seven members:

182.25 (i) the chair, vice chair, secretary, and treasurer of the commission and any other members
182.26 of the commission who serve on the executive board shall be voting members of the executive
182.27 board; and

182.28 (ii) other than the chair, vice chair, secretary, and treasurer, the commission may elect
182.29 up to three voting members from the current membership of the commission.

182.30 (3) The commission may remove any member of the executive board as provided in the
182.31 commission's bylaws.

183.1 (4) The executive board shall meet at least annually.

183.2 (i) An executive board meeting at which it takes or intends to take formal action on a
183.3 matter shall be open to the public, except that the executive board may meet in a closed,
183.4 nonpublic session of a public meeting when dealing with any of the matters covered under
183.5 (D)(4) of this article.

183.6 (ii) The executive board shall give five business days' notice of its public meetings,
183.7 posted on its website and as it may otherwise determine to provide notice to persons with
183.8 an interest in the public matters the executive board intends to address at those meetings.

183.9 (5) The executive board may hold an emergency meeting when acting for the commission
183.10 to:

183.11 (i) meet an imminent threat to public health, safety, or welfare;

183.12 (ii) prevent a loss of commission or participating state funds; or

183.13 (iii) protect public health and safety.

183.14 (G) Qualified Immunity, Defense, and Indemnification:

183.15 (1) The members, officers, executive director, employees, and representatives of the
183.16 commission shall be immune from suit and liability, both personally and in their official
183.17 capacity, for any claim for damage to or loss of property or personal injury or other civil
183.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
183.19 or that the person against whom the claim is made had a reasonable basis for believing
183.20 occurred within the scope of commission employment, duties, or responsibilities; provided
183.21 that nothing in this paragraph shall be construed to protect any such person from suit or
183.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or
183.23 wanton misconduct of that person. The procurement of insurance of any type by the
183.24 commission shall not in any way compromise or limit the immunity granted hereunder.

183.25 (2) The commission shall defend any member, officer, executive director, employee, or
183.26 representative of the commission in any civil action seeking to impose liability arising out
183.27 of any actual or alleged act, error, or omission that occurred within the scope of commission
183.28 employment, duties, or responsibilities, or as determined by the commission that the person
183.29 against whom the claim is made had a reasonable basis for believing occurred within the
183.30 scope of commission employment, duties, or responsibilities; provided that nothing herein
183.31 shall be construed to prohibit that person from retaining their own counsel at their own
183.32 expense; and provided further that the actual or alleged act, error, or omission did not result
183.33 from that person's intentional or willful or wanton misconduct.

184.1 (3) Notwithstanding (G)(1) of this article, should any member, officer, executive director,
184.2 employee, or representative of the commission be held liable for the amount of any settlement
184.3 or judgment arising out of any actual or alleged act, error, or omission that occurred within
184.4 the scope of that individual's employment, duties, or responsibilities for the commission,
184.5 or that the person to whom that individual is liable had a reasonable basis for believing
184.6 occurred within the scope of the individual's employment, duties, or responsibilities for the
184.7 commission, the commission shall indemnify and hold harmless such individual; provided
184.8 that the actual or alleged act, error, or omission did not result from the intentional or willful
184.9 or wanton misconduct of the individual.

184.10 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
184.11 professional malpractice or misconduct, which shall be governed solely by any other
184.12 applicable state laws.

184.13 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a
184.14 participating state's state action immunity or state action affirmative defense with respect
184.15 to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust
184.16 or anticompetitive law or regulation.

184.17 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by
184.18 the participating states or by the commission.

184.19 (H) Notwithstanding paragraph (G), clause (1), of this article, the liability of the executive
184.20 director, employees, or representatives of the interstate commission, acting within the scope
184.21 of their employment or duties, may not exceed the limits of liability set forth under the
184.22 constitution and laws of this state for state officials, employees, and agents. This paragraph
184.23 expressly incorporates section 3.736, and neither expands nor limits the rights and remedies
184.24 provided under that statute.

184.25 (I) Except for a claim alleging a violation of this compact, a claim against the commission,
184.26 its executive director, employees, or representatives alleging a violation of the constitution
184.27 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
184.28 this paragraph creates a private right of action.

184.29 (J) Nothing in this compact shall be construed as a limitation on the liability of any
184.30 licensee for professional malpractice or misconduct, which shall be governed solely by any
184.31 other applicable state laws.

184.32 ARTICLE VIII

184.33 DATA SYSTEM

185.1 (A) The commission shall provide for the development, maintenance, operation, and
185.2 utilization of a coordinated database and reporting system containing licensure, adverse
185.3 action, and the presence of significant investigative information on all licensees and
185.4 applicants for a license in participating states.

185.5 (B) Notwithstanding any other provision of state law to the contrary, a participating state
185.6 shall submit a uniform data set to the data system on all individuals to whom this compact
185.7 is applicable as required by the rules of the commission, including:

185.8 (1) identifying information;

185.9 (2) licensure data;

185.10 (3) adverse actions against a licensee, license applicant, or compact privilege and
185.11 information related thereto;

185.12 (4) nonconfidential information related to alternative program participation, the beginning
185.13 and ending dates of such participation, and other information related to such participation;

185.14 (5) any denial of an application for licensure, and the reasons for such denial, excluding
185.15 the reporting of any criminal history record information where prohibited by law;

185.16 (6) the presence of significant investigative information; and

185.17 (7) other information that may facilitate the administration of this compact or the
185.18 protection of the public, as determined by the rules of the commission.

185.19 (C) The records and information provided to a participating state pursuant to this compact
185.20 or through the data system, when certified by the commission or an agent thereof, shall
185.21 constitute the authenticated business records of the commission, and shall be entitled to any
185.22 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
185.23 proceedings in a participating state.

185.24 (D) Significant investigative information pertaining to a licensee in any participating
185.25 state will only be available to other participating states.

185.26 (E) It is the responsibility of the participating states to monitor the database to determine
185.27 whether adverse action has been taken against a licensee or license applicant. Adverse action
185.28 information pertaining to a licensee or license applicant in any participating state will be
185.29 available to any other participating state.

185.30 (F) Participating states contributing information to the data system may designate
185.31 information that may not be shared with the public without the express permission of the
185.32 contributing state.

186.1 (G) Any information submitted to the data system that is subsequently expunged pursuant
186.2 to federal law or the laws of the participating state contributing the information shall be
186.3 removed from the data system.

186.4 ARTICLE IX

186.5 RULEMAKING

186.6 (A) The commission shall promulgate reasonable rules in order to effectively and
186.7 efficiently implement and administer the purposes and provisions of the compact. A
186.8 commission rule shall be invalid and have no force or effect only if a court of competent
186.9 jurisdiction holds that the rule is invalid because the commission exercised its rulemaking
186.10 authority in a manner that is beyond the scope and purposes of the compact, or the powers
186.11 granted hereunder, or based upon another applicable standard of review.

186.12 (B) The rules of the commission shall have the force of law in each participating state,
186.13 provided that where the rules of the commission conflict with the laws of the participating
186.14 state that establish the participating state's scope of practice as held by a court of competent
186.15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the
186.16 conflict.

186.17 (C) The commission shall exercise its rulemaking powers pursuant to the criteria set
186.18 forth in this article and the rules adopted thereunder. Rules shall become binding as of the
186.19 date specified by the commission for each rule.

186.20 (D) If a majority of the legislatures of the participating states rejects a commission rule
186.21 or portion of a commission rule, by enactment of a statute or resolution in the same manner
186.22 used to adopt the compact, within four years of the date of adoption of the rule, then such
186.23 rule shall have no further force and effect in any participating state or to any state applying
186.24 to participate in the compact.

186.25 (E) Rules shall be adopted at a regular or special meeting of the commission.

186.26 (F) Prior to adoption of a proposed rule, the commission shall hold a public hearing and
186.27 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

186.28 (G) Prior to adoption of a proposed rule by the commission, and at least 30 days in
186.29 advance of the meeting at which the commission will hold a public hearing on the proposed
186.30 rule, the commission shall provide a notice of proposed rulemaking:

186.31 (1) on the website of the commission or other publicly accessible platform;

187.1 (2) to persons who have requested notice of the commission's notices of proposed
187.2 rulemaking; and

187.3 (3) in such other ways as the commission may by rule specify.

187.4 (H) The notice of proposed rulemaking shall include:

187.5 (1) the time, date, and location of the public hearing at which the commission will hear
187.6 public comments on the proposed rule and, if different, the time, date, and location of the
187.7 meeting where the commission will consider and vote on the proposed rule;

187.8 (2) if the hearing is held via telecommunication, video conference, or other electronic
187.9 means, the commission shall include the mechanism for access to the hearing in the notice
187.10 of proposed rulemaking;

187.11 (3) the text of the proposed rule and the reason therefor;

187.12 (4) a request for comments on the proposed rule from any interested person; and

187.13 (5) the manner in which interested persons may submit written comments.

187.14 (I) All hearings will be recorded. A copy of the recording and all written comments and
187.15 documents received by the commission in response to the proposed rule shall be available
187.16 to the public.

187.17 (J) Nothing in this article shall be construed as requiring a separate hearing on each
187.18 commission rule. Rules may be grouped for the convenience of the commission at hearings
187.19 required by this article.

187.20 (K) The commission shall, by majority vote of all commissioners, take final action on
187.21 the proposed rule based on the rulemaking record.

187.22 (1) The commission may adopt changes to the proposed rule provided the changes do
187.23 not enlarge the original purpose of the proposed rule.

187.24 (2) The commission shall provide an explanation of the reasons for substantive changes
187.25 made to the proposed rule as well as reasons for substantive changes not made that were
187.26 recommended by commenters.

187.27 (3) The commission shall determine a reasonable effective date for the rule. Except for
187.28 an emergency as provided in (L) of this article, the effective date of the rule shall be no
187.29 sooner than 30 days after the commission issuing the notice that it adopted or amended the
187.30 rule.

188.1 (L) Upon determination that an emergency exists, the commission may consider and
188.2 adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that
188.3 the usual rulemaking procedures provided in the compact and in this article shall be
188.4 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
188.5 days after the effective date of the rule. For the purposes of this provision, an emergency
188.6 rule is one that must be adopted immediately in order to:

188.7 (1) meet an imminent threat to public health, safety, or welfare;

188.8 (2) prevent a loss of commission or participating state funds;

188.9 (3) meet a deadline for the promulgation of a rule that is established by federal law or
188.10 rule; or

188.11 (4) protect public health and safety.

188.12 (M) The commission or an authorized committee of the commission may direct revisions
188.13 to a previously adopted rule for purposes of correcting typographical errors, errors in format,
188.14 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
188.15 on the website of the commission. The revision shall be subject to challenge by any person
188.16 for a period of 30 days after posting. The revision may be challenged only on grounds that
188.17 the revision results in a material change to a rule. A challenge shall be made in writing and
188.18 delivered to the commission prior to the end of the notice period. If no challenge is made,
188.19 the revision will take effect without further action. If the revision is challenged, the revision
188.20 may not take effect without the approval of the commission.

188.21 (N) No participating state's rulemaking requirements shall apply under this compact.

188.22 ARTICLE X

188.23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

188.24 (A) Oversight:

188.25 (1) The executive and judicial branches of state government in each participating state
188.26 shall enforce this compact and take all actions necessary and appropriate to implement the
188.27 compact.

188.28 (2) Except as provided under article VII, paragraph (I), venue is proper and judicial
188.29 proceedings by or against the commission shall be brought solely and exclusively in a court
188.30 of competent jurisdiction where the principal office of the commission is located. The
188.31 commission may waive venue and jurisdictional defenses to the extent it adopts or consents
188.32 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or

189.1 limit the selection or propriety of venue in any action against a licensee for professional
189.2 malpractice, misconduct, or any such similar matter.

189.3 (3) The commission shall be entitled to receive service of process in any proceeding
189.4 regarding the enforcement or interpretation of the compact or commission rule and shall
189.5 have standing to intervene in such a proceeding for all purposes. Failure to provide the
189.6 commission service of process shall render a judgment or order void as to the commission,
189.7 this compact, or the promulgated rules.

189.8 (B) Default, Technical Assistance, and Termination:

189.9 (1) If the commission determines that a participating state has defaulted in the
189.10 performance of its obligations or responsibilities under this compact or the promulgated
189.11 rules, the commission shall provide written notice to the defaulting state. The notice of
189.12 default shall describe the default, the proposed means of curing the default, and any other
189.13 action that the commission may take, and shall offer training and specific technical assistance
189.14 regarding the default.

189.15 (2) The commission shall provide a copy of the notice of default to the other participating
189.16 states.

189.17 (C) If a state in default fails to cure the default, the defaulting state may be terminated
189.18 from the compact upon an affirmative vote of a majority of the commissioners, and all
189.19 rights, privileges, and benefits conferred on that state by this compact may be terminated
189.20 on the effective date of termination. A cure of the default does not relieve the offending
189.21 state of obligations or liabilities incurred during the period of default.

189.22 (D) Termination of participation in the compact shall be imposed only after all other
189.23 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
189.24 shall be given by the commission to the governor, the majority and minority leaders of the
189.25 defaulting state's legislature, the defaulting state's state licensing authority or authorities,
189.26 as applicable, and each of the participating states' state licensing authority or authorities, as
189.27 applicable.

189.28 (E) A state that has been terminated is responsible for all assessments, obligations, and
189.29 liabilities incurred through the effective date of termination, including obligations that
189.30 extend beyond the effective date of termination.

189.31 (F) Upon the termination of a state's participation in this compact, that state shall
189.32 immediately provide notice to all licensees of the state, including licensees of other
189.33 participating states issued a compact privilege to practice within that state, of such

190.1 termination. The terminated state shall continue to recognize all compact privileges then in
190.2 effect in that state for a minimum of 180 days after the date of said notice of termination.

190.3 (G) The commission shall not bear any costs related to a state that is found to be in
190.4 default or that has been terminated from the compact, unless agreed upon in writing between
190.5 the commission and the defaulting state.

190.6 (H) The defaulting state may appeal the action of the commission by petitioning the
190.7 United States District Court for the District of Columbia or the federal district where the
190.8 commission has its principal offices. The prevailing party shall be awarded all costs of such
190.9 litigation, including reasonable attorney fees.

190.10 (I) Dispute Resolution:

190.11 (1) Upon request by a participating state, the commission shall attempt to resolve disputes
190.12 related to the compact that arise among participating states and between participating states
190.13 and nonparticipating states.

190.14 (2) The commission shall promulgate a rule providing for both mediation and binding
190.15 dispute resolution for disputes as appropriate.

190.16 (J) Enforcement:

190.17 (1) The commission, in the reasonable exercise of its discretion, shall enforce the
190.18 provisions of this compact and the commission's rules.

190.19 (2) By majority vote, the commission may initiate legal action against a participating
190.20 state in default in the United States District Court for the District of Columbia or the federal
190.21 district where the commission has its principal offices to enforce compliance with the
190.22 provisions of the compact and its promulgated rules. The relief sought may include both
190.23 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
190.24 party shall be awarded all costs of such litigation, including reasonable attorney fees. The
190.25 remedies herein shall not be the exclusive remedies of the commission. The commission
190.26 may pursue any other remedies available under federal or the defaulting participating state's
190.27 law.

190.28 (3) A participating state may initiate legal action against the commission in the United
190.29 States District Court for the District of Columbia or the federal district where the commission
190.30 has its principal offices to enforce compliance with the provisions of the compact and its
190.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the
190.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of
190.33 such litigation, including reasonable attorney fees.

191.1 (4) No individual or entity other than a participating state may enforce this compact
191.2 against the commission.

191.3 ARTICLE XI

191.4 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

191.5 (A) The compact shall come into effect on the date on which the compact statute is
191.6 enacted into law in the seventh participating state.

191.7 (1) On or after the effective date of the compact, the commission shall convene and
191.8 review the enactment of each of the states that enacted the compact prior to the commission
191.9 convening ("charter participating states") to determine if the statute enacted by each such
191.10 charter participating state is materially different than the model compact.

191.11 (i) A charter participating state whose enactment is found to be materially different from
191.12 the model compact shall be entitled to the default process set forth in article X.

191.13 (ii) If any participating state is later found to be in default, or is terminated or withdraws
191.14 from the compact, the commission shall remain in existence and the compact shall remain
191.15 in effect even if the number of participating states should be less than seven.

191.16 (2) Participating states enacting the compact subsequent to the charter participating states
191.17 shall be subject to the process set forth in article VII, (C)(23), to determine if their enactments
191.18 are materially different from the model compact and whether they qualify for participation
191.19 in the compact.

191.20 (3) All actions taken for the benefit of the commission or in furtherance of the purposes
191.21 of the administration of the compact prior to the effective date of the compact or the
191.22 commission coming into existence shall be considered to be actions of the commission
191.23 unless specifically repudiated by the commission.

191.24 (4) Any state that joins the compact subsequent to the commission's initial adoption of
191.25 the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on
191.26 the date on which the compact becomes law in that state. Any rule that has been previously
191.27 adopted by the commission shall have the full force and effect of law on the day the compact
191.28 becomes law in that state.

191.29 (B) Any participating state may withdraw from this compact by enacting a statute
191.30 repealing that state's enactment of the compact.

191.31 (1) A participating state's withdrawal shall not take effect until 180 days after enactment
191.32 of the repealing statute.

192.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
192.2 licensing authority or authorities to comply with the investigative and adverse action reporting
192.3 requirements of this compact prior to the effective date of withdrawal.

192.4 (3) Upon the enactment of a statute withdrawing from this compact, the state shall
192.5 immediately provide notice of such withdrawal to all licensees within that state.
192.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
192.7 state shall continue to recognize all compact privileges to practice within that state granted
192.8 pursuant to this compact for a minimum of 180 days after the date of such notice of
192.9 withdrawal.

192.10 (C) Nothing contained in this compact shall be construed to invalidate or prevent any
192.11 licensure agreement or other cooperative arrangement between a participating state and a
192.12 nonparticipating state that does not conflict with the provisions of this compact.

192.13 (D) This compact may be amended by the participating states. No amendment to this
192.14 compact shall become effective and binding upon any participating state until it is enacted
192.15 into the laws of all participating states.

192.16 ARTICLE XII

192.17 CONSTRUCTION AND SEVERABILITY

192.18 (A) This compact and the commission's rulemaking authority shall be liberally construed
192.19 so as to effectuate the purposes and the implementation and administration of the compact.
192.20 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall
192.21 not be construed to limit the commission's rulemaking authority solely for those purposes.

192.22 (B) The provisions of this compact shall be severable and if any phrase, clause, sentence,
192.23 or provision of this compact is held by a court of competent jurisdiction to be contrary to
192.24 the constitution of any participating state, a state seeking participation in the compact, or
192.25 of the United States, or the applicability thereof to any government, agency, person, or
192.26 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
192.27 of the remainder of this compact and the applicability thereof to any other government,
192.28 agency, person, or circumstance shall not be affected thereby.

192.29 (C) Notwithstanding (B) of this article, the commission may deny a state's participation
192.30 in the compact or, in accordance with the requirements of article X, (B), terminate a
192.31 participating state's participation in the compact, if it determines that a constitutional
192.32 requirement of a participating state is a material departure from the compact. Otherwise, if
192.33 this compact shall be held to be contrary to the constitution of any participating state, the

193.1 compact shall remain in full force and effect as to the remaining participating states and in
193.2 full force and effect as to the participating state affected as to all severable matters.

193.3 ARTICLE XIII

193.4 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

193.5 (A) Nothing herein shall prevent or inhibit the enforcement of any other law of a
193.6 participating state that is not inconsistent with the compact.

193.7 (B) Any laws, statutes, regulations, or other legal requirements in a participating state
193.8 in conflict with the compact are superseded to the extent of the conflict.

193.9 (C) All permissible agreements between the commission and the participating states are
193.10 binding in accordance with their terms.

193.11 ARTICLE 16

193.12 SOCIAL WORK SERVICES LICENSURE COMPACT

193.13 Section 1. [148E.40] TITLE.

193.14 Sections 148E.40 to 148E.55 shall be known and cited as the social work services
193.15 licensure compact.

193.16 Sec. 2. [148E.41] DEFINITIONS.

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

193.19 (1) "Active military member" means any individual with full-time duty status in the
193.20 active armed forces of the United States, including members of the National Guard and
193.21 Reserve.

193.22 (2) "Adverse action" means any administrative, civil, equitable, or criminal action
193.23 permitted by a state's laws which is imposed by a licensing authority or other authority
193.24 against a regulated social worker, including actions against an individual's license or
193.25 multistate authorization to practice such as revocation, suspension, probation, monitoring
193.26 of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure
193.27 affecting a regulated social worker's authorization to practice, including issuance of a cease
193.28 and desist action.

193.29 (3) "Alternative program" means a nondisciplinary monitoring or practice remediation
193.30 process approved by a licensing authority to address practitioners with an impairment.

194.1 (4) "Charter member states" means member states who have enacted legislation to adopt
194.2 this Compact where such legislation predates the effective date of this Compact as described
194.3 in section 148E.53.

194.4 (5) "Compact" means sections 148E.40 to 148E.55.

194.5 (6) "Compact Commission" or "Commission" means the government agency whose
194.6 membership consists of all States that have enacted this Compact, which is known as the
194.7 Social Work Licensure Compact Commission, as described in section 148E.49, and which
194.8 shall operate as an instrumentality of the member states.

194.9 (7) "Current significant investigative information" means:

194.10 (i) investigative information that a licensing authority, after a preliminary inquiry that
194.11 includes notification and an opportunity for the regulated social worker to respond, has
194.12 reason to believe is not groundless and, if proved true, would indicate more than a minor
194.13 infraction as may be defined by the Commission; or

194.14 (ii) investigative information that indicates that the regulated social worker represents
194.15 an immediate threat to public health and safety, as may be defined by the Commission,
194.16 regardless of whether the regulated social worker has been notified and has had an
194.17 opportunity to respond.

194.18 (8) "Data system" means a repository of information about licensees, including continuing
194.19 education, examinations, licensure, current significant investigative information, disqualifying
194.20 events, multistate licenses, and adverse action information or other information as required
194.21 by the Commission.

194.22 (9) "Disqualifying event" means any adverse action or incident which results in an
194.23 encumbrance that disqualifies or makes the licensee ineligible to obtain, retain, or renew a
194.24 multistate license.

194.25 (10) "Domicile" means the jurisdiction in which the licensee resides and intends to
194.26 remain indefinitely.

194.27 (11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full
194.28 and unrestricted practice of social work licensed and regulated by a licensing authority.

194.29 (12) "Executive Committee" means a group of delegates elected or appointed to act on
194.30 behalf of, and within the powers granted to them by, the Compact and Commission.

194.31 (13) "Home state" means the member state that is the licensee's primary domicile.

195.1 (14) "Impairment" means a condition that may impair a practitioner's ability to engage
195.2 in full and unrestricted practice as a regulated social worker without some type of intervention
195.3 and may include alcohol and drug dependence, mental health impairment, and neurological
195.4 or physical impairments.

195.5 (15) "Licensee" means an individual who currently holds a license from a state to practice
195.6 as a regulated social worker.

195.7 (16) "Licensing authority" means the board or agency of a member state, or equivalent,
195.8 that is responsible for the licensing and regulation of regulated social workers.

195.9 (17) "Member state" means a state, commonwealth, district, or territory of the United
195.10 States of America that has enacted this Compact.

195.11 (18) "Multistate authorization to practice" means a legally authorized privilege to practice,
195.12 which is equivalent to a license, associated with a multistate license permitting the practice
195.13 of social work in a remote state.

195.14 (19) "Multistate license" means a license to practice as a regulated social worker issued
195.15 by a home state licensing authority that authorizes the regulated social worker to practice
195.16 in all member states under multistate authorization to practice.

195.17 (20) "Qualifying national exam" means a national licensing examination approved by
195.18 the Commission.

195.19 (21) "Regulated social worker" means any clinical, master's, or bachelor's social worker
195.20 licensed by a member state regardless of the title used by that member state.

195.21 (22) "Remote state" means a member state other than the licensee's home state.

195.22 (23) "Rule" or "rule of the Commission" means a regulation or regulations duly
195.23 promulgated by the Commission, as authorized by the Compact, that has the force of law.

195.24 (24) "Single state license" means a social work license issued by any state that authorizes
195.25 practice only within the issuing state and does not include multistate authorization to practice
195.26 in any member state.

195.27 (25) "Social work" or "social work services" means the application of social work theory,
195.28 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
195.29 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
195.30 organizations, and communities through the care and services provided by a regulated social
195.31 worker as set forth in the member state's statutes and regulations in the state where the
195.32 services are being provided.

196.1 (26) "State" means any state, commonwealth, district, or territory of the United States
196.2 of America that regulates the practice of social work.

196.3 (27) "Unencumbered license" means a license that authorizes a regulated social worker
196.4 to engage in the full and unrestricted practice of social work.

196.5 **Sec. 3. [148E.42] STATE PARTICIPATION IN THE COMPACT.**

196.6 (a) To be eligible to participate in the compact, a potential member state must currently
196.7 meet all of the following criteria:

196.8 (1) license and regulate the practice of social work at either the clinical, master's, or
196.9 bachelor's category;

196.10 (2) require applicants for licensure to graduate from a program that:

196.11 (i) is operated by a college or university recognized by the licensing authority;

196.12 (ii) is accredited, or in candidacy by an institution that subsequently becomes accredited,
196.13 by an accrediting agency recognized by either:

196.14 (A) the Council for Higher Education Accreditation, or its successor; or

196.15 (B) the United States Department of Education; and

196.16 (iii) corresponds to the licensure sought as outlined in section 148E.43;

196.17 (3) require applicants for clinical licensure to complete a period of supervised practice;
196.18 and

196.19 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints
196.20 about licensees.

196.21 (b) To maintain membership in the Compact, a member state shall:

196.22 (1) require that applicants for a multistate license pass a qualifying national exam for
196.23 the corresponding category of multistate license sought as outlined in section 148E.43;

196.24 (2) participate fully in the Commission's data system, including using the Commission's
196.25 unique identifier as defined in rules;

196.26 (3) notify the Commission, in compliance with the terms of the Compact and rules, of
196.27 any adverse action or the availability of current significant investigative information regarding
196.28 a licensee;

196.29 (4) implement procedures for considering the criminal history records of applicants for
196.30 a multistate license. Such procedures shall include the submission of fingerprints or other

197.1 biometric-based information by applicants for the purpose of obtaining an applicant's criminal
197.2 history record information from the Federal Bureau of Investigation and the agency
197.3 responsible for retaining that state's criminal records;

197.4 (5) comply with the rules of the Commission;

197.5 (6) require an applicant to obtain or retain a license in the home state and meet the home
197.6 state's qualifications for licensure or renewal of licensure, as well as all other applicable
197.7 home state laws;

197.8 (7) authorize a licensee holding a multistate license in any member state to practice in
197.9 accordance with the terms of the Compact and rules of the Commission; and

197.10 (8) designate a delegate to participate in the Commission meetings.

197.11 (c) A member state meeting the requirements of paragraphs (a) and (b) shall designate
197.12 the categories of social work licensure that are eligible for issuance of a multistate license
197.13 for applicants in such member state. To the extent that any member state does not meet the
197.14 requirements for participation in the Compact at any particular category of social work
197.15 licensure, such member state may choose but is not obligated to issue a multistate license
197.16 to applicants that otherwise meet the requirements of section 148E.43 for issuance of a
197.17 multistate license in such category or categories of licensure.

197.18 (d) The home state may charge a fee for granting the multistate license.

197.19 **Sec. 4. [148E.43] SOCIAL WORKER PARTICIPATION IN THE COMPACT.**

197.20 (a) To be eligible for a multistate license under the terms and provisions of the Compact,
197.21 an applicant, regardless of category, must:

197.22 (1) hold or be eligible for an active, unencumbered license in the home state;

197.23 (2) pay any applicable fees, including any state fee, for the multistate license;

197.24 (3) submit, in connection with an application for a multistate license, fingerprints or
197.25 other biometric data for the purpose of obtaining criminal history record information from
197.26 the Federal Bureau of Investigation and the agency responsible for retaining that state's
197.27 criminal records;

197.28 (4) notify the home state of any adverse action, encumbrance, or restriction on any
197.29 professional license taken by any member state or nonmember state within 30 days from
197.30 the date the action is taken;

197.31 (5) meet any continuing competence requirements established by the home state; and

198.1 (6) abide by the laws, regulations, and applicable standards in the member state where
198.2 the client is located at the time care is rendered.

198.3 (b) An applicant for a clinical-category multistate license must meet all of the following
198.4 requirements:

198.5 (1) fulfill a competency requirement, which shall be satisfied by either:

198.6 (i) passage of a clinical-category qualifying national exam;

198.7 (ii) licensure of the applicant in their home state at the clinical category, beginning prior
198.8 to such time as a qualifying national exam was required by the home state and accompanied
198.9 by a period of continuous social work licensure thereafter, all of which may be further
198.10 governed by the rules of the Commission; or

198.11 (iii) the substantial equivalency of the foregoing competency requirements which the
198.12 Commission may determine by rule;

198.13 (2) attain at least a master's degree in social work from a program that is:

198.14 (i) operated by a college or university recognized by the licensing authority; and

198.15 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
198.16 agency recognized by either:

198.17 (A) the Council for Higher Education Accreditation or its successor; or

198.18 (B) the United States Department of Education; and

198.19 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion
198.20 of:

198.21 (i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000
198.22 hours;

198.23 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

198.24 (iii) the substantial equivalency of the foregoing practice requirements which the
198.25 Commission may determine by rule.

198.26 (c) An applicant for a master's-category multistate license must meet all of the following
198.27 requirements:

198.28 (1) fulfill a competency requirement, which shall be satisfied by either:

198.29 (i) passage of a masters-category qualifying national exam;

199.1 (ii) licensure of the applicant in their home state at the master's category, beginning prior
199.2 to such time as a qualifying national exam was required by the home state at the master's
199.3 category and accompanied by a continuous period of social work licensure thereafter, all
199.4 of which may be further governed by the rules of the Commission; or

199.5 (iii) the substantial equivalency of the foregoing competency requirements which the
199.6 Commission may determine by rule; and

199.7 (2) attain at least a master's degree in social work from a program that is:

199.8 (i) operated by a college or university recognized by the licensing authority; and

199.9 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
199.10 agency recognized by either:

199.11 (A) the Council for Higher Education Accreditation or its successor; or

199.12 (B) the United States Department of Education.

199.13 (d) An applicant for a bachelor's-category multistate license must meet all of the following
199.14 requirements:

199.15 (1) fulfill a competency requirement, which shall be satisfied by either:

199.16 (i) passage of a bachelor's-category qualifying national exam;

199.17 (ii) licensure of the applicant in their home state at the bachelor's category, beginning
199.18 prior to such time as a qualifying national exam was required by the home state and
199.19 accompanied by a period of continuous social work licensure thereafter, all of which may
199.20 be further governed by the rules of the Commission; or

199.21 (iii) the substantial equivalency of the foregoing competency requirements which the
199.22 Commission may determine by rule; and

199.23 (2) attain at least a bachelor's degree in social work from a program that is:

199.24 (i) operated by a college or university recognized by the licensing authority; and

199.25 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting
199.26 agency recognized by either:

199.27 (A) the Council for Higher Education Accreditation or its successor; or

199.28 (B) the United States Department of Education.

200.1 (e) The multistate license for a regulated social worker is subject to the renewal
200.2 requirements of the home state. The regulated social worker must maintain compliance with
200.3 the requirements of paragraph (a) to be eligible to renew a multistate license.

200.4 (f) The regulated social worker's services in a remote state are subject to that member
200.5 state's regulatory authority. A remote state may, in accordance with due process and that
200.6 member state's laws, remove a regulated social worker's multistate authorization to practice
200.7 in the remote state for a specific period of time, impose fines, and take any other necessary
200.8 actions to protect the health and safety of its citizens.

200.9 (g) If a multistate license is encumbered, the regulated social worker's multistate
200.10 authorization to practice shall be deactivated in all remote states until the multistate license
200.11 is no longer encumbered.

200.12 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated
200.13 social worker's multistate authorization to practice may be deactivated in that state until the
200.14 multistate authorization to practice is no longer encumbered.

200.15 **Sec. 5. [148E.44] ISSUANCE OF A MULTISTATE LICENSE.**

200.16 (a) Upon receipt of an application for multistate license, the home state licensing authority
200.17 shall determine the applicant's eligibility for a multistate license in accordance with section
200.18 148E.43.

200.19 (b) If such applicant is eligible pursuant to section 148E.43, the home state licensing
200.20 authority shall issue a multistate license that authorizes the applicant or regulated social
200.21 worker to practice in all member states under a multistate authorization to practice.

200.22 (c) Upon issuance of a multistate license, the home state licensing authority shall designate
200.23 whether the regulated social worker holds a multistate license in the bachelor's, master's,
200.24 or clinical category of social work.

200.25 (d) A multistate license issued by a home state to a resident in that state shall be
200.26 recognized by all Compact member states as authorizing social work practice under a
200.27 multistate authorization to practice corresponding to each category of licensure regulated
200.28 in each member state.

200.29 **Sec. 6. [148E.45] AUTHORITY OF INTERSTATE COMPACT COMMISSION**
200.30 **AND MEMBER STATE LICENSING AUTHORITIES.**

200.31 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
200.32 restrict, or in any way reduce the ability of a member state to enact and enforce laws,

201.1 regulations, or other rules related to the practice of social work in that state, where those
201.2 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

201.3 (b) Nothing in this Compact shall affect the requirements established by a member state
201.4 for the issuance of a single state license.

201.5 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
201.6 restrict, or in any way reduce the ability of a member state to take adverse action against a
201.7 licensee's single state license to practice social work in that state.

201.8 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
201.9 restrict, or in any way reduce the ability of a remote state to take adverse action against a
201.10 licensee's multistate authorization to practice in that state.

201.11 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
201.12 restrict, or in any way reduce the ability of a licensee's home state to take adverse action
201.13 against a licensee's multistate license based upon information provided by a remote state.

201.14 **Sec. 7. [148E.46] REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME**
201.15 **STATE.**

201.16 (a) A licensee can hold a multistate license, issued by their home state, in only one
201.17 member state at any given time.

201.18 (b) If a licensee changes their home state by moving between two member states:

201.19 (1) The licensee shall immediately apply for the reissuance of their multistate license in
201.20 their new home state. The licensee shall pay all applicable fees and notify the prior home
201.21 state in accordance with the rules of the Commission.

201.22 (2) Upon receipt of an application to reissue a multistate license, the new home state
201.23 shall verify that the multistate license is active, unencumbered, and eligible for reissuance
201.24 under the terms of the Compact and the rules of the Commission. The multistate license
201.25 issued by the prior home state will be deactivated and all member states notified in
201.26 accordance with the applicable rules adopted by the Commission.

201.27 (3) Prior to the reissuance of the multistate license, the new home state shall conduct
201.28 procedures for considering the criminal history records of the licensee. Such procedures
201.29 shall include the submission of fingerprints or other biometric-based information by
201.30 applicants for the purpose of obtaining an applicant's criminal history record information
201.31 from the Federal Bureau of Investigation and the agency responsible for retaining that state's
201.32 criminal records.

202.1 (4) If required for initial licensure, the new home state may require completion of
202.2 jurisprudence requirements in the new home state.

202.3 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet
202.4 the requirements set forth in this Compact for the reissuance of a multistate license by the
202.5 new home state, then the licensee shall be subject to the new home state requirements for
202.6 the issuance of a single state license in that state.

202.7 (c) If a licensee changes their primary state of residence by moving from a member state
202.8 to a nonmember state, or from a nonmember state to a member state, then the licensee shall
202.9 be subject to the state requirements for the issuance of a single state license in the new home
202.10 state.

202.11 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state
202.12 license in multiple states; however, for the purposes of this Compact, a licensee shall have
202.13 only one home state, and only one multistate license.

202.14 (e) Nothing in this Compact shall interfere with the requirements established by a member
202.15 state for the issuance of a single state license.

202.16 **Sec. 8. [148E.47] MILITARY FAMILIES.**

202.17 An active military member or their spouse shall designate a home state where the
202.18 individual has a multistate license. The individual may retain their home state designation
202.19 during the period the service member is on active duty.

202.20 **Sec. 9. [148E.48] ADVERSE ACTIONS.**

202.21 (a) In addition to the other powers conferred by state law, a remote state shall have the
202.22 authority, in accordance with existing state due process law, to:

202.23 (1) take adverse action against a regulated social worker's multistate authorization to
202.24 practice only within that member state, and issue subpoenas for both hearings and
202.25 investigations that require the attendance and testimony of witnesses as well as the production
202.26 of evidence. Subpoenas issued by a licensing authority in a member state for the attendance
202.27 and testimony of witnesses or the production of evidence from another member state shall
202.28 be enforced in the latter state by any court of competent jurisdiction, according to the practice
202.29 and procedure of that court applicable to subpoenas issued in proceedings pending before
202.30 it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and
202.31 other fees required by the service statutes of the state in which the witnesses or evidence
202.32 are located; and

203.1 (2) only the home state shall have the power to take adverse action against a regulated
203.2 social worker's multistate license.

203.3 (b) For purposes of taking adverse action, the home state shall give the same priority
203.4 and effect to reported conduct received from a member state as it would if the conduct had
203.5 occurred within the home state. In so doing, the home state shall apply its own state laws
203.6 to determine appropriate action.

203.7 (c) The home state shall complete any pending investigations of a regulated social worker
203.8 who changes their home state during the course of the investigations. The home state shall
203.9 also have the authority to take appropriate action and shall promptly report the conclusions
203.10 of the investigations to the administrator of the data system. The administrator of the data
203.11 system shall promptly notify the new home state of any adverse actions.

203.12 (d) A member state, if otherwise permitted by state law, may recover from the affected
203.13 regulated social worker the costs of investigations and dispositions of cases resulting from
203.14 any adverse action taken against that regulated social worker.

203.15 (e) A member state may take adverse action based on the factual findings of another
203.16 member state, provided that the member state follows its own procedures for taking the
203.17 adverse action.

203.18 (f) Joint investigations:

203.19 (1) In addition to the authority granted to a member state by its respective social work
203.20 practice act or other applicable state law, any member state may participate with other
203.21 member states in joint investigations of licensees.

203.22 (2) Member states shall share any investigative, litigation, or compliance materials in
203.23 furtherance of any joint or individual investigation initiated under the Compact.

203.24 (g) If adverse action is taken by the home state against the multistate license of a regulated
203.25 social worker, the regulated social worker's multistate authorization to practice in all other
203.26 member states shall be deactivated until all encumbrances have been removed from the
203.27 multistate license. All home state disciplinary orders that impose adverse action against the
203.28 license of a regulated social worker shall include a statement that the regulated social worker's
203.29 multistate authorization to practice is deactivated in all member states until all conditions
203.30 of the decision, order, or agreement are satisfied.

203.31 (h) If a member state takes adverse action, it shall promptly notify the administrator of
203.32 the data system. The administrator of the data system shall promptly notify the home state
203.33 and all other member states of any adverse actions by remote states.

204.1 (i) Nothing in this compact shall override a member state's decision that participation
204.2 in an alternative program may be used in lieu of adverse action.

204.3 (j) Nothing in this Compact shall authorize a member state to demand the issuance of
204.4 subpoenas for attendance and testimony of witnesses or the production of evidence from
204.5 another member state for lawful actions within that member state.

204.6 (k) Nothing in this Compact shall authorize a member state to impose discipline against
204.7 a regulated social worker who holds a multistate authorization to practice for lawful actions
204.8 within another member state.

204.9 **Sec. 10. [148E.49] ESTABLISHMENT OF SOCIAL WORK LICENSURE**
204.10 **COMPACT COMMISSION.**

204.11 (a) The Compact member states hereby create and establish a joint government agency
204.12 whose membership consists of all member states that have enacted the compact known as
204.13 the Social Work Licensure Compact Commission. The Commission is an instrumentality
204.14 of the Compact states acting jointly and not an instrumentality of any one state. The
204.15 Commission shall come into existence on or after the effective date of the Compact as set
204.16 forth in section 148E.53.

204.17 (b) Membership, voting, and meetings:

204.18 (1) Each member state shall have and be limited to one delegate selected by that member
204.19 state's state licensing authority.

204.20 (2) The delegate shall be either:

204.21 (i) a current member of the state licensing authority at the time of appointment, who is
204.22 a regulated social worker or public member of the state licensing authority; or

204.23 (ii) an administrator of the state licensing authority or their designee.

204.24 (3) The Commission shall by rule or bylaw establish a term of office for delegates and
204.25 may by rule or bylaw establish term limits.

204.26 (4) The Commission may recommend removal or suspension of any delegate from office.

204.27 (5) A member state's state licensing authority shall fill any vacancy of its delegate
204.28 occurring on the Commission within 60 days of the vacancy.

204.29 (6) Each delegate shall be entitled to one vote on all matters before the Commission
204.30 requiring a vote by Commission delegates.

205.1 (7) A delegate shall vote in person or by such other means as provided in the bylaws.
205.2 The bylaws may provide for delegates to meet by telecommunication, video conference, or
205.3 other means of communication.

205.4 (8) The Commission shall meet at least once during each calendar year. Additional
205.5 meetings may be held as set forth in the bylaws. The Commission may meet by
205.6 telecommunication, video conference, or other similar electronic means.

205.7 (c) The Commission shall have the following powers:

205.8 (1) establish the fiscal year of the Commission;

205.9 (2) establish code of conduct and conflict of interest policies;

205.10 (3) establish and amend rules and bylaws;

205.11 (4) maintain its financial records in accordance with the bylaws;

205.12 (5) meet and take such actions as are consistent with the provisions of this Compact, the
205.13 Commission's rules, and the bylaws;

205.14 (6) initiate and conclude legal proceedings or actions in the name of the Commission,
205.15 provided that the standing of any state licensing board to sue or be sued under applicable
205.16 law shall not be affected;

205.17 (7) maintain and certify records and information provided to a member state as the
205.18 authenticated business records of the Commission, and designate an agent to do so on the
205.19 Commission's behalf;

205.20 (8) purchase and maintain insurance and bonds;

205.21 (9) borrow, accept, or contract for services of personnel, including but not limited to
205.22 employees of a member state;

205.23 (10) conduct an annual financial review;

205.24 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant
205.25 such individuals appropriate authority to carry out the purposes of the Compact, and establish
205.26 the Commission's personnel policies and programs relating to conflicts of interest,
205.27 qualifications of personnel, and other related personnel matters;

205.28 (12) assess and collect fees;

205.29 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
205.30 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of

206.1 the same, provided that at all times the Commission shall avoid any appearance of
206.2 impropriety or conflict of interest;

206.3 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or
206.4 mixed, or any undivided interest therein;

206.5 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
206.6 any property real, personal, or mixed;

206.7 (16) establish a budget and make expenditures;

206.8 (17) borrow money;

206.9 (18) appoint committees, including standing committees, composed of members, state
206.10 regulators, state legislators or their representatives, and consumer representatives, and such
206.11 other interested persons as may be designated in this Compact and the bylaws;

206.12 (19) provide and receive information from, and cooperate with, law enforcement agencies;

206.13 (20) establish and elect an Executive Committee, including a chair and a vice chair;

206.14 (21) determine whether a state's adopted language is materially different from the model
206.15 compact language such that the state would not qualify for participation in the Compact;
206.16 and

206.17 (22) perform such other functions as may be necessary or appropriate to achieve the
206.18 purposes of this Compact.

206.19 (d) The Executive Committee:

206.20 (1) The Executive Committee shall have the power to act on behalf of the Commission
206.21 according to the terms of this Compact. The powers, duties, and responsibilities of the
206.22 Executive Committee shall include:

206.23 (i) oversee the day-to-day activities of the administration of the Compact, including
206.24 enforcement and compliance with the provisions of the Compact, its rules and bylaws, and
206.25 other such duties as deemed necessary;

206.26 (ii) recommend to the Commission changes to the rules or bylaws, changes to this
206.27 Compact legislation, fees charged to Compact member states, fees charged to licensees,
206.28 and other fees;

206.29 (iii) ensure Compact administration services are appropriately provided, including by
206.30 contract;

206.31 (iv) prepare and recommend the budget;

- 207.1 (v) maintain financial records on behalf of the Commission;
- 207.2 (vi) monitor Compact compliance of member states and provide compliance reports to
207.3 the Commission;
- 207.4 (vii) establish additional committees as necessary;
- 207.5 (viii) exercise the powers and duties of the Commission during the interim between
207.6 Commission meetings, except for adopting or amending rules, adopting or amending bylaws,
207.7 and exercising any other powers and duties expressly reserved to the Commission by rule
207.8 or bylaw; and
- 207.9 (ix) other duties as provided in the rules or bylaws of the Commission.
- 207.10 (2) The Executive Committee shall be composed of up to 11 members:
- 207.11 (i) the chair and vice chair of the Commission shall be voting members of the Executive
207.12 Committee;
- 207.13 (ii) the Commission shall elect five voting members from the current membership of
207.14 the Commission;
- 207.15 (iii) up to four ex-officio, nonvoting members from four recognized national social work
207.16 organizations; and
- 207.17 (iv) the ex-officio members will be selected by their respective organizations.
- 207.18 (3) The Commission may remove any member of the Executive Committee as provided
207.19 in the Commission's bylaws.
- 207.20 (4) The Executive Committee shall meet at least annually.
- 207.21 (i) Executive Committee meetings shall be open to the public, except that the Executive
207.22 Committee may meet in a closed, nonpublic meeting as provided in paragraph (f), clause
207.23 (2).
- 207.24 (ii) The Executive Committee shall give seven days' notice of its meetings posted on its
207.25 website and as determined to provide notice to persons with an interest in the business of
207.26 the Commission.
- 207.27 (iii) The Executive Committee may hold a special meeting in accordance with paragraph
207.28 (f), clause (1), item (ii).
- 207.29 (e) The Commission shall adopt and provide to the member states an annual report.
- 207.30 (f) Meetings of the Commission:

208.1 (1) All meetings shall be open to the public, except that the Commission may meet in a
208.2 closed, nonpublic meeting as provided in paragraph (f), clause (2).

208.3 (i) Public notice for all meetings of the full Commission of meetings shall be given in
208.4 the same manner as required under the rulemaking provisions in section 148E.51, except
208.5 that the Commission may hold a special meeting as provided in paragraph (f), clause (1),
208.6 item (ii).

208.7 (ii) The Commission may hold a special meeting when it must meet to conduct emergency
208.8 business by giving 48 hours' notice to all commissioners on the Commission's website and
208.9 other means as provided in the Commission's rules. The Commission's legal counsel shall
208.10 certify that the Commission's need to meet qualifies as an emergency.

208.11 (2) The Commission or the Executive Committee or other committees of the Commission
208.12 may convene in a closed, nonpublic meeting for the Commission or Executive Committee
208.13 or other committees of the Commission to receive legal advice or to discuss:

208.14 (i) noncompliance of a member state with its obligations under the Compact;

208.15 (ii) the employment, compensation, discipline, or other matters, practices, or procedures
208.16 related to specific employees;

208.17 (iii) current or threatened discipline of a licensee by the Commission or by a member
208.18 state's licensing authority;

208.19 (iv) current, threatened, or reasonably anticipated litigation;

208.20 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
208.21 estate;

208.22 (vi) accusing any person of a crime or formally censuring any person;

208.23 (vii) trade secrets or commercial or financial information that is privileged or confidential;

208.24 (viii) information of a personal nature where disclosure would constitute a clearly
208.25 unwarranted invasion of personal privacy;

208.26 (ix) investigative records compiled for law enforcement purposes;

208.27 (x) information related to any investigative reports prepared by or on behalf of or for
208.28 use of the Commission or other committee charged with responsibility of investigation or
208.29 determination of compliance issues pursuant to the Compact;

208.30 (xi) matters specifically exempted from disclosure by federal or member state law; or

208.31 (xii) other matters as promulgated by the Commission by rule.

209.1 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that
209.2 the meeting will be closed and reference each relevant exempting provision, and such
209.3 reference shall be recorded in the minutes.

209.4 (4) The Commission shall keep minutes that fully and clearly describe all matters
209.5 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
209.6 the reasons therefore, including a description of the views expressed. All documents
209.7 considered in connection with an action shall be identified in such minutes. All minutes and
209.8 documents of a closed meeting shall remain under seal, subject to release only by a majority
209.9 vote of the Commission or order of a court of competent jurisdiction.

209.10 (g) Financing of the Commission:

209.11 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
209.12 of its establishment, organization, and ongoing activities.

209.13 (2) The Commission may accept any and all appropriate revenue sources as provided
209.14 in paragraph (c), clause (13).

209.15 (3) The Commission may levy on and collect an annual assessment from each member
209.16 state and impose fees on licensees of member states to whom it grants a multistate license
209.17 to cover the cost of the operations and activities of the Commission and its staff, which
209.18 must be in a total amount sufficient to cover its annual budget as approved each year for
209.19 which revenue is not provided by other sources. The aggregate annual assessment amount
209.20 for member states shall be allocated based upon a formula that the Commission shall
209.21 promulgate by rule.

209.22 (4) The Commission shall not incur obligations of any kind prior to securing the funds
209.23 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
209.24 states, except by and with the authority of the member state.

209.25 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
209.26 receipts and disbursements of the Commission shall be subject to the financial review and
209.27 accounting procedures established under its bylaws. However, all receipts and disbursements
209.28 of funds handled by the Commission shall be subject to an annual financial review by a
209.29 certified or licensed public accountant, and the report of the financial review shall be included
209.30 in and become part of the annual report of the Commission.

209.31 (h) Qualified immunity, defense, and indemnification:

209.32 (1) The members, officers, executive director, employees, and representatives of the
209.33 Commission shall be immune from suit and liability, both personally and in their official

210.1 capacity, for any claim for damage to or loss of property or personal injury or other civil
210.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
210.3 or that the person against whom the claim is made had a reasonable basis for believing
210.4 occurred within the scope of Commission employment, duties, or responsibilities, provided
210.5 that nothing in this paragraph shall be construed to protect any such person from suit or
210.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or
210.7 wanton misconduct of that person. The procurement of insurance of any type by the
210.8 Commission shall not in any way compromise or limit the immunity granted hereunder.

210.9 (2) The Commission shall defend any member, officer, executive director, employee,
210.10 and representative of the Commission in any civil action seeking to impose liability arising
210.11 out of any actual or alleged act, error, or omission that occurred within the scope of
210.12 Commission employment, duties, or responsibilities, or as determined by the Commission
210.13 that the person against whom the claim is made had a reasonable basis for believing occurred
210.14 within the scope of Commission employment, duties, or responsibilities, provided that
210.15 nothing herein shall be construed to prohibit that person from retaining their own counsel
210.16 at their own expense, and provided further, that the actual or alleged act, error, or omission
210.17 did not result from that person's intentional or willful or wanton misconduct.

210.18 (3) The Commission shall indemnify and hold harmless any member, officer, executive
210.19 director, employee, and representative of the Commission for the amount of any settlement
210.20 or judgment obtained against that person arising out of any actual or alleged act, error, or
210.21 omission that occurred within the scope of Commission employment, duties, or
210.22 responsibilities, or that such person had a reasonable basis for believing occurred within
210.23 the scope of Commission employment, duties, or responsibilities, provided that the actual
210.24 or alleged act, error, or omission did not result from the intentional or willful or wanton
210.25 misconduct of that person.

210.26 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
210.27 professional malpractice or misconduct, which shall be governed solely by any other
210.28 applicable state laws.

210.29 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member
210.30 state's state action immunity or state action affirmative defense with respect to antitrust
210.31 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or
210.32 anticompetitive law or regulation.

210.33 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity
210.34 by the member states or by the Commission.

211.1 (i) Notwithstanding paragraph (h), clause (1), the liability of the executive director,
211.2 employees, or representatives of the interstate commission, acting within the scope of their
211.3 employment or duties, may not exceed the limits of liability set forth under the constitution
211.4 and laws of this state for state officials, employees, and agents. This paragraph expressly
211.5 incorporates section 3.736, and neither expands nor limits the rights and remedies provided
211.6 under that statute.

211.7 (j) Except for a claim alleging a violation of this compact, a claim against the commission,
211.8 its executive director, employees, or representatives alleging a violation of the constitution
211.9 and laws of this state may be brought in any county where the plaintiff resides. Nothing in
211.10 this paragraph creates a private right of action.

211.11 **Sec. 11. [148E.50] DATA SYSTEM.**

211.12 (a) The Commission shall provide for the development, maintenance, operation, and
211.13 utilization of a coordinated data system.

211.14 (b) The Commission shall assign each applicant for a multistate license a unique identifier,
211.15 as determined by the rules of the Commission.

211.16 (c) Notwithstanding any other provision of state law to the contrary, a member state
211.17 shall submit a uniform data set to the data system on all individuals to whom this Compact
211.18 is applicable as required by the rules of the Commission, including:

211.19 (1) identifying information;

211.20 (2) licensure data;

211.21 (3) adverse actions against a license and information related thereto;

211.22 (4) nonconfidential information related to alternative program participation, the beginning
211.23 and ending dates of such participation, and other information related to such participation
211.24 not made confidential under member state law;

211.25 (5) any denial of application for licensure, and the reason for such denial;

211.26 (6) the presence of current significant investigative information; and

211.27 (7) other information that may facilitate the administration of this Compact or the
211.28 protection of the public, as determined by the rules of the Commission.

211.29 (d) The records and information provided to a member state pursuant to this Compact
211.30 or through the data system, when certified by the Commission or an agent thereof, shall
211.31 constitute the authenticated business records of the Commission, and shall be entitled to

212.1 any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative
212.2 proceedings in a member state.

212.3 (e) Current significant investigative information pertaining to a licensee in any member
212.4 state will only be available to other member states.

212.5 (f) It is the responsibility of the member states to report any adverse action against a
212.6 licensee and to monitor the database to determine whether adverse action has been taken
212.7 against a licensee. Adverse action information pertaining to a licensee in any member state
212.8 will be available to any other member state.

212.9 (g) Member states contributing information to the data system may designate information
212.10 that may not be shared with the public without the express permission of the contributing
212.11 state.

212.12 (h) Any information submitted to the data system that is subsequently expunged pursuant
212.13 to federal law or the laws of the member state contributing the information shall be removed
212.14 from the data system.

212.15 **Sec. 12. [148E.51] RULEMAKING.**

212.16 (a) The Commission shall promulgate reasonable rules in order to effectively and
212.17 efficiently implement and administer the purposes and provisions of the Compact. A rule
212.18 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
212.19 that the rule is invalid because the Commission exercised its rulemaking authority in a
212.20 manner that is beyond the scope and purposes of the Compact, or the powers granted
212.21 hereunder, or based upon another applicable standard of review.

212.22 (b) The rules of the Commission shall have the force of law in each member state,
212.23 provided however that where the rules of the Commission conflict with the laws of the
212.24 member state that establish the member state's laws, regulations, and applicable standards
212.25 that govern the practice of social work as held by a court of competent jurisdiction, the rules
212.26 of the Commission shall be ineffective in that state to the extent of the conflict.

212.27 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set
212.28 forth in this section and the rules adopted thereunder. Rules shall become binding on the
212.29 day following adoption or the date specified in the rule or amendment, whichever is later.

212.30 (d) If a majority of the legislatures of the member states rejects a rule or portion of a
212.31 rule, by enactment of a statute or resolution in the same manner used to adopt the Compact
212.32 within four years of the date of adoption of the rule, then such rule shall have no further
212.33 force and effect in any member state.

213.1 (e) Rules shall be adopted at a regular or special meeting of the Commission.

213.2 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and
213.3 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

213.4 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in
213.5 advance of the meeting at which the Commission will hold a public hearing on the proposed
213.6 rule, the Commission shall provide a notice of proposed rulemaking:

213.7 (1) on the website of the Commission or other publicly accessible platform;

213.8 (2) to persons who have requested notice of the Commission's notices of proposed
213.9 rulemaking; and

213.10 (3) in such other way as the Commission may by rule specify.

213.11 (h) The notice of proposed rulemaking shall include:

213.12 (1) the time, date, and location of the public hearing at which the Commission will hear
213.13 public comments on the proposed rule and, if different, the time, date, and location of the
213.14 meeting where the Commission will consider and vote on the proposed rule;

213.15 (2) if the hearing is held via telecommunication, video conference, or other electronic
213.16 means, the Commission shall include the mechanism for access to the hearing in the notice
213.17 of proposed rulemaking;

213.18 (3) the text of the proposed rule and the reason therefor;

213.19 (4) a request for comments on the proposed rule from any interested person; and

213.20 (5) the manner in which interested persons may submit written comments.

213.21 (i) All hearings will be recorded. A copy of the recording and all written comments and
213.22 documents received by the Commission in response to the proposed rule shall be available
213.23 to the public.

213.24 (j) Nothing in this section shall be construed as requiring a separate hearing on each
213.25 rule. Rules may be grouped for the convenience of the Commission at hearings required by
213.26 this section.

213.27 (k) The Commission shall, by majority vote of all members, take final action on the
213.28 proposed rule based on the rulemaking record and the full text of the rule.

213.29 (1) The Commission may adopt changes to the proposed rule, provided the changes do
213.30 not enlarge the original purpose of the proposed rule.

214.1 (2) The Commission shall provide an explanation of the reasons for substantive changes
214.2 made to the proposed rule as well as reasons for substantive changes not made that were
214.3 recommended by commenters.

214.4 (3) The Commission shall determine a reasonable effective date for the rule. Except for
214.5 an emergency as provided in paragraph (1), the effective date of the rule shall be no sooner
214.6 than 30 days after issuing the notice that it adopted or amended the rule.

214.7 (1) Upon determination that an emergency exists, the Commission may consider and
214.8 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that
214.9 the usual rulemaking procedures provided in the Compact and in this section shall be
214.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90
214.11 days after the effective date of the rule. For the purposes of this provision, an emergency
214.12 rule is one that must be adopted immediately in order to:

214.13 (1) meet an imminent threat to public health, safety, or welfare;

214.14 (2) prevent a loss of Commission or member state funds;

214.15 (3) meet a deadline for the promulgation of a rule that is established by federal law or
214.16 rule; or

214.17 (4) protect public health and safety.

214.18 (m) The Commission or an authorized committee of the Commission may direct revisions
214.19 to a previously adopted rule for purposes of correcting typographical errors, errors in format,
214.20 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
214.21 on the website of the Commission. The revision shall be subject to challenge by any person
214.22 for a period of 30 days after posting. The revision may be challenged only on grounds that
214.23 the revision results in a material change to a rule. A challenge shall be made in writing and
214.24 delivered to the Commission prior to the end of the notice period. If no challenge is made,
214.25 the revision will take effect without further action. If the revision is challenged, the revision
214.26 may not take effect without the approval of the Commission.

214.27 (n) No member state's rulemaking requirements shall apply under this compact.

214.28 **Sec. 13. [148E.52] OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

214.29 (a) Oversight:

214.30 (1) The executive and judicial branches of state government in each member state shall
214.31 enforce this Compact and take all actions necessary and appropriate to implement the
214.32 Compact.

215.1 (2) Except as otherwise provided in this Compact, venue is proper and judicial
215.2 proceedings by or against the Commission shall be brought solely and exclusively in a court
215.3 of competent jurisdiction where the principal office of the Commission is located. The
215.4 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents
215.5 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or
215.6 limit the selection or propriety of venue in any action against a licensee for professional
215.7 malpractice, misconduct, or any such similar matter.

215.8 (3) The Commission shall be entitled to receive service of process in any proceeding
215.9 regarding the enforcement or interpretation of the Compact and shall have standing to
215.10 intervene in such a proceeding for all purposes. Failure to provide the Commission service
215.11 of process shall render a judgment or order void as to the Commission, this Compact, or
215.12 promulgated rules.

215.13 (b) Default, technical assistance, and termination:

215.14 (1) If the Commission determines that a member state has defaulted in the performance
215.15 of its obligations or responsibilities under this Compact or the promulgated rules, the
215.16 Commission shall provide written notice to the defaulting state. The notice of default shall
215.17 describe the default, the proposed means of curing the default, and any other action that the
215.18 Commission may take, and shall offer training and specific technical assistance regarding
215.19 the default.

215.20 (2) The Commission shall provide a copy of the notice of default to the other member
215.21 states.

215.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated
215.23 from the Compact upon an affirmative vote of a majority of the delegates of the member
215.24 states, and all rights, privileges, and benefits conferred on that state by this Compact may
215.25 be terminated on the effective date of termination. A cure of the default does not relieve the
215.26 offending state of obligations or liabilities incurred during the period of default.

215.27 (d) Termination of membership in the Compact shall be imposed only after all other
215.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
215.29 shall be given by the Commission to the governor, the majority and minority leaders of the
215.30 defaulting state's legislature, the defaulting state's state licensing authority, and each of the
215.31 member states' state licensing authority.

215.32 (e) A state that has been terminated is responsible for all assessments, obligations, and
215.33 liabilities incurred through the effective date of termination, including obligations that
215.34 extend beyond the effective date of termination.

216.1 (f) Upon the termination of a state's membership from this Compact, that state shall
216.2 immediately provide notice to all licensees within that state of such termination. The
216.3 terminated state shall continue to recognize all licenses granted pursuant to this Compact
216.4 for a minimum of six months after the date of said notice of termination.

216.5 (g) The Commission shall not bear any costs related to a state that is found to be in
216.6 default or that has been terminated from the Compact, unless agreed upon in writing between
216.7 the Commission and the defaulting state.

216.8 (h) The defaulting state may appeal the action of the Commission by petitioning the
216.9 United States District Court for the District of Columbia or the federal district where the
216.10 Commission has its principal offices. The prevailing party shall be awarded all costs of such
216.11 litigation, including reasonable attorney fees.

216.12 (i) Dispute resolution:

216.13 (1) Upon request by a member state, the Commission shall attempt to resolve disputes
216.14 related to the Compact that arise among member states and between member and nonmember
216.15 states.

216.16 (2) The Commission shall promulgate a rule providing for both mediation and binding
216.17 dispute resolution for disputes as appropriate.

216.18 (j) Enforcement:

216.19 (1) By majority vote as provided by rule, the Commission may initiate legal action
216.20 against a member state in default in the United States District Court for the District of
216.21 Columbia or the federal district where the Commission has its principal offices to enforce
216.22 compliance with the provisions of the Compact and its promulgated rules. The relief sought
216.23 may include both injunctive relief and damages. In the event judicial enforcement is
216.24 necessary, the prevailing party shall be awarded all costs of such litigation, including
216.25 reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the
216.26 Commission. The Commission may pursue any other remedies available under federal or
216.27 the defaulting member state's law.

216.28 (2) A member state may initiate legal action against the Commission in the United States
216.29 District Court for the District of Columbia or the federal district where the Commission has
216.30 its principal offices to enforce compliance with the provisions of the Compact and its
216.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the
216.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of
216.33 such litigation, including reasonable attorney fees.

217.1 (3) No person other than a member state shall enforce this compact against the
217.2 Commission.

217.3 **Sec. 14. [148E.53] EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

217.4 (a) The Compact shall come into effect on the date on which the Compact statute is
217.5 enacted into law in the seventh member state.

217.6 (1) On or after the effective date of the Compact, the Commission shall convene and
217.7 review the enactment of each of the first seven member states ("charter member states") to
217.8 determine if the statute enacted by each such charter member state is materially different
217.9 than the model Compact statute.

217.10 (i) A charter member state whose enactment is found to be materially different from the
217.11 model Compact statute shall be entitled to the default process set forth in section 148E.52.

217.12 (ii) If any member state is later found to be in default, or is terminated or withdraws
217.13 from the Compact, the Commission shall remain in existence and the Compact shall remain
217.14 in effect even if the number of member states should be less than seven.

217.15 (2) Member states enacting the compact subsequent to the seven initial charter member
217.16 states shall be subject to the process set forth in section 148E.49, paragraph (c), clause (21),
217.17 to determine if their enactments are materially different from the model Compact statute
217.18 and whether they qualify for participation in the Compact.

217.19 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes
217.20 of the administration of the Compact prior to the effective date of the Compact or the
217.21 Commission coming into existence shall be considered to be actions of the Commission
217.22 unless specifically repudiated by the Commission.

217.23 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of
217.24 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on
217.25 which the Compact becomes law in that state. Any rule that has been previously adopted
217.26 by the Commission shall have the full force and effect of law on the day the Compact
217.27 becomes law in that state.

217.28 (b) Any member state may withdraw from this Compact by enacting a statute repealing
217.29 the same.

217.30 (1) A member state's withdrawal shall not take effect until 180 days after enactment of
217.31 the repealing statute.

218.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
218.2 licensing authority to comply with the investigative and adverse action reporting requirements
218.3 of this Compact prior to the effective date of withdrawal.

218.4 (3) Upon the enactment of a statute withdrawing from this Compact, a state shall
218.5 immediately provide notice of such withdrawal to all licensees within that state.
218.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
218.7 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum
218.8 of 180 days after the date of such notice of withdrawal.

218.9 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any
218.10 licensure agreement or other cooperative arrangement between a member state and a
218.11 nonmember state that does not conflict with the provisions of this Compact.

218.12 (d) This Compact may be amended by the member states. No amendment to this Compact
218.13 shall become effective and binding upon any member state until it is enacted into the laws
218.14 of all member states.

218.15 Sec. 15. **[148E.54] CONSTRUCTION AND SEVERABILITY.**

218.16 (a) This Compact and the Commission's rulemaking authority shall be liberally construed
218.17 so as to effectuate the purposes, and the implementation and administration of the Compact.
218.18 Provisions of the Compact expressly authorizing or requiring the promulgation of rules
218.19 shall not be construed to limit the Commission's rulemaking authority solely for those
218.20 purposes.

218.21 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,
218.22 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
218.23 the constitution of any member state, a state seeking participation in the Compact, or of the
218.24 United States, or the applicability thereof to any government, agency, person or circumstance
218.25 is held to be unconstitutional by a court of competent jurisdiction, the validity of the
218.26 remainder of this Compact and the applicability thereof to any other government, agency,
218.27 person or circumstance shall not be affected thereby.

218.28 (c) Notwithstanding paragraph (b), the Commission may deny a state's participation in
218.29 the Compact or, in accordance with the requirements of section 148E.52, paragraph (b),
218.30 terminate a member state's participation in the Compact, if it determines that a constitutional
218.31 requirement of a member state is a material departure from the Compact. Otherwise, if this
218.32 Compact shall be held to be contrary to the constitution of any member state, the Compact

219.1 shall remain in full force and effect as to the remaining member states and in full force and
219.2 effect as to the member state affected as to all severable matters.

219.3 Sec. 16. **[148E.55] CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**
219.4 **LAWS.**

219.5 (a) A licensee providing services in a remote state under a multistate authorization to
219.6 practice shall adhere to the laws and regulations, including laws, regulations, and applicable
219.7 standards, of the remote state where the client is located at the time care is rendered.

219.8 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member
219.9 state that is not inconsistent with the Compact.

219.10 (c) Any laws, statutes, regulations, or other legal requirements in a member state in
219.11 conflict with the Compact are superseded to the extent of the conflict.

219.12 (d) All permissible agreements between the Commission and the member states are
219.13 binding in accordance with their terms.

219.14 **ARTICLE 17**
219.15 **APPROPRIATIONS**

219.16 Section 1. **COMMISSIONER OF HEALTH.**

219.17 Subdivision 1. **Registration of transfer care specialists.** \$198,000 in fiscal year 2025
219.18 is appropriated from the state government special revenue fund to the commissioner of
219.19 health to implement Minnesota Statutes, section 149A.47. The state government special
219.20 revenue fund base for this appropriation is \$105,000 in fiscal year 2026 and \$105,000 in
219.21 fiscal year 2027.

219.22 Subd. 2. **Licensure of speech-language pathology assistants.** \$105,000 in fiscal year
219.23 2025 is appropriated from the state government special revenue fund to the commissioner
219.24 of health to implement licensing requirements for speech-language pathology assistants
219.25 under Minnesota Statutes, section 148.5181. The state government special revenue fund
219.26 base for this appropriation is \$22,000 in fiscal year 2026 and \$22,000 in fiscal year 2027.

219.27 Subd. 3. **Audiology and speech-language interstate compact.** \$279,000 in fiscal year
219.28 2025 is appropriated from the state government special revenue fund to the commissioner
219.29 of health to implement the audiology and speech-language pathology interstate compact
219.30 under Minnesota Statutes, section 148.5185. The state government special revenue fund
219.31 base for this appropriation is \$106,000 in fiscal year 2026 and \$106,000 in fiscal year 2027.

220.1 Sec. 2. **BOARD OF PSYCHOLOGY; LICENSING REQUIREMENTS FOR**
220.2 **BEHAVIOR ANALYSTS.**

220.3 \$81,000 in fiscal year 2025 is appropriated from the state government special revenue
220.4 fund to the Board of Psychology to implement licensing requirements for behavior analysts
220.5 under Minnesota Statutes, sections 148.9981 to 148.9995. The state government special
220.6 revenue fund base for this appropriation is \$47,000 in fiscal year 2026 and \$47,000 in fiscal
220.7 year 2027.

220.8 Sec. 3. **BOARD OF VETERINARY MEDICINE; LICENSING REQUIREMENTS**
220.9 **FOR VETERINARY TECHNICIANS.**

220.10 \$23,000 in fiscal year 2025 is appropriated from the state government special revenue
220.11 fund to the Board of Veterinary Medicine to implement Minnesota Statutes, section 156.077.
220.12 The state government special revenue fund base for this appropriation is \$52,000 in fiscal
220.13 year 2026 and \$52,000 in fiscal year 2027.

220.14 Sec. 4. **BOARD OF DENTISTRY.**

220.15 Subdivision 1. **Licensure by credential for dental assistants.** \$2,000 in fiscal year
220.16 2025 is appropriated from the state government special revenue fund to the Board of Dentistry
220.17 to implement Minnesota Statutes, section 150A.06, subdivision 8. The state government
220.18 special revenue fund base for this appropriation is \$3,000 in fiscal year 2026 and \$5,000 in
220.19 fiscal year 2027.

220.20 Subd. 2. **Dentist and dental hygienist compact.** \$41,000 in fiscal year 2025 is
220.21 appropriated from the state government special revenue fund to the Board of Dentistry to
220.22 implement the dentist and dental hygienist compact under Minnesota Statutes, section
220.23 150A.051. The state government special revenue fund base for this appropriation is \$42,000
220.24 in fiscal year 2026 and \$42,000 in fiscal year 2027.

220.25 Sec. 5. **BOARD OF MARRIAGE AND FAMILY THERAPY; LICENSED**
220.26 **MARRIAGE AND FAMILY THERAPIST GUEST LICENSE.**

220.27 \$18,000 in fiscal year 2025 is appropriated from the state government special revenue
220.28 fund to the Board of Marriage and Family Therapy to implement Minnesota Statutes, section
220.29 148B.331. The state government special revenue fund base for this appropriation is \$1,000
220.30 in fiscal year 2026 and \$1,000 in fiscal year 2027.

221.1 **Sec. 6. BOARD OF SOCIAL WORK.**

221.2 Subdivision 1. Social worker provisional licensing. \$133,000 in fiscal year 2025 is
221.3 appropriated from the state government special revenue fund to the Board of Social Work
221.4 to implement modifications to provisional licensure under Minnesota Statutes, chapters
221.5 148D and 148E. The state government special revenue fund base for this appropriation is
221.6 \$80,000 in fiscal year 2026 and \$80,000 in fiscal year 2027.

221.7 Subd. 2. Social work interstate compact. \$3,000 in fiscal year 2025 is appropriated
221.8 from the state government special revenue fund to the Board of Social Work to implement
221.9 the social work interstate compact under Minnesota Statutes, sections 148E.40 to 148E.55.
221.10 The state government special revenue fund base for this appropriation is \$149,000 in fiscal
221.11 year 2026 and \$83,000 in fiscal year 2027.

221.12 **Sec. 7. BOARD OF BEHAVIORAL HEALTH AND THERAPY; LICENSED**
221.13 **PROFESSIONAL COUNSELOR INTERSTATE COMPACT.**

221.14 \$159,000 in fiscal year 2025 is appropriated from the state government special revenue
221.15 fund to the Board of Behavioral Health and Therapy to implement the licensed professional
221.16 counselor interstate compact under Minnesota Statutes, section 148B.75. The state
221.17 government special revenue fund base for this appropriation is \$95,000 in fiscal year 2026
221.18 and \$95,000 in fiscal year 2027.

221.19 **Sec. 8. BOARD OF MEDICAL PRACTICE; PHYSICIAN ASSISTANT LICENSURE**
221.20 **COMPACT.**

221.21 \$113,000 in fiscal year 2025 is appropriated from the state government special revenue
221.22 fund to the Board of Medical Practice to implement the physician assistant licensure compact
221.23 under Minnesota Statutes, section 148.675. The state government special revenue fund base
221.24 for this appropriation is \$142,000 in fiscal year 2026 and \$96,000 in fiscal year 2027.

221.25 **Sec. 9. BOARD OF OCCUPATIONAL THERAPY PRACTICE; OCCUPATIONAL**
221.26 **THERAPY LICENSURE COMPACT.**

221.27 \$143,000 in fiscal year 2025 is appropriated from the state government special revenue
221.28 fund to the Board of Occupational Therapy Practice to implement the occupational therapy
221.29 licensure compact under Minnesota Statutes, section 148.645. The state government special
221.30 revenue fund base for this appropriation is \$80,000 in fiscal year 2026 and \$80,000 in fiscal
221.31 year 2027.

222.1 Sec. 10. **BOARD OF PHYSICAL THERAPY; PHYSICAL THERAPY LICENSURE**
222.2 **COMPACT.**

222.3 \$160,000 in fiscal year 2025 is appropriated from the state government special revenue
222.4 fund to the Board of Physical Therapy to implement the physical therapy licensure compact
222.5 under Minnesota Statutes, section 148.676. The state government special revenue fund base
222.6 for this appropriation is \$95,000 in fiscal year 2026 and \$95,000 in fiscal year 2027.

222.7 Sec. 11. **EFFECTIVE DATE.**

222.8 This article is effective July 1, 2024."

222.9 Delete the title and insert:

222.10 "A bill for an act

222.11 relating to health occupations; establishing registration for transfer care specialists,
222.12 licensure for behavior analysts, licensure for veterinary technicians and a veterinary
222.13 institutional license, guest licensure for marriage and family therapists, and licensure
222.14 for speech-language pathology assistants; modifying provisions of veterinary
222.15 supervision; modifying specialty dentist licensure and dental assistant licensure
222.16 by credentials; removing additional collaboration requirements for physician
222.17 assistants to provide certain psychiatric treatment; modifying social worker
222.18 provisional licensure; revising the scope of practice for optometrists; creating a
222.19 licensure compact for physician assistants, occupational therapists, physical
222.20 therapists, licensed professional counselors, audiologists and speech-language
222.21 pathologists, dentists and dental hygienists, and social workers; providing for
222.22 rulemaking; establishing fees; appropriating money; amending Minnesota Statutes
222.23 2022, sections 144.0572, subdivision 1; 148.511; 148.512, subdivision 17a;
222.24 148.513, subdivisions 1, 2, 3, by adding a subdivision; 148.514, subdivision 2;
222.25 148.515, subdivision 1; 148.518; 148.519, subdivision 1, by adding a subdivision;
222.26 148.5191, subdivision 1, by adding a subdivision; 148.5192, subdivisions 1, 2, 3;
222.27 148.5193, subdivision 1, by adding a subdivision; 148.5194, subdivision 8, by
222.28 adding a subdivision; 148.5195, subdivisions 5, 6; 148.5196, subdivision 3; 148.56,
222.29 subdivision 1; 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063,
222.30 subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3;
222.31 149A.02, subdivision 13a, by adding a subdivision; 149A.03; 149A.09; 149A.11;
222.32 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision
222.33 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 150A.06,
222.34 subdivisions 1c, 8; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions
222.35 2, 4; Minnesota Statutes 2023 Supplement, sections 148.5195, subdivision 3;
222.36 148.5196, subdivision 1; 148B.392, subdivision 2; 245C.031, subdivision 4;
222.37 proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 148E;
222.38 149A; 150A; 156; repealing Minnesota Statutes 2022, sections 147A.09, subdivision
222.39 5; 148D.061, subdivision 9; 156.12, subdivision 6."

223.1 We request the adoption of this report and repassage of the bill.

223.2 House Conferees:

223.3

223.4 Tina Liebling Ned Carroll

223.5

223.6 Danny Nadeau

223.7 Senate Conferees:

223.8

223.9 Melissa Wiklund Liz Boldon

223.10

223.11 Paul Utke