

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 **SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSURE**

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

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

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

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

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

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

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

42.23 **148.511 SCOPE.**

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

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

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

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

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

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

43.8 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice  
43.9 of speech-language pathology or audiology or practice as a speech-language pathology  
43.10 assistant unless the person is licensed as a speech-language pathologist or an audiologist,  
43.11 or a speech-language pathology assistant under sections 148.511 to 148.5198 ~~or is practicing~~  
43.12 ~~as a speech-language pathology assistant in accordance with section 148.5192.~~ For purposes  
43.13 of this subdivision, a speech-language pathology assistant's duties are limited to the duties  
43.14 described in accordance with section 148.5192, subdivision 2.

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

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

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

43.22 (1) speech-language;

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

43.24 (3) speech pathologist;

43.25 (4) language pathologist;

43.26 (5) audiologist, A, or AUD;

43.27 (6) speech therapist;

43.28 (7) speech clinician;

43.29 (8) speech correctionist;

43.30 (9) language therapist;

- 44.1 (10) voice therapist;
- 44.2 (11) voice pathologist;
- 44.3 (12) logopedist;
- 44.4 (13) communicologist;
- 44.5 (14) aphasiologist;
- 44.6 (15) phoniatriest;
- 44.7 (16) audiometrist;
- 44.8 (17) audioprosthologist;
- 44.9 (18) hearing therapist;
- 44.10 (19) hearing clinician; or
- 44.11 (20) hearing aid audiologist.

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

44.15 ~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections  
44.16 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant  
44.17 is a licensed speech-language pathologist and shall only utilize ~~one of the following titles:~~  
44.18 ~~"speech-language pathology assistant," "SLP assistant," or "SLP asst."~~ the titles provided  
44.19 in subdivision 2b.

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

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

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

- 44.27 (1) speech-language pathology assistant;
- 44.28 (2) SLP assistant; or
- 44.29 (3) SLP asst.

45.1 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under  
45.2 this subdivision by any person is prohibited unless that person is licensed under section  
45.3 148.5181.

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

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

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

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

45.13 (b) Subdivision 1 does not apply to a student participating in supervised field work or  
45.14 supervised course work that is necessary to meet the requirements of ~~section~~ sections  
45.15 148.515, subdivision 2 or 3, or 148.5181, subdivision 2, if the person is designated by a  
45.16 title which clearly indicates the person's status as a student trainee.

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

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

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

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

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

45.28 (2) a person who applies for licensure and who has a current certificate of clinical  
45.29 competence issued by the American Speech-Language-Hearing Association, or board  
45.30 certification by the American Board of Audiology, must meet the requirements of section  
45.31 148.516; or

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

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

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

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

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

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

46.10 **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

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

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

46.17 (2) fulfill the requirements of section 148.517;

46.18 (3) apply for renewal according to section 148.5191, provide evidence to the  
46.19 commissioner that the applicant holds a current and unrestricted credential for the practice  
46.20 of speech-language pathology from the Professional Educator Licensing and Standards  
46.21 Board or for the practice of speech-language pathology or audiology in another jurisdiction  
46.22 that has requirements equivalent to or higher than those in effect for Minnesota, and provide  
46.23 evidence of compliance with Professional Educator Licensing and Standards Board or that  
46.24 jurisdiction's continuing education requirements;

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

46.29 (5) apply for renewal according to section 148.5191 and provide documentation of  
46.30 obtaining a qualifying score on the examination described in section 148.515, subdivision  
46.31 4, within one year of the application date for license renewal.

47.1 Subd. 2. **Speech-language pathology assistant licensure lapse.** An applicant applying  
47.2 for speech-language pathology assistant licensure and whose licensure status has lapsed  
47.3 must:

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

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

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

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

47.16 Sec. 11. **[148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY**  
47.17 **ASSISTANTS.**

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

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

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

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

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

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

48.3 (b) Within one month following expiration of a license, an applicant for licensure renewal  
48.4 as a speech-language pathology assistant must provide, on a form provided by the  
48.5 commissioner, evidence to the commissioner of a minimum of 20 contact hours of continuing  
48.6 education obtained within the two years immediately preceding licensure expiration. A  
48.7 minimum of 13 contact hours of continuing education must be directly related to the licensee's  
48.8 area of licensure. Seven contact hours of continuing education may be in areas generally  
48.9 related to the licensee's area of licensure. Licensees who are issued licenses for a period of  
48.10 less than two years must prorate the number of contact hours required for licensure renewal  
48.11 based on the number of months licensed during the biennial licensure period. Licensees  
48.12 must receive contact hours for continuing education activities only for the biennial licensure  
48.13 period in which the continuing education activity was performed.

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

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

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

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

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

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

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



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

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

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

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

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

49.11 (b) In addition, an applicant must:

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

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

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

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

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

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

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

49.27 (1) submit a completed application on forms provided by the commissioner. The  
49.28 application must include the applicant's name, business address and telephone number,  
49.29 home address and telephone number, and a description of the applicant's education, training,  
49.30 and experience, including previous work history for the five years immediately preceding

50.1 the application date. The commissioner may ask the applicant to provide additional  
50.2 information needed to clarify information submitted in the application;

50.3 (2) submit a transcript showing the completion of the requirements set forth in section  
50.4 148.5181;

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

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

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

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

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

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

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

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

50.21 (2) meet the continuing education requirements of section 148.5193 and submit evidence  
50.22 of attending continuing education courses, as required in section 148.5193, subdivision 6;  
50.23 and

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

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

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

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

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

51.7 (2) meet the continuing education requirements of section 148.5193, subdivision 1a,  
51.8 and submit evidence of attending continuing education courses, as required in section  
51.9 148.5193, subdivision 1a; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52.9 (4) assist with assessments of clients;

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

52.11 (6) perform checks and maintenance of equipment;

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

52.14 (8) collect data for quality improvement.

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

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

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

52.23 (3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team  
52.24 ~~without the presence of the supervising speech-language pathologist or other licensed~~  
52.25 ~~speech-language pathologist as authorized by the supervising speech-language pathologist~~  
52.26 meetings without approval from the speech-language pathologist or misrepresent themselves  
52.27 as a speech-language pathologist at such a conference or meeting. The speech-language  
52.28 pathologist and speech-language pathology assistant are required to meet prior to the parent  
52.29 conferences, case conferences, or interdisciplinary team meetings to determine the  
52.30 information to be shared;

53.1 (4) provide client or family counseling or consult with the client or the family regarding  
53.2 the client status or service;

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

53.5 (6) select clients for service;

53.6 (7) discharge clients from service;

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

53.10 (9) make referrals for additional services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

57.31 (1) intentionally submitted false or misleading information to the commissioner or the  
57.32 advisory council;

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

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

58.5 (4) violated sections 148.511 to 148.5198;

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

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

58.15 (7) aided or abetted another person in violating any provision of sections 148.511 to  
58.16 148.5198;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59.25 (iv) failed to comply with restrictions on sales of prescription hearing aids in sections  
59.26 148.5197, subdivision 3, and 148.5198;

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

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

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

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

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

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

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

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

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

60.14 Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of  
60.15 licensure, the speech-language pathologist or audiologist, or speech-language pathology  
60.16 assistant, shall cease to practice speech-language pathology or audiology, or practice as a  
60.17 speech-language pathology assistant, to use titles protected under sections 148.511 to  
60.18 148.5198, and to represent to the public that the speech-language pathologist or audiologist,  
60.19 or speech-language pathology assistant, is licensed by the commissioner.

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

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

60.22 Subd. 6. **Reinstatement requirements after disciplinary action.** A speech-language  
60.23 pathologist or audiologist, or speech-language pathology assistant, who has had licensure  
60.24 suspended may petition on forms provided by the commissioner for reinstatement following  
60.25 the period of suspension specified by the commissioner. The requirements of section  
60.26 148.5191 for renewing licensure must be met before licensure may be reinstated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63.5 **ARTICLE 9**

63.6 **PHYSICIAN ASSISTANT LICENSURE COMPACT**

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

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

63.10 ARTICLE I

63.11 TITLE

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

63.13 ARTICLE II

63.14 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

65.16 ARTICLE III

65.17 STATE PARTICIPATION IN THE COMPACT

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

65.19 (1) license PAs;

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

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

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

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

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

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

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

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

66.7 ARTICLE IV

66.8 COMPACT PRIVILEGE

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

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

66.13 (2) hold current NCCPA certification;

66.14 (3) have no felony or misdemeanor convictions;

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

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

66.18 (6) hold a qualifying license;

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

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

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

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

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

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

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

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

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

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

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

67.21 ARTICLE V

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

67.24 Upon a licensee's application for a compact privilege, the licensee must identify to the  
67.25 commission the participating state from which the licensee is applying, in accordance with  
67.26 applicable rules adopted by the commission, and subject to the following requirements:

67.27 (1) the licensee must provide the commission with the address of the licensee's primary  
67.28 residence and thereafter shall immediately report to the commission any change in the  
67.29 address of the licensee's primary residence; and

67.30 (2) the licensee must consent to accept service of process by mail at the licensee's primary  
67.31 residence on file with the commission with respect to any action brought against the licensee

68.1 by the commission or a participating state, including a subpoena, with respect to any action  
68.2 brought or investigation conducted by the commission or a participating state.

68.3 ARTICLE VI

68.4 ADVERSE ACTIONS

68.5 (a) A participating state in which a licensee is licensed shall have exclusive power to  
68.6 impose adverse action against the qualifying license issued by that participating state.

68.7 (b) In addition to the other powers conferred by state law, a remote state shall have the  
68.8 authority, in accordance with existing state due process law, to do the following:

68.9 (1) take adverse action against a PA's compact privilege in the state to remove a licensee's  
68.10 compact privilege or take other action necessary under applicable law to protect the health  
68.11 and safety of its citizens; and

68.12 (2) issue subpoenas for both hearings and investigations that require the attendance and  
68.13 testimony of witnesses and the production of evidence. Subpoenas issued by a licensing  
68.14 board in a participating state for the attendance and testimony of witnesses or the production  
68.15 of evidence from another participating state shall be enforced in the latter state by any court  
68.16 of competent jurisdiction, according to the practice and procedure of that court applicable  
68.17 to subpoenas issued in proceedings pending before it. The issuing authority shall pay any  
68.18 witness fees, travel expenses, mileage, and other fees required by the service statutes of the  
68.19 state in which the witnesses or evidence are located.

68.20 (c) Notwithstanding paragraph (b), clause (1), subpoenas may not be issued by a  
68.21 participating state to gather evidence of conduct in another state that is lawful in that other  
68.22 state, for the purpose of taking adverse action against a licensee's compact privilege or  
68.23 application for a compact privilege in that participating state.

68.24 (d) Nothing in this compact authorizes a participating state to impose discipline against  
68.25 a PA's compact privilege or to deny an application for a compact privilege in that participating  
68.26 state for the individual's otherwise lawful practice in another state.

68.27 (e) For purposes of taking adverse action, the participating state which issued the  
68.28 qualifying license shall give the same priority and effect to reported conduct received from  
68.29 any other participating state as it would if the conduct had occurred within the participating  
68.30 state which issued the qualifying license. In so doing, that participating state shall apply its  
68.31 own state laws to determine appropriate action.

69.1 (f) A participating state, if otherwise permitted by state law, may recover from the  
69.2 affected PA the costs of investigations and disposition of cases resulting from any adverse  
69.3 action taken against that PA.

69.4 (g) A participating state may take adverse action based on the factual findings of a remote  
69.5 state, provided that the participating state follows its own procedures for taking the adverse  
69.6 action.

69.7 (h) Joint investigations:

69.8 (1) in addition to the authority granted to a participating state by its respective state PA  
69.9 laws and regulations or other applicable state law, any participating state may participate  
69.10 with other participating states in joint investigations of licensees; and

69.11 (2) participating states shall share any investigative, litigation, or compliance materials  
69.12 in furtherance of any joint or individual investigation initiated under this compact.

69.13 (i) If an adverse action is taken against a PA's qualifying license, the PA's compact  
69.14 privilege in all remote states shall be deactivated until two years have elapsed after all  
69.15 restrictions have been removed from the state license. All disciplinary orders by the  
69.16 participating state which issued the qualifying license that impose adverse action against a  
69.17 PA's license shall include a statement that the PA's compact privilege is deactivated in all  
69.18 participating states during the pendency of the order.

69.19 (j) If any participating state takes adverse action, it promptly shall notify the administrator  
69.20 of the data system.

## 69.21 ARTICLE VII

### 69.22 ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

69.23 (a) The participating states hereby create and establish a joint government agency and  
69.24 national administrative body known as the PA Licensure Compact Commission. The  
69.25 commission is an instrumentality of the compact states acting jointly, and is not an  
69.26 instrumentality of any one state. The commission shall come into existence on or after the  
69.27 effective date of the compact as set forth in article XI, paragraph (a).

69.28 (b) Membership, voting, and meetings:

69.29 (1) each participating state shall have and be limited to one delegate selected by that  
69.30 participating state's licensing board or, if the state has more than one licensing board, selected  
69.31 collectively by the participating state's licensing boards;

69.32 (2) the delegate shall be:

70.1 (i) a current PA, physician, or public member of a licensing board or PA council or  
70.2 committee; or

70.3 (ii) an administrator of a licensing board;

70.4 (3) any delegate may be removed or suspended from office as provided by the laws of  
70.5 the state from which the delegate is appointed;

70.6 (4) the participating state board shall fill any vacancy occurring in the commission within  
70.7 60 days;

70.8 (5) each delegate shall be entitled to one vote on all matters voted on by the commission  
70.9 and shall otherwise have an opportunity to participate in the business and affairs of the  
70.10 commission;

70.11 (6) a delegate shall vote in person or by such other means as provided in the bylaws.  
70.12 The bylaws may provide for delegates' participation in meetings by telecommunications,  
70.13 video conference, or other means of communication;

70.14 (7) the commission shall meet at least once during each calendar year. Additional  
70.15 meetings shall be held as set forth in this compact and the bylaws; and

70.16 (8) the commission shall establish by rule a term of office for delegates.

70.17 (c) The commission shall have the following powers and duties:

70.18 (1) establish a code of ethics for the commission;

70.19 (2) establish the fiscal year of the commission;

70.20 (3) establish fees;

70.21 (4) establish bylaws;

70.22 (5) maintain its financial records in accordance with the bylaws;

70.23 (6) meet and take such actions as are consistent with the provisions of this compact and  
70.24 the bylaws;

70.25 (7) promulgate rules to facilitate and coordinate implementation and administration of  
70.26 this compact. The rules shall have the force and effect of law and shall be binding in all  
70.27 participating states;

70.28 (8) bring and prosecute legal proceedings or actions in the name of the commission,  
70.29 provided that the standing of any state licensing board to sue or be sued under applicable  
70.30 law shall not be affected;

- 71.1 (9) purchase and maintain insurance and bonds;
- 71.2 (10) borrow, accept, or contract for services of personnel, including but not limited to  
71.3 employees of a participating state;
- 71.4 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,  
71.5 define duties, grant such individuals appropriate authority to carry out the purposes of this  
71.6 compact, and establish the commission's personnel policies and programs relating to conflicts  
71.7 of interest, qualifications of personnel, and other related personnel matters;
- 71.8 (12) accept any and all appropriate donations and grants of money, equipment, supplies,  
71.9 materials, and services, and receive, utilize, and dispose of the same, provided that at all  
71.10 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 71.11 (13) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
71.12 improve, or use, any property, real, personal, or mixed, provided that at all times the  
71.13 commission shall avoid any appearance of impropriety;
- 71.14 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
71.15 any property real, personal, or mixed;
- 71.16 (15) establish a budget and make expenditures;
- 71.17 (16) borrow money;
- 71.18 (17) appoint committees, including standing committees composed of members, state  
71.19 regulators, state legislators or their representatives, and consumer representatives, and such  
71.20 other interested persons as may be designated in this compact and the bylaws;
- 71.21 (18) provide and receive information from, and cooperate with, law enforcement agencies;
- 71.22 (19) elect a chair, vice chair, secretary, and treasurer and such other officers of the  
71.23 commission as provided in the commission's bylaws;
- 71.24 (20) reserve for itself, in addition to those reserved exclusively to the commission under  
71.25 the compact, powers that the executive committee may not exercise;
- 71.26 (21) approve or disapprove a state's participation in the compact based upon its  
71.27 determination as to whether the state's compact legislation departs in a material manner  
71.28 from the model compact language;
- 71.29 (22) prepare and provide to the participating states an annual report; and
- 71.30 (23) perform such other functions as may be necessary or appropriate to achieve the  
71.31 purposes of this compact consistent with the state regulation of PA licensure and practice.

72.1 (d) Meetings of the commission:

72.2 (1) all meetings of the commission that are not closed pursuant to this paragraph shall  
72.3 be open to the public. Notice of public meetings shall be posted on the commission's website  
72.4 at least 30 days prior to the public meeting;

72.5 (2) notwithstanding clause (1), the commission may convene a public meeting by  
72.6 providing at least 24 hours' prior notice on the commission's website, and any other means  
72.7 as provided in the commission's rules, for any of the reasons it may dispense with notice of  
72.8 proposed rulemaking under article IX, paragraph (1);

72.9 (3) the commission may convene in a closed, nonpublic meeting or nonpublic part of a  
72.10 public meeting to receive legal advice or to discuss:

72.11 (i) noncompliance of a participating state with its obligations under this compact;

72.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
72.13 related to specific employees, or other matters related to the commission's internal personnel  
72.14 practices and procedures;

72.15 (iii) current, threatened, or reasonably anticipated litigation;

72.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
72.17 estate;

72.18 (v) accusing any person of a crime or formally censuring any person;

72.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
72.20 or confidential;

72.21 (vii) disclosure of information of a personal nature where disclosure would constitute a  
72.22 clearly unwarranted invasion of personal privacy;

72.23 (viii) disclosure of investigative records compiled for law enforcement purposes;

72.24 (ix) disclosure of information related to any investigative reports prepared by or on  
72.25 behalf of, or for use of, the commission or other committee charged with responsibility of  
72.26 investigation or determination of compliance issues pursuant to this compact;

72.27 (x) legal advice; or

72.28 (xi) matters specifically exempted from disclosure by federal or participating states'  
72.29 statutes;



73.1 (4) if a meeting, or portion of a meeting, is closed pursuant to clause (3), the chair of  
73.2 the meeting or the chair's designee shall certify that the meeting or portion of the meeting  
73.3 may be closed and shall reference each relevant exempting provision; and

73.4 (5) the commission shall keep minutes that fully and clearly describe all matters discussed  
73.5 in a meeting and shall provide a full and accurate summary of actions taken, including a  
73.6 description of the views expressed. All documents considered in connection with an action  
73.7 shall be identified in such minutes. All minutes and documents of a closed meeting shall  
73.8 remain under seal, subject to release by a majority vote of the commission or order of a  
73.9 court of competent jurisdiction.

73.10 (e) Financing of the commission:

73.11 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of  
73.12 its establishment, organization, and ongoing activities;

73.13 (2) the commission may accept any and all appropriate revenue sources, donations, and  
73.14 grants of money, equipment, supplies, materials, and services;

73.15 (3) the commission may levy on and collect an annual assessment from each participating  
73.16 state and may impose compact privilege fees on licensees of participating states to whom  
73.17 a compact privilege is granted, to cover the cost of the operations and activities of the  
73.18 commission and its staff. The cost of the operations and activities of the commission and  
73.19 its staff must be in a total amount sufficient to cover its annual budget as approved by the  
73.20 commission each year for which revenue is not provided by other sources. The aggregate  
73.21 annual assessment amount levied on participating states shall be allocated based upon a  
73.22 formula to be determined by commission rule:

73.23 (i) a compact privilege expires when the licensee's qualifying license in the participating  
73.24 state from which the licensee applied for the compact privilege expires; and

73.25 (ii) if the licensee terminates the qualifying license through which the licensee applied  
73.26 for the compact privilege before its scheduled expiration, and the licensee has a qualifying  
73.27 license in another participating state, the licensee shall inform the commission that it is  
73.28 changing the participating state through which it applies for a compact privilege to the other  
73.29 participating state and pay to the commission any compact privilege fee required by  
73.30 commission rule;

73.31 (4) the commission shall not incur obligations of any kind prior to securing the funds  
73.32 adequate to meet the same, nor shall the commission pledge the credit of any of the  
73.33 participating states, except by and with the authority of the participating state; and

74.1 (5) the commission shall keep accurate accounts of all receipts and disbursements. The  
74.2 receipts and disbursements of the commission shall be subject to the financial review and  
74.3 accounting procedures established under its bylaws. All receipts and disbursements of funds  
74.4 handled by the commission shall be subject to an annual financial review by a certified or  
74.5 licensed public accountant, and the report of the financial review shall be included in and  
74.6 become part of the annual report of the commission.

74.7 (f) The executive committee:

74.8 (1) the executive committee shall have the power to act on behalf of the commission  
74.9 according to the terms of this compact and commission rules;

74.10 (2) the executive committee shall be composed of nine members as follows:

74.11 (i) seven voting members who are elected by the commission from the current  
74.12 membership of the commission;

74.13 (ii) one ex officio, nonvoting member from a recognized national PA professional  
74.14 association; and

74.15 (iii) one ex officio, nonvoting member from a recognized national PA certification  
74.16 organization;

74.17 (3) the ex officio members will be selected by their respective organizations;

74.18 (4) the commission may remove any member of the executive committee as provided  
74.19 in its bylaws;

74.20 (5) the executive committee shall meet at least annually;

74.21 (6) the executive committee shall have the following duties and responsibilities:

74.22 (i) recommend to the entire commission changes to the commission's rules or bylaws,  
74.23 changes to this compact legislation, fees paid by compact participating states such as annual  
74.24 dues, and any commission compact fee charged to licensees for the compact privilege;

74.25 (ii) ensure compact administration services are appropriately provided, contractual or  
74.26 otherwise;

74.27 (iii) prepare and recommend the budget;

74.28 (iv) maintain financial records on behalf of the commission;

74.29 (v) monitor compact compliance of participating states and provide compliance reports  
74.30 to the commission;

74.31 (vi) establish additional committees as necessary;

75.1 (vii) exercise the powers and duties of the commission during the interim between  
75.2 commission meetings, except for issuing proposed rulemaking or adopting commission  
75.3 rules or bylaws, or exercising any other powers and duties exclusively reserved to the  
75.4 commission by the commission's rules; and

75.5 (viii) perform other duties as provided in commission's rules or bylaws;

75.6 (7) all meetings of the executive committee at which it votes or plans to vote on matters  
75.7 in exercising the powers and duties of the commission shall be open to the public, and public  
75.8 notice of such meetings shall be given as public meetings of the commission are given; and

75.9 (8) the executive committee may convene in a closed, nonpublic meeting for the same  
75.10 reasons that the commission may convene in a nonpublic meeting as set forth in paragraph  
75.11 (d), clause (3), and shall announce the closed meeting as the commission is required to  
75.12 under paragraph (d), clause (4), and keep minutes of the closed meeting as the commission  
75.13 is required to under paragraph (d), clause (5).

75.14 (g) Qualified immunity, defense, and indemnification:

75.15 (1) the members, officers, executive director, employees, and representatives of the  
75.16 commission shall be immune from suit and liability, both personally and in their official  
75.17 capacity, for any claim for damage to or loss of property or personal injury or other civil  
75.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
75.19 or that the person against whom the claim is made had a reasonable basis for believing  
75.20 occurred, within the scope of commission employment, duties, or responsibilities, provided  
75.21 that nothing in this paragraph shall be construed to protect any such person from suit or  
75.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
75.23 wanton misconduct of that person. The procurement of insurance of any type by the  
75.24 commission shall not in any way compromise or limit the immunity granted hereunder;

75.25 (2) the commission shall defend any member, officer, executive director, employee, or  
75.26 representative of the commission in any civil action seeking to impose liability arising out  
75.27 of any actual or alleged act, error, or omission that occurred within the scope of commission  
75.28 employment, duties, or responsibilities, or that the person against whom the claim is made  
75.29 had a reasonable basis for believing occurred within the scope of commission employment,  
75.30 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that  
75.31 person from retaining their own counsel at their own expense, and provided further that the  
75.32 actual or alleged act, error, or omission did not result from that person's intentional or willful  
75.33 or wanton misconduct;

76.1 (3) the commission shall indemnify and hold harmless any member, officer, executive  
76.2 director, employee, or representative of the commission for the amount of any settlement  
76.3 or judgment obtained against that person arising out of any actual or alleged act, error, or  
76.4 omission that occurred within the scope of commission employment, duties, or  
76.5 responsibilities, or that such person had a reasonable basis for believing occurred within  
76.6 the scope of commission employment, duties, or responsibilities, provided that the actual  
76.7 or alleged act, error, or omission did not result from the intentional or willful or wanton  
76.8 misconduct of that person;

76.9 (4) except as provided under paragraph (i), venue is proper and judicial proceedings by  
76.10 or against the commission shall be brought solely and exclusively in a court of competent  
76.11 jurisdiction where the principal office of the commission is located. The commission may  
76.12 waive venue and jurisdictional defenses in any proceedings as authorized by commission  
76.13 rules;

76.14 (5) nothing herein shall be construed as a limitation on the liability of any licensee for  
76.15 professional malpractice or misconduct, which shall be governed solely by any other  
76.16 applicable state laws;

76.17 (6) nothing herein shall be construed to designate the venue or jurisdiction to bring  
76.18 actions for alleged acts of malpractice, professional misconduct, negligence, or other such  
76.19 civil action pertaining to the practice of a PA. All such matters shall be determined  
76.20 exclusively by state law other than this compact;

76.21 (7) nothing in this compact shall be interpreted to waive or otherwise abrogate a  
76.22 participating state's state action immunity or state action affirmative defense with respect  
76.23 to antitrust claims under the federal Sherman Act, Clayton Act, or any other state or federal  
76.24 antitrust or anticompetitive law or regulation; and

76.25 (8) nothing in this compact shall be construed to be a waiver of sovereign immunity by  
76.26 the participating states or by the commission.

76.27 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,  
76.28 employees, or representatives of the interstate commission, acting within the scope of their  
76.29 employment or duties, may not exceed the limits of liability set forth under the constitution  
76.30 and laws of this state for state officials, employees, and agents. This paragraph expressly  
76.31 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
76.32 under that statute.

76.33 (i) Except for a claim alleging a violation of this compact, a claim against the commission,  
76.34 its executive director, employees, or representatives alleging a violation of the constitution

77.1 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
77.2 this paragraph creates a private right of action.

77.3 ARTICLE VIII

77.4 DATA SYSTEM

77.5 (a) The commission shall provide for the development, maintenance, and utilization of  
77.6 a coordinated database and reporting system containing licensure and adverse action  
77.7 information, and the reporting of significant investigative information on all licensed PAs  
77.8 and applicants denied a license in participating states.

77.9 (b) Notwithstanding any other state law to the contrary, a participating state shall submit  
77.10 a uniform data set to the data system on all PAs to whom this compact is applicable, using  
77.11 a unique identifier, as required by the rules of the commission, including:

77.12 (1) identifying information;

77.13 (2) licensure data;

77.14 (3) adverse actions against a license or compact privilege;

77.15 (4) any denial of application for licensure and the reason or reasons for the denial,  
77.16 excluding the reporting of any criminal history record information where prohibited by law;

77.17 (5) the existence of significant investigative information; and

77.18 (6) other information that may facilitate the administration of this compact, as determined  
77.19 by the rules of the commission.

77.20 (c) Significant investigative information pertaining to a licensee in any participating  
77.21 state shall only be available to other participating states.

77.22 (d) The commission shall promptly notify all participating states of any reports it receives  
77.23 of any adverse action taken against a licensee or an individual applying for a license. This  
77.24 adverse action information shall be available to any other participating state.

77.25 (e) Participating states contributing information to the data system may, in accordance  
77.26 with state or federal law, designate information that may not be shared with the public  
77.27 without the express permission of the contributing state. Notwithstanding any such  
77.28 designation, such information shall be reported to the commission through the data system.

77.29 (f) Any information submitted to the data system that is subsequently expunged by  
77.30 federal law or the laws of the participating state contributing the information shall be removed  
77.31 from the data system upon reporting of such by the participating state to the commission.

78.1 (g) The records and information provided to a participating state pursuant to this compact  
78.2 or through the data system, when certified by the commission or an agent thereof, shall  
78.3 constitute the authenticated business records of the commission and shall be entitled to any  
78.4 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
78.5 proceedings in a participating state.

78.6 ARTICLE IX

78.7 RULEMAKING

78.8 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set  
78.9 forth in this article and the rules adopted thereunder. Commission rules shall become binding  
78.10 as of the date specified by the commission for each rule.

78.11 (b) The commission shall promulgate reasonable rules in order to effectively and  
78.12 efficiently implement and administer this compact and achieve its purposes. A commission  
78.13 rule shall be invalid and have no force or effect only if a court of competent jurisdiction  
78.14 holds that the rule is invalid because the commission exercised its rulemaking authority in  
78.15 a manner that is beyond the scope of the purposes of this compact, or the powers granted  
78.16 hereunder, or based upon another applicable standard of review.

78.17 (c) The rules of the commission shall have the force of law in each participating state,  
78.18 provided however that where the rules of the commission conflict with the laws of the  
78.19 participating state that establish the medical services a PA may perform in the participating  
78.20 state, as held by a court of competent jurisdiction, the rules of the commission shall be  
78.21 ineffective in that state to the extent of the conflict.

78.22 (d) If a majority of the legislatures of the participating states rejects a commission rule,  
78.23 by enactment of a statute or resolution in the same manner used to adopt the compact within  
78.24 four years of the date of adoption of the rule, then such rule shall have no further force and  
78.25 effect in any participating state or in any state applying to participate in the compact.

78.26 (e) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
78.27 the commission.

78.28 (f) Prior to promulgation and adoption of a final rule or rules by the commission and at  
78.29 least 30 days in advance of the meeting at which the rule will be considered and voted upon,  
78.30 the commission shall file a notice of proposed rulemaking:

78.31 (1) on the website of the commission or other publicly accessible platform;

78.32 (2) to persons who have requested notice of the commission's notices of proposed  
78.33 rulemaking; and

79.1 (3) in such other ways as the commission may specify by rule.

79.2 (g) The notice of proposed rulemaking shall include:

79.3 (1) the time, date, and location of the public hearing on the proposed rule;

79.4 (2) the time, date, and location of the public hearing in which the proposed rule will be  
79.5 considered and voted upon;

79.6 (3) the text of the proposed rule and the reason for the proposed rule;

79.7 (4) a request for comments on the proposed rule from any interested person and the date  
79.8 by which written comments must be received; and

79.9 (5) the manner in which interested persons may submit notice to the commission of their  
79.10 intention to attend the public hearing and any written comments.

79.11 (h) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
79.12 written data, facts, opinions, and arguments, which shall be made available to the public.

79.13 (i) If the hearing is held via electronic means, the commission shall publish the mechanism  
79.14 for access to the electronic hearing:

79.15 (1) all persons wishing to be heard at the hearing shall notify the commission of their  
79.16 desire to appear and testify at the hearing, not less than five business days before the  
79.17 scheduled date of the hearing, as directed in the notice of proposed rulemaking;

79.18 (2) hearings shall be conducted in a manner providing each person who wishes to  
79.19 comment a fair and reasonable opportunity to comment orally or in writing;

79.20 (3) all hearings shall be recorded. A copy of the recording and the written comments,  
79.21 data, facts, opinions, and arguments received in response to the proposed rulemaking shall  
79.22 be made available to a person on request; and

79.23 (4) nothing in this section shall be construed as requiring a separate hearing on each  
79.24 rule. Proposed rules may be grouped for the convenience of the commission at hearings  
79.25 required by this article.

79.26 (j) Following the public hearing, the commission shall consider all written and oral  
79.27 comments timely received.

79.28 (k) The commission shall, by majority vote of all delegates, take final action on the  
79.29 proposed rule and shall determine the effective date of the rule, if adopted, based on the  
79.30 rulemaking record and the full text of the rule. The commission:

79.31 (1) shall, if adopted, post the rule on the commission's website;

80.1 (2) may adopt changes to the proposed rule provided the changes do not expand the  
80.2 original purpose of the proposed rule;

80.3 (3) shall provide on its website an explanation of the reasons for substantive changes  
80.4 made to the proposed rule as well as reasons for substantive changes not made that were  
80.5 recommended by commenters; and

80.6 (4) shall determine a reasonable effective date for the rule. Except for an emergency as  
80.7 provided in paragraph (1), the effective date of the rule shall be no sooner than 30 days after  
80.8 the commission issued the notice that it adopted the rule.

80.9 (1) Upon determination that an emergency exists, the commission may consider and  
80.10 adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment  
80.11 or hearing, provided that the usual rulemaking procedures provided in the compact and in  
80.12 this article shall be retroactively applied to the rule as soon as reasonably possible, in no  
80.13 event later than 90 days after the effective date of the rule. For the purposes of this provision,  
80.14 an emergency rule is one that must be adopted immediately by the commission in order to:

80.15 (1) meet an imminent threat to public health, safety, or welfare;

80.16 (2) prevent a loss of commission or participating state funds;

80.17 (3) meet a deadline for the promulgation of a commission rule that is established by  
80.18 federal law or rule; or

80.19 (4) protect public health and safety.

80.20 (m) The commission or an authorized committee of the commission may direct revisions  
80.21 to a previously adopted commission rule for purposes of correcting typographical errors,  
80.22 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
80.23 shall be posted on the website of the commission. The revision shall be subject to challenge  
80.24 by any person for a period of 30 days after posting. The revision may be challenged only  
80.25 on grounds that the revision results in a material change to a rule. A challenge shall be made  
80.26 as set forth in the notice of revisions and delivered to the commission prior to the end of  
80.27 the notice period. If no challenge is made, the revision will take effect without further action.  
80.28 If the revision is challenged, the revision may not take effect without the approval of the  
80.29 commission.

80.30 (n) No participating state's rulemaking requirements shall apply under this compact.

80.31 ARTICLE X

80.32 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT



81.1 (a) Oversight:

81.2 (1) the executive and judicial branches of state government in each participating state  
81.3 shall enforce this compact and take all actions necessary and appropriate to implement the  
81.4 compact;

81.5 (2) venue is proper and judicial proceedings by or against the commission shall be  
81.6 brought solely and exclusively in a court of competent jurisdiction where the principal office  
81.7 of the commission is located. The commission may waive venue and jurisdictional defenses  
81.8 to the extent it adopts or consents to participate in alternative dispute resolution proceedings.  
81.9 Nothing herein shall affect or limit the selection or propriety of venue in any action against  
81.10 a licensee for professional malpractice, misconduct, or any such similar matter; and

81.11 (3) the commission shall be entitled to receive service of process in any such proceeding  
81.12 regarding the enforcement or interpretation of the compact or the commission's rules and  
81.13 shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
81.14 service of process to the commission shall render a judgment or order void as to the  
81.15 commission, this compact, or commission rules.

81.16 (b) Default, technical assistance, and termination:

81.17 (1) if the commission determines that a participating state has defaulted in the  
81.18 performance of its obligations or responsibilities under this compact or the commission  
81.19 rules, the commission shall:

81.20 (i) provide written notice to the defaulting state and other participating states describing  
81.21 the default, the proposed means of curing the default, or any other action that the commission  
81.22 may take; and

81.23 (ii) offer remedial training and specific technical assistance regarding the default;

81.24 (2) if a state in default fails to cure the default, the defaulting state may be terminated  
81.25 from this compact upon an affirmative vote of a majority of the delegates of the participating  
81.26 states, and all rights, privileges, and benefits conferred by this compact may be terminated  
81.27 on the effective date of termination. A cure of the default does not relieve the offending  
81.28 state of obligations or liabilities incurred during the period of default;

81.29 (3) termination of participation in this compact shall be imposed only after all other  
81.30 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
81.31 shall be given by the commission to the governor, the majority and minority leaders of the  
81.32 defaulting state's legislature, and the licensing board or boards of each of the participating  
81.33 states;

82.1 (4) a state that has been terminated is responsible for all assessments, obligations, and  
82.2 liabilities incurred through the effective date of termination, including obligations that  
82.3 extend beyond the effective date of termination;

82.4 (5) the commission shall not bear any costs related to a state that is found to be in default  
82.5 or that has been terminated from this compact, unless agreed upon in writing between the  
82.6 commission and the defaulting state;

82.7 (6) the defaulting state may appeal its termination from the compact by the commission  
82.8 by petitioning the United States District Court for the District of Columbia or the federal  
82.9 district where the commission has its principal offices. The prevailing member shall be  
82.10 awarded all costs of such litigation, including reasonable attorney fees; and

82.11 (7) upon the termination of a state's participation in the compact, the state shall  
82.12 immediately provide notice to all licensees within that state of such termination:

82.13 (i) licensees who have been granted a compact privilege in that state shall retain the  
82.14 compact privilege for 180 days following the effective date of such termination; and

82.15 (ii) licensees who are licensed in that state who have been granted a compact privilege  
82.16 in a participating state shall retain the compact privilege for 180 days, unless the licensee  
82.17 also has a qualifying license in a participating state or obtains a qualifying license in a  
82.18 participating state before the 180-day period ends, in which case the compact privilege shall  
82.19 continue.

82.20 (c) Dispute resolution:

82.21 (1) upon request by a participating state, the commission shall attempt to resolve disputes  
82.22 related to this compact that arise among participating states and between participating and  
82.23 nonparticipating states; and

82.24 (2) the commission shall promulgate a rule providing for both mediation and binding  
82.25 dispute resolution for disputes, as appropriate.

82.26 (d) Enforcement:

82.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
82.28 provisions of this compact and rules of the commission;

82.29 (2) if compliance is not secured after all means to secure compliance have been exhausted,  
82.30 by majority vote, the commission may initiate legal action in the United States District  
82.31 Court for the District of Columbia or the federal district where the commission has its  
82.32 principal offices against a participating state in default, to enforce compliance with the

83.1 provisions of this compact and the commission's promulgated rules and bylaws. The relief  
83.2 sought may include both injunctive relief and damages. In the event judicial enforcement  
83.3 is necessary, the prevailing member shall be awarded all costs of such litigation, including  
83.4 reasonable attorney fees; and

83.5 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
83.6 commission may pursue any other remedies available under federal or state law.

83.7 (e) Legal action against the commission:

83.8 (1) a participating state may initiate legal action against the commission in the United  
83.9 States District Court for the District of Columbia or the federal district where the commission  
83.10 has its principal offices to enforce compliance with the provisions of the compact and the  
83.11 commission's rules. The relief sought may include both injunctive relief and damages. In  
83.12 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs  
83.13 of such litigation, including reasonable attorney fees; and

83.14 (2) no person other than a participating state shall enforce this compact against the  
83.15 commission.

83.16 ARTICLE XI

83.17 DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

83.18 (a) This compact shall come into effect on the date on which the compact statute is  
83.19 enacted into law in the seventh participating state.

83.20 (b) On or after the effective date of the compact, the commission shall convene and  
83.21 review the enactment of each of the charter participating states to determine if the statute  
83.22 enacted by each charter participating state is materially different than the model compact.  
83.23 A charter participating state whose enactment is found to be materially different from the  
83.24 model compact shall be entitled to the default process set forth in article X, paragraph (b).

83.25 (c) If any participating state later withdraws from the compact or its participation is  
83.26 terminated, the commission shall remain in existence and the compact shall remain in effect  
83.27 even if the number of participating states should be less than seven. Participating states  
83.28 enacting the compact subsequent to the commission convening shall be subject to the process  
83.29 set forth in article VII, paragraph (c), clause (21), to determine if their enactments are  
83.30 materially different from the model compact and whether they qualify for participation in  
83.31 the compact.

83.32 (d) Any participating state enacting the compact subsequent to the seven initial charter  
83.33 participating states shall be subject to the process set forth in article VII, paragraph (c),

84.1 clause (21), to determine if the state's enactment is materially different from the model  
84.2 compact and whether the state qualifies for participation in the compact.

84.3 (e) All actions taken for the benefit of the commission or in furtherance of the purposes  
84.4 of the administration of the compact prior to the effective date of the compact or the  
84.5 commission coming into existence shall be considered to be actions of the commission  
84.6 unless specifically repudiated by the commission.

84.7 (f) Any state that joins this compact shall be subject to the commission's rules and bylaws  
84.8 as they exist on the date on which this compact becomes law in that state. Any rule that has  
84.9 been previously adopted by the commission shall have the full force and effect of law on  
84.10 the day this compact becomes law in that state.

84.11 (g) Any participating state may withdraw from this compact by enacting a statute  
84.12 repealing the same:

84.13 (1) a participating state's withdrawal shall not take effect until 180 days after enactment  
84.14 of the repealing statute. During this 180-day period, all compact privileges that were in  
84.15 effect in the withdrawing state and were granted to licensees licensed in the withdrawing  
84.16 state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed  
84.17 in another participating state or obtains a license in another participating state within the  
84.18 180 days, the licensee's compact privileges in other participating states shall not be affected  
84.19 by the passage of the 180 days;

84.20 (2) withdrawal shall not affect the continuing requirement of the state licensing board  
84.21 or boards of the withdrawing state to comply with the investigative and adverse action  
84.22 reporting requirements of this compact prior to the effective date of withdrawal; and

84.23 (3) upon the enactment of a statute withdrawing a state from this compact, the state shall  
84.24 immediately provide notice of such withdrawal to all licensees within that state. Such  
84.25 withdrawing state shall continue to recognize all licenses granted pursuant to this compact  
84.26 for a minimum of 180 days after the date of such notice of withdrawal.

84.27 (h) Nothing contained in this compact shall be construed to invalidate or prevent any  
84.28 PA licensure agreement or other cooperative arrangement between participating states or a  
84.29 participating state and a nonparticipating state that does not conflict with the provisions of  
84.30 this compact.

84.31 (i) This compact may be amended by the participating states. No amendment to this  
84.32 compact shall become effective and binding upon any participating state until it is enacted

85.1 materially in the same manner into the laws of all participating states, as determined by the  
85.2 commission.

85.3 ARTICLE XII

85.4 CONSTRUCTION AND SEVERABILITY

85.5 (a) This compact and the commission's rulemaking authority shall be liberally construed  
85.6 so as to effectuate the purposes of the compact and its implementation and administration.  
85.7 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall  
85.8 not be construed to limit the commission's rulemaking authority solely for those purposes.

85.9 (b) The provisions of this compact shall be severable and if any phrase, clause, sentence,  
85.10 or provision of this compact is held by a court of competent jurisdiction to be contrary to  
85.11 the constitution of any participating state, of a state seeking participation in the compact,  
85.12 or of the United States, or the applicability thereof to any government, agency, person, or  
85.13 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity  
85.14 of the remainder of this compact and the applicability thereof to any government, agency,  
85.15 person, or circumstance shall not be affected thereby.

85.16 (c) Notwithstanding paragraph (b) or any provision of this article, the commission may  
85.17 deny a state's participation in the compact or, in accordance with the requirements of article  
85.18 X, paragraph (b), terminate a participating state's participation in the compact, if it determines  
85.19 that a constitutional requirement of a participating state is, or would be with respect to a  
85.20 state seeking to participate in the compact, a material departure from the compact. Otherwise,  
85.21 if this compact shall be held to be contrary to the constitution of any participating state, the  
85.22 compact shall remain in full force and effect as to the remaining participating states and in  
85.23 full force and effect as to the participating state affected as to all severable matters.

85.24 ARTICLE XIII

85.25 BINDING EFFECT OF THE COMPACT

85.26 (a) Nothing herein prevents the enforcement of any other law of a participating state  
85.27 that is not inconsistent with this compact.

85.28 (b) Any laws in a participating state in conflict with this compact are superseded to the  
85.29 extent of the conflict.

85.30 (c) All agreements between the commission and the participating states are binding in  
85.31 accordance with their terms.

85.32 **EFFECTIVE DATE.** This section is effective the day following final enactment.

86.1 Sec. 2. DIRECTION TO BOARD OF MEDICAL PRACTICE.

86.2 The Board of Medical Practice must publish the effective date of the compact in  
86.3 Minnesota Statutes, section 148.675, in the State Register and on the board's website.

86.4 **ARTICLE 10**

86.5 **OCCUPATIONAL THERAPY LICENSURE COMPACT**

86.6 Section 1. [148.645] OCCUPATIONAL THERAPY LICENSURE COMPACT.

86.7 ARTICLE I

86.8 TITLE

86.9 This statute shall be known and cited as the occupational therapist licensure compact.

86.10 ARTICLE II

86.11 DEFINITIONS

86.12 As used in this compact, and except as otherwise provided, the following definitions  
86.13 shall apply:

86.14 (A) "Active duty military" means full-time duty status in the active uniformed service  
86.15 of the United States, including members of the National Guard and Reserve on active duty  
86.16 orders pursuant to United States Code, title 10, sections 1209 and 1211.

86.17 (B) "Adverse action" means any administrative, civil, equitable, or criminal action  
86.18 permitted by a state's laws which is imposed by a licensing board or other authority against  
86.19 an occupational therapist or occupational therapy assistant, including actions against an  
86.20 individual's license or compact privilege such as censure, revocation, suspension, probation,  
86.21 monitoring of the licensee, or restriction on the licensee's practice.

86.22 (C) "Alternative program" means a nondisciplinary monitoring process approved by an  
86.23 occupational therapy licensing board.

86.24 (D) "Compact privilege" means the authorization, which is equivalent to a license,  
86.25 granted by a remote state to allow a licensee from another member state to practice as an  
86.26 occupational therapist or practice as an occupational therapy assistant in the remote state  
86.27 under its laws and rules. The practice of occupational therapy occurs in the member state  
86.28 where the patient or client is located at the time of the patient or client encounter.

86.29 (E) "Continuing competence" or "continuing education" means a requirement, as a  
86.30 condition of license renewal, to provide evidence of participation in, and completion of,  
86.31 educational and professional activities relevant to practice or area of work.

87.1 (F) "Current significant investigative information" means investigative information that  
87.2 a licensing board, after an inquiry or investigation that includes notification and an  
87.3 opportunity for the occupational therapist or occupational therapy assistant to respond, if  
87.4 required by state law, has reason to believe is not groundless and, if proven true, would  
87.5 indicate more than a minor infraction.

87.6 (G) "Data system" means a repository of information about licensees, including but not  
87.7 limited to license status, investigative information, compact privileges, and adverse actions.

87.8 (H) "Encumbered license" means a license in which an adverse action restricts the  
87.9 practice of occupational therapy by the licensee or said adverse action has been reported to  
87.10 the National Practitioners Data Bank (NPDB).

87.11 (I) "Executive committee" means a group of directors elected or appointed to act on  
87.12 behalf of, and within the powers granted to them by, the commission.

87.13 (J) "Home state" means the member state that is the licensee's primary state of residence.

87.14 (K) "Impaired practitioner" means an individual whose professional practice is adversely  
87.15 affected by substance abuse, addiction, or other health-related conditions.

87.16 (L) "Investigative information" means information, records, or documents received or  
87.17 generated by an occupational therapy licensing board pursuant to an investigation.

87.18 (M) "Jurisprudence requirement" means the assessment of an individual's knowledge  
87.19 of the laws and rules governing the practice of occupational therapy in a state.

87.20 (N) "Licensee" means an individual who currently holds an authorization from the state  
87.21 to practice as an occupational therapist or as an occupational therapy assistant.

87.22 (O) "Member state" means a state that has enacted the compact.

87.23 (P) "Occupational therapist" means an individual who is licensed by a state to practice  
87.24 occupational therapy.

87.25 (Q) "Occupational therapy assistant" means an individual who is licensed by a state to  
87.26 assist in the practice of occupational therapy.

87.27 (R) "Occupational therapy," "occupational therapy practice," and "the practice of  
87.28 occupational therapy" mean the care and services provided by an occupational therapist or  
87.29 an occupational therapy assistant as set forth in the member state's statutes and regulations.

87.30 (S) "Occupational therapy compact commission" or "commission" means the national  
87.31 administrative body whose membership consists of all states that have enacted the compact.

88.1 (T) "Occupational therapy licensing board" or "licensing board" means the agency of a  
88.2 state that is authorized to license and regulate occupational therapists and occupational  
88.3 therapy assistants.

88.4 (U) "Primary state of residence" means the state, also known as the home state, in which  
88.5 an occupational therapist or occupational therapy assistant who is not active duty military  
88.6 declares a primary residence for legal purposes as verified by driver's license, federal income  
88.7 tax return, lease, deed, mortgage, or voter registration or other verifying documentation as  
88.8 further defined by commission rules.

88.9 (V) "Remote state" means a member state other than the home state where a licensee is  
88.10 exercising or seeking to exercise the compact privilege.

88.11 (W) "Rule" means a regulation promulgated by the commission that has the force of  
88.12 law.

88.13 (X) "State" means any state, commonwealth, district, or territory of the United States  
88.14 of America that regulates the practice of occupational therapy.

88.15 (Y) "Single-state license" means an occupational therapist or occupational therapy  
88.16 assistant license issued by a member state that authorizes practice only within the issuing  
88.17 state and does not include a compact privilege in any other member state.

88.18 (Z) "Telehealth" means the application of telecommunication technology to deliver  
88.19 occupational therapy services for assessment, intervention, or consultation.

### 88.20 ARTICLE III

#### 88.21 STATE PARTICIPATION IN THE COMPACT

88.22 (A) To participate in the compact, a member state shall:

88.23 (1) license occupational therapists and occupational therapy assistants;

88.24 (2) participate fully in the commission's data system, including but not limited to using  
88.25 the commission's unique identifier as defined in rules of the commission;

88.26 (3) have a mechanism in place for receiving and investigating complaints about licensees;

88.27 (4) notify the commission, in compliance with the terms of the compact and rules, of  
88.28 any adverse action or the availability of investigative information regarding a licensee;

88.29 (5) implement or utilize procedures for considering the criminal history records of  
88.30 applicants for an initial compact privilege. These procedures shall include the submission  
88.31 of fingerprints or other biometric-based information by applicants for the purpose of obtaining



89.1 an applicant's criminal history record information from the Federal Bureau of Investigation  
89.2 and the agency responsible for retaining that state's criminal records;

89.3 (i) A member state shall, within a time frame established by the commission, require a  
89.4 criminal background check for a licensee seeking or applying for a compact privilege whose  
89.5 primary state of residence is that member state by receiving the results of the Federal Bureau  
89.6 of Investigation criminal record search, and shall use the results in making licensure  
89.7 decisions.

89.8 (ii) Communication between a member state, the commission, and among member states  
89.9 regarding the verification of eligibility for licensure through the compact shall not include  
89.10 any information received from the Federal Bureau of Investigation relating to a federal  
89.11 criminal records check performed by a member state under Public Law 92-544;

89.12 (6) comply with the rules of the commission;

89.13 (7) utilize only a recognized national examination as a requirement for licensure pursuant  
89.14 to the rules of the commission; and

89.15 (8) have continuing competence or education requirements as a condition for license  
89.16 renewal.

89.17 (B) A member state shall grant the compact privilege to a licensee holding a valid  
89.18 unencumbered license in another member state in accordance with the terms of the compact  
89.19 and rules.

89.20 (C) Member states may charge a fee for granting a compact privilege.

89.21 (D) A member state shall provide for the state's delegate to attend all occupational therapy  
89.22 compact commission meetings.

89.23 (E) Individuals not residing in a member state shall continue to be able to apply for a  
89.24 member state's single-state license as provided under the laws of each member state.  
89.25 However, the single-state license granted to these individuals shall not be recognized as  
89.26 granting the compact privilege in any other member state.

89.27 (F) Nothing in this compact shall affect the requirements established by a member state  
89.28 for the issuance of a single-state license.

89.29 ARTICLE IV

89.30 COMPACT PRIVILEGE

89.31 (A) To exercise the compact privilege under the terms and provisions of the compact,  
89.32 the licensee shall:

- 90.1 (1) hold a license in the home state;
- 90.2 (2) have a valid United States Social Security number or national practitioner  
90.3 identification number;
- 90.4 (3) have no encumbrance on any state license;
- 90.5 (4) be eligible for a compact privilege in any member state in accordance with Article  
90.6 IV, (D), (F), (G), and (H);
- 90.7 (5) have paid all fines and completed all requirements resulting from any adverse action  
90.8 against any license or compact privilege, and two years have elapsed from the date of such  
90.9 completion;
- 90.10 (6) notify the commission that the licensee is seeking the compact privilege within a  
90.11 remote state or states;
- 90.12 (7) pay any applicable fees, including any state fee, for the compact privilege;
- 90.13 (8) complete a criminal background check in accordance with Article III, (A)(5). The  
90.14 licensee shall be responsible for the payment of any fee associated with the completion of  
90.15 a criminal background check;
- 90.16 (9) meet any jurisprudence requirements established by the remote state or states in  
90.17 which the licensee is seeking a compact privilege; and
- 90.18 (10) report to the commission adverse action taken by any nonmember state within 30  
90.19 days from the date the adverse action is taken.
- 90.20 (B) The compact privilege is valid until the expiration date of the home state license.  
90.21 The licensee must comply with the requirements of Article IV, (A), to maintain the compact  
90.22 privilege in the remote state.
- 90.23 (C) A licensee providing occupational therapy in a remote state under the compact  
90.24 privilege shall function within the laws and regulations of the remote state.
- 90.25 (D) Occupational therapy assistants practicing in a remote state shall be supervised by  
90.26 an occupational therapist licensed or holding a compact privilege in that remote state.
- 90.27 (E) A licensee providing occupational therapy in a remote state is subject to that state's  
90.28 regulatory authority. A remote state may, in accordance with due process and that state's  
90.29 laws, remove a licensee's compact privilege in the remote state for a specific period of time,  
90.30 impose fines, or take any other necessary actions to protect the health and safety of its  
90.31 citizens. The licensee may be ineligible for a compact privilege in any state until the specific  
90.32 time for removal has passed and all fines are paid.

91.1 (F) If a home state license is encumbered, the licensee shall lose the compact privilege  
91.2 in any remote state until the following occur:

91.3 (1) the home state license is no longer encumbered; and

91.4 (2) two years have elapsed from the date on which the home state license is no longer  
91.5 encumbered in accordance with Article IV, (F)(1).

91.6 (G) Once an encumbered license in the home state is restored to good standing, the  
91.7 licensee must meet the requirements of Article IV, (A), to obtain a compact privilege in any  
91.8 remote state.

91.9 (H) If a licensee's compact privilege in any remote state is removed, the individual may  
91.10 lose the compact privilege in any other remote state until the following occur:

91.11 (1) the specific period of time for which the compact privilege was removed has ended;

91.12 (2) all fines have been paid and all conditions have been met;

91.13 (3) two years have elapsed from the date of completing requirements for Article IV,  
91.14 (H)(1) and (2); and

91.15 (4) the compact privileges are reinstated by the commission and the compact data system  
91.16 is updated to reflect reinstatement.

91.17 (I) If a licensee's compact privilege in any remote state is removed due to an erroneous  
91.18 charge, privileges shall be restored through the compact data system.

91.19 (J) Once the requirements of Article IV, (H), have been met, the licensee must meet the  
91.20 requirements in Article IV, (A), to obtain a compact privilege in a remote state.

## 91.21 ARTICLE V

### 91.22 OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

91.23 (A) An occupational therapist or occupational therapy assistant may hold a home state  
91.24 license, which allows for compact privileges in member states, in only one member state  
91.25 at a time.

91.26 (B) If an occupational therapist or occupational therapy assistant changes their primary  
91.27 state of residence by moving between two member states:

91.28 (1) the occupational therapist or occupational therapy assistant shall file an application  
91.29 for obtaining a new home state license by virtue of a compact privilege, pay all applicable  
91.30 fees, and notify the current and new home state in accordance with applicable rules adopted  
91.31 by the commission;

92.1 (2) upon receipt of an application for obtaining a new home state license by virtue of  
92.2 compact privilege, the new home state shall verify that the occupational therapist or  
92.3 occupational therapy assistant meets the pertinent criteria outlined in Article IV via the data  
92.4 system, without need for primary source verification except for:

92.5 (i) an FBI fingerprint-based criminal background check if not previously performed or  
92.6 updated pursuant to applicable rules adopted by the commission in accordance with Public  
92.7 Law 92-544;

92.8 (ii) other criminal background checks as required by the new home state; and

92.9 (iii) submission of any requisite jurisprudence requirements of the new home state;

92.10 (3) the former home state shall convert the former home state license into a compact  
92.11 privilege once the new home state has activated the new home state license in accordance  
92.12 with applicable rules adopted by the commission;

92.13 (4) notwithstanding any other provision of this compact, if the occupational therapist or  
92.14 occupational therapy assistant cannot meet the criteria in Article IV, the new home state  
92.15 shall apply its requirements for issuing a new single-state license; and

92.16 (5) the occupational therapist or the occupational therapy assistant shall pay all applicable  
92.17 fees to the new home state in order to be issued a new home state license.

92.18 (C) If an occupational therapist or occupational therapy assistant changes their primary  
92.19 state of residence by moving from a member state to a nonmember state, or from a  
92.20 nonmember state to a member state, the state criteria shall apply for issuance of a single-state  
92.21 license in the new state.

92.22 (D) Nothing in this compact shall interfere with a licensee's ability to hold a single-state  
92.23 license in multiple states; however, for the purposes of this compact, a licensee shall have  
92.24 only one home state license.

92.25 (E) Nothing in this compact shall affect the requirements established by a member state  
92.26 for the issuance of a single-state license.

92.27 ARTICLE VI

92.28 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

92.29 Active duty military personnel, or their spouses, shall designate a home state where the  
92.30 individual has a current license in good standing. The individual may retain the home state  
92.31 designation during the period the service member is on active duty. Subsequent to designating

93.1 a home state, the individual shall only change their home state through application for  
93.2 licensure in the new state or through the process described in Article V.

93.3 ARTICLE VII

93.4 ADVERSE ACTIONS

93.5 (A) A home state shall have exclusive power to impose adverse action against an  
93.6 occupational therapist's or occupational therapy assistant's license issued by the home state.

93.7 (B) In addition to the other powers conferred by state law, a remote state shall have the  
93.8 authority, in accordance with existing state due process law, to:

93.9 (1) take adverse action against an occupational therapist's or occupational therapy  
93.10 assistant's compact privilege within that member state; and

93.11 (2) issue subpoenas for both hearings and investigations that require the attendance and  
93.12 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing  
93.13 board in a member state for the attendance and testimony of witnesses or the production of  
93.14 evidence from another member state shall be enforced in the latter state by any court of  
93.15 competent jurisdiction, according to the practice and procedure of that court applicable to  
93.16 subpoenas issued in proceedings pending before that court. The issuing authority shall pay  
93.17 any witness fees, travel expenses, mileage, and other fees required by the service statutes  
93.18 of the state in which the witnesses or evidence are located.

93.19 (C) For purposes of taking adverse action, the home state shall give the same priority  
93.20 and effect to reported conduct received from a member state as it would if the conduct had  
93.21 occurred within the home state. In so doing, the home state shall apply its own state laws  
93.22 to determine appropriate action.

93.23 (D) The home state shall complete any pending investigations of an occupational therapist  
93.24 or occupational therapy assistant who changes their primary state of residence during the  
93.25 course of the investigations. The home state, where the investigations were initiated, shall  
93.26 also have the authority to take appropriate action and shall promptly report the conclusions  
93.27 of the investigations to the compact commission data system. The occupational therapy  
93.28 compact commission data system administrator shall promptly notify the new home state  
93.29 of any adverse actions.

93.30 (E) A member state, if otherwise permitted by state law, may recover from the affected  
93.31 occupational therapist or occupational therapy assistant the costs of investigations and  
93.32 disposition of cases resulting from any adverse action taken against that occupational  
93.33 therapist or occupational therapy assistant.

94.1 (F) A member state may take adverse action based on the factual findings of the remote  
94.2 state, provided that the member state follows its own procedures for taking the adverse  
94.3 action.

94.4 (G) Joint Investigations:

94.5 (1) In addition to the authority granted to a member state by its respective state  
94.6 occupational therapy laws and regulations or other applicable state law, any member state  
94.7 may participate with other member states in joint investigations of licensees.

94.8 (2) Member states shall share any investigative, litigation, or compliance materials in  
94.9 furtherance of any joint or individual investigation initiated under the compact.

94.10 (H) If an adverse action is taken by the home state against an occupational therapist's  
94.11 or occupational therapy assistant's license, the occupational therapist's or occupational  
94.12 therapy assistant's compact privilege in all other member states shall be deactivated until  
94.13 all encumbrances have been removed from the state license. All home state disciplinary  
94.14 orders that impose adverse action against an occupational therapist's or occupational therapy  
94.15 assistant's license shall include a statement that the occupational therapist's or occupational  
94.16 therapy assistant's compact privilege is deactivated in all member states during the pendency  
94.17 of the order.

94.18 (I) If a member state takes adverse action, the member state shall promptly notify the  
94.19 administrator of the data system. The administrator of the data system shall promptly notify  
94.20 the home state of any adverse actions by remote states.

94.21 (J) Nothing in this compact shall override a member state's decision that participation  
94.22 in an alternative program may be used in lieu of adverse action.

94.23 ARTICLE VIII

94.24 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

94.25 (A) The compact member states hereby create and establish a joint public agency known  
94.26 as the occupational therapy compact commission:

94.27 (1) The commission is an instrumentality of the compact states.

94.28 (2) Except as provided under paragraph (I), venue is proper and judicial proceedings by  
94.29 or against the commission shall be brought solely and exclusively in a court of competent  
94.30 jurisdiction where the principal office of the commission is located. The commission may  
94.31 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in  
94.32 alternative dispute resolution proceedings.

95.1 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

95.2 (B) Membership, Voting, and Meetings:

95.3 (1) Each member state shall have and be limited to one delegate selected by that member  
95.4 state's licensing board.

95.5 (2) The delegate shall be either:

95.6 (i) a current member of the licensing board who is an occupational therapist, occupational  
95.7 therapy assistant, or public member; or

95.8 (ii) an administrator of the licensing board.

95.9 (3) Any delegate may be removed or suspended from office as provided by the law of  
95.10 the state from which the delegate is appointed.

95.11 (4) The member state board shall fill any vacancy occurring in the commission within  
95.12 90 days.

95.13 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules  
95.14 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
95.15 and affairs of the commission. A delegate shall vote in person or by such other means as  
95.16 provided in the bylaws. The bylaws may provide for delegates' participation in meetings  
95.17 by telephone or other means of communication.

95.18 (6) The commission shall meet at least once during each calendar year. Additional  
95.19 meetings shall be held as set forth in the bylaws.

95.20 (7) The commission shall establish by rule a term of office for delegates.

95.21 (C) The commission shall have the following powers and duties:

95.22 (1) establish a code of ethics for the commission;

95.23 (2) establish the fiscal year of the commission;

95.24 (3) establish bylaws;

95.25 (4) maintain its financial records in accordance with the bylaws;

95.26 (5) meet and take such actions as are consistent with the provisions of this compact and  
95.27 the bylaws;

95.28 (6) promulgate uniform rules to facilitate and coordinate implementation and  
95.29 administration of this compact. The rules shall have the force and effect of law and shall  
95.30 be binding in all member states;

96.1 (7) bring and prosecute legal proceedings or actions in the name of the commission,  
96.2 provided that the standing of any state occupational therapy licensing board to sue or be  
96.3 sued under applicable law shall not be affected;

96.4 (8) purchase and maintain insurance and bonds;

96.5 (9) borrow, accept, or contract for services of personnel, including but not limited to  
96.6 employees of a member state;

96.7 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant  
96.8 such individuals appropriate authority to carry out the purposes of the compact, and establish  
96.9 the commission's personnel policies and programs relating to conflicts of interest,  
96.10 qualifications of personnel, and other related personnel matters;

96.11 (11) accept any and all appropriate donations and grants of money, equipment, supplies,  
96.12 materials, and services, and receive, utilize, and dispose of the same; provided that at all  
96.13 times the commission shall avoid any appearance of impropriety or conflict of interest;

96.14 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
96.15 improve, or use any property, real, personal, or mixed; provided that at all times the  
96.16 commission shall avoid any appearance of impropriety;

96.17 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
96.18 any property real, personal, or mixed;

96.19 (14) establish a budget and make expenditures;

96.20 (15) borrow money;

96.21 (16) appoint committees, including standing committees composed of members, state  
96.22 regulators, state legislators or their representatives, and consumer representatives, and other  
96.23 interested persons as may be designated in this compact and the bylaws;

96.24 (17) provide and receive information from, and cooperate with, law enforcement agencies;

96.25 (18) establish and elect an executive committee; and

96.26 (19) perform other functions as may be necessary or appropriate to achieve the purposes  
96.27 of this compact consistent with the state regulation of occupational therapy licensure and  
96.28 practice.

96.29 (D) The Executive Committee:

96.30 (1) The executive committee shall have the power to act on behalf of the commission  
96.31 according to the terms of this compact.



97.1 (2) The executive committee shall be composed of nine members:

97.2 (i) seven voting members who are elected by the commission from the current  
97.3 membership of the commission;

97.4 (ii) one ex-officio, nonvoting member from a recognized national occupational therapy  
97.5 professional association; and

97.6 (iii) one ex-officio, nonvoting member from a recognized national occupational therapy  
97.7 certification organization.

97.8 (3) The ex-officio members will be selected by their respective organizations.

97.9 (4) The commission may remove any member of the executive committee as provided  
97.10 in the bylaws.

97.11 (5) The executive committee shall meet at least annually.

97.12 (6) The executive committee shall have the following duties and responsibilities:

97.13 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
97.14 compact legislation, fees paid by compact member states such as annual dues, and any  
97.15 commission compact fee charged to licensees for the compact privilege;

97.16 (ii) ensure compact administration services are appropriately provided, contractual or  
97.17 otherwise;

97.18 (iii) prepare and recommend the budget;

97.19 (iv) maintain financial records on behalf of the commission;

97.20 (v) monitor compact compliance of member states and provide compliance reports to  
97.21 the commission;

97.22 (vi) establish additional committees as necessary; and

97.23 (vii) perform other duties as provided in rules or bylaws.

97.24 (E) Meetings of the Commission:

97.25 (1) All meetings shall be open to the public, and public notice of meetings shall be given  
97.26 in the same manner as required under the rulemaking provisions in Article X.

97.27 (2) The commission or the executive committee or other committees of the commission  
97.28 may convene in a closed, nonpublic meeting if the commission or executive committee or  
97.29 other committees of the commission must discuss:

97.30 (i) noncompliance of a member state with its obligations under the compact;

98.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
98.2 related to specific employees or other matters related to the commission's internal personnel  
98.3 practices and procedures;

98.4 (iii) current, threatened, or reasonably anticipated litigation;

98.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
98.6 estate;

98.7 (v) accusing any person of a crime or formally censuring any person;

98.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
98.9 or confidential;

98.10 (vii) disclosure of information of a personal nature where disclosure would constitute a  
98.11 clearly unwarranted invasion of personal privacy;

98.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

98.13 (ix) disclosure of information related to any investigative reports prepared by or on  
98.14 behalf of or for use of the commission or other committee charged with responsibility of  
98.15 investigation or determination of compliance issues pursuant to the compact; or

98.16 (x) matters specifically exempted from disclosure by federal or member state statute.

98.17 (3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
98.18 commission's legal counsel or designee shall certify that the meeting may be closed and  
98.19 shall reference each relevant exempting provision.

98.20 (4) The commission shall keep minutes that fully and clearly describe all matters  
98.21 discussed in a meeting and shall provide a full and accurate summary of actions taken, and  
98.22 the reasons therefore, including a description of the views expressed. All documents  
98.23 considered in connection with an action shall be identified in such minutes. All minutes and  
98.24 documents of a closed meeting shall remain under seal, subject to release by a majority vote  
98.25 of the commission or order of a court of competent jurisdiction.

98.26 (F) Financing of the Commission:

98.27 (1) The commission shall pay, or provide for the payment of, the reasonable expenses  
98.28 of its establishment, organization, and ongoing activities.

98.29 (2) The commission may accept any and all appropriate revenue sources, donations, and  
98.30 grants of money, equipment, supplies, materials, and services.

99.1 (3) The commission may levy on and collect an annual assessment from each member  
99.2 state or impose fees on other parties to cover the cost of the operations and activities of the  
99.3 commission and its staff, which must be in a total amount sufficient to cover its annual  
99.4 budget as approved by the commission each year for which revenue is not provided by other  
99.5 sources. The aggregate annual assessment amount shall be allocated based upon a formula  
99.6 to be determined by the commission, which shall promulgate a rule binding upon all member  
99.7 states.

99.8 (4) The commission shall not incur obligations of any kind prior to securing the funds  
99.9 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
99.10 states, except by and with the authority of the member state.

99.11 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
99.12 receipts and disbursements of the commission shall be subject to the audit and accounting  
99.13 procedures established under its bylaws. However, all receipts and disbursements of funds  
99.14 handled by the commission shall be audited yearly by a certified or licensed public  
99.15 accountant, and the report of the audit shall be included in and become part of the annual  
99.16 report of the commission.

99.17 (G) Qualified Immunity, Defense, and Indemnification:

99.18 (1) The members, officers, executive director, employees, and representatives of the  
99.19 commission shall be immune from suit and liability, either personally or in their official  
99.20 capacity, for any claim for damage to or loss of property or personal injury or other civil  
99.21 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
99.22 or that the person against whom the claim is made had a reasonable basis for believing  
99.23 occurred within the scope of commission employment, duties, or responsibilities; provided  
99.24 that nothing in this paragraph shall be construed to protect any such person from suit or  
99.25 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
99.26 wanton misconduct of that person.

99.27 (2) The commission shall defend any member, officer, executive director, employee, or  
99.28 representative of the commission in any civil action seeking to impose liability arising out  
99.29 of any actual or alleged act, error, or omission that occurred within the scope of commission  
99.30 employment, duties, or responsibilities, or that the person against whom the claim is made  
99.31 had a reasonable basis for believing occurred within the scope of commission employment,  
99.32 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
99.33 person from retaining their own counsel; and provided further, that the actual or alleged

100.1 act, error, or omission did not result from that person's intentional or willful or wanton  
100.2 misconduct.

100.3 (3) The commission shall indemnify and hold harmless any member, officer, executive  
100.4 director, employee, or representative of the commission for the amount of any settlement  
100.5 or judgment obtained against that person arising out of any actual or alleged act, error, or  
100.6 omission that occurred within the scope of commission employment, duties, or  
100.7 responsibilities, or that such person had a reasonable basis for believing occurred within  
100.8 the scope of commission employment, duties, or responsibilities; provided that the actual  
100.9 or alleged act, error, or omission did not result from the intentional or willful or wanton  
100.10 misconduct of that person.

100.11 (H) Notwithstanding paragraph (G), clause (1), the liability of the executive director,  
100.12 employees, or representatives of the interstate commission, acting within the scope of their  
100.13 employment or duties, may not exceed the limits of liability set forth under the constitution  
100.14 and laws of this state for state officials, employees, and agents. This paragraph expressly  
100.15 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
100.16 under that statute.

100.17 (I) Except for a claim alleging a violation of this compact, a claim against the commission,  
100.18 its executive director, employees, or representatives alleging a violation of the constitution  
100.19 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
100.20 this paragraph creates a private right of action.

100.21 (J) Nothing in this compact shall be construed as a limitation on the liability of any  
100.22 licensee for professional malpractice or misconduct, which shall be governed solely by any  
100.23 other applicable state laws.

## 100.24 ARTICLE IX

### 100.25 DATA SYSTEM

100.26 (A) The commission shall provide for the development, maintenance, and utilization of  
100.27 a coordinated database and reporting system containing licensure, adverse action, and  
100.28 investigative information on all licensed individuals in member states.

100.29 (B) A member state shall submit a uniform data set to the data system on all individuals  
100.30 to whom this compact is applicable, utilizing a unique identifier, as required by the rules  
100.31 of the commission, including:

100.32 (1) identifying information;

100.33 (2) licensure data;

- 101.1 (3) adverse actions against a license or compact privilege;
- 101.2 (4) nonconfidential information related to alternative program participation;
- 101.3 (5) any denial of application for licensure and the reason or reasons for such denial;
- 101.4 (6) other information that may facilitate the administration of this compact, as determined  
101.5 by the rules of the commission; and
- 101.6 (7) current significant investigative information.
- 101.7 (C) Current significant investigative information and other investigative information  
101.8 pertaining to a licensee in any member state will only be available to other member states.
- 101.9 (D) The commission shall promptly notify all member states of any adverse action taken  
101.10 against a licensee or an individual applying for a license. Adverse action information  
101.11 pertaining to a licensee in any member state will be available to any other member state.
- 101.12 (E) Member states contributing information to the data system may designate information  
101.13 that may not be shared with the public without the express permission of the contributing  
101.14 state.
- 101.15 (F) Any information submitted to the data system that is subsequently required to be  
101.16 expunged by the laws of the member state contributing the information shall be removed  
101.17 from the data system.

101.18 ARTICLE X

101.19 RULEMAKING

- 101.20 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set  
101.21 forth in this Article and the rules adopted thereunder. Rules and amendments shall become  
101.22 binding as of the date specified in each rule or amendment.
- 101.23 (B) The commission shall promulgate reasonable rules in order to effectively and  
101.24 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event  
101.25 the commission exercises its rulemaking authority in a manner that is beyond the scope of  
101.26 the purposes of the compact, or the powers granted hereunder, then such an action by the  
101.27 commission shall be invalid and have no force and effect.
- 101.28 (C) If a majority of the legislatures of the member states rejects a rule, by enactment of  
101.29 a statute or resolution in the same manner used to adopt the compact within four years of  
101.30 the date of adoption of the rule, then such rule shall have no further force and effect in any  
101.31 member state.

102.1 (D) Rules or amendments to the rules shall be adopted at a regular or special meeting  
102.2 of the commission.

102.3 (E) Prior to promulgation and adoption of a final rule or rules by the commission, and  
102.4 at least 30 days in advance of the meeting at which the rule will be considered and voted  
102.5 upon, the commission shall file a notice of proposed rulemaking:

102.6 (1) on the website of the commission or other publicly accessible platform; and

102.7 (2) on the website of each member state occupational therapy licensing board or other  
102.8 publicly accessible platform or the publication in which each state would otherwise publish  
102.9 proposed rules.

102.10 (F) The notice of proposed rulemaking shall include:

102.11 (1) the proposed time, date, and location of the meeting in which the rule will be  
102.12 considered and voted upon;

102.13 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

102.14 (3) a request for comments on the proposed rule from any interested person; and

102.15 (4) the manner in which interested persons may submit notice to the commission of their  
102.16 intention to attend the public hearing and any written comments.

102.17 (G) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
102.18 written data, facts, opinions, and arguments, which shall be made available to the public.

102.19 (H) The commission shall grant an opportunity for a public hearing before it adopts a  
102.20 rule or amendment if a hearing is requested by:

102.21 (1) at least 25 persons;

102.22 (2) a state or federal governmental subdivision or agency; or

102.23 (3) an association or organization having at least 25 members.

102.24 (I) If a hearing is held on the proposed rule or amendment, the commission shall publish  
102.25 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
102.26 means, the commission shall publish the mechanism for access to the electronic hearing:

102.27 (1) All persons wishing to be heard at the hearing shall notify the executive director of  
102.28 the commission or other designated member in writing of their desire to appear and testify  
102.29 at the hearing not less than five business days before the scheduled date of the hearing.

102.30 (2) Hearings shall be conducted in a manner providing each person who wishes to  
102.31 comment a fair and reasonable opportunity to comment orally or in writing.

103.1 (3) All hearings will be recorded. A copy of the recording will be made available on  
103.2 request.

103.3 (4) Nothing in this Article shall be construed as requiring a separate hearing on each  
103.4 rule. Rules may be grouped for the convenience of the commission at hearings required by  
103.5 this Article.

103.6 (J) Following the scheduled hearing date, or by the close of business on the scheduled  
103.7 hearing date if the hearing was not held, the commission shall consider all written and oral  
103.8 comments received.

103.9 (K) If no written notice of intent to attend the public hearing by interested parties is  
103.10 received, the commission may proceed with promulgation of the proposed rule without a  
103.11 public hearing.

103.12 (L) The commission shall, by majority vote of all members, take final action on the  
103.13 proposed rule and shall determine the effective date of the rule, if any, based on the  
103.14 rulemaking record and the full text of the rule.

103.15 (M) Upon determination that an emergency exists, the commission may consider and  
103.16 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided  
103.17 that the usual rulemaking procedures provided in the compact and in this Article shall be  
103.18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
103.19 days after the effective date of the rule. For the purposes of this provision, an emergency  
103.20 rule is one that must be adopted immediately in order to:

103.21 (1) meet an imminent threat to public health, safety, or welfare;

103.22 (2) prevent a loss of commission or member state funds;

103.23 (3) meet a deadline for the promulgation of an administrative rule that is established by  
103.24 federal law or rule; or

103.25 (4) protect public health and safety.

103.26 (N) The commission or an authorized committee of the commission may direct revisions  
103.27 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
103.28 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
103.29 shall be posted on the website of the commission. The revision shall be subject to challenge  
103.30 by any person for a period of 30 days after posting. The revision may be challenged only  
103.31 on grounds that the revision results in a material change to a rule. A challenge shall be made  
103.32 in writing and delivered to the chair of the commission prior to the end of the notice period.

104.1 If no challenge is made, the revision will take effect without further action. If the revision  
104.2 is challenged, the revision may not take effect without the approval of the commission.

104.3 ARTICLE XI

104.4 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

104.5 (A) Oversight:

104.6 (1) The executive, legislative, and judicial branches of state government in each member  
104.7 state shall enforce this compact and take all actions necessary and appropriate to effectuate  
104.8 the compact's purposes and intent. The provisions of this compact and the rules promulgated  
104.9 hereunder shall have standing as statutory law.

104.10 (2) All courts shall take judicial notice of the compact and the rules in any judicial or  
104.11 administrative proceeding in a member state pertaining to the subject matter of this compact  
104.12 which may affect the powers, responsibilities, or actions of the commission.

104.13 (3) The commission shall be entitled to receive service of process in any such proceeding,  
104.14 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
104.15 service of process to the commission shall render a judgment or order void as to the  
104.16 commission, this compact, or promulgated rules.

104.17 (B) Default, Technical Assistance, and Termination:

104.18 (1) If the commission determines that a member state has defaulted in the performance  
104.19 of its obligations or responsibilities under this compact or the promulgated rules, the  
104.20 commission shall:

104.21 (i) provide written notice to the defaulting state and other member states of the nature  
104.22 of the default, the proposed means of curing the default, or any other action to be taken by  
104.23 the commission; and

104.24 (ii) provide remedial training and specific technical assistance regarding the default.

104.25 (2) If a state in default fails to cure the default, the defaulting state may be terminated  
104.26 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
104.27 privileges, and benefits conferred by this compact may be terminated on the effective date  
104.28 of termination. A cure of the default does not relieve the offending state of obligations or  
104.29 liabilities incurred during the period of default.

104.30 (3) Termination of membership in the compact shall be imposed only after all other  
104.31 means of securing compliance have been exhausted. Notice of intent to suspend or terminate



105.1 shall be given by the commission to the governor, the majority and minority leaders of the  
105.2 defaulting state's legislature, and each of the member states.

105.3 (4) A state that has been terminated is responsible for all assessments, obligations, and  
105.4 liabilities incurred through the effective date of termination, including obligations that  
105.5 extend beyond the effective date of termination.

105.6 (5) The commission shall not bear any costs related to a state that is found to be in default  
105.7 or that has been terminated from the compact, unless agreed upon in writing between the  
105.8 commission and the defaulting state.

105.9 (6) The defaulting state may appeal the action of the commission by petitioning the  
105.10 United States District Court for the District of Columbia or the federal district where the  
105.11 commission has its principal offices. The prevailing member shall be awarded all costs of  
105.12 such litigation, including reasonable attorney fees.

105.13 (C) Dispute Resolution:

105.14 (1) Upon request by a member state, the commission shall attempt to resolve disputes  
105.15 related to the compact that arise among member states and between member and nonmember  
105.16 states.

105.17 (2) The commission shall promulgate a rule providing for both mediation and binding  
105.18 dispute resolution for disputes as appropriate.

105.19 (D) Enforcement:

105.20 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
105.21 provisions and rules of this compact.

105.22 (2) By majority vote, the commission may initiate legal action in the United States  
105.23 District Court for the District of Columbia or the federal district where the commission has  
105.24 its principal offices against a member state in default to enforce compliance with the  
105.25 provisions of the compact and its promulgated rules and bylaws. The relief sought may  
105.26 include both injunctive relief and damages. In the event that judicial enforcement is necessary,  
105.27 the prevailing member shall be awarded all costs of such litigation, including reasonable  
105.28 attorney fees.

105.29 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
105.30 commission may pursue any other remedies available under federal or state law.

105.31

## ARTICLE XII

106.1 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR  
106.2 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,  
106.3 AND AMENDMENT

106.4 (A) The compact shall come into effect on the date on which the compact statute is  
106.5 enacted into law in the tenth member state. The provisions, which become effective at that  
106.6 time, shall be limited to the powers granted to the commission relating to assembly and the  
106.7 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
106.8 powers necessary to the implementation and administration of the compact.

106.9 (B) Any state that joins the compact subsequent to the commission's initial adoption of  
106.10 the rules shall be subject to the rules as they exist on the date on which the compact becomes  
106.11 law in that state. Any rule that has been previously adopted by the commission shall have  
106.12 the full force and effect of law on the day the compact becomes law in that state.

106.13 (C) Any member state may withdraw from this compact by enacting a statute repealing  
106.14 the same:

106.15 (1) A member state's withdrawal shall not take effect until six months after enactment  
106.16 of the repealing statute.

106.17 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
106.18 occupational therapy licensing board to comply with the investigative and adverse action  
106.19 reporting requirements of this compact prior to the effective date of withdrawal.

106.20 (D) Nothing contained in this compact shall be construed to invalidate or prevent any  
106.21 occupational therapy licensure agreement or other cooperative arrangement between a  
106.22 member state and a nonmember state that does not conflict with the provisions of this  
106.23 compact.

106.24 (E) This compact may be amended by the member states. No amendment to this compact  
106.25 shall become effective and binding upon any member state until it is enacted into the laws  
106.26 of all member states.

106.27 ARTICLE XIII

106.28 CONSTRUCTION AND SEVERABILITY

106.29 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
106.30 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
106.31 of this compact is declared to be contrary to the constitution of any member state or of the  
106.32 United States or the applicability thereof to any government, agency, person, or circumstance  
106.33 is held invalid, the validity of the remainder of this compact and the applicability thereof

107.1 to any government, agency, person, or circumstance shall not be affected thereby. If this  
107.2 compact shall be held contrary to the constitution of any member state, the compact shall  
107.3 remain in full force and effect as to the remaining member states and in full force and effect  
107.4 as to the member state affected as to all severable matters.

107.5 ARTICLE XIV

107.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

107.7 (A) A licensee providing occupational therapy in a remote state under the compact  
107.8 privilege shall function within the laws and regulations of the remote state.

107.9 (B) Nothing herein prevents the enforcement of any other law of a member state that is  
107.10 not inconsistent with the compact.

107.11 (C) Any laws in a member state in conflict with the compact are superseded to the extent  
107.12 of the conflict.

107.13 (D) Any lawful actions of the commission, including all rules and bylaws promulgated  
107.14 by the commission, are binding upon the member states.

107.15 (E) All agreements between the commission and the member states are binding in  
107.16 accordance with their terms.

107.17 (F) In the event any provision of the compact exceeds the constitutional limits imposed  
107.18 on the legislature of any member state, the provision shall be ineffective to the extent of the  
107.19 conflict with the constitutional provision in question in that member state.

107.20 **ARTICLE 11**

107.21 **PHYSICAL THERAPY LICENSURE COMPACT**

107.22 Section 1. **[148.676] PHYSICAL THERAPY LICENSURE COMPACT.**

107.23 The physical therapy licensure compact is enacted into law and entered into with all  
107.24 other jurisdictions legally joining in the compact in the form substantially specified in this  
107.25 section.

107.26 ARTICLE I

107.27 TITLE

107.28 This statute shall be known and cited as the physical therapy licensure compact.

107.29 ARTICLE II

107.30 DEFINITIONS

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

108.3 (a) "Active duty military" means full-time duty status in the active uniformed service  
108.4 of the United States, including members of the National Guard and Reserve on active duty  
108.5 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

108.6 (b) "Adverse action" means disciplinary action taken by a physical therapy licensing  
108.7 board based upon misconduct, unacceptable performance, or a combination of both.

108.8 (c) "Alternative program" means a nondisciplinary monitoring or practice remediation  
108.9 process approved by a physical therapy licensing board. Alternative program includes but  
108.10 is not limited to substance abuse issues.

108.11 (d) "Compact privilege" means the authorization granted by a remote state to allow a  
108.12 licensee from another member state to practice as a physical therapist or work as a physical  
108.13 therapist assistant in the remote state under its laws and rules. The practice of physical  
108.14 therapy occurs in the member state where the patient or client is located at the time of the  
108.15 patient or client encounter.

108.16 (e) "Continuing competence" means a requirement, as a condition of license renewal,  
108.17 to provide evidence of participation in, or completion of, educational and professional  
108.18 activities relevant to practice or area of work.

108.19 (f) "Data system" means a repository of information about licensees, including  
108.20 examination, licensure, investigative, compact privilege, and adverse action.

108.21 (g) "Encumbered license" means a license that a physical therapy licensing board has  
108.22 limited in any way.

108.23 (h) "Executive board" means a group of directors elected or appointed to act on behalf  
108.24 of, and within the powers granted to them by, the commission.

108.25 (i) "Home state" means the member state that is the licensee's primary state of residence.

108.26 (j) "Investigative information" means information, records, and documents received or  
108.27 generated by a physical therapy licensing board pursuant to an investigation.

108.28 (k) "Jurisprudence requirement" means the assessment of an individual's knowledge of  
108.29 the laws and rules governing the practice of physical therapy in a state.

108.30 (l) "Licensee" means an individual who currently holds an authorization from the state  
108.31 to practice as a physical therapist or to work as a physical therapist assistant.

108.32 (m) "Member state" means a state that has enacted the compact.

109.1 (n) "Party state" means any member state in which a licensee holds a current license or  
109.2 compact privilege or is applying for a license or compact privilege.

109.3 (o) "Physical therapist" means an individual who is licensed by a state to practice physical  
109.4 therapy.

109.5 (p) "Physical therapist assistant" means an individual who is licensed or certified by a  
109.6 state and who assists the physical therapist in selected components of physical therapy.

109.7 (q) "Physical therapy," "physical therapy practice," or "the practice of physical therapy"  
109.8 means the care and services provided by or under the direction and supervision of a licensed  
109.9 physical therapist.

109.10 (r) "Physical Therapy Compact Commission" or "commission" means the national  
109.11 administrative body whose membership consists of all states that have enacted the compact.

109.12 (s) "Physical therapy licensing board" or "licensing board" means the agency of a state  
109.13 that is responsible for the licensing and regulation of physical therapists and physical therapist  
109.14 assistants.

109.15 (t) "Remote state" means a member state other than the home state where a licensee is  
109.16 exercising or seeking to exercise the compact privilege.

109.17 (u) "Rule" means a regulation, principle, or directive promulgated by the commission  
109.18 that has the force of law.

109.19 (v) "State" means any state, commonwealth, district, or territory of the United States  
109.20 that regulates the practice of physical therapy.

109.21 ARTICLE III

109.22 STATE PARTICIPATION IN THE COMPACT

109.23 (a) To participate in the compact, a state must:

109.24 (1) participate fully in the commission's data system, including using the commission's  
109.25 unique identifier as defined in rules;

109.26 (2) have a mechanism in place for receiving and investigating complaints about licensees;

109.27 (3) notify the commission, in compliance with the terms of the compact and rules, of  
109.28 any adverse action or the availability of investigative information regarding a licensee;

109.29 (4) fully implement a criminal background check requirement, within a time frame  
109.30 established by rule, by receiving the results of the Federal Bureau of Investigation record

110.1 search on criminal background checks and use the results in making licensure decisions in  
110.2 accordance with paragraph (b);

110.3 (5) comply with the rules of the commission;

110.4 (6) utilize a recognized national examination as a requirement for licensure pursuant to  
110.5 the rules of the commission; and

110.6 (7) have continuing competence requirements as a condition for license renewal.

110.7 (b) Upon adoption of this compact, the member state shall have the authority to obtain  
110.8 biometric-based information from each physical therapy licensure applicant and submit this  
110.9 information to the Federal Bureau of Investigation for a criminal background check in  
110.10 accordance with United States Code, title 28, section 534, and United States Code, title 42,  
110.11 section 14616.

110.12 (c) A member state shall grant the compact privilege to a licensee holding a valid  
110.13 unencumbered license in another member state in accordance with the terms of the compact  
110.14 and rules.

110.15 (d) Member states may charge a fee for granting a compact privilege.

110.16 ARTICLE IV

110.17 COMPACT PRIVILEGE

110.18 (a) To exercise the compact privilege under the terms and provisions of the compact,  
110.19 the licensee shall:

110.20 (1) hold a license in the home state;

110.21 (2) have no encumbrance on any state license;

110.22 (3) be eligible for a compact privilege in any member state in accordance with paragraphs  
110.23 (d), (g), and (h);

110.24 (4) have not had any adverse action against any license or compact privilege within the  
110.25 previous two years;

110.26 (5) notify the commission that the licensee is seeking the compact privilege within a  
110.27 remote state or states;

110.28 (6) pay any applicable fees, including any state fee, for the compact privilege;

110.29 (7) meet any jurisprudence requirements established by the remote state or states in  
110.30 which the licensee is seeking a compact privilege; and

111.1 (8) report to the commission adverse action taken by any nonmember state within 30  
111.2 days from the date the adverse action is taken.

111.3 (b) The compact privilege is valid until the expiration date of the home license. The  
111.4 licensee must comply with the requirements of paragraph (a) to maintain the compact  
111.5 privilege in the remote state.

111.6 (c) A licensee providing physical therapy in a remote state under the compact privilege  
111.7 shall function within the laws and regulations of the remote state.

111.8 (d) A licensee providing physical therapy in a remote state is subject to that state's  
111.9 regulatory authority. A remote state may, in accordance with due process and that state's  
111.10 laws, remove a licensee's compact privilege in the remote state for a specific period of time,  
111.11 impose fines, or take any other necessary actions to protect the health and safety of its  
111.12 citizens. The licensee is not eligible for a compact privilege in any state until the specific  
111.13 time for removal has passed and all fines are paid.

111.14 (e) If a home state license is encumbered, the licensee shall lose the compact privilege  
111.15 in any remote state until the following occur:

111.16 (1) the home state license is no longer encumbered; and

111.17 (2) two years have elapsed from the date of the adverse action.

111.18 (f) Once an encumbered license in the home state is restored to good standing, the  
111.19 licensee must meet the requirements of paragraph (a) to obtain a compact privilege in any  
111.20 remote state.

111.21 (g) If a licensee's compact privilege in any remote state is removed, the individual shall  
111.22 lose the compact privilege in any remote state until the following occur:

111.23 (1) the specific period of time for which the compact privilege was removed has ended;

111.24 (2) all fines have been paid; and

111.25 (3) two years have elapsed from the date of the adverse action.

111.26 (h) Once the requirements of paragraph (g) have been met, the licensee must meet the  
111.27 requirements in paragraph (a) to obtain a compact privilege in a remote state.

111.28 ARTICLE V

111.29 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

111.30 A licensee who is active duty military or is the spouse of an individual who is active  
111.31 duty military may designate one of the following as the home state:

- 112.1 (1) home of record;
- 112.2 (2) permanent change of station (PCS) state; or
- 112.3 (3) state of current residence if different than the PCS state or home of record.

112.4 ARTICLE VI

112.5 ADVERSE ACTIONS

112.6 (a) A home state shall have exclusive power to impose adverse action against a license  
112.7 issued by the home state.

112.8 (b) A home state may take adverse action based on the investigative information of a  
112.9 remote state, so long as the home state follows its own procedures for imposing adverse  
112.10 action.

112.11 (c) Nothing in this compact shall override a member state's decision that participation  
112.12 in an alternative program may be used in lieu of adverse action and that such participation  
112.13 shall remain nonpublic if required by the member state's laws. Member states must require  
112.14 licensees who enter any alternative programs in lieu of discipline to agree not to practice  
112.15 in any other member state during the term of the alternative program without prior  
112.16 authorization from such other member state.

112.17 (d) Any member state may investigate actual or alleged violations of the statutes and  
112.18 rules authorizing the practice of physical therapy in any other member state in which a  
112.19 physical therapist or physical therapist assistant holds a license or compact privilege.

112.20 (e) A remote state shall have the authority to:

112.21 (1) take adverse actions as set forth in article IV, paragraph (d), against a licensee's  
112.22 compact privilege in the state;

112.23 (2) issue subpoenas for both hearings and investigations that require the attendance and  
112.24 testimony of witnesses and the production of evidence. Subpoenas issued by a physical  
112.25 therapy licensing board in a party state for the attendance and testimony of witnesses, or  
112.26 the production of evidence from another party state, shall be enforced in the latter state by  
112.27 any court of competent jurisdiction, according to the practice and procedure of that court  
112.28 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall  
112.29 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes  
112.30 of the state where the witnesses or evidence are located; and



113.1 (3) if otherwise permitted by state law, recover from the licensee the costs of  
113.2 investigations and disposition of cases resulting from any adverse action taken against that  
113.3 licensee.

113.4 (f) In addition to the authority granted to a member state by its respective physical therapy  
113.5 practice act or other applicable state law, a member state may participate with other member  
113.6 states in joint investigations of licensees.

113.7 (g) Member states shall share any investigative, litigation, or compliance materials in  
113.8 furtherance of any joint or individual investigation initiated under the compact.

113.9 ARTICLE VII

113.10 ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

113.11 (a) The compact member states hereby create and establish a joint public agency known  
113.12 as the Physical Therapy Compact Commission:

113.13 (1) the commission is an instrumentality of the compact states;

113.14 (2) except as provided under paragraph (h), venue is proper and judicial proceedings by  
113.15 or against the commission shall be brought solely and exclusively in a court of competent  
113.16 jurisdiction where the principal office of the commission is located. The commission may  
113.17 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in  
113.18 alternative dispute resolution proceedings; and

113.19 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

113.20 (b) Membership, voting, and meetings:

113.21 (1) each member state shall have and be limited to one delegate selected by that member  
113.22 state's licensing board;

113.23 (2) the delegate shall be a current member of the licensing board who is a physical  
113.24 therapist, physical therapist assistant, public member, or the board administrator;

113.25 (3) each delegate shall be entitled to one vote with regard to the promulgation of rules  
113.26 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
113.27 and affairs of the commission;

113.28 (4) a delegate shall vote in person or by such other means as provided in the bylaws.  
113.29 The bylaws may provide for delegates' participation in meetings by telephone or other means  
113.30 of communication;

- 114.1 (5) any delegate may be removed or suspended from office as provided by the laws of  
114.2 the state from which the delegate is appointed;
- 114.3 (6) the member state board shall fill any vacancy occurring in the commission;
- 114.4 (7) the commission shall meet at least once during each calendar year. Additional  
114.5 meetings shall be held as set forth in the bylaws;
- 114.6 (8) all meetings shall be open to the public and public notice of meetings shall be given  
114.7 in the same manner as required under the rulemaking provisions in article IX;
- 114.8 (9) the commission or the executive board or other committees of the commission may  
114.9 convene in a closed, nonpublic meeting if the commission or executive board or other  
114.10 committees of the commission must discuss:
- 114.11 (i) noncompliance of a member state with its obligations under the compact;
- 114.12 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
114.13 related to specific employees or other matters related to the commission's internal personnel  
114.14 practices and procedures;
- 114.15 (iii) current, threatened, or reasonably anticipated litigation;
- 114.16 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
114.17 estate;
- 114.18 (v) accusing any person of a crime or formally censuring any person;
- 114.19 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
114.20 or confidential;
- 114.21 (vii) disclosure of information of a personal nature where disclosure would constitute a  
114.22 clearly unwarranted invasion of personal privacy;
- 114.23 (viii) disclosure of investigative records compiled for law enforcement purposes;
- 114.24 (ix) disclosure of information related to any investigative reports prepared by or on  
114.25 behalf of or for use of the commission or other committee charged with responsibility of  
114.26 investigation or determination of compliance issues pursuant to the compact; or
- 114.27 (x) matters specifically exempted from disclosure by federal or member state statute;
- 114.28 (10) if a meeting, or portion of a meeting, is closed pursuant to this provision, the  
114.29 commission's legal counsel or designee shall certify that the meeting may be closed and  
114.30 shall reference each relevant exempting provision; and

115.1 (11) the commission shall keep minutes that fully and clearly describe all matters  
115.2 discussed in a meeting and shall provide a full and accurate summary of actions taken and  
115.3 the reasons therefore, including a description of the views expressed. All documents  
115.4 considered in connection with an action shall be identified in such minutes. All minutes and  
115.5 documents of a closed meeting shall remain under seal, subject to release by a majority vote  
115.6 of the commission or order of a court of competent jurisdiction.

115.7 (c) The commission shall have the following powers and duties:

115.8 (1) establish the fiscal year of the commission;

115.9 (2) establish bylaws;

115.10 (3) maintain its financial records in accordance with the bylaws;

115.11 (4) meet and take such actions as are consistent with the provisions of this compact and  
115.12 the bylaws;

115.13 (5) promulgate uniform rules to facilitate and coordinate implementation and  
115.14 administration of this compact. The rules shall have the force and effect of law and shall  
115.15 be binding in all member states;

115.16 (6) bring and prosecute legal proceedings or actions in the name of the commission,  
115.17 provided that the standing of any state physical therapy licensing board to sue or be sued  
115.18 under applicable law shall not be affected;

115.19 (7) purchase and maintain insurance and bonds;

115.20 (8) borrow, accept, or contract for services of personnel, including but not limited to  
115.21 employees of a member state;

115.22 (9) hire employees; elect or appoint officers; fix compensation; define duties; grant such  
115.23 individuals appropriate authority to carry out the purposes of the compact; and establish the  
115.24 commission's personnel policies and programs relating to conflicts of interest, qualifications  
115.25 of personnel, and other related personnel matters;

115.26 (10) accept any and all appropriate donations and grants of money, equipment, supplies,  
115.27 materials, and services and receive, utilize, and dispose of the same, provided that at all  
115.28 times the commission shall avoid any appearance of impropriety or conflict of interest;

115.29 (11) lease; purchase; accept appropriate gifts or donations of; or otherwise to own, hold,  
115.30 improve, or use any property, real, personal, or mixed, provided that at all times the  
115.31 commission shall avoid any appearance of impropriety;

- 116.1 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
116.2 any property real, personal, or mixed;
- 116.3 (13) establish a budget and make expenditures;
- 116.4 (14) borrow money;
- 116.5 (15) appoint committees, including standing committees composed of members, state  
116.6 regulators, state legislators or their representatives, consumer representatives, and such  
116.7 other interested persons as may be designated in this compact and the bylaws;
- 116.8 (16) provide and receive information from, and cooperate with, law enforcement agencies;
- 116.9 (17) establish and elect an executive board; and
- 116.10 (18) perform such other functions as may be necessary or appropriate to achieve the  
116.11 purposes of this compact consistent with the state regulation of physical therapy licensure  
116.12 and practice.
- 116.13 (d) The executive board:
- 116.14 (1) the executive board shall have the power to act on behalf of the commission according  
116.15 to the terms of this compact;
- 116.16 (2) the executive board shall be composed of nine members as follows:
- 116.17 (i) seven voting members who are elected by the commission from the current  
116.18 membership of the commission;
- 116.19 (ii) one ex officio, nonvoting member from the recognized national physical therapy  
116.20 professional association; and
- 116.21 (iii) one ex officio, nonvoting member from the recognized membership organization  
116.22 of the physical therapy licensing boards;
- 116.23 (3) the ex officio members must be selected by their respective organizations;
- 116.24 (4) the commission may remove any member of the executive board as provided in the  
116.25 bylaws;
- 116.26 (5) the executive board shall meet at least annually; and
- 116.27 (6) the executive board shall have the following duties and responsibilities:
- 116.28 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
116.29 compact legislation, fees paid by compact member states such as annual dues, and any  
116.30 commission compact fee charged to licensees for the compact privilege;

117.1 (ii) ensure compact administration services are appropriately provided, contractual or  
117.2 otherwise;

117.3 (iii) prepare and recommend the budget;

117.4 (iv) maintain financial records on behalf of the commission;

117.5 (v) monitor compact compliance of member states and provide compliance reports to  
117.6 the commission;

117.7 (vi) establish additional committees as necessary; and

117.8 (vii) other duties as provided in rules or bylaws.

117.9 (e) Financing of the commission:

117.10 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of  
117.11 the commission's establishment, organization, and ongoing activities;

117.12 (2) the commission may accept any and all appropriate revenue sources, donations, and  
117.13 grants of money, equipment, supplies, materials, and services;

117.14 (3) the commission may levy on and collect an annual assessment from each member  
117.15 state or impose fees on other parties to cover the cost of the operations and activities of the  
117.16 commission and the commission's staff, which must be in a total amount sufficient to cover  
117.17 its annual budget as approved each year for which revenue is not provided by other sources.

117.18 The aggregate annual assessment amount shall be allocated based upon a formula to be  
117.19 determined by the commission, which shall promulgate a rule binding upon all member  
117.20 states;

117.21 (4) the commission shall not incur obligations of any kind prior to securing the funds  
117.22 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
117.23 states, except by and with the authority of the member state; and

117.24 (5) the commission shall keep accurate accounts of all receipts and disbursements. The  
117.25 receipts and disbursements of the commission shall be subject to the audit and accounting  
117.26 procedures established under the commission's bylaws. However, all receipts and  
117.27 disbursements of funds handled by the commission shall be audited yearly by a certified or  
117.28 licensed public accountant and the report of the audit shall be included in and become part  
117.29 of the annual report of the commission.

117.30 (f) Qualified immunity, defense, and indemnification:

117.31 (1) the members, officers, executive director, employees, and representatives of the  
117.32 commission shall be immune from suit and liability, either personally or in their official

118.1 capacity, for any claim for damage to or loss of property or personal injury or other civil  
118.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
118.3 or that the person against whom the claim is made had a reasonable basis for believing  
118.4 occurred, within the scope of commission employment, duties, or responsibilities, provided  
118.5 that nothing in this paragraph shall be construed to protect any such person from suit or  
118.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
118.7 wanton misconduct of that person;

118.8 (2) the commission shall defend any member, officer, executive director, employee, or  
118.9 representative of the commission in any civil action seeking to impose liability arising out  
118.10 of any actual or alleged act, error, or omission that occurred within the scope of commission  
118.11 employment, duties, or responsibilities, or that the person against whom the claim is made  
118.12 had a reasonable basis for believing occurred within the scope of commission employment,  
118.13 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that  
118.14 person from retaining his or her own counsel, and provided further that the actual or alleged  
118.15 act, error, or omission did not result from the intentional or willful or wanton misconduct  
118.16 of that person; and

118.17 (3) the commission shall indemnify and hold harmless any member, officer, executive  
118.18 director, employee, or representative of the commission for the amount of any settlement  
118.19 or judgment obtained against that person arising out of any actual or alleged act, error, or  
118.20 omission that occurred within the scope of commission employment, duties, or  
118.21 responsibilities, or that such person had a reasonable basis for believing occurred within  
118.22 the scope of commission employment, duties, or responsibilities, provided that the actual  
118.23 or alleged act, error, or omission did not result from the intentional or willful or wanton  
118.24 misconduct of that person.

118.25 (g) Notwithstanding paragraph (f), clause (1), the liability of the executive director,  
118.26 employees, or representatives of the interstate commission, acting within the scope of their  
118.27 employment or duties, may not exceed the limits of liability set forth under the constitution  
118.28 and laws of this state for state officials, employees, and agents. This paragraph expressly  
118.29 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
118.30 under that statute.

118.31 (h) Except for a claim alleging a violation of this compact, a claim against the  
118.32 commission, its executive director, employees, or representatives alleging a violation of the  
118.33 constitution and laws of this state may be brought in any county where the plaintiff resides.  
118.34 Nothing in this paragraph creates a private right of action.

119.1 (i) Nothing in this compact shall be construed as a limitation on the liability of any  
119.2 licensee for professional malpractice or misconduct, which shall be governed solely by any  
119.3 other applicable state laws.

119.4 ARTICLE VIII

119.5 DATA SYSTEM

119.6 (a) The commission shall provide for the development, maintenance, and utilization of  
119.7 a coordinated database and reporting system containing licensure, adverse action, and  
119.8 investigative information on all licensed individuals in member states.

119.9 (b) Notwithstanding any other provision of state law to the contrary, a member state  
119.10 shall submit a uniform data set to the data system on all individuals to whom this compact  
119.11 is applicable as required by the rules of the commission, including:

119.12 (1) identifying information;

119.13 (2) licensure data;

119.14 (3) adverse actions against a license or compact privilege;

119.15 (4) nonconfidential information related to alternative program participation;

119.16 (5) any denial of application for licensure and the reason or reasons for the denial; and

119.17 (6) other information that may facilitate the administration of this compact, as determined  
119.18 by the rules of the commission.

119.19 (c) Investigative information pertaining to a licensee in any member state will only be  
119.20 available to other party states.

119.21 (d) The commission shall promptly notify all member states of any adverse action taken  
119.22 against a licensee or an individual applying for a license. Adverse action information  
119.23 pertaining to a licensee in any member state will be available to any other member state.

119.24 (e) Member states contributing information to the data system may designate information  
119.25 that may not be shared with the public without the express permission of the contributing  
119.26 state.

119.27 (f) Any information submitted to the data system that is subsequently required to be  
119.28 expunged by the laws of the member state contributing the information shall be removed  
119.29 from the data system.

119.30 ARTICLE IX

119.31 RULEMAKING

120.1 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set  
120.2 forth in this article and the rules adopted thereunder. Rules and amendments shall become  
120.3 binding as of the date specified in each rule or amendment.

120.4 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of  
120.5 a statute or resolution in the same manner used to adopt the compact within four years of  
120.6 the date of adoption of the rule, then such rule shall have no further force and effect in any  
120.7 member state.

120.8 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
120.9 the commission.

120.10 (d) Prior to promulgation and adoption of a final rule or rules by the commission and at  
120.11 least 30 days in advance of the meeting at which the rule will be considered and voted upon,  
120.12 the commission shall file a notice of proposed rulemaking:

120.13 (1) on the website of the commission or other publicly accessible platform; and

120.14 (2) on the website of each member state physical therapy licensing board or other publicly  
120.15 accessible platform or the publication in which each state would otherwise publish proposed  
120.16 rules.

120.17 (e) The notice of proposed rulemaking shall include:

120.18 (1) the proposed time, date, and location of the meeting in which the rule will be  
120.19 considered and voted upon;

120.20 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

120.21 (3) a request for comments on the proposed rule from any interested person; and

120.22 (4) the manner in which interested persons may submit notice to the commission of their  
120.23 intention to attend the public hearing and any written comments.

120.24 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
120.25 written data, facts, opinions, and arguments, which shall be made available to the public.

120.26 (g) The commission shall grant an opportunity for a public hearing before it adopts a  
120.27 rule or amendment if a hearing is requested by:

120.28 (1) at least 25 persons;

120.29 (2) a state or federal governmental subdivision or agency; or

120.30 (3) an association having at least 25 members.



121.1 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish  
121.2 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
121.3 means, the commission shall publish the mechanism for access to the electronic hearing:

121.4 (1) all persons wishing to be heard at the hearing shall notify the executive director of  
121.5 the commission or other designated member in writing of their desire to appear and testify  
121.6 at the hearing not less than five business days before the scheduled date of the hearing;

121.7 (2) hearings shall be conducted in a manner providing each person who wishes to  
121.8 comment a fair and reasonable opportunity to comment orally or in writing;

121.9 (3) all hearings will be recorded. A copy of the recording will be made available on  
121.10 request; and

121.11 (4) nothing in this section shall be construed as requiring a separate hearing on each  
121.12 rule. Rules may be grouped for the convenience of the commission at hearings required by  
121.13 this section.

121.14 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
121.15 hearing date if the hearing was not held, the commission shall consider all written and oral  
121.16 comments received.

121.17 (j) If no written notice of intent to attend the public hearing by interested parties is  
121.18 received, the commission may proceed with promulgation of the proposed rule without a  
121.19 public hearing.

121.20 (k) The commission shall, by majority vote of all members, take final action on the  
121.21 proposed rule and shall determine the effective date of the rule, if any, based on the  
121.22 rulemaking record and the full text of the rule.

121.23 (l) Upon determination that an emergency exists, the commission may consider and  
121.24 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided  
121.25 that the usual rulemaking procedures provided in the compact and in this section shall be  
121.26 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
121.27 days after the effective date of the rule. For the purposes of this provision, an emergency  
121.28 rule is one that must be adopted immediately in order to:

121.29 (1) meet an imminent threat to public health, safety, or welfare;

121.30 (2) prevent a loss of commission or member state funds;

121.31 (3) meet a deadline for the promulgation of an administrative rule that is established by  
121.32 federal law or rule; or

122.1 (4) protect public health and safety.

122.2 (m) The commission or an authorized committee of the commission may direct revisions  
122.3 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
122.4 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
122.5 shall be posted on the website of the commission. The revision shall be subject to challenge  
122.6 by any person for a period of 30 days after posting. The revision may be challenged only  
122.7 on grounds that the revision results in a material change to a rule. A challenge shall be made  
122.8 in writing and delivered to the chair of the commission prior to the end of the notice period.  
122.9 If no challenge is made, the revision will take effect without further action. If the revision  
122.10 is challenged, the revision may not take effect without the approval of the commission.

122.11 ARTICLE X

122.12 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

122.13 (a) Oversight:

122.14 (1) the executive, legislative, and judicial branches of state government in each member  
122.15 state shall enforce this compact and take all actions necessary and appropriate to effectuate  
122.16 the compact's purposes and intent. The provisions of this compact and the rules promulgated  
122.17 hereunder shall have standing as statutory law;

122.18 (2) all courts shall take judicial notice of the compact and the rules in any judicial or  
122.19 administrative proceeding in a member state pertaining to the subject matter of this compact  
122.20 which may affect the powers, responsibilities, or actions of the commission; and

122.21 (3) the commission shall be entitled to receive service of process in any such proceeding  
122.22 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
122.23 service of process to the commission shall render a judgment or order void as to the  
122.24 commission, this compact, or promulgated rules.

122.25 (b) Default, technical assistance, and termination:

122.26 (1) if the commission determines that a member state has defaulted in the performance  
122.27 of its obligations or responsibilities under this compact or the promulgated rules, the  
122.28 commission shall:

122.29 (i) provide written notice to the defaulting state and other member states of the nature  
122.30 of the default, the proposed means of curing the default, or any other action to be taken by  
122.31 the commission; and

122.32 (ii) provide remedial training and specific technical assistance regarding the default;

123.1 (2) if a state in default fails to cure the default, the defaulting state may be terminated  
123.2 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
123.3 privileges, and benefits conferred by this compact may be terminated on the effective date  
123.4 of termination. A cure of the default does not relieve the offending state of obligations or  
123.5 liabilities incurred during the period of default;

123.6 (3) termination of membership in the compact shall be imposed only after all other means  
123.7 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall  
123.8 be given by the commission to the governor, the majority and minority leaders of the  
123.9 defaulting state's legislature, and each of the member states;

123.10 (4) a state that has been terminated is responsible for all assessments, obligations, and  
123.11 liabilities incurred through the effective date of termination, including obligations that  
123.12 extend beyond the effective date of termination;

123.13 (5) the commission shall not bear any costs related to a state that is found to be in default  
123.14 or that has been terminated from the compact, unless agreed upon in writing between the  
123.15 commission and the defaulting state; and

123.16 (6) the defaulting state may appeal the action of the commission by petitioning the United  
123.17 States District Court for the District of Columbia or the federal district where the commission  
123.18 has its principal offices. The prevailing member shall be awarded all costs of such litigation,  
123.19 including reasonable attorney fees.

123.20 (c) Dispute resolution:

123.21 (1) upon request by a member state, the commission shall attempt to resolve disputes  
123.22 related to the compact that arise among member states and between member and nonmember  
123.23 states; and

123.24 (2) the commission shall promulgate a rule providing for both mediation and binding  
123.25 dispute resolution for disputes as appropriate.

123.26 (d) Enforcement:

123.27 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
123.28 provisions and rules of this compact;

123.29 (2) by majority vote, the commission may initiate legal action in the United States District  
123.30 Court for the District of Columbia or the federal district where the commission has its  
123.31 principal offices against a member state in default to enforce compliance with the provisions  
123.32 of the compact and its promulgated rules and bylaws. The relief sought may include both  
123.33 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing

124.1 member shall be awarded all costs of such litigation, including reasonable attorney fees;  
124.2 and

124.3 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
124.4 commission may pursue any other remedies available under federal or state law.

124.5 ARTICLE XI

124.6 DATE OF IMPLEMENTATION OF THE INTERSTATE COMPACT FOR PHYSICAL  
124.7 THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND  
124.8 AMENDMENTS

124.9 (a) The compact shall come into effect on the date on which the compact statute is  
124.10 enacted into law in the tenth member state. The provisions, which become effective at that  
124.11 time, shall be limited to the powers granted to the commission relating to assembly and the  
124.12 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
124.13 powers necessary to the implementation and administration of the compact.

124.14 (b) Any state that joins the compact subsequent to the commission's initial adoption of  
124.15 the rules shall be subject to the rules as they exist on the date on which the compact becomes  
124.16 law in that state. Any rule that has been previously adopted by the commission shall have  
124.17 the full force and effect of law on the day the compact becomes law in that state.

124.18 (c) Any member state may withdraw from this compact by enacting a statute repealing  
124.19 the same:

124.20 (1) a member state's withdrawal shall not take effect until six months after enactment  
124.21 of the repealing statute; and

124.22 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's  
124.23 physical therapy licensing board to comply with the investigative and adverse action reporting  
124.24 requirements of this compact prior to the effective date of withdrawal.

124.25 (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
124.26 physical therapy licensure agreement or other cooperative arrangement between a member  
124.27 state and a nonmember state that does not conflict with the provisions of this compact.

124.28 (e) This compact may be amended by the member states. No amendment to this compact  
124.29 shall become effective and binding upon any member state until it is enacted into the laws  
124.30 of all member states.

124.31 ARTICLE XII

124.32 CONSTRUCTION AND SEVERABILITY

125.1 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
125.2 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
125.3 of this compact is declared to be contrary to the constitution of any party state or of the  
125.4 United States or the applicability thereof to any government, agency, person, or circumstance  
125.5 is held invalid, the validity of the remainder of this compact and the applicability thereof  
125.6 to any government, agency, person, or circumstance shall not be affected thereby. If this  
125.7 compact shall be held contrary to the constitution of any party state, the compact shall  
125.8 remain in full force and effect as to the remaining party states and in full force and effect  
125.9 as to the party state affected as to all severable matters.

125.10 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
125.11 Board of Physical Therapy must publish the effective date of the compact in the State  
125.12 Register and on the board's website.

## 125.13 **ARTICLE 12**

### 125.14 **LICENSED PROFESSIONAL COUNSELOR COMPACT**

125.15 Section 1. **[148B.75] LICENSED PROFESSIONAL COUNSELOR INTERSTATE**  
125.16 **COMPACT.**

125.17 The licensed professional counselor interstate compact is enacted into law and entered  
125.18 into with all other jurisdictions legally joining in it, in the form substantially specified in  
125.19 this section.

#### 125.20 ARTICLE I

#### 125.21 TITLE

125.22 This statute shall be known and cited as the professional counselors licensure compact.

#### 125.23 ARTICLE II

#### 125.24 DEFINITIONS

125.25 (a) As used in this compact, and except as otherwise provided, the following definitions  
125.26 shall apply.

125.27 (b) "Active duty military" means full-time duty status in the active uniformed service  
125.28 of the United States, including members of the national guard and reserve on active duty  
125.29 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

125.30 (c) "Adverse action" means any administrative, civil, equitable, or criminal action  
125.31 permitted by a state's laws which is imposed by a licensing board or other authority against

126.1 a licensed professional counselor, including actions against an individual's license or privilege  
126.2 to practice such as revocation, suspension, probation, monitoring of the licensee, limitation  
126.3 on the licensee's practice, or any other encumbrance on licensure affecting a licensed  
126.4 professional counselor's authorization to practice, including issuance of a cease and desist  
126.5 action.

126.6 (d) "Alternative program" means a non-disciplinary monitoring or practice remediation  
126.7 process approved by a professional counseling licensing board to address impaired  
126.8 practitioners.

126.9 (e) "Continuing competence" and "continuing education" means a requirement, as a  
126.10 condition of license renewal, to provide evidence of participation in, or completion of,  
126.11 educational and professional activities relevant to practice or area of work.

126.12 (f) "Counseling compact commission" or "commission" means the national administrative  
126.13 body whose membership consists of all states that have enacted the compact.

126.14 (g) "Current significant investigative information" means:

126.15 (1) investigative information that a licensing board, after a preliminary inquiry that  
126.16 includes notification and an opportunity for the licensed professional counselor to respond,  
126.17 if required by state law, has reason to believe is not groundless and, if proved true, would  
126.18 indicate more than a minor infraction; or

126.19 (2) investigative information that indicates that the licensed professional counselor  
126.20 represents an immediate threat to public health and safety regardless of whether the licensed  
126.21 professional counselor has been notified and had an opportunity to respond.

126.22 (h) "Data system" means a repository of information about licensees, including but not  
126.23 limited to continuing education, examination, licensure, investigative, privilege to practice,  
126.24 and adverse action information.

126.25 (i) "Encumbered license" means a license in which an adverse action restricts the practice  
126.26 of licensed professional counseling by the licensee and said adverse action has been reported  
126.27 to the National Practitioners Data Bank (NPDB).

126.28 (j) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
126.29 and unrestricted practice of licensed professional counseling by a licensing board.

126.30 (k) "Executive committee" means a group of directors elected or appointed to act on  
126.31 behalf of, and within the powers granted to them by, the commission.

126.32 (l) "Home state" means the member state that is the licensee's primary state of residence.

127.1 (m) "Impaired practitioner" means an individual who has a condition that may impair  
127.2 their ability to practice as a licensed professional counselor without some type of intervention  
127.3 and may include but is not limited to alcohol and drug dependence, mental health impairment,  
127.4 and neurological or physical impairment.

127.5 (n) "Investigative information" means information, records, and documents received or  
127.6 generated by a professional counseling licensing board pursuant to an investigation.

127.7 (o) "Jurisprudence requirement," if required by a member state, means the assessment  
127.8 of an individual's knowledge of the laws and rules governing the practice of professional  
127.9 counseling in a state.

127.10 (p) "Licensed professional counselor" means a counselor licensed by a member state,  
127.11 regardless of the title used by that state, to independently assess, diagnose, and treat  
127.12 behavioral health conditions.

127.13 (q) "Licensee" means an individual who currently holds an authorization from the state  
127.14 to practice as a licensed professional counselor.

127.15 (r) "Licensing board" means the agency of a state, or equivalent, that is responsible for  
127.16 the licensing and regulation of licensed professional counselors.

127.17 (s) "Member state" means a state that has enacted the compact.

127.18 (t) "Privilege to practice" means a legal authorization, which is equivalent to a license,  
127.19 permitting the practice of professional counseling in a remote state.

127.20 (u) "Professional counseling" means the assessment, diagnosis, and treatment of  
127.21 behavioral health conditions by a licensed professional counselor.

127.22 (v) "Remote state" means a member state other than the home state, where a licensee is  
127.23 exercising or seeking to exercise the privilege to practice.

127.24 (w) "Rule" means a regulation promulgated by the commission that has the force of law.

127.25 (x) "Single state license" means a licensed professional counselor license issued by a  
127.26 member state that authorizes practice only within the issuing state and does not include a  
127.27 privilege to practice in any other member state.

127.28 (y) "State" means any state, commonwealth, district, or territory of the United States  
127.29 that regulates the practice of professional counseling.

127.30 (z) "Telehealth" means the application of telecommunication technology to deliver  
127.31 professional counseling services remotely to assess, diagnose, and treat behavioral health  
127.32 conditions.

128.1 (aa) "Unencumbered license" means a license that authorizes a licensed professional  
128.2 counselor to engage in the full and unrestricted practice of professional counseling.

128.3 ARTICLE III

128.4 STATE PARTICIPATION IN THE COMPACT

128.5 (a) To participate in the compact, a state must currently:

128.6 (1) license and regulate licensed professional counselors;

128.7 (2) require licensees to pass a nationally recognized exam approved by the commission;

128.8 (3) require licensees to have a 60 semester-hour or 90 quarter-hour master's degree in  
128.9 counseling or 60 semester-hours or 90 quarter-hours of graduate coursework including the  
128.10 following topic areas:

128.11 (i) professional counseling orientation and ethical practice;

128.12 (ii) social and cultural diversity;

128.13 (iii) human growth and development;

128.14 (iv) career development;

128.15 (v) counseling and helping relationships;

128.16 (vi) group counseling and group work;

128.17 (vii) diagnosis and treatment; assessment and testing;

128.18 (viii) research and program evaluation; and

128.19 (ix) other areas as determined by the commission;

128.20 (4) require licensees to complete a supervised postgraduate professional experience as  
128.21 defined by the commission; and

128.22 (5) have a mechanism in place for receiving and investigating complaints about licensees.

128.23 (b) A member state shall:

128.24 (1) participate fully in the commission's data system, including using the commission's  
128.25 unique identifier as defined in rules;

128.26 (2) notify the commission, in compliance with the terms of the compact and rules, of  
128.27 any adverse action or the availability of investigative information regarding a licensee;

128.28 (3) implement or utilize procedures for considering the criminal history records of  
128.29 applicants for an initial privilege to practice. These procedures shall include the submission



129.1 of fingerprints or other biometric-based information by applicants for the purpose of obtaining  
129.2 an applicant's criminal history record information from the Federal Bureau of Investigation  
129.3 and the agency responsible for retaining that state's criminal records;

129.4 (i) a member state must fully implement a criminal background check requirement,  
129.5 within a time frame established by rule, by receiving the results of the Federal Bureau of  
129.6 Investigation record search and shall use the results in making licensure decisions; and

129.7 (ii) communication between a member state, the commission, and among member states  
129.8 regarding the verification of eligibility for licensure through the compact shall not include  
129.9 any information received from the Federal Bureau of Investigation relating to a federal  
129.10 criminal records check performed by a member state under Public Law 92-544;

129.11 (4) comply with the rules of the commission;

129.12 (5) require an applicant to obtain or retain a license in the home state and meet the home  
129.13 state's qualifications for licensure or renewal of licensure, as well as all other applicable  
129.14 state laws;

129.15 (6) grant the privilege to practice to a licensee holding a valid unencumbered license in  
129.16 another member state in accordance with the terms of the compact and rules; and

129.17 (7) provide for the attendance of the state's commissioner to the counseling compact  
129.18 commission meetings.

129.19 (c) Member states may charge a fee for granting the privilege to practice.

129.20 (d) Individuals not residing in a member state shall continue to be able to apply for a  
129.21 member state's single state license as provided under the laws of each member state. However,  
129.22 the single state license granted to these individuals shall not be recognized as granting a  
129.23 privilege to practice professional counseling in any other member state.

129.24 (e) Nothing in this compact shall affect the requirements established by a member state  
129.25 for the issuance of a single state license.

129.26 (f) A license issued to a licensed professional counselor by a home state to a resident in  
129.27 that state shall be recognized by each member state as authorizing a licensed professional  
129.28 counselor to practice professional counseling, under a privilege to practice, in each member  
129.29 state.

129.30 ARTICLE IV

129.31 PRIVILEGE TO PRACTICE

130.1 (a) To exercise the privilege to practice under the terms and provisions of the compact,  
130.2 the licensee shall:

130.3 (1) hold a license in the home state;

130.4 (2) have a valid United States Social Security number or national practitioner identifier;

130.5 (3) be eligible for a privilege to practice in any member state in accordance with this  
130.6 article, paragraphs (d), (g), and (h);

130.7 (4) have not had any encumbrance or restriction against any license or privilege to  
130.8 practice within the previous two years;

130.9 (5) notify the commission that the licensee is seeking the privilege to practice within a  
130.10 remote state(s);

130.11 (6) pay any applicable fees, including any state fee, for the privilege to practice;

130.12 (7) meet any continuing competence or education requirements established by the home  
130.13 state;

130.14 (8) meet any jurisprudence requirements established by the remote state in which the  
130.15 licensee is seeking a privilege to practice; and

130.16 (9) report to the commission any adverse action, encumbrance, or restriction on license  
130.17 taken by any nonmember state within 30 days from the date the action is taken.

130.18 (b) The privilege to practice is valid until the expiration date of the home state license.  
130.19 The licensee must comply with the requirements of this article, paragraph (a), to maintain  
130.20 the privilege to practice in the remote state.

130.21 (c) A licensee providing professional counseling in a remote state under the privilege  
130.22 to practice shall adhere to the laws and regulations of the remote state.

130.23 (d) A licensee providing professional counseling services in a remote state is subject to  
130.24 that state's regulatory authority. A remote state may, in accordance with due process and  
130.25 that state's laws, remove a licensee's privilege to practice in the remote state for a specific  
130.26 period of time, impose fines, or take any other necessary actions to protect the health and  
130.27 safety of its citizens. The licensee may be ineligible for a privilege to practice in any member  
130.28 state until the specific time for removal has passed and all fines are paid.

130.29 (e) If a home state license is encumbered, the licensee shall lose the privilege to practice  
130.30 in any remote state until the following occur:

130.31 (1) the home state license is no longer encumbered; and

131.1 (2) have not had any encumbrance or restriction against any license or privilege to  
131.2 practice within the previous two years.

131.3 (f) Once an encumbered license in the home state is restored to good standing, the  
131.4 licensee must meet the requirements of this article, paragraph (a), to obtain a privilege to  
131.5 practice in any remote state.

131.6 (g) If a licensee's privilege to practice in any remote state is removed, the individual  
131.7 may lose the privilege to practice in all other remote states until the following occur:

131.8 (1) the specific period of time for which the privilege to practice was removed has ended;

131.9 (2) all fines have been paid; and

131.10 (3) have not had any encumbrance or restriction against any license or privilege to  
131.11 practice within the previous two years.

131.12 (h) Once the requirements of this article, paragraph (g), have been met, the licensee must  
131.13 meet the requirements in this article, paragraph (a), to obtain a privilege to practice in a  
131.14 remote state.

131.15 ARTICLE V

131.16 OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO  
131.17 PRACTICE

131.18 (a) A licensed professional counselor may hold a home state license, which allows for  
131.19 a privilege to practice in other member states, in only one member state at a time.

131.20 (b) If a licensed professional counselor changes primary state of residence by moving  
131.21 between two member states:

131.22 (1) the licensed professional counselor shall file an application for obtaining a new home  
131.23 state license based on a privilege to practice, pay all applicable fees, and notify the current  
131.24 and new home state in accordance with applicable rules adopted by the commission;

131.25 (2) upon receipt of an application for obtaining a new home state license by virtue of a  
131.26 privilege to practice, the new home state shall verify that the licensed professional counselor  
131.27 meets the pertinent criteria outlined in article IV via the data system, without need for  
131.28 primary source verification, except for:

131.29 (i) a Federal Bureau of Investigation fingerprint-based criminal background check if not  
131.30 previously performed or updated pursuant to applicable rules adopted by the commission  
131.31 in accordance with Public Law 92-544;

- 132.1 (ii) other criminal background checks as required by the new home state; and  
132.2 (iii) completion of any requisite jurisprudence requirements of the new home state;  
132.3 (3) the former home state shall convert the former home state license into a privilege to  
132.4 practice once the new home state has activated the new home state license in accordance  
132.5 with applicable rules adopted by the commission;  
132.6 (4) notwithstanding any other provision of this compact, if the licensed professional  
132.7 counselor cannot meet the criteria in article VI, the new home state may apply its  
132.8 requirements for issuing a new single state license; and  
132.9 (5) the licensed professional counselor shall pay all applicable fees to the new home  
132.10 state in order to be issued a new home state license.  
132.11 (c) If a licensed professional counselor changes primary state of residence by moving  
132.12 from a member state to a nonmember state, or from a nonmember state to a member state,  
132.13 the state criteria shall apply for issuance of a single state license in the new state.  
132.14 (d) Nothing in this compact shall interfere with a licensee's ability to hold a single state  
132.15 license in multiple states, however, for the purposes of this compact, a licensee shall have  
132.16 only one home state license.  
132.17 (e) Nothing in this compact shall affect the requirements established by a member state  
132.18 for the issuance of a single state license.

132.19 ARTICLE VI

132.20 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

- 132.21 Active duty military personnel, or their spouse, shall designate a home state where the  
132.22 individual has a current license in good standing. The individual may retain the home state  
132.23 designation during the period the service member is on active duty. Subsequent to designating  
132.24 a home state, the individual shall only change their home state through application for  
132.25 licensure in the new state or through the process outlined in article V.

132.26 ARTICLE VII

132.27 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

- 132.28 (a) Member states shall recognize the right of a licensed professional counselor, licensed  
132.29 by a home state in accordance with article III and under rules promulgated by the commission,  
132.30 to practice professional counseling in any member state via telehealth under a privilege to  
132.31 practice as provided in the compact and rules promulgated by the commission.

133.1 (b) A licensee providing professional counseling services in a remote state under the  
133.2 privilege to practice shall adhere to the laws and regulations of the remote state.

133.3 ARTICLE VIII

133.4 ADVERSE ACTIONS

133.5 (a) In addition to the other powers conferred by state law, a remote state shall have the  
133.6 authority, in accordance with existing state due process law, to:

133.7 (1) take adverse action against a licensed professional counselor's privilege to practice  
133.8 within that member state; and

133.9 (2) issue subpoenas for both hearings and investigations that require the attendance and  
133.10 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing  
133.11 board in a member state for the attendance and testimony of witnesses or the production of  
133.12 evidence from another member state shall be enforced in the latter state by any court of  
133.13 competent jurisdiction according to the practice and procedure of that court applicable to  
133.14 subpoenas issued in proceedings pending before it. The issuing authority shall pay any  
133.15 witness fees, travel expenses, mileage, and other fees required by the service statutes of the  
133.16 state in which the witnesses or evidence are located.

133.17 (b) Only the home state shall have the power to take adverse action against a licensed  
133.18 professional counselor's license issued by the home state.

133.19 (c) For purposes of taking adverse action, the home state shall give the same priority  
133.20 and effect to reported conduct received from a member state as it would if the conduct had  
133.21 occurred within the home state. In so doing, the home state shall apply its own state laws  
133.22 to determine appropriate action.

133.23 (d) The home state shall complete any pending investigations of a licensed professional  
133.24 counselor who changes primary state of residence during the course of the investigations.  
133.25 The home state shall also have the authority to take appropriate action and shall promptly  
133.26 report the conclusions of the investigations to the administrator of the data system. The  
133.27 administrator of the coordinated licensure information system shall promptly notify the new  
133.28 home state of any adverse actions.

133.29 (e) A member state, if otherwise permitted by state law, may recover from the affected  
133.30 licensed professional counselor the costs of investigations and dispositions of cases resulting  
133.31 from any adverse action taken against that licensed professional counselor.

134.1 (f) A member state may take adverse action based on the factual findings of the remote  
134.2 state, provided that the member state follows its own procedures for taking the adverse  
134.3 action.

134.4 (g) Joint investigations:

134.5 (1) in addition to the authority granted to a member state by its respective professional  
134.6 counseling practice act or other applicable state law, any member state may participate with  
134.7 other member states in joint investigations of licensees; and

134.8 (2) member states shall share any investigative, litigation, or compliance materials in  
134.9 furtherance of any joint or individual investigation initiated under the compact.

134.10 (h) If adverse action is taken by the home state against the license of a licensed  
134.11 professional counselor, the licensed professional counselor's privilege to practice in all other  
134.12 member states shall be deactivated until all encumbrances have been removed from the  
134.13 state license. All home state disciplinary orders that impose adverse action against the license  
134.14 of a licensed professional counselor shall include a statement that the licensed professional  
134.15 counselor's privilege to practice is deactivated in all member states during the pendency of  
134.16 the order.

134.17 (i) If a member state takes adverse action, it shall promptly notify the administrator of  
134.18 the data system. The administrator of the data system shall promptly notify the home state  
134.19 of any adverse actions by remote states.

134.20 (j) Nothing in this compact shall override a member state's decision that participation  
134.21 in an alternative program may be used in lieu of adverse action.

134.22 ARTICLE IX

134.23 ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

134.24 (a) The compact member states hereby create and establish a joint public agency known  
134.25 as the counseling compact commission:

134.26 (1) the commission is an instrumentality of the compact states;

134.27 (2) except as provided under paragraph (i), venue is proper and judicial proceedings by  
134.28 or against the commission shall be brought solely and exclusively in a court of competent  
134.29 jurisdiction where the principal office of the commission is located. The commission may  
134.30 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in  
134.31 alternative dispute resolution proceedings; and

134.32 (3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

135.1 (b) Membership, voting, and meetings:

135.2 (1) each member state shall have and be limited to one delegate selected by that member  
135.3 state's licensing board;

135.4 (2) the delegate shall be either:

135.5 (i) a current member of the licensing board at the time of appointment who is a licensed  
135.6 professional counselor or public member; or

135.7 (ii) an administrator of the licensing board;

135.8 (3) any delegate may be removed or suspended from office as provided by the law of  
135.9 the state from which the delegate is appointed;

135.10 (4) the member state licensing board shall fill any vacancy occurring on the commission  
135.11 within 60 days;

135.12 (5) each delegate shall be entitled to one vote with regard to the promulgation of rules  
135.13 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
135.14 and affairs of the commission;

135.15 (6) a delegate shall vote in person or by such other means as provided in the bylaws.  
135.16 The bylaws may provide for delegates' participation in meetings by telephone or other means  
135.17 of communication;

135.18 (7) the commission shall meet at least once during each calendar year. Additional  
135.19 meetings shall be held as set forth in the bylaws; and

135.20 (8) the commission shall by rule establish a term of office for delegates and may by rule  
135.21 establish term limits.

135.22 (c) The commission shall have the following powers and duties:

135.23 (1) establish the fiscal year of the commission;

135.24 (2) establish bylaws;

135.25 (3) maintain its financial records in accordance with the bylaws;

135.26 (4) meet and take such actions as are consistent with the provisions of this compact and  
135.27 the bylaws;

135.28 (5) promulgate rules which shall be binding to the extent and in the manner provided  
135.29 for in the compact;

136.1 (6) bring and prosecute legal proceedings or actions in the name of the commission,  
136.2 provided that the standing of any state licensing board to sue or be sued under applicable  
136.3 law shall not be affected;

136.4 (7) purchase and maintain insurance and bonds;

136.5 (8) borrow, accept, or contract for services of personnel, including but not limited to  
136.6 employees of a member state;

136.7 (9) hire employees, elect or appoint officers, fix compensation, define duties, grant such  
136.8 individuals appropriate authority to carry out the purposes of the compact, and establish the  
136.9 commission's personnel policies and programs relating to conflicts of interest, qualifications  
136.10 of personnel, and other related personnel matters;

136.11 (10) accept any and all appropriate donations and grants of money, equipment, supplies,  
136.12 materials, and services and to receive, utilize, and dispose of the same; provided that at all  
136.13 times the commission shall avoid any appearance of impropriety and conflict of interest;

136.14 (11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
136.15 improve, or use any property, real, personal, or mixed; provided that at all times the  
136.16 commission shall avoid any appearance of impropriety;

136.17 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
136.18 any property real, personal, or mixed;

136.19 (13) establish a budget and make expenditures;

136.20 (14) borrow money;

136.21 (15) appoint committees, including standing committees composed of members, state  
136.22 regulators, state legislators or their representatives, and consumer representatives, and such  
136.23 other interested persons as may be designated in this compact and the bylaws;

136.24 (16) provide and receive information from, and cooperate with, law enforcement agencies;

136.25 (17) establish and elect an executive committee; and

136.26 (18) perform such other functions as may be necessary or appropriate to achieve the  
136.27 purposes of this compact consistent with the state regulation of professional counseling  
136.28 licensure and practice.

136.29 (d) The executive committee:

136.30 (1) the executive committee shall have the power to act on behalf of the commission  
136.31 according to the terms of this compact;



- 137.1 (2) the executive committee shall be composed of up to eleven members:
- 137.2 (i) seven voting members who are elected by the commission from the current
- 137.3 membership of the commission;
- 137.4 (ii) up to four ex-officio, nonvoting members from four recognized national professional
- 137.5 counselor organizations; and
- 137.6 (iii) the ex-officio members will be selected by their respective organizations;
- 137.7 (3) the commission may remove any member of the executive committee as provided
- 137.8 in the bylaws;
- 137.9 (4) the executive committee shall meet at least annually; and
- 137.10 (5) the executive committee shall have the following duties and responsibilities:
- 137.11 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
- 137.12 compact legislation, fees paid by compact member states such as annual dues, and any
- 137.13 commission compact fee charged to licensees for the privilege to practice;
- 137.14 (ii) ensure compact administration services are appropriately provided, contractual or
- 137.15 otherwise;
- 137.16 (iii) prepare and recommend the budget;
- 137.17 (iv) maintain financial records on behalf of the commission;
- 137.18 (v) monitor compact compliance of member states and provide compliance reports to
- 137.19 the commission;
- 137.20 (vi) establish additional committees as necessary; and
- 137.21 (vii) other duties as provided in rules or bylaws.
- 137.22 (e) Meetings of the commission:
- 137.23 (1) all meetings shall be open to the public, and public notice of meetings shall be given
- 137.24 in the same manner as required under the rulemaking provisions in article XI;
- 137.25 (2) the commission or the executive committee or other committees of the commission
- 137.26 may convene in a closed, non-public meeting if the commission or executive committee or
- 137.27 other committees of the commission must discuss:
- 137.28 (i) non-compliance of a member state with its obligations under the compact;

138.1 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
138.2 related to specific employees or other matters related to the commission's internal personnel  
138.3 practices and procedures;

138.4 (iii) current, threatened, or reasonably anticipated litigation;

138.5 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
138.6 estate;

138.7 (v) accusing any person of a crime or formally censuring any person;

138.8 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
138.9 or confidential;

138.10 (vii) disclosure of information of a personal nature where disclosure would constitute a  
138.11 clearly unwarranted invasion of personal privacy;

138.12 (viii) disclosure of investigative records compiled for law enforcement purposes;

138.13 (ix) disclosure of information related to any investigative reports prepared by or on  
138.14 behalf of or for use of the commission or other committee charged with responsibility of  
138.15 investigation or determination of compliance issues pursuant to the compact; or

138.16 (x) matters specifically exempted from disclosure by federal or member state statute;

138.17 (3) if a meeting, or portion of a meeting, is closed pursuant to this provision, the  
138.18 commission's legal counsel or designee shall certify that the meeting may be closed and  
138.19 shall reference each relevant exempting provision; and

138.20 (4) the commission shall keep minutes that fully and clearly describe all matters discussed  
138.21 in a meeting and shall provide a full and accurate summary of actions taken and the reasons  
138.22 therefore, including a description of the views expressed. All documents considered in  
138.23 connection with an action shall be identified in such minutes. All minutes and documents  
138.24 of a closed meeting shall remain under seal, subject to release by a majority vote of the  
138.25 commission or order of a court of competent jurisdiction.

138.26 (f) Financing of the commission:

138.27 (i) the commission shall pay, or provide for the payment of, the reasonable expenses of  
138.28 its establishment, organization, and ongoing activities;

138.29 (ii) the commission may accept any and all appropriate revenue sources, donations, and  
138.30 grants of money, equipment, supplies, materials, and services;

139.1 (iii) the commission may levy on and collect an annual assessment from each member  
139.2 state or impose fees on other parties to cover the cost of the operations and activities of the  
139.3 commission and its staff, which must be in a total amount sufficient to cover its annual  
139.4 budget as approved each year for which revenue is not provided by other sources. The  
139.5 aggregate annual assessment amount shall be allocated based upon a formula to be determined  
139.6 by the commission, which shall promulgate a rule binding upon all member states;

139.7 (iv) the commission shall not incur obligations of any kind prior to securing the funds  
139.8 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
139.9 states, except by and with the authority of the member state; and

139.10 (v) the commission shall keep accurate accounts of all receipts and disbursements. The  
139.11 receipts and disbursements of the commission shall be subject to the audit and accounting  
139.12 procedures established under its bylaws. However, all receipts and disbursements of funds  
139.13 handled by the commission shall be audited yearly by a certified or licensed public  
139.14 accountant, and the report of the audit shall be included in and become part of the annual  
139.15 report of the commission.

139.16 (g) Qualified immunity, defense, and indemnification:

139.17 (1) the members, officers, executive director, employees, and representatives of the  
139.18 commission shall be immune from suit and liability, either personally or in their official  
139.19 capacity, for any claim for damage to or loss of property or personal injury or other civil  
139.20 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
139.21 or that the person against whom the claim is made had a reasonable basis for believing  
139.22 occurred within the scope of commission employment, duties, or responsibilities; provided  
139.23 that nothing in this paragraph shall be construed to protect any such person from suit or  
139.24 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
139.25 wanton misconduct of that person;

139.26 (2) the commission shall defend any member, officer, executive director, employee, or  
139.27 representative of the commission in any civil action seeking to impose liability arising out  
139.28 of any actual or alleged act, error, or omission that occurred within the scope of commission  
139.29 employment, duties, or responsibilities, or that the person against whom the claim is made  
139.30 had a reasonable basis for believing occurred within the scope of commission employment,  
139.31 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
139.32 person from retaining his or her own counsel; and provided further, that the actual or alleged  
139.33 act, error, or omission did not result from that person's intentional or willful or wanton  
139.34 misconduct; and

140.1 (3) the commission shall indemnify and hold harmless any member, officer, executive  
140.2 director, employee, or representative of the commission for the amount of any settlement  
140.3 or judgment obtained against that person arising out of any actual or alleged act, error, or  
140.4 omission that occurred within the scope of commission employment, duties, or  
140.5 responsibilities, or that such person had a reasonable basis for believing occurred within  
140.6 the scope of commission employment, duties, or responsibilities, provided that the actual  
140.7 or alleged act, error, or omission did not result from the intentional or willful or wanton  
140.8 misconduct of that person.

140.9 (h) Notwithstanding paragraph (g), clause (1), the liability of the executive director,  
140.10 employees, or representatives of the interstate commission, acting within the scope of their  
140.11 employment or duties, may not exceed the limits of liability set forth under the constitution  
140.12 and laws of this state for state officials, employees, and agents. This paragraph expressly  
140.13 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
140.14 under that statute.

140.15 (i) Except for a claim alleging a violation of this compact, a claim against the commission,  
140.16 its executive director, employees, or representatives alleging a violation of the constitution  
140.17 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
140.18 this paragraph creates a private right of action.

140.19 (j) Nothing in this compact shall be construed as a limitation on the liability of any  
140.20 licensee for professional malpractice or misconduct, which shall be governed solely by any  
140.21 other applicable state laws.

140.22 ARTICLE X

140.23 DATA SYSTEM

140.24 (a) The commission shall provide for the development, maintenance, operation, and  
140.25 utilization of a coordinated database and reporting system containing licensure, adverse  
140.26 action, and investigative information on all licensed individuals in member states.

140.27 (b) Notwithstanding any other provision of state law to the contrary, a member state  
140.28 shall submit a uniform data set to the data system on all individuals to whom this compact  
140.29 is applicable as required by the rules of the commission, including:

140.30 (1) identifying information;

140.31 (2) licensure data;

140.32 (3) adverse actions against a license or privilege to practice;

- 141.1 (4) nonconfidential information related to alternative program participation;  
141.2 (5) any denial of application for licensure and the reason for such denial;  
141.3 (6) current significant investigative information; and  
141.4 (7) other information that may facilitate the administration of this compact, as determined  
141.5 by the rules of the commission.

141.6 (c) Investigative information pertaining to a licensee in any member state will only be  
141.7 available to other member states.

141.8 (d) The commission shall promptly notify all member states of any adverse action taken  
141.9 against a licensee or an individual applying for a license. Adverse action information  
141.10 pertaining to a licensee in any member state will be available to any other member state.

141.11 (e) Member states contributing information to the data system may designate information  
141.12 that may not be shared with the public without the express permission of the contributing  
141.13 state.

141.14 (f) Any information submitted to the data system that is subsequently required to be  
141.15 expunged by the laws of the member state contributing the information shall be removed  
141.16 from the data system.

141.17 ARTICLE XI

141.18 RULEMAKING

141.19 (a) The commission shall promulgate reasonable rules in order to effectively and  
141.20 efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event  
141.21 the commission exercises its rulemaking authority in a manner that is beyond the scope of  
141.22 the purposes of the compact, or the powers granted hereunder, then such an action by the  
141.23 commission shall be invalid and have no force or effect.

141.24 (b) The commission shall exercise its rulemaking powers pursuant to the criteria set  
141.25 forth in this article and the rules adopted thereunder. Rules and amendments shall become  
141.26 binding as of the date specified in each rule or amendment.

141.27 (c) If a majority of the legislatures of the member states rejects a rule, by enactment of  
141.28 a statute or resolution in the same manner used to adopt the compact within four years of  
141.29 the date of adoption of the rule, then such rule shall have no further force and effect in any  
141.30 member state.

141.31 (d) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
141.32 the commission.

142.1 (e) Prior to promulgation and adoption of a final rule or rules by the commission, and  
142.2 at least thirty days in advance of the meeting at which the rule will be considered and voted  
142.3 upon, the commission shall file a notice of proposed rulemaking:

142.4 (1) on the website of the commission or other publicly accessible platform; and

142.5 (2) on the website of each member state professional counseling licensing board or other  
142.6 publicly accessible platform or the publication in which each state would otherwise publish  
142.7 proposed rules.

142.8 (f) The notice of proposed rulemaking shall include:

142.9 (1) the proposed time, date, and location of the meeting in which the rule will be  
142.10 considered and voted upon;

142.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

142.12 (3) a request for comments on the proposed rule from any interested person; and

142.13 (4) the manner in which interested persons may submit notice to the commission of their  
142.14 intention to attend the public hearing and any written comments.

142.15 (g) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
142.16 written data, facts, opinions, and arguments, which shall be made available to the public.

142.17 (h) The commission shall grant an opportunity for a public hearing before it adopts a  
142.18 rule or amendment if a hearing is requested by:

142.19 (1) at least 25 persons;

142.20 (2) a state or federal governmental subdivision or agency; or

142.21 (3) an association having at least 25 members.

142.22 (i) If a hearing is held on the proposed rule or amendment, the commission shall publish  
142.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
142.24 means, the commission shall publish the mechanism for access to the electronic hearing:

142.25 (1) all persons wishing to be heard at the hearing shall notify the executive director of  
142.26 the commission or other designated member in writing of their desire to appear and testify  
142.27 at the hearing not less than five business days before the scheduled date of the hearing;

142.28 (2) hearings shall be conducted in a manner providing each person who wishes to  
142.29 comment a fair and reasonable opportunity to comment orally or in writing;

142.30 (3) all hearings will be recorded. A copy of the recording will be made available on  
142.31 request; and

143.1 (4) nothing in this article shall be construed as requiring a separate hearing on each rule.  
143.2 Rules may be grouped for the convenience of the commission at hearings required by this  
143.3 article.

143.4 (j) Following the scheduled hearing date, or by the close of business on the scheduled  
143.5 hearing date if the hearing was not held, the commission shall consider all written and oral  
143.6 comments received.

143.7 (k) If no written notice of intent to attend the public hearing by interested parties is  
143.8 received, the commission may proceed with promulgation of the proposed rule without a  
143.9 public hearing.

143.10 (l) The commission shall, by majority vote of all members, take final action on the  
143.11 proposed rule and shall determine the effective date of the rule, if any, based on the  
143.12 rulemaking record and the full text of the rule.

143.13 (m) Upon determination that an emergency exists, the commission may consider and  
143.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided  
143.15 that the usual rulemaking procedures provided in the compact and in this article shall be  
143.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
143.17 days after the effective date of the rule. For the purposes of this provision, an emergency  
143.18 rule is one that must be adopted immediately in order to:

143.19 (1) meet an imminent threat to public health, safety, or welfare;

143.20 (2) prevent a loss of commission or member state funds;

143.21 (3) meet a deadline for the promulgation of an administrative rule that is established by  
143.22 federal law or rule; or

143.23 (4) protect public health and safety.

143.24 (n) The commission or an authorized committee of the commission may direct revisions  
143.25 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
143.26 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
143.27 shall be posted on the website of the commission. The revision shall be subject to challenge  
143.28 by any person for a period of thirty days after posting. The revision may be challenged only  
143.29 on grounds that the revision results in a material change to a rule. A challenge shall be made  
143.30 in writing and delivered to the chair of the commission prior to the end of the notice period.  
143.31 If no challenge is made, the revision will take effect without further action. If the revision  
143.32 is challenged, the revision may not take effect without the approval of the commission.

143.33 ARTICLE XII

144.1 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

144.2 (a) Oversight:

144.3 (1) the executive, legislative, and judicial branches of state government in each member  
144.4 state shall enforce this compact and take all actions necessary and appropriate to effectuate  
144.5 the compact's purposes and intent. The provisions of this compact and the rules promulgated  
144.6 hereunder shall have standing as statutory law;

144.7 (2) all courts shall take judicial notice of the compact and the rules in any judicial or  
144.8 administrative proceeding in a member state pertaining to the subject matter of this compact  
144.9 which may affect the powers, responsibilities, or actions of the commission; and

144.10 (3) the commission shall be entitled to receive service of process in any such proceeding  
144.11 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
144.12 service of process to the commission shall render a judgment or order void as to the  
144.13 commission, this compact, or promulgated rules.

144.14 (b) Default, technical assistance, and termination:

144.15 (1) if the commission determines that a member state has defaulted in the performance  
144.16 of its obligations or responsibilities under this compact or the promulgated rules, the  
144.17 commission shall:

144.18 (i) provide written notice to the defaulting state and other member states of the nature  
144.19 of the default, the proposed means of curing the default, or any other action to be taken by  
144.20 the commission; and

144.21 (ii) provide remedial training and specific technical assistance regarding the default.

144.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated  
144.23 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
144.24 privileges, and benefits conferred by this compact may be terminated on the effective date  
144.25 of termination. A cure of the default does not relieve the offending state of obligations or  
144.26 liabilities incurred during the period of default.

144.27 (d) Termination of membership in the compact shall be imposed only after all other  
144.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
144.29 shall be given by the commission to the governor, the majority and minority leaders of the  
144.30 defaulting state's legislature, and each of the member states.



145.1 (e) A state that has been terminated is responsible for all assessments, obligations, and  
145.2 liabilities incurred through the effective date of termination, including obligations that  
145.3 extend beyond the effective date of termination.

145.4 (f) The commission shall not bear any costs related to a state that is found to be in default  
145.5 or that has been terminated from the compact, unless agreed upon in writing between the  
145.6 commission and the defaulting state.

145.7 (g) The defaulting state may appeal the action of the commission by petitioning the  
145.8 United States District Court for the District of Columbia or the federal district where the  
145.9 commission has its principal offices. The prevailing member shall be awarded all costs of  
145.10 such litigation, including reasonable attorney fees.

145.11 (h) Dispute resolution:

145.12 (1) upon request by a member state, the commission shall attempt to resolve disputes  
145.13 related to the compact that arise among member states and between member and nonmember  
145.14 states; and

145.15 (2) the commission shall promulgate a rule providing for both mediation and binding  
145.16 dispute resolution for disputes as appropriate.

145.17 (i) Enforcement:

145.18 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
145.19 provisions and rules of this compact;

145.20 (2) by majority vote, the commission may initiate legal action in the United States District  
145.21 Court for the District of Columbia or the federal district where the commission has its  
145.22 principal offices against a member state in default to enforce compliance with the provisions  
145.23 of the compact and its promulgated rules and bylaws. The relief sought may include both  
145.24 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
145.25 member shall be awarded all costs of such litigation, including reasonable attorney fees;  
145.26 and

145.27 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
145.28 commission may pursue any other remedies available under federal or state law.

145.29 ARTICLE XIII

145.30 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION  
145.31 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

146.1 (a) The compact shall come into effect on the date on which the compact statute is  
146.2 enacted into law in the tenth member state. The provisions, which become effective at that  
146.3 time, shall be limited to the powers granted to the commission relating to assembly and the  
146.4 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
146.5 powers necessary to the implementation and administration of the compact.

146.6 (b) Any state that joins the compact subsequent to the commission's initial adoption of  
146.7 the rules shall be subject to the rules as they exist on the date on which the compact becomes  
146.8 law in that state. Any rule that has been previously adopted by the commission shall have  
146.9 the full force and effect of law on the day the compact becomes law in that state.

146.10 (c) Any member state may withdraw from this compact by enacting a statute repealing  
146.11 the same.

146.12 (1) a member state's withdrawal shall not take effect until six months after enactment  
146.13 of the repealing statute; and

146.14 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's  
146.15 professional counseling licensing board to comply with the investigative and adverse action  
146.16 reporting requirements of this compact prior to the effective date of withdrawal.

146.17 (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
146.18 professional counseling licensure agreement or other cooperative arrangement between a  
146.19 member state and a nonmember state that does not conflict with the provisions of this  
146.20 compact.

146.21 (e) This compact may be amended by the member states. No amendment to this compact  
146.22 shall become effective and binding upon any member state until it is enacted into the laws  
146.23 of all member states.

#### 146.24 ARTICLE XIV

#### 146.25 CONSTRUCTION AND SEVERABILITY

146.26 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
146.27 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
146.28 of this compact is declared to be contrary to the constitution of any member state or of the  
146.29 United States or the applicability thereof to any government, agency, person, or circumstance  
146.30 is held invalid, the validity of the remainder of this compact and the applicability thereof  
146.31 to any government, agency, person, or circumstance shall not be affected thereby. If this  
146.32 compact shall be held contrary to the constitution of any member state, the compact shall

147.1 remain in full force and effect as to the remaining member states and in full force and effect  
147.2 as to the member state affected as to all severable matters.

147.3 ARTICLE XV

147.4 BINDING EFFECT OF COMPACT AND OTHER LAWS

147.5 (a) A licensee providing professional counseling services in a remote state under the  
147.6 privilege to practice shall adhere to the laws and regulations, including scope of practice,  
147.7 of the remote state.

147.8 (b) Nothing herein prevents the enforcement of any other law of a member state that is  
147.9 not inconsistent with the compact.

147.10 (c) Any laws in a member state in conflict with the compact are superseded to the extent  
147.11 of the conflict.

147.12 (d) Any lawful actions of the commission, including all rules and bylaws properly  
147.13 promulgated by the commission, are binding upon the member states.

147.14 (e) All permissible agreements between the commission and the member states are  
147.15 binding in accordance with their terms.

147.16 (f) In the event any provision of the compact exceeds the constitutional limits imposed  
147.17 on the legislature of any member state, the provision shall be ineffective to the extent of the  
147.18 conflict with the constitutional provision in question in that member state.

147.19 ARTICLE 13

147.20 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT

147.21 Section 1. [148.5185] AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
147.22 INTERSTATE COMPACT.

147.23 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law  
147.24 and entered into with all other jurisdictions legally joining in it in the form substantially  
147.25 specified in this section.

147.26 ARTICLE I

147.27 DEFINITIONS

147.28 As used in this compact, and except as otherwise provided, the following definitions  
147.29 shall apply:

148.1 (A) "Active duty military" means full-time duty status in the active uniformed service  
148.2 of the United States, including members of the National Guard and Reserve on active duty  
148.3 orders pursuant to United States Code, title 10, sections 1209 and 1211.

148.4 (B) "Adverse action" means any administrative, civil, equitable, or criminal action  
148.5 permitted by a state's laws which is imposed by a licensing board or other authority against  
148.6 an audiologist or speech-language pathologist, including actions against an individual's  
148.7 license or privilege to practice such as revocation, suspension, probation, monitoring of the  
148.8 licensee, or restriction on the licensee's practice.

148.9 (C) "Alternative program" means a non-disciplinary monitoring process approved by  
148.10 an audiology or speech-language pathology licensing board to address impaired practitioners.

148.11 (D) "Audiologist" means an individual who is licensed by a state to practice audiology.

148.12 (E) "Audiology" means the care and services provided by a licensed audiologist as set  
148.13 forth in the member state's statutes and rules.

148.14 (F) "Audiology and Speech-Language Pathology Compact Commission" or "commission"  
148.15 means the national administrative body whose membership consists of all states that have  
148.16 enacted the compact.

148.17 (G) "Audiology and speech-language pathology licensing board," "audiology licensing  
148.18 board," "speech-language pathology licensing board," or "licensing board" means the agency  
148.19 of a state that is responsible for the licensing and regulation of audiologists or  
148.20 speech-language pathologists or both.

148.21 (H) "Compact privilege" means the authorization granted by a remote state to allow a  
148.22 licensee from another member state to practice as an audiologist or speech-language  
148.23 pathologist in the remote state under its laws and rules. The practice of audiology or  
148.24 speech-language pathology occurs in the member state where the patient, client, or student  
148.25 is located at the time of the patient, client, or student encounter.

148.26 (I) "Current significant investigative information" means investigative information that  
148.27 a licensing board, after an inquiry or investigation that includes notification and an  
148.28 opportunity for the audiologist or speech-language pathologist to respond, if required by  
148.29 state law, has reason to believe is not groundless and, if proved true, would indicate more  
148.30 than a minor infraction.

148.31 (J) "Data system" means a repository of information about licensees, including but not  
148.32 limited to continuing education, examination, licensure, investigation, compact privilege,  
148.33 and adverse action.

149.1 (K) "Encumbered license" means a license in which an adverse action restricts the  
149.2 practice of audiology or speech-language pathology by the licensee and said adverse action  
149.3 has been reported to the National Practitioners Data Bank (NPDB).

149.4 (L) "Executive committee" means a group of directors elected or appointed to act on  
149.5 behalf of, and within the powers granted to them by, the commission.

149.6 (M) "Home state" means the member state that is the licensee's primary state of residence.

149.7 (N) "Impaired practitioner" means individuals whose professional practice is adversely  
149.8 affected by substance abuse, addiction, or other health-related conditions.

149.9 (O) "Licensee" means an individual who currently holds an authorization from the state  
149.10 licensing board to practice as an audiologist or speech-language pathologist.

149.11 (P) "Member state" means a state that has enacted the compact.

149.12 (Q) "Privilege to practice" means a legal authorization permitting the practice of audiology  
149.13 or speech-language pathology in a remote state.

149.14 (R) "Remote state" means a member state other than the home state where a licensee is  
149.15 exercising or seeking to exercise the compact privilege.

149.16 (S) "Rule" means a regulation, principle, or directive promulgated by the commission  
149.17 that has the force of law.

149.18 (T) "Single-state license" means an audiology or speech-language pathology license  
149.19 issued by a member state that authorizes practice only within the issuing state and does not  
149.20 include a privilege to practice in any other member state.

149.21 (U) "Speech-language pathologist" means an individual who is licensed by a state to  
149.22 practice speech-language pathology.

149.23 (V) "Speech-language pathology" means the care and services provided by a licensed  
149.24 speech-language pathologist as set forth in the member state's statutes and rules.

149.25 (W) "State" means any state, commonwealth, district, or territory of the United States  
149.26 of America that regulates the practice of audiology and speech-language pathology.

149.27 (X) "State practice laws" means a member state's laws, rules, and regulations that govern  
149.28 the practice of audiology or speech-language pathology, define the scope of audiology or  
149.29 speech-language pathology practice, and create the methods and grounds for imposing  
149.30 discipline.

150.1 (Y) "Telehealth" means the application of telecommunication technology to deliver  
150.2 audiology or speech-language pathology services at a distance for assessment, intervention,  
150.3 or consultation.

## 150.4 ARTICLE II

### 150.5 STATE PARTICIPATION IN THE COMPACT

150.6 (A) A license issued to an audiologist or speech-language pathologist by a home state  
150.7 to a resident in that state shall be recognized by each member state as authorizing an  
150.8 audiologist or speech-language pathologist to practice audiology or speech-language  
150.9 pathology, under a privilege to practice, in each member state.

150.10 (B) A state must implement or utilize procedures for considering the criminal history  
150.11 records of applicants for initial privilege to practice. These procedures shall include the  
150.12 submission of fingerprints or other biometric-based information by applicants for the purpose  
150.13 of obtaining an applicant's criminal history record information from the Federal Bureau of  
150.14 Investigation and the agency responsible for retaining that state's criminal records.

150.15 (1) A member state must fully implement a criminal background check requirement,  
150.16 within a time frame established by rule, by receiving the results of the Federal Bureau of  
150.17 Investigation record search on criminal background checks and use the results in making  
150.18 licensure decisions.

150.19 (2) Communication between a member state and the commission and among member  
150.20 states regarding the verification of eligibility for licensure through the compact shall not  
150.21 include any information received from the Federal Bureau of Investigation relating to a  
150.22 federal criminal records check performed by a member state under Public Law 92-544.

150.23 (C) Upon application for a privilege to practice, the licensing board in the issuing remote  
150.24 state shall ascertain, through the data system, whether the applicant has ever held, or is the  
150.25 holder of, a license issued by any other state, whether there are any encumbrances on any  
150.26 license or privilege to practice held by the applicant, and whether any adverse action has  
150.27 been taken against any license or privilege to practice held by the applicant.

150.28 (D) Each member state shall require an applicant to obtain or retain a license in the home  
150.29 state and meet the home state's qualifications for licensure or renewal of licensure, as well  
150.30 as all other applicable state laws.

150.31 (E) An audiologist must:

150.32 (1) meet one of the following educational requirements:

151.1 (i) on or before December 31, 2007, have graduated with a master's degree or doctoral  
151.2 degree in audiology, or equivalent degree regardless of degree name, from a program that  
151.3 is accredited by an accrediting agency recognized by the Council for Higher Education  
151.4 Accreditation, or its successor, or by the United States Department of Education and operated  
151.5 by a college or university accredited by a regional or national accrediting organization  
151.6 recognized by the board; or

151.7 (ii) on or after January 1, 2008, have graduated with a doctoral degree in audiology, or  
151.8 equivalent degree regardless of degree name, from a program that is accredited by an  
151.9 accrediting agency recognized by the Council for Higher Education Accreditation, or its  
151.10 successor, or by the United States Department of Education and operated by a college or  
151.11 university accredited by a regional or national accrediting organization recognized by the  
151.12 board; or

151.13 (iii) have graduated from an audiology program that is housed in an institution of higher  
151.14 education outside of the United States (a) for which the program and institution have been  
151.15 approved by the authorized accrediting body in the applicable country and (b) the degree  
151.16 program has been verified by an independent credentials review agency to be comparable  
151.17 to a state licensing board-approved program;

151.18 (2) have completed a supervised clinical practicum experience from an accredited  
151.19 educational institution or its cooperating programs as required by the board;

151.20 (3) have successfully passed a national examination approved by the commission;

151.21 (4) hold an active, unencumbered license;

151.22 (5) not have been convicted or found guilty, and not have entered into an agreed  
151.23 disposition, of a felony related to the practice of audiology, under applicable state or federal  
151.24 criminal law; and

151.25 (6) have a valid United States Social Security or National Practitioner Identification  
151.26 number.

151.27 (F) A speech-language pathologist must:

151.28 (1) meet one of the following educational requirements:

151.29 (i) have graduated with a master's degree from a speech-language pathology program  
151.30 that is accredited by an organization recognized by the United States Department of Education  
151.31 and operated by a college or university accredited by a regional or national accrediting  
151.32 organization recognized by the board; or

152.1 (ii) have graduated from a speech-language pathology program that is housed in an  
152.2 institution of higher education outside of the United States (a) for which the program and  
152.3 institution have been approved by the authorized accrediting body in the applicable country  
152.4 and (b) the degree program has been verified by an independent credentials review agency  
152.5 to be comparable to a state licensing board-approved program;

152.6 (2) have completed a supervised clinical practicum experience from an educational  
152.7 institution or its cooperating programs as required by the commission;

152.8 (3) have completed a supervised postgraduate professional experience as required by  
152.9 the commission;

152.10 (4) have successfully passed a national examination approved by the commission;

152.11 (5) hold an active, unencumbered license;

152.12 (6) not have been convicted or found guilty, and not have entered into an agreed  
152.13 disposition, of a felony related to the practice of speech-language pathology, under applicable  
152.14 state or federal criminal law; and

152.15 (7) have a valid United States Social Security or National Practitioner Identification  
152.16 number.

152.17 (G) The privilege to practice is derived from the home state license.

152.18 (H) An audiologist or speech-language pathologist practicing in a member state must  
152.19 comply with the state practice laws of the state in which the client is located at the time  
152.20 service is provided. The practice of audiology and speech-language pathology shall include  
152.21 all audiology and speech-language pathology practice as defined by the state practice laws  
152.22 of the member state in which the client is located. The practice of audiology and  
152.23 speech-language pathology in a member state under a privilege to practice shall subject an  
152.24 audiologist or speech-language pathologist to the jurisdiction of the licensing board, the  
152.25 courts and the laws of the member state in which the client is located at the time service is  
152.26 provided.

152.27 (I) Individuals not residing in a member state shall continue to be able to apply for a  
152.28 member state's single-state license as provided under the laws of each member state.  
152.29 However, the single-state license granted to these individuals shall not be recognized as  
152.30 granting the privilege to practice audiology or speech-language pathology in any other  
152.31 member state. Nothing in this compact shall affect the requirements established by a member  
152.32 state for the issuance of a single-state license.

152.33 (J) Member states may charge a fee for granting a compact privilege.



153.1 (K) Member states must comply with the bylaws and rules and regulations of the  
153.2 commission.

153.3 ARTICLE III

153.4 COMPACT PRIVILEGE

153.5 (A) To exercise the compact privilege under the terms and provisions of the compact,  
153.6 the audiologist or speech-language pathologist shall:

153.7 (1) hold an active license in the home state;

153.8 (2) have no encumbrance on any state license;

153.9 (3) be eligible for a compact privilege in any member state in accordance with Article  
153.10 II;

153.11 (4) have not had any adverse action against any license or compact privilege within the  
153.12 previous two years from date of application;

153.13 (5) notify the commission that the licensee is seeking the compact privilege within a  
153.14 remote state or states;

153.15 (6) pay any applicable fees, including any state fee, for the compact privilege; and

153.16 (7) report to the commission adverse action taken by any nonmember state within 30  
153.17 days from the date the adverse action is taken.

153.18 (B) For the purposes of the compact privilege, an audiologist or speech-language  
153.19 pathologist shall only hold one home state license at a time.

153.20 (C) Except as provided in Article V, if an audiologist or speech-language pathologist  
153.21 changes primary state of residence by moving between two member states, the audiologist  
153.22 or speech-language pathologist must apply for licensure in the new home state, and the  
153.23 license issued by the prior home state shall be deactivated in accordance with applicable  
153.24 rules adopted by the commission.

153.25 (D) The audiologist or speech-language pathologist may apply for licensure in advance  
153.26 of a change in primary state of residence.

153.27 (E) A license shall not be issued by the new home state until the audiologist or  
153.28 speech-language pathologist provides satisfactory evidence of a change in primary state of  
153.29 residence to the new home state and satisfies all applicable requirements to obtain a license  
153.30 from the new home state.

154.1 (F) If an audiologist or speech-language pathologist changes primary state of residence  
154.2 by moving from a member state to a nonmember state, the license issued by the prior home  
154.3 state shall convert to a single-state license, valid only in the former home state.

154.4 (G) The compact privilege is valid until the expiration date of the home state license.  
154.5 The licensee must comply with the requirements of Article III, (A), to maintain the compact  
154.6 privilege in the remote state.

154.7 (H) A licensee providing audiology or speech-language pathology services in a remote  
154.8 state under the compact privilege shall function within the laws and regulations of the remote  
154.9 state.

154.10 (I) A licensee providing audiology or speech-language pathology services in a remote  
154.11 state is subject to that state's regulatory authority. A remote state may, in accordance with  
154.12 due process and that state's laws, remove a licensee's compact privilege in the remote state  
154.13 for a specific period of time, impose fines, or take any other necessary actions to protect  
154.14 the health and safety of its citizens.

154.15 (J) If a home state license is encumbered, the licensee shall lose the compact privilege  
154.16 in any remote state until the following occur:

154.17 (1) the home state license is no longer encumbered; and

154.18 (2) two years have elapsed from the date of the adverse action.

154.19 (K) Once an encumbered license in the home state is restored to good standing, the  
154.20 licensee must meet the requirements of Article III, (A), to obtain a compact privilege in any  
154.21 remote state.

154.22 (L) Once the requirements of Article III, (J), have been met, the licensee must meet the  
154.23 requirements in Article III, (A), to obtain a compact privilege in a remote state.

154.24 ARTICLE IV

154.25 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

154.26 Member states shall recognize the right of an audiologist or speech-language pathologist,  
154.27 licensed by a home state in accordance with Article II and under rules promulgated by the  
154.28 commission, to practice audiology or speech-language pathology in a member state via  
154.29 telehealth under a privilege to practice as provided in the compact and rules promulgated  
154.30 by the commission.

154.31 ARTICLE V

154.32 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

155.1 Active duty military personnel, or their spouse, shall designate a home state where the  
155.2 individual has a current license in good standing. The individual may retain the home state  
155.3 designation during the period the service member is on active duty. Subsequent to designating  
155.4 a home state, the individual shall only change their home state through application for  
155.5 licensure in the new state.

## 155.6 ARTICLE VI

### 155.7 ADVERSE ACTIONS

155.8 (A) In addition to the other powers conferred by state law, a remote state shall have the  
155.9 authority, in accordance with existing state due process law, to:

155.10 (1) take adverse action against an audiologist's or speech-language pathologist's privilege  
155.11 to practice within that member state; and

155.12 (2) issue subpoenas for both hearings and investigations that require the attendance and  
155.13 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing  
155.14 board in a member state for the attendance and testimony of witnesses or the production of  
155.15 evidence from another member state shall be enforced in the latter state by any court of  
155.16 competent jurisdiction, according to the practice and procedure of that court applicable to  
155.17 subpoenas issued in proceedings pending before it. The issuing authority shall pay any  
155.18 witness fees, travel expenses, mileage and other fees required by the service statutes of the  
155.19 state in which the witnesses or evidence are located.

155.20 (B) Only the home state shall have the power to take adverse action against an  
155.21 audiologist's or speech-language pathologist's license issued by the home state.

155.22 (C) For purposes of taking adverse action, the home state shall give the same priority  
155.23 and effect to reported conduct received from a member state as it would if the conduct had  
155.24 occurred within the home state. In so doing, the home state shall apply its own state laws  
155.25 to determine appropriate action.

155.26 (D) The home state shall complete any pending investigations of an audiologist or  
155.27 speech-language pathologist who changes primary state of residence during the course of  
155.28 the investigations. The home state shall also have the authority to take appropriate action  
155.29 and shall promptly report the conclusions of the investigations to the administrator of the  
155.30 data system. The administrator of the data system shall promptly notify the new home state  
155.31 of any adverse actions.

155.32 (E) If otherwise permitted by state law, the member state may recover from the affected  
155.33 audiologist or speech-language pathologist the costs of investigations and disposition of

156.1 cases resulting from any adverse action taken against that audiologist or speech-language  
156.2 pathologist.

156.3 (F) The member state may take adverse action based on the factual findings of the remote  
156.4 state, provided that the member state follows the member state's own procedures for taking  
156.5 the adverse action.

156.6 (G) Joint Investigations:

156.7 (1) In addition to the authority granted to a member state by its respective audiology or  
156.8 speech-language pathology practice act or other applicable state law, any member state may  
156.9 participate with other member states in joint investigations of licensees.

156.10 (2) Member states shall share any investigative, litigation, or compliance materials in  
156.11 furtherance of any joint or individual investigation initiated under the Compact.

156.12 (H) If adverse action is taken by the home state against an audiologist's or  
156.13 speech-language pathologist's license, the audiologist's or speech-language pathologist's  
156.14 privilege to practice in all other member states shall be deactivated until all encumbrances  
156.15 have been removed from the state license. All home state disciplinary orders that impose  
156.16 adverse action against an audiologist's or speech-language pathologist's license shall include  
156.17 a statement that the audiologist's or speech-language pathologist's privilege to practice is  
156.18 deactivated in all member states during the pendency of the order.

156.19 (I) If a member state takes adverse action, it shall promptly notify the administrator of  
156.20 the data system. The administrator of the data system shall promptly notify the home state  
156.21 of any adverse actions by remote states.

156.22 (J) Nothing in this compact shall override a member state's decision that participation  
156.23 in an alternative program may be used in lieu of adverse action.

156.24 ARTICLE VII

156.25 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
156.26 COMPACT COMMISSION

156.27 (A) The compact member states hereby create and establish a joint public agency known  
156.28 as the Audiology and Speech-Language Pathology Compact Commission:

156.29 (1) The commission is an instrumentality of the compact states.

156.30 (2) Except as provided under paragraph (H), venue is proper and judicial proceedings  
156.31 by or against the commission shall be brought solely and exclusively in a court of competent  
156.32 jurisdiction where the principal office of the commission is located. The commission may

157.1 waive venue and jurisdictional defenses to the extent it adopts or consents to participate in  
157.2 alternative dispute resolution proceedings.

157.3 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

157.4 (B) Membership, Voting, and Meetings:

157.5 (1) Each member state shall have two delegates selected by that member state's licensing  
157.6 board. The delegates shall be current members of the licensing board. One shall be an  
157.7 audiologist and one shall be a speech-language pathologist.

157.8 (2) An additional five delegates, who are either a public member or board administrator  
157.9 from a state licensing board, shall be chosen by the executive committee from a pool of  
157.10 nominees provided by the commission at large.

157.11 (3) Any delegate may be removed or suspended from office as provided by the law of  
157.12 the state from which the delegate is appointed.

157.13 (4) The member state board shall fill any vacancy occurring on the commission, within  
157.14 90 days.

157.15 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules  
157.16 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
157.17 and affairs of the commission.

157.18 (6) A delegate shall vote in person or by other means as provided in the bylaws. The  
157.19 bylaws may provide for delegates' participation in meetings by telephone or other means  
157.20 of communication.

157.21 (7) The commission shall meet at least once during each calendar year. Additional  
157.22 meetings shall be held as set forth in the bylaws.

157.23 (C) The commission shall have the following powers and duties:

157.24 (1) establish the fiscal year of the commission;

157.25 (2) establish bylaws;

157.26 (3) establish a code of ethics;

157.27 (4) maintain its financial records in accordance with the bylaws;

157.28 (5) meet and take actions as are consistent with the provisions of this compact and the  
157.29 bylaws;

- 158.1 (6) promulgate uniform rules to facilitate and coordinate implementation and  
158.2 administration of this compact. The rules shall have the force and effect of law and shall  
158.3 be binding in all member states;
- 158.4 (7) bring and prosecute legal proceedings or actions in the name of the commission,  
158.5 provided that the standing of any state audiology or speech-language pathology licensing  
158.6 board to sue or be sued under applicable law shall not be affected;
- 158.7 (8) purchase and maintain insurance and bonds;
- 158.8 (9) borrow, accept, or contract for services of personnel, including but not limited to  
158.9 employees of a member state;
- 158.10 (10) hire employees, elect or appoint officers, fix compensation, define duties, grant  
158.11 individuals appropriate authority to carry out the purposes of the compact, and establish the  
158.12 commission's personnel policies and programs relating to conflicts of interest, qualifications  
158.13 of personnel, and other related personnel matters;
- 158.14 (11) accept any and all appropriate donations and grants of money, equipment, supplies,  
158.15 materials, and services and to receive, utilize, and dispose of the same; provided that at all  
158.16 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 158.17 (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
158.18 improve, or use any property real, personal, or mixed; provided that at all times the  
158.19 commission shall avoid any appearance of impropriety;
- 158.20 (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
158.21 any property real, personal, or mixed;
- 158.22 (14) establish a budget and make expenditures;
- 158.23 (15) borrow money;
- 158.24 (16) appoint committees, including standing committees composed of members and  
158.25 other interested persons as may be designated in this compact and the bylaws;
- 158.26 (17) provide and receive information from, and cooperate with, law enforcement agencies;
- 158.27 (18) establish and elect an executive committee; and
- 158.28 (19) perform other functions as may be necessary or appropriate to achieve the purposes  
158.29 of this compact consistent with the state regulation of audiology and speech-language  
158.30 pathology licensure and practice.
- 158.31 (D) The Executive Committee:

159.1 The executive committee shall have the power to act on behalf of the commission  
159.2 according to the terms of this compact. The executive committee shall be composed of ten  
159.3 members:

159.4 (1) seven voting members who are elected by the commission from the current  
159.5 membership of the commission;

159.6 (2) two ex officios, consisting of one nonvoting member from a recognized national  
159.7 audiology professional association and one nonvoting member from a recognized national  
159.8 speech-language pathology association; and

159.9 (3) one ex officio, nonvoting member from the recognized membership organization of  
159.10 the audiology and speech-language pathology licensing boards.

159.11 (E) The ex officio members shall be selected by their respective organizations.

159.12 (1) The commission may remove any member of the executive committee as provided  
159.13 in bylaws.

159.14 (2) The executive committee shall meet at least annually.

159.15 (3) The executive committee shall have the following duties and responsibilities:

159.16 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
159.17 compact legislation, fees paid by compact member states such as annual dues, and any  
159.18 commission compact fee charged to licensees for the compact privilege;

159.19 (ii) ensure compact administration services are appropriately provided, contractual or  
159.20 otherwise;

159.21 (iii) prepare and recommend the budget;

159.22 (iv) maintain financial records on behalf of the commission;

159.23 (v) monitor compact compliance of member states and provide compliance reports to  
159.24 the commission;

159.25 (vi) establish additional committees as necessary; and

159.26 (vii) other duties as provided in rules or bylaws.

159.27 (4) All meetings of the commission shall be open to the public and public notice of  
159.28 meetings shall be given in the same manner as required under the rulemaking provisions in  
159.29 Article IX.

160.1 (5) The commission or the executive committee or other committees of the commission  
160.2 may convene in a closed, nonpublic meeting if the commission or executive committee or  
160.3 other committees of the commission must discuss:

160.4 (i) noncompliance of a member state with its obligations under the compact;

160.5 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
160.6 related to specific employees or other matters related to the commission's internal personnel  
160.7 practices and procedures;

160.8 (iii) current, threatened, or reasonably anticipated litigation;

160.9 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
160.10 estate;

160.11 (v) accusing any person of a crime or formally censuring any person;

160.12 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
160.13 or confidential;

160.14 (vii) disclosure of information of a personal nature where disclosure would constitute a  
160.15 clearly unwarranted invasion of personal privacy;

160.16 (viii) disclosure of investigative records compiled for law enforcement purposes;

160.17 (ix) disclosure of information related to any investigative reports prepared by or on  
160.18 behalf of or for use of the commission or other committee charged with responsibility of  
160.19 investigation or determination of compliance issues pursuant to the compact; or

160.20 (x) matters specifically exempted from disclosure by federal or member state statute.

160.21 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
160.22 commission's legal counsel or designee shall certify that the meeting may be closed and  
160.23 shall reference each relevant exempting provision.

160.24 (7) The commission shall keep minutes that fully and clearly describe all matters  
160.25 discussed in a meeting and shall provide a full and accurate summary of actions taken, and  
160.26 the reasons therefore, including a description of the views expressed. All documents  
160.27 considered in connection with an action shall be identified in minutes. All minutes and  
160.28 documents of a closed meeting shall remain under seal, subject to release by a majority vote  
160.29 of the commission or order of a court of competent jurisdiction.

160.30 (8) Financing of the Commission:



161.1 (i) The commission shall pay, or provide for the payment of, the reasonable expenses  
161.2 of its establishment, organization, and ongoing activities.

161.3 (ii) The commission may accept any and all appropriate revenue sources, donations, and  
161.4 grants of money, equipment, supplies, materials, and services.

161.5 (iii) The commission may levy on and collect an annual assessment from each member  
161.6 state or impose fees on other parties to cover the cost of the operations and activities of the  
161.7 commission and its staff, which must be in a total amount sufficient to cover its annual  
161.8 budget as approved each year for which revenue is not provided by other sources. The  
161.9 aggregate annual assessment amount shall be allocated based upon a formula to be determined  
161.10 by the commission, which shall promulgate a rule binding upon all member states.

161.11 (9) The commission shall not incur obligations of any kind prior to securing the funds  
161.12 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
161.13 states, except by and with the authority of the member state.

161.14 (10) The commission shall keep accurate accounts of all receipts and disbursements.  
161.15 The receipts and disbursements of the commission shall be subject to the audit and accounting  
161.16 procedures established under its bylaws. However, all receipts and disbursements of funds  
161.17 handled by the commission shall be audited yearly by a certified or licensed public  
161.18 accountant, and the report of the audit shall be included in and become part of the annual  
161.19 report of the commission.

161.20 (F) Qualified Immunity, Defense, and Indemnification:

161.21 (1) The members, officers, executive director, employees, and representatives of the  
161.22 commission shall be immune from suit and liability, either personally or in their official  
161.23 capacity, for any claim for damage to or loss of property or personal injury or other civil  
161.24 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
161.25 or that the person against whom the claim is made had a reasonable basis for believing  
161.26 occurred, within the scope of commission employment, duties, or responsibilities; provided  
161.27 that nothing in this paragraph shall be construed to protect any person from suit or liability  
161.28 for any damage, loss, injury, or liability caused by the intentional or willful or wanton  
161.29 misconduct of that person.

161.30 (2) The commission shall defend any member, officer, executive director, employee, or  
161.31 representative of the commission in any civil action seeking to impose liability arising out  
161.32 of any actual or alleged act, error, or omission that occurred within the scope of commission  
161.33 employment, duties, or responsibilities, or that the person against whom the claim is made  
161.34 had a reasonable basis for believing occurred within the scope of commission employment,

162.1 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
162.2 person from retaining his or her own counsel; and provided further that the actual or alleged  
162.3 act, error, or omission did not result from that person's intentional or willful or wanton  
162.4 misconduct.

162.5 (3) The commission shall indemnify and hold harmless any member, officer, executive  
162.6 director, employee, or representative of the commission for the amount of any settlement  
162.7 or judgment obtained against that person arising out of any actual or alleged act, error, or  
162.8 omission that occurred within the scope of commission employment, duties, or  
162.9 responsibilities, or that person had a reasonable basis for believing occurred within the scope  
162.10 of commission employment, duties, or responsibilities; provided that the actual or alleged  
162.11 act, error, or omission did not result from the intentional or willful or wanton misconduct  
162.12 of that person.

162.13 (G) Notwithstanding paragraph (F), clause (1), the liability of the executive director,  
162.14 employees, or representatives of the interstate commission, acting within the scope of their  
162.15 employment or duties, may not exceed the limits of liability set forth under the constitution  
162.16 and laws of this state for state officials, employees, and agents. This paragraph expressly  
162.17 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
162.18 under that statute.

162.19 (H) Except for a claim alleging a violation of this compact, a claim against the  
162.20 commission, its executive director, employees, or representatives alleging a violation of the  
162.21 constitution and laws of this state may be brought in any county where the plaintiff resides.  
162.22 Nothing in this paragraph creates a private right of action.

162.23 (I) Nothing in this compact shall be construed as a limitation on the liability of any  
162.24 licensee for professional malpractice or misconduct, which shall be governed solely by any  
162.25 other applicable state laws.

162.26 ARTICLE VIII

162.27 DATA SYSTEM

162.28 (A) The commission shall provide for the development, maintenance, and utilization of  
162.29 a coordinated database and reporting system containing licensure, adverse action, and  
162.30 investigative information on all licensed individuals in member states.

162.31 (B) Notwithstanding any other provision of state law to the contrary, a member state  
162.32 shall submit a uniform data set to the data system on all individuals to whom this compact  
162.33 is applicable as required by the rules of the commission, including:

- 163.1 (1) identifying information;
- 163.2 (2) licensure data;
- 163.3 (3) adverse actions against a license or compact privilege;
- 163.4 (4) nonconfidential information related to alternative program participation;
- 163.5 (5) any denial of application for licensure, and the reason or reasons for denial; and
- 163.6 (6) other information that may facilitate the administration of this compact, as determined
- 163.7 by the rules of the commission.
- 163.8 (C) Investigative information pertaining to a licensee in any member state shall only be
- 163.9 available to other member states.
- 163.10 (D) The commission shall promptly notify all member states of any adverse action taken
- 163.11 against a licensee or an individual applying for a license. Adverse action information
- 163.12 pertaining to a licensee in any member state shall be available to any other member state.
- 163.13 (E) Member states contributing information to the data system may designate information
- 163.14 that may not be shared with the public without the express permission of the contributing
- 163.15 state.
- 163.16 (F) Any information submitted to the data system that is subsequently required to be
- 163.17 expunged by the laws of the member state contributing the information shall be removed
- 163.18 from the data system.

163.19 ARTICLE IX

163.20 RULEMAKING

- 163.21 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set
- 163.22 forth in this article and the rules adopted thereunder. Rules and amendments shall become
- 163.23 binding as of the date specified in each rule or amendment.
- 163.24 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of
- 163.25 a statute or resolution in the same manner used to adopt the compact within four years of
- 163.26 the date of adoption of the rule, the rule shall have no further force and effect in any member
- 163.27 state.
- 163.28 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting
- 163.29 of the commission.

164.1 (D) Prior to promulgation and adoption of a final rule or rules by the commission, and  
164.2 at least 30 days in advance of the meeting at which the rule shall be considered and voted  
164.3 upon, the commission shall file a notice of proposed rulemaking:

164.4 (1) on the website of the commission or other publicly accessible platform; and

164.5 (2) on the website of each member state audiology or speech-language pathology licensing  
164.6 board or other publicly accessible platform or the publication in which each state would  
164.7 otherwise publish proposed rules.

164.8 (E) The notice of proposed rulemaking shall include:

164.9 (1) the proposed time, date, and location of the meeting in which the rule shall be  
164.10 considered and voted upon;

164.11 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

164.12 (3) a request for comments on the proposed rule from any interested person; and

164.13 (4) the manner in which interested persons may submit notice to the commission of their  
164.14 intention to attend the public hearing and any written comments.

164.15 (F) Prior to the adoption of a proposed rule, the commission shall allow persons to submit  
164.16 written data, facts, opinions, and arguments, which shall be made available to the public.

164.17 (G) The commission shall grant an opportunity for a public hearing before it adopts a  
164.18 rule or amendment if a hearing is requested by:

164.19 (1) at least 25 persons;

164.20 (2) a state or federal governmental subdivision or agency; or

164.21 (3) an association having at least 25 members.

164.22 (H) If a hearing is held on the proposed rule or amendment, the commission shall publish  
164.23 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
164.24 means, the commission shall publish the mechanism for access to the electronic hearing.

164.25 (1) All persons wishing to be heard at the hearing shall notify the executive director of  
164.26 the commission or other designated member in writing of their desire to appear and testify  
164.27 at the hearing not less than five business days before the scheduled date of the hearing.

164.28 (2) Hearings shall be conducted in a manner providing each person who wishes to  
164.29 comment a fair and reasonable opportunity to comment orally or in writing.

164.30 (3) All hearings shall be recorded. A copy of the recording shall be made available on  
164.31 request.

165.1 (4) Nothing in this Article shall be construed as requiring a separate hearing on each  
165.2 rule. Rules may be grouped for the convenience of the commission at hearings required by  
165.3 this Article.

165.4 (I) Following the scheduled hearing date, or by the close of business on the scheduled  
165.5 hearing date if the hearing was not held, the commission shall consider all written and oral  
165.6 comments received.

165.7 (J) If no written notice of intent to attend the public hearing by interested parties is  
165.8 received, the commission may proceed with promulgation of the proposed rule without a  
165.9 public hearing.

165.10 (K) The commission shall, by majority vote of all members, take final action on the  
165.11 proposed rule and shall determine the effective date of the rule, if any, based on the  
165.12 rulemaking record and the full text of the rule.

165.13 (L) Upon determination that an emergency exists, the commission may consider and  
165.14 adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided  
165.15 that the usual rulemaking procedures provided in the compact and in this Article shall be  
165.16 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
165.17 days after the effective date of the rule. For the purposes of this provision, an emergency  
165.18 rule is one that must be adopted immediately in order to:

165.19 (1) meet an imminent threat to public health, safety, or welfare;

165.20 (2) prevent a loss of commission or member state funds; or

165.21 (3) meet a deadline for the promulgation of an administrative rule that is established by  
165.22 federal law or rule.

165.23 (M) The commission or an authorized committee of the commission may direct revisions  
165.24 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
165.25 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
165.26 shall be posted on the website of the commission. The revision shall be subject to challenge  
165.27 by any person for a period of 30 days after posting. The revision may be challenged only  
165.28 on grounds that the revision results in a material change to a rule. A challenge shall be made  
165.29 in writing and delivered to the chair of the commission prior to the end of the notice period.  
165.30 If no challenge is made, the revision shall take effect without further action. If the revision  
165.31 is challenged, the revision may not take effect without the approval of the commission.

165.32 ARTICLE X

165.33 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

166.1 (A) Dispute Resolution:

166.2 (1) Upon request by a member state, the commission shall attempt to resolve disputes  
166.3 related to the compact that arise among member states and between member and nonmember  
166.4 states.

166.5 (2) The commission shall promulgate a rule providing for both mediation and binding  
166.6 dispute resolution for such disputes as appropriate.

166.7 (B) Enforcement:

166.8 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
166.9 provisions and rules of this compact.

166.10 (2) By majority vote, the commission may initiate legal action in the United States  
166.11 District Court for the District of Columbia or the federal district where the commission has  
166.12 its principal offices against a member state in default to enforce compliance with the  
166.13 provisions of the compact and its promulgated rules and bylaws. The relief sought may  
166.14 include both injunctive relief and damages. In the event judicial enforcement is necessary,  
166.15 the prevailing member shall be awarded all costs of litigation, including reasonable attorney's  
166.16 fees.

166.17 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
166.18 commission may pursue any other remedies available under federal or state law.

166.19 ARTICLE XI

166.20 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR  
166.21 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND  
166.22 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

166.23 (A) The compact shall come into effect on the date on which the compact statute is  
166.24 enacted into law in the tenth member state. The provisions, which become effective at that  
166.25 time, shall be limited to the powers granted to the commission relating to assembly and the  
166.26 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
166.27 powers necessary to the implementation and administration of the compact.

166.28 (B) Any state that joins the compact subsequent to the commission's initial adoption of  
166.29 the rules shall be subject to the rules as they exist on the date on which the compact becomes  
166.30 law in that state. Any rule that has been previously adopted by the commission shall have  
166.31 the full force and effect of law on the day the compact becomes law in that state.

167.1 (C) Any member state may withdraw from this compact by enacting a statute repealing  
167.2 the same.

167.3 (1) A member state's withdrawal shall not take effect until six months after enactment  
167.4 of the repealing statute.

167.5 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
167.6 audiology or speech-language pathology licensing board to comply with the investigative  
167.7 and adverse action reporting requirements of this compact prior to the effective date of  
167.8 withdrawal.

167.9 (D) Nothing contained in this compact shall be construed to invalidate or prevent any  
167.10 audiology or speech-language pathology licensure agreement or other cooperative  
167.11 arrangement between a member state and a nonmember state that does not conflict with the  
167.12 provisions of this compact.

167.13 (E) This compact may be amended by the member states. No amendment to this compact  
167.14 shall become effective and binding upon any member state until it is enacted into the laws  
167.15 of all member states.

167.16 ARTICLE XII

167.17 CONSTRUCTION AND SEVERABILITY

167.18 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
167.19 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
167.20 of this compact is declared to be contrary to the constitution of any member state or of the  
167.21 United States or the applicability thereof to any government, agency, person, or circumstance  
167.22 is held invalid, the validity of the remainder of this compact and the applicability thereof  
167.23 to any government, agency, person, or circumstance shall not be affected thereby. If this  
167.24 compact shall be held contrary to the constitution of any member state, the compact shall  
167.25 remain in full force and effect as to the remaining member states and in full force and effect  
167.26 as to the member state affected as to all severable matters.

167.27 ARTICLE XIII

167.28 BINDING EFFECT OF COMPACT AND OTHER LAWS

167.29 (A) Nothing herein prevents the enforcement of any other law of a member state that is  
167.30 not inconsistent with the compact.

167.31 (B) All laws in a member state in conflict with the compact are superseded to the extent  
167.32 of the conflict.

168.1 (C) All lawful actions of the commission, including all rules and bylaws promulgated  
168.2 by the commission, are binding upon the member states.

168.3 (D) All agreements between the commission and the member states are binding in  
168.4 accordance with their terms.

168.5 (E) In the event any provision of the compact exceeds the constitutional limits imposed  
168.6 on the legislature of any member state, the provision shall be ineffective to the extent of the  
168.7 conflict with the constitutional provision in question in that member state.

168.8 **Sec. 2. [148.5186] APPLICATION OF AUDIOLOGY AND SPEECH-LANGUAGE**  
168.9 **PATHOLOGY INTERSTATE COMPACT TO EXISTING LAWS.**

168.10 Subdivision 1. **Rulemaking.** Rules developed by the Audiology and Speech-Language  
168.11 Pathology Compact Commission under section 148.5185 are not subject to sections 14.05  
168.12 to 14.389.

168.13 Subd. 2. **Background studies.** The commissioner of health is authorized to require an  
168.14 audiologist or speech-language pathologist licensed in Minnesota as the home state to submit  
168.15 to a criminal history background check under section 144.0572.

168.16 **ARTICLE 14**

168.17 **DENTIST AND DENTAL HYGIENIST COMPACT**

168.18 **Section 1. [150A.051] DENTIST AND DENTAL HYGIENIST COMPACT.**

168.19 The dentist and dental hygienist compact is enacted into law and entered into with all  
168.20 other jurisdictions legally joining in the compact in the form substantially specified in this  
168.21 section.

168.22 ARTICLE I

168.23 TITLE

168.24 This statute shall be known and cited as the dentist and dental hygienist compact.

168.25 ARTICLE II

168.26 DEFINITIONS

168.27 As used in this compact, unless the context requires otherwise, the following definitions  
168.28 shall apply:

168.29 (A) "Active military member" means any person with full-time duty status in the armed  
168.30 forces of the United States including members of the National Guard and Reserve.



169.1 (B) "Adverse action" means disciplinary action or encumbrance imposed on a license  
169.2 or compact privilege by a state licensing authority.

169.3 (C) "Alternative program" means a nondisciplinary monitoring or practice remediation  
169.4 process applicable to a dentist or dental hygienist approved by a state licensing authority  
169.5 of a participating state in which the dentist or dental hygienist is licensed. This includes but  
169.6 is not limited to programs to which licensees with substance abuse or addiction issues are  
169.7 referred in lieu of adverse action.

169.8 (D) "Clinical assessment" means examination or process, required for licensure as a  
169.9 dentist or dental hygienist as applicable, that provides evidence of clinical competence in  
169.10 dentistry or dental hygiene.

169.11 (E) "Commissioner" means the individual appointed by a participating state to serve as  
169.12 the member of the commission for that participating state.

169.13 (F) "Compact" means this dentist and dental hygienist compact.

169.14 (G) "Compact privilege" means the authorization granted by a remote state to allow a  
169.15 licensee from a participating state to practice as a dentist or dental hygienist in a remote  
169.16 state.

169.17 (H) "Continuing professional development" means a requirement as a condition of license  
169.18 renewal to provide evidence of successful participation in educational or professional  
169.19 activities relevant to practice or area of work.

169.20 (I) "Criminal background check" means the submission of fingerprints or other  
169.21 biometric-based information for a license applicant for the purpose of obtaining that  
169.22 applicant's criminal history record information, as defined in Code of Federal Regulations,  
169.23 title 28, section 20.3(d), from the Federal Bureau of Investigation and the state's criminal  
169.24 history record repository as defined in Code of Federal Regulations, title 28, section 20.3(f).

169.25 (J) "Data system" means the commission's repository of information about licensees,  
169.26 including but not limited to examination, licensure, investigative, compact privilege, adverse  
169.27 action, and alternative program.

169.28 (K) "Dental hygienist" means an individual who is licensed by a state licensing authority  
169.29 to practice dental hygiene.

169.30 (L) "Dentist" means an individual who is licensed by a state licensing authority to practice  
169.31 dentistry.

170.1 (M) "Dentist and dental hygienist compact commission" or "commission" means a joint  
170.2 government agency established by this compact comprised of each state that has enacted  
170.3 the compact and a national administrative body comprised of a commissioner from each  
170.4 state that has enacted the compact.

170.5 (N) "Encumbered license" means a license that a state licensing authority has limited in  
170.6 any way other than through an alternative program.

170.7 (O) "Executive board" means the chair, vice chair, secretary, and treasurer and any other  
170.8 commissioners as may be determined by commission rule or bylaw.

170.9 (P) "Jurisprudence requirement" means the assessment of an individual's knowledge of  
170.10 the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a  
170.11 state.

170.12 (Q) "License" means current authorization by a state, other than authorization pursuant  
170.13 to a compact privilege, or other privilege, for an individual to practice as a dentist or dental  
170.14 hygienist in that state.

170.15 (R) "Licensee" means an individual who holds an unrestricted license from a participating  
170.16 state to practice as a dentist or dental hygienist in that state.

170.17 (S) "Model compact" means the model for the dentist and dental hygienist compact on  
170.18 file with the council of state governments or other entity as designated by the commission.

170.19 (T) "Participating state" means a state that has enacted the compact and been admitted  
170.20 to the commission in accordance with the provisions herein and commission rules.

170.21 (U) "Qualifying license" means a license that is not an encumbered license issued by a  
170.22 participating state to practice dentistry or dental hygiene.

170.23 (V) "Remote state" means a participating state where a licensee who is not licensed as  
170.24 a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

170.25 (W) "Rule" means a regulation promulgated by an entity that has the force of law.

170.26 (X) "Scope of practice" means the procedures, actions, and processes a dentist or dental  
170.27 hygienist licensed in a state is permitted to undertake in that state and the circumstances  
170.28 under which the licensee is permitted to undertake those procedures, actions, and processes.  
170.29 Such procedures, actions, and processes and the circumstances under which they may be  
170.30 undertaken may be established through means, including but not limited to statute,  
170.31 regulations, case law, and other processes available to the state licensing authority or other  
170.32 government agency.

171.1 (Y) "Significant investigative information" means information, records, and documents  
171.2 received or generated by a state licensing authority pursuant to an investigation for which  
171.3 a determination has been made that there is probable cause to believe that the licensee has  
171.4 violated a statute or regulation that is considered more than a minor infraction for which  
171.5 the state licensing authority could pursue adverse action against the licensee.

171.6 (Z) "State" means any state, commonwealth, district, or territory of the United States of  
171.7 America that regulates the practices of dentistry and dental hygiene.

171.8 (AA) "State licensing authority" means an agency or other entity of a state that is  
171.9 responsible for the licensing and regulation of dentists or dental hygienists.

### 171.10 ARTICLE III

#### 171.11 STATE PARTICIPATION IN THE COMPACT

171.12 (A) In order to join the compact and thereafter continue as a participating state, a state  
171.13 must:

171.14 (1) enact a compact that is not materially different from the model compact as determined  
171.15 in accordance with commission rules;

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

171.17 (3) have a mechanism in place for receiving and investigating complaints about its  
171.18 licensees and license applicants;

171.19 (4) notify the commission, in compliance with the terms of the compact and commission  
171.20 rules, of any adverse action or the availability of significant investigative information  
171.21 regarding a licensee and license applicant;

171.22 (5) fully implement a criminal background check requirement, within a time frame  
171.23 established by commission rule, by receiving the results of a qualifying criminal background  
171.24 check;

171.25 (6) comply with the commission rules applicable to a participating state;

171.26 (7) accept the national board examinations of the joint commission on national dental  
171.27 examinations or another examination accepted by commission rule as a licensure  
171.28 examination;

171.29 (8) accept for licensure that applicants for a dentist license graduate from a predoctoral  
171.30 dental education program accredited by the Commission on Dental Accreditation, or another  
171.31 accrediting agency recognized by the United States Department of Education for the

172.1 accreditation of dentistry and dental hygiene education programs, leading to the Doctor of  
172.2 Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

172.3 (9) accept for licensure that applicants for a dental hygienist license graduate from a  
172.4 dental hygiene education program accredited by the Commission on Dental Accreditation  
172.5 or another accrediting agency recognized by the United States Department of Education for  
172.6 the accreditation of dentistry and dental hygiene education programs;

172.7 (10) require for licensure that applicants successfully complete a clinical assessment;

172.8 (11) have continuing professional development requirements as a condition for license  
172.9 renewal; and

172.10 (12) pay a participation fee to the commission as established by commission rule.

172.11 (B) Providing alternative pathways for an individual to obtain an unrestricted license  
172.12 does not disqualify a state from participating in the compact.

172.13 (C) When conducting a criminal background check, the state licensing authority shall:

172.14 (1) consider that information in making a licensure decision;

172.15 (2) maintain documentation of completion of the criminal background check and  
172.16 background check information to the extent allowed by state and federal law; and

172.17 (3) report to the commission whether it has completed the criminal background check  
172.18 and whether the individual was granted or denied a license.

172.19 (D) A licensee of a participating state who has a qualifying license in that state and does  
172.20 not hold an encumbered license in any other participating state, shall be issued a compact  
172.21 privilege in a remote state in accordance with the terms of the compact and commission  
172.22 rules. If a remote state has a jurisprudence requirement a compact privilege will not be  
172.23 issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

172.24 ARTICLE IV

172.25 COMPACT PRIVILEGE

172.26 (A) To obtain and exercise the compact privilege under the terms and provisions of the  
172.27 compact, the licensee shall:

172.28 (1) have a qualifying license as a dentist or dental hygienist in a participating state;

172.29 (2) be eligible for a compact privilege in any remote state in accordance with (D), (G),  
172.30 and (H) of this article;

172.31 (3) submit to an application process whenever the licensee is seeking a compact privilege;

173.1 (4) pay any applicable commission and remote state fees for a compact privilege in the  
173.2 remote state;

173.3 (5) meet any jurisprudence requirement established by a remote state in which the licensee  
173.4 is seeking a compact privilege;

173.5 (6) have passed a National Board Examination of the Joint Commission on National  
173.6 Dental Examinations or another examination accepted by commission rule;

173.7 (7) for a dentist, have graduated from a predoctoral dental education program accredited  
173.8 by the Commission on Dental Accreditation, or another accrediting agency recognized by  
173.9 the United States Department of Education for the accreditation of dentistry and dental  
173.10 hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor  
173.11 of Dental Medicine (D.M.D.) degree;

173.12 (8) for a dental hygienist, have graduated from a dental hygiene education program  
173.13 accredited by the Commission on Dental Accreditation or another accrediting agency  
173.14 recognized by the United States Department of Education for the accreditation of dentistry  
173.15 and dental hygiene education programs;

173.16 (9) have successfully completed a clinical assessment for licensure;

173.17 (10) report to the commission adverse action taken by any nonparticipating state when  
173.18 applying for a compact privilege and, otherwise, within 30 days from the date the adverse  
173.19 action is taken;

173.20 (11) report to the commission when applying for a compact privilege the address of the  
173.21 licensee's primary residence and thereafter immediately report to the commission any change  
173.22 in the address of the licensee's primary residence; and

173.23 (12) consent to accept service of process by mail at the licensee's primary residence on  
173.24 record with the commission with respect to any action brought against the licensee by the  
173.25 commission or a participating state, and consent to accept service of a subpoena by mail at  
173.26 the licensee's primary residence on record with the commission with respect to any action  
173.27 brought or investigation conducted by the commission or a participating state.

173.28 (B) The licensee must comply with the requirements of (A) of this article to maintain  
173.29 the compact privilege in the remote state. If those requirements are met, the compact privilege  
173.30 will continue as long as the licensee maintains a qualifying license in the state through which  
173.31 the licensee applied for the compact privilege and pays any applicable compact privilege  
173.32 renewal fees.

174.1 (C) A licensee providing dentistry or dental hygiene in a remote state under the compact  
174.2 privilege shall function within the scope of practice authorized by the remote state for a  
174.3 dentist or dental hygienist licensed in that state.

174.4 (D) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in  
174.5 a remote state is subject to that state's regulatory authority. A remote state may, in accordance  
174.6 with due process and that state's laws, by adverse action revoke or remove a licensee's  
174.7 compact privilege in the remote state for a specific period of time and impose fines or take  
174.8 any other necessary actions to protect the health and safety of its citizens. If a remote state  
174.9 imposes an adverse action against a compact privilege that limits the compact privilege,  
174.10 that adverse action applies to all compact privileges in all remote states. A licensee whose  
174.11 compact privilege in a remote state is removed for a specified period of time is not eligible  
174.12 for a compact privilege in any other remote state until the specific time for removal of the  
174.13 compact privilege has passed and all encumbrance requirements are satisfied.

174.14 (E) If a license in a participating state is an encumbered license, the licensee shall lose  
174.15 the compact privilege in a remote state and shall not be eligible for a compact privilege in  
174.16 any remote state until the license is no longer encumbered.

174.17 (F) Once an encumbered license in a participating state is restored to good standing, the  
174.18 licensee must meet the requirements of (A) of this article to obtain a compact privilege in  
174.19 a remote state.

174.20 (G) If a licensee's compact privilege in a remote state is removed by the remote state,  
174.21 the individual shall lose or be ineligible for the compact privilege in any remote state until  
174.22 the following occur:

174.23 (1) the specific period of time for which the compact privilege was removed has ended;  
174.24 and

174.25 (2) all conditions for removal of the compact privilege have been satisfied.

174.26 (H) Once the requirements of (G) of this article have been met, the licensee must meet  
174.27 the requirements in (A) of this article to obtain a compact privilege in a remote state.

## 174.28 ARTICLE V

### 174.29 ACTIVE MILITARY MEMBER OR THEIR SPOUSES

174.30 An active military member and their spouse shall not be required to pay to the commission  
174.31 for a compact privilege the fee otherwise charged by the commission. If a remote state  
174.32 chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or  
174.33 no fee to an active military member and their spouse for a compact privilege.

175.1

ARTICLE VI

175.2

ADVERSE ACTIONS

175.3 (A) A participating state in which a licensee is licensed shall have exclusive authority  
175.4 to impose adverse action against the qualifying license issued by that participating state.

175.5 (B) A participating state may take adverse action based on the significant investigative  
175.6 information of a remote state, so long as the participating state follows its own procedures  
175.7 for imposing adverse action.

175.8 (C) Nothing in this compact shall override a participating state's decision that participation  
175.9 in an alternative program may be used in lieu of adverse action and that such participation  
175.10 shall remain nonpublic if required by the participating state's laws. Participating states must  
175.11 require licensees who enter any alternative program in lieu of discipline to agree not to  
175.12 practice pursuant to a compact privilege in any other participating state during the term of  
175.13 the alternative program without prior authorization from such other participating state.

175.14 (D) Any participating state in which a licensee is applying to practice or is practicing  
175.15 pursuant to a compact privilege may investigate actual or alleged violations of the statutes  
175.16 and regulations authorizing the practice of dentistry or dental hygiene in any other  
175.17 participating state in which the dentist or dental hygienist holds a license or compact  
175.18 privilege.

175.19 (E) A remote state shall have the authority to:

175.20 (1) take adverse actions as set forth in article IV, (D), against a licensee's compact  
175.21 privilege in the state;

175.22 (2) in furtherance of its rights and responsibilities under the compact and the commission's  
175.23 rules issue subpoenas for both hearings and investigations that require the attendance and  
175.24 testimony of witnesses, and the production of evidence. Subpoenas issued by a state licensing  
175.25 authority in a participating state for the attendance and testimony of witnesses, or the  
175.26 production of evidence from another participating state, shall be enforced in the latter state  
175.27 by any court of competent jurisdiction, according to the practice and procedure of that court  
175.28 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall  
175.29 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes  
175.30 of the state where the witnesses or evidence are located; and

175.31 (3) if otherwise permitted by state law, recover from the licensee the costs of  
175.32 investigations and disposition of cases resulting from any adverse action taken against that  
175.33 licensee.

176.1 (F) Joint Investigations:

176.2 (1) In addition to the authority granted to a participating state by its dentist or dental  
176.3 hygienist licensure act or other applicable state law, a participating state may jointly  
176.4 investigate licensees with other participating states.

176.5 (2) Participating states shall share any significant investigative information, litigation,  
176.6 or compliance materials in furtherance of any joint or individual investigation initiated under  
176.7 the compact.

176.8 (G) Authority to Continue Investigation:

176.9 (1) After a licensee's compact privilege in a remote state is terminated, the remote state  
176.10 may continue an investigation of the licensee that began when the licensee had a compact  
176.11 privilege in that remote state.

176.12 (2) If the investigation yields what would be significant investigative information had  
176.13 the licensee continued to have a compact privilege in that remote state, the remote state  
176.14 shall report the presence of such information to the data system as required by article VIII,  
176.15 (B), (6), as if it was significant investigative information.

176.16 ARTICLE VII

176.17 ESTABLISHMENT AND OPERATION OF THE COMMISSION

176.18 (A) The compact participating states hereby create and establish a joint government  
176.19 agency whose membership consists of all participating states that have enacted the compact.  
176.20 The commission is an instrumentality of the participating states acting jointly and not an  
176.21 instrumentality of any one state. The commission shall come into existence on or after the  
176.22 effective date of the compact as set forth in article XI, (A).

176.23 (B) Participation, Voting, and Meetings:

176.24 (1) Each participating state shall have and be limited to one commissioner selected by  
176.25 that participating state's state licensing authority or, if the state has more than one state  
176.26 licensing authority, selected collectively by the state licensing authorities.

176.27 (2) The commissioner shall be a member or designee of such authority or authorities.

176.28 (3) The commission may by rule or bylaw establish a term of office for commissioners  
176.29 and may by rule or bylaw establish term limits.

176.30 (4) The commission may recommend to a state licensing authority or authorities, as  
176.31 applicable, removal or suspension of an individual as the state's commissioner.



177.1 (5) A participating state's state licensing authority or authorities, as applicable, shall fill  
177.2 any vacancy of its commissioner on the commission within 60 days of the vacancy.

177.3 (6) Each commissioner shall be entitled to one vote on all matters that are voted upon  
177.4 by the commission.

177.5 (7) The commission shall meet at least once during each calendar year. Additional  
177.6 meetings may be held as set forth in the bylaws. The commission may meet by  
177.7 telecommunication, video conference, or other similar electronic means.

177.8 (C) The commission shall have the following powers:

177.9 (1) establish the fiscal year of the commission;

177.10 (2) establish a code of conduct and conflict of interest policies;

177.11 (3) adopt rules and bylaws;

177.12 (4) maintain its financial records in accordance with the bylaws;

177.13 (5) meet and take such actions as are consistent with the provisions of this compact, the  
177.14 commission's rules, and the bylaws;

177.15 (6) initiate and conclude legal proceedings or actions in the name of the commission,  
177.16 provided that the standing of any state licensing authority to sue or be sued under applicable  
177.17 law shall not be affected;

177.18 (7) maintain and certify records and information provided to a participating state as the  
177.19 authenticated business records of the commission, and designate a person to do so on the  
177.20 commission's behalf;

177.21 (8) purchase and maintain insurance and bonds;

177.22 (9) borrow, accept, or contract for services of personnel, including but not limited to  
177.23 employees of a participating state;

177.24 (10) conduct an annual financial review;

177.25 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant  
177.26 such individuals appropriate authority to carry out the purposes of the compact, and establish  
177.27 the commission's personnel policies and programs relating to conflicts of interest,  
177.28 qualifications of personnel, and other related personnel matters;

177.29 (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a  
177.30 compact privilege in a remote state and thereafter, as may be established by commission  
177.31 rule, charge the licensee a compact privilege renewal fee for each renewal period in which

- 178.1 that licensee exercises or intends to exercise the compact privilege in that remote state.
- 178.2 Nothing herein shall be construed to prevent a remote state from charging a licensee a fee
- 178.3 for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence
- 178.4 requirement if the remote state imposes such a requirement for the grant of a compact
- 178.5 privilege;
- 178.6 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
- 178.7 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of
- 178.8 the same; provided that at all times the commission shall avoid any appearance of impropriety
- 178.9 and conflict of interest;
- 178.10 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or
- 178.11 mixed, or any undivided interest therein;
- 178.12 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
- 178.13 any property real, personal, or mixed;
- 178.14 (16) establish a budget and make expenditures;
- 178.15 (17) borrow money;
- 178.16 (18) appoint committees, including standing committees, which may be composed of
- 178.17 members, state regulators, state legislators or their representatives, and consumer
- 178.18 representatives, and such other interested persons as may be designated in this compact and
- 178.19 the bylaws;
- 178.20 (19) provide and receive information from, and cooperate with, law enforcement agencies;
- 178.21 (20) elect a chair, vice chair, secretary, and treasurer and such other officers of the
- 178.22 commission as provided in the commission's bylaws;
- 178.23 (21) establish and elect an executive board;
- 178.24 (22) adopt and provide to the participating states an annual report;
- 178.25 (23) determine whether a state's enacted compact is materially different from the model
- 178.26 compact language such that the state would not qualify for participation in the compact;
- 178.27 and
- 178.28 (24) perform such other functions as may be necessary or appropriate to achieve the
- 178.29 purposes of this compact.
- 178.30 (D) Meetings of the Commission:

179.1 (1) All meetings of the commission that are not closed pursuant to (D)(4) of this article  
179.2 shall be open to the public. Notice of public meetings shall be posted on the commission's  
179.3 website at least 30 days prior to the public meeting.

179.4 (2) Notwithstanding (D)(1) of this article, the commission may convene an emergency  
179.5 public meeting by providing at least 24 hours prior notice on the commission's website, and  
179.6 any other means as provided in the commission's rules, for any of the reasons it may dispense  
179.7 with notice of proposed rulemaking under article IX, (L). The commission's legal counsel  
179.8 shall certify that one of the reasons justifying an emergency public meeting has been met.

179.9 (3) Notice of all commission meetings shall provide the time, date, and location of the  
179.10 meeting, and if the meeting is to be held or accessible via telecommunication, video  
179.11 conference, or other electronic means, the notice shall include the mechanism for access to  
179.12 the meeting through such means.

179.13 (4) The commission may convene in a closed, nonpublic meeting for the commission  
179.14 to receive legal advice or to discuss:

179.15 (i) noncompliance of a participating state with its obligations under the compact;

179.16 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
179.17 related to specific employees or other matters related to the commission's internal personnel  
179.18 practices and procedures;

179.19 (iii) current or threatened discipline of a licensee or compact privilege holder by the  
179.20 commission or by a participating state's licensing authority;

179.21 (iv) current, threatened, or reasonably anticipated litigation;

179.22 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
179.23 estate;

179.24 (vi) accusing any person of a crime or formally censuring any person;

179.25 (vii) trade secrets or commercial or financial information that is privileged or confidential;

179.26 (viii) information of a personal nature where disclosure would constitute a clearly  
179.27 unwarranted invasion of personal privacy;

179.28 (ix) investigative records compiled for law enforcement purposes;

179.29 (x) information related to any investigative reports prepared by or on behalf of or for  
179.30 use of the commission or other committee charged with responsibility of investigation or  
179.31 determination of compliance issues pursuant to the compact;

180.1 (xi) legal advice;

180.2 (xii) matters specifically exempted from disclosure to the public by federal or participating  
180.3 state law; and

180.4 (xiii) other matters as promulgated by the commission by rule.

180.5 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that  
180.6 the meeting will be closed and reference each relevant exempting provision, and such  
180.7 reference shall be recorded in the minutes.

180.8 (6) The commission shall keep minutes that fully and clearly describe all matters  
180.9 discussed in a meeting and shall provide a full and accurate summary of actions taken, and  
180.10 the reasons therefore, including a description of the views expressed. All documents  
180.11 considered in connection with an action shall be identified in such minutes. All minutes and  
180.12 documents of a closed meeting shall remain under seal, subject to release only by a majority  
180.13 vote of the commission or order of a court of competent jurisdiction.

180.14 (E) Financing of the Commission:

180.15 (1) The commission shall pay, or provide for the payment of, the reasonable expenses  
180.16 of its establishment, organization, and ongoing activities.

180.17 (2) The commission may accept any and all appropriate sources of revenue, donations,  
180.18 and grants of money, equipment, supplies, materials, and services.

180.19 (3) The commission may levy on and collect an annual assessment from each participating  
180.20 state and impose fees on licensees of participating states when a compact privilege is granted  
180.21 to cover the cost of the operations and activities of the commission and its staff, which must  
180.22 be in a total amount sufficient to cover its annual budget as approved each fiscal year for  
180.23 which sufficient revenue is not provided by other sources. The aggregate annual assessment  
180.24 amount for participating states shall be allocated based upon a formula that the commission  
180.25 shall promulgate by rule.

180.26 (4) The commission shall not incur obligations of any kind prior to securing the funds  
180.27 adequate to meet the same; nor shall the commission pledge the credit of any participating  
180.28 state, except by and with the authority of the participating state.

180.29 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
180.30 receipts and disbursements of the commission shall be subject to the financial review and  
180.31 accounting procedures established under the commission's bylaws. All receipts and  
180.32 disbursements of funds handled by the commission shall be subject to an annual financial

181.1 review by a certified or licensed public accountant, and the report of the financial review  
181.2 shall be included in and become part of the annual report of the commission.

181.3 (F) The Executive Board:

181.4 (1) The executive board shall have the power to act on behalf of the commission according  
181.5 to the terms of this compact. The powers, duties, and responsibilities of the executive board  
181.6 shall include:

181.7 (i) overseeing the day-to-day activities of the administration of the compact including  
181.8 compliance with the provisions of the compact and the commission's rules and bylaws;

181.9 (ii) recommending to the commission changes to the rules or bylaws, changes to this  
181.10 compact legislation, fees charged to compact participating states, fees charged to licensees,  
181.11 and other fees;

181.12 (iii) ensuring compact administration services are appropriately provided, including by  
181.13 contract;

181.14 (iv) preparing and recommending the budget;

181.15 (v) maintaining financial records on behalf of the commission;

181.16 (vi) monitoring compact compliance of participating states and providing compliance  
181.17 reports to the commission;

181.18 (vii) establishing additional committees as necessary;

181.19 (viii) exercising the powers and duties of the commission during the interim between  
181.20 commission meetings, except for adopting or amending rules, adopting or amending bylaws,  
181.21 and exercising any other powers and duties expressly reserved to the commission by rule  
181.22 or bylaw; and

181.23 (ix) other duties as provided in the rules or bylaws of the commission.

181.24 (2) The executive board shall be composed of up to seven members:

181.25 (i) the chair, vice chair, secretary, and treasurer of the commission and any other members  
181.26 of the commission who serve on the executive board shall be voting members of the executive  
181.27 board; and

181.28 (ii) other than the chair, vice chair, secretary, and treasurer, the commission may elect  
181.29 up to three voting members from the current membership of the commission.

181.30 (3) The commission may remove any member of the executive board as provided in the  
181.31 commission's bylaws.

182.1 (4) The executive board shall meet at least annually.

182.2 (i) An executive board meeting at which it takes or intends to take formal action on a  
182.3 matter shall be open to the public, except that the executive board may meet in a closed,  
182.4 nonpublic session of a public meeting when dealing with any of the matters covered under  
182.5 (D)(4) of this article.

182.6 (ii) The executive board shall give five business days' notice of its public meetings,  
182.7 posted on its website and as it may otherwise determine to provide notice to persons with  
182.8 an interest in the public matters the executive board intends to address at those meetings.

182.9 (5) The executive board may hold an emergency meeting when acting for the commission  
182.10 to:

182.11 (i) meet an imminent threat to public health, safety, or welfare;

182.12 (ii) prevent a loss of commission or participating state funds; or

182.13 (iii) protect public health and safety.

182.14 (G) Qualified Immunity, Defense, and Indemnification:

182.15 (1) The members, officers, executive director, employees, and representatives of the  
182.16 commission shall be immune from suit and liability, both personally and in their official  
182.17 capacity, for any claim for damage to or loss of property or personal injury or other civil  
182.18 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
182.19 or that the person against whom the claim is made had a reasonable basis for believing  
182.20 occurred within the scope of commission employment, duties, or responsibilities; provided  
182.21 that nothing in this paragraph shall be construed to protect any such person from suit or  
182.22 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
182.23 wanton misconduct of that person. The procurement of insurance of any type by the  
182.24 commission shall not in any way compromise or limit the immunity granted hereunder.

182.25 (2) The commission shall defend any member, officer, executive director, employee, or  
182.26 representative of the commission in any civil action seeking to impose liability arising out  
182.27 of any actual or alleged act, error, or omission that occurred within the scope of commission  
182.28 employment, duties, or responsibilities, or as determined by the commission that the person  
182.29 against whom the claim is made had a reasonable basis for believing occurred within the  
182.30 scope of commission employment, duties, or responsibilities; provided that nothing herein  
182.31 shall be construed to prohibit that person from retaining their own counsel at their own  
182.32 expense; and provided further that the actual or alleged act, error, or omission did not result  
182.33 from that person's intentional or willful or wanton misconduct.

183.1 (3) Notwithstanding (G)(1) of this article, should any member, officer, executive director,  
183.2 employee, or representative of the commission be held liable for the amount of any settlement  
183.3 or judgment arising out of any actual or alleged act, error, or omission that occurred within  
183.4 the scope of that individual's employment, duties, or responsibilities for the commission,  
183.5 or that the person to whom that individual is liable had a reasonable basis for believing  
183.6 occurred within the scope of the individual's employment, duties, or responsibilities for the  
183.7 commission, the commission shall indemnify and hold harmless such individual; provided  
183.8 that the actual or alleged act, error, or omission did not result from the intentional or willful  
183.9 or wanton misconduct of the individual.

183.10 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for  
183.11 professional malpractice or misconduct, which shall be governed solely by any other  
183.12 applicable state laws.

183.13 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a  
183.14 participating state's state action immunity or state action affirmative defense with respect  
183.15 to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust  
183.16 or anticompetitive law or regulation.

183.17 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by  
183.18 the participating states or by the commission.

183.19 (H) Notwithstanding paragraph (G), clause (1), of this article, the liability of the executive  
183.20 director, employees, or representatives of the interstate commission, acting within the scope  
183.21 of their employment or duties, may not exceed the limits of liability set forth under the  
183.22 constitution and laws of this state for state officials, employees, and agents. This paragraph  
183.23 expressly incorporates section 3.736, and neither expands nor limits the rights and remedies  
183.24 provided under that statute.

183.25 (I) Except for a claim alleging a violation of this compact, a claim against the commission,  
183.26 its executive director, employees, or representatives alleging a violation of the constitution  
183.27 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
183.28 this paragraph creates a private right of action.

183.29 (J) Nothing in this compact shall be construed as a limitation on the liability of any  
183.30 licensee for professional malpractice or misconduct, which shall be governed solely by any  
183.31 other applicable state laws.

183.32 ARTICLE VIII

183.33 DATA SYSTEM

184.1 (A) The commission shall provide for the development, maintenance, operation, and  
184.2 utilization of a coordinated database and reporting system containing licensure, adverse  
184.3 action, and the presence of significant investigative information on all licensees and  
184.4 applicants for a license in participating states.

184.5 (B) Notwithstanding any other provision of state law to the contrary, a participating state  
184.6 shall submit a uniform data set to the data system on all individuals to whom this compact  
184.7 is applicable as required by the rules of the commission, including:

184.8 (1) identifying information;

184.9 (2) licensure data;

184.10 (3) adverse actions against a licensee, license applicant, or compact privilege and  
184.11 information related thereto;

184.12 (4) nonconfidential information related to alternative program participation, the beginning  
184.13 and ending dates of such participation, and other information related to such participation;

184.14 (5) any denial of an application for licensure, and the reasons for such denial, excluding  
184.15 the reporting of any criminal history record information where prohibited by law;

184.16 (6) the presence of significant investigative information; and

184.17 (7) other information that may facilitate the administration of this compact or the  
184.18 protection of the public, as determined by the rules of the commission.

184.19 (C) The records and information provided to a participating state pursuant to this compact  
184.20 or through the data system, when certified by the commission or an agent thereof, shall  
184.21 constitute the authenticated business records of the commission, and shall be entitled to any  
184.22 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
184.23 proceedings in a participating state.

184.24 (D) Significant investigative information pertaining to a licensee in any participating  
184.25 state will only be available to other participating states.

184.26 (E) It is the responsibility of the participating states to monitor the database to determine  
184.27 whether adverse action has been taken against a licensee or license applicant. Adverse action  
184.28 information pertaining to a licensee or license applicant in any participating state will be  
184.29 available to any other participating state.

184.30 (F) Participating states contributing information to the data system may designate  
184.31 information that may not be shared with the public without the express permission of the  
184.32 contributing state.



185.1 (G) Any information submitted to the data system that is subsequently expunged pursuant  
185.2 to federal law or the laws of the participating state contributing the information shall be  
185.3 removed from the data system.

185.4 ARTICLE IX

185.5 RULEMAKING

185.6 (A) The commission shall promulgate reasonable rules in order to effectively and  
185.7 efficiently implement and administer the purposes and provisions of the compact. A  
185.8 commission rule shall be invalid and have no force or effect only if a court of competent  
185.9 jurisdiction holds that the rule is invalid because the commission exercised its rulemaking  
185.10 authority in a manner that is beyond the scope and purposes of the compact, or the powers  
185.11 granted hereunder, or based upon another applicable standard of review.

185.12 (B) The rules of the commission shall have the force of law in each participating state,  
185.13 provided that where the rules of the commission conflict with the laws of the participating  
185.14 state that establish the participating state's scope of practice as held by a court of competent  
185.15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the  
185.16 conflict.

185.17 (C) The commission shall exercise its rulemaking powers pursuant to the criteria set  
185.18 forth in this article and the rules adopted thereunder. Rules shall become binding as of the  
185.19 date specified by the commission for each rule.

185.20 (D) If a majority of the legislatures of the participating states rejects a commission rule  
185.21 or portion of a commission rule, by enactment of a statute or resolution in the same manner  
185.22 used to adopt the compact, within four years of the date of adoption of the rule, then such  
185.23 rule shall have no further force and effect in any participating state or to any state applying  
185.24 to participate in the compact.

185.25 (E) Rules shall be adopted at a regular or special meeting of the commission.

185.26 (F) Prior to adoption of a proposed rule, the commission shall hold a public hearing and  
185.27 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

185.28 (G) Prior to adoption of a proposed rule by the commission, and at least 30 days in  
185.29 advance of the meeting at which the commission will hold a public hearing on the proposed  
185.30 rule, the commission shall provide a notice of proposed rulemaking:

185.31 (1) on the website of the commission or other publicly accessible platform;

186.1 (2) to persons who have requested notice of the commission's notices of proposed  
186.2 rulemaking; and

186.3 (3) in such other ways as the commission may by rule specify.

186.4 (H) The notice of proposed rulemaking shall include:

186.5 (1) the time, date, and location of the public hearing at which the commission will hear  
186.6 public comments on the proposed rule and, if different, the time, date, and location of the  
186.7 meeting where the commission will consider and vote on the proposed rule;

186.8 (2) if the hearing is held via telecommunication, video conference, or other electronic  
186.9 means, the commission shall include the mechanism for access to the hearing in the notice  
186.10 of proposed rulemaking;

186.11 (3) the text of the proposed rule and the reason therefor;

186.12 (4) a request for comments on the proposed rule from any interested person; and

186.13 (5) the manner in which interested persons may submit written comments.

186.14 (I) All hearings will be recorded. A copy of the recording and all written comments and  
186.15 documents received by the commission in response to the proposed rule shall be available  
186.16 to the public.

186.17 (J) Nothing in this article shall be construed as requiring a separate hearing on each  
186.18 commission rule. Rules may be grouped for the convenience of the commission at hearings  
186.19 required by this article.

186.20 (K) The commission shall, by majority vote of all commissioners, take final action on  
186.21 the proposed rule based on the rulemaking record.

186.22 (1) The commission may adopt changes to the proposed rule provided the changes do  
186.23 not enlarge the original purpose of the proposed rule.

186.24 (2) The commission shall provide an explanation of the reasons for substantive changes  
186.25 made to the proposed rule as well as reasons for substantive changes not made that were  
186.26 recommended by commenters.

186.27 (3) The commission shall determine a reasonable effective date for the rule. Except for  
186.28 an emergency as provided in (L) of this article, the effective date of the rule shall be no  
186.29 sooner than 30 days after the commission issuing the notice that it adopted or amended the  
186.30 rule.

187.1 (L) Upon determination that an emergency exists, the commission may consider and  
187.2 adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that  
187.3 the usual rulemaking procedures provided in the compact and in this article shall be  
187.4 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
187.5 days after the effective date of the rule. For the purposes of this provision, an emergency  
187.6 rule is one that must be adopted immediately in order to:

187.7 (1) meet an imminent threat to public health, safety, or welfare;

187.8 (2) prevent a loss of commission or participating state funds;

187.9 (3) meet a deadline for the promulgation of a rule that is established by federal law or  
187.10 rule; or

187.11 (4) protect public health and safety.

187.12 (M) The commission or an authorized committee of the commission may direct revisions  
187.13 to a previously adopted rule for purposes of correcting typographical errors, errors in format,  
187.14 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted  
187.15 on the website of the commission. The revision shall be subject to challenge by any person  
187.16 for a period of 30 days after posting. The revision may be challenged only on grounds that  
187.17 the revision results in a material change to a rule. A challenge shall be made in writing and  
187.18 delivered to the commission prior to the end of the notice period. If no challenge is made,  
187.19 the revision will take effect without further action. If the revision is challenged, the revision  
187.20 may not take effect without the approval of the commission.

187.21 (N) No participating state's rulemaking requirements shall apply under this compact.

187.22 ARTICLE X

187.23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

187.24 (A) Oversight:

187.25 (1) The executive and judicial branches of state government in each participating state  
187.26 shall enforce this compact and take all actions necessary and appropriate to implement the  
187.27 compact.

187.28 (2) Except as provided under article VII, paragraph (I), venue is proper and judicial  
187.29 proceedings by or against the commission shall be brought solely and exclusively in a court  
187.30 of competent jurisdiction where the principal office of the commission is located. The  
187.31 commission may waive venue and jurisdictional defenses to the extent it adopts or consents  
187.32 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or

188.1 limit the selection or propriety of venue in any action against a licensee for professional  
188.2 malpractice, misconduct, or any such similar matter.

188.3 (3) The commission shall be entitled to receive service of process in any proceeding  
188.4 regarding the enforcement or interpretation of the compact or commission rule and shall  
188.5 have standing to intervene in such a proceeding for all purposes. Failure to provide the  
188.6 commission service of process shall render a judgment or order void as to the commission,  
188.7 this compact, or the promulgated rules.

188.8 (B) Default, Technical Assistance, and Termination:

188.9 (1) If the commission determines that a participating state has defaulted in the  
188.10 performance of its obligations or responsibilities under this compact or the promulgated  
188.11 rules, the commission shall provide written notice to the defaulting state. The notice of  
188.12 default shall describe the default, the proposed means of curing the default, and any other  
188.13 action that the commission may take, and shall offer training and specific technical assistance  
188.14 regarding the default.

188.15 (2) The commission shall provide a copy of the notice of default to the other participating  
188.16 states.

188.17 (C) If a state in default fails to cure the default, the defaulting state may be terminated  
188.18 from the compact upon an affirmative vote of a majority of the commissioners, and all  
188.19 rights, privileges, and benefits conferred on that state by this compact may be terminated  
188.20 on the effective date of termination. A cure of the default does not relieve the offending  
188.21 state of obligations or liabilities incurred during the period of default.

188.22 (D) Termination of participation in the compact shall be imposed only after all other  
188.23 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
188.24 shall be given by the commission to the governor, the majority and minority leaders of the  
188.25 defaulting state's legislature, the defaulting state's state licensing authority or authorities,  
188.26 as applicable, and each of the participating states' state licensing authority or authorities, as  
188.27 applicable.

188.28 (E) A state that has been terminated is responsible for all assessments, obligations, and  
188.29 liabilities incurred through the effective date of termination, including obligations that  
188.30 extend beyond the effective date of termination.

188.31 (F) Upon the termination of a state's participation in this compact, that state shall  
188.32 immediately provide notice to all licensees of the state, including licensees of other  
188.33 participating states issued a compact privilege to practice within that state, of such

189.1 termination. The terminated state shall continue to recognize all compact privileges then in  
189.2 effect in that state for a minimum of 180 days after the date of said notice of termination.

189.3 (G) The commission shall not bear any costs related to a state that is found to be in  
189.4 default or that has been terminated from the compact, unless agreed upon in writing between  
189.5 the commission and the defaulting state.

189.6 (H) The defaulting state may appeal the action of the commission by petitioning the  
189.7 United States District Court for the District of Columbia or the federal district where the  
189.8 commission has its principal offices. The prevailing party shall be awarded all costs of such  
189.9 litigation, including reasonable attorney fees.

189.10 (I) Dispute Resolution:

189.11 (1) Upon request by a participating state, the commission shall attempt to resolve disputes  
189.12 related to the compact that arise among participating states and between participating states  
189.13 and nonparticipating states.

189.14 (2) The commission shall promulgate a rule providing for both mediation and binding  
189.15 dispute resolution for disputes as appropriate.

189.16 (J) Enforcement:

189.17 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
189.18 provisions of this compact and the commission's rules.

189.19 (2) By majority vote, the commission may initiate legal action against a participating  
189.20 state in default in the United States District Court for the District of Columbia or the federal  
189.21 district where the commission has its principal offices to enforce compliance with the  
189.22 provisions of the compact and its promulgated rules. The relief sought may include both  
189.23 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
189.24 party shall be awarded all costs of such litigation, including reasonable attorney fees. The  
189.25 remedies herein shall not be the exclusive remedies of the commission. The commission  
189.26 may pursue any other remedies available under federal or the defaulting participating state's  
189.27 law.

189.28 (3) A participating state may initiate legal action against the commission in the United  
189.29 States District Court for the District of Columbia or the federal district where the commission  
189.30 has its principal offices to enforce compliance with the provisions of the compact and its  
189.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the  
189.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
189.33 such litigation, including reasonable attorney fees.

190.1 (4) No individual or entity other than a participating state may enforce this compact  
190.2 against the commission.

190.3 ARTICLE XI

190.4 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

190.5 (A) The compact shall come into effect on the date on which the compact statute is  
190.6 enacted into law in the seventh participating state.

190.7 (1) On or after the effective date of the compact, the commission shall convene and  
190.8 review the enactment of each of the states that enacted the compact prior to the commission  
190.9 convening ("charter participating states") to determine if the statute enacted by each such  
190.10 charter participating state is materially different than the model compact.

190.11 (i) A charter participating state whose enactment is found to be materially different from  
190.12 the model compact shall be entitled to the default process set forth in article X.

190.13 (ii) If any participating state is later found to be in default, or is terminated or withdraws  
190.14 from the compact, the commission shall remain in existence and the compact shall remain  
190.15 in effect even if the number of participating states should be less than seven.

190.16 (2) Participating states enacting the compact subsequent to the charter participating states  
190.17 shall be subject to the process set forth in article VII, (C)(23), to determine if their enactments  
190.18 are materially different from the model compact and whether they qualify for participation  
190.19 in the compact.

190.20 (3) All actions taken for the benefit of the commission or in furtherance of the purposes  
190.21 of the administration of the compact prior to the effective date of the compact or the  
190.22 commission coming into existence shall be considered to be actions of the commission  
190.23 unless specifically repudiated by the commission.

190.24 (4) Any state that joins the compact subsequent to the commission's initial adoption of  
190.25 the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on  
190.26 the date on which the compact becomes law in that state. Any rule that has been previously  
190.27 adopted by the commission shall have the full force and effect of law on the day the compact  
190.28 becomes law in that state.

190.29 (B) Any participating state may withdraw from this compact by enacting a statute  
190.30 repealing that state's enactment of the compact.

190.31 (1) A participating state's withdrawal shall not take effect until 180 days after enactment  
190.32 of the repealing statute.

191.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
191.2 licensing authority or authorities to comply with the investigative and adverse action reporting  
191.3 requirements of this compact prior to the effective date of withdrawal.

191.4 (3) Upon the enactment of a statute withdrawing from this compact, the state shall  
191.5 immediately provide notice of such withdrawal to all licensees within that state.  
191.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing  
191.7 state shall continue to recognize all compact privileges to practice within that state granted  
191.8 pursuant to this compact for a minimum of 180 days after the date of such notice of  
191.9 withdrawal.

191.10 (C) Nothing contained in this compact shall be construed to invalidate or prevent any  
191.11 licensure agreement or other cooperative arrangement between a participating state and a  
191.12 nonparticipating state that does not conflict with the provisions of this compact.

191.13 (D) This compact may be amended by the participating states. No amendment to this  
191.14 compact shall become effective and binding upon any participating state until it is enacted  
191.15 into the laws of all participating states.

## 191.16 ARTICLE XII

### 191.17 CONSTRUCTION AND SEVERABILITY

191.18 (A) This compact and the commission's rulemaking authority shall be liberally construed  
191.19 so as to effectuate the purposes and the implementation and administration of the compact.  
191.20 Provisions of the compact expressly authorizing or requiring the promulgation of rules shall  
191.21 not be construed to limit the commission's rulemaking authority solely for those purposes.

191.22 (B) The provisions of this compact shall be severable and if any phrase, clause, sentence,  
191.23 or provision of this compact is held by a court of competent jurisdiction to be contrary to  
191.24 the constitution of any participating state, a state seeking participation in the compact, or  
191.25 of the United States, or the applicability thereof to any government, agency, person, or  
191.26 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity  
191.27 of the remainder of this compact and the applicability thereof to any other government,  
191.28 agency, person, or circumstance shall not be affected thereby.

191.29 (C) Notwithstanding (B) of this article, the commission may deny a state's participation  
191.30 in the compact or, in accordance with the requirements of article X, (B), terminate a  
191.31 participating state's participation in the compact, if it determines that a constitutional  
191.32 requirement of a participating state is a material departure from the compact. Otherwise, if  
191.33 this compact shall be held to be contrary to the constitution of any participating state, the

192.1 compact shall remain in full force and effect as to the remaining participating states and in  
192.2 full force and effect as to the participating state affected as to all severable matters.

192.3 ARTICLE XIII

192.4 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

192.5 (A) Nothing herein shall prevent or inhibit the enforcement of any other law of a  
192.6 participating state that is not inconsistent with the compact.

192.7 (B) Any laws, statutes, regulations, or other legal requirements in a participating state  
192.8 in conflict with the compact are superseded to the extent of the conflict.

192.9 (C) All permissible agreements between the commission and the participating states are  
192.10 binding in accordance with their terms.

192.11 ARTICLE 15

192.12 SOCIAL WORK SERVICES LICENSURE COMPACT

192.13 Section 1. [148E.40] TITLE.

192.14 Sections 148E.40 to 148E.55 shall be known and cited as the social work services  
192.15 licensure compact.

192.16 Sec. 2. [148E.41] DEFINITIONS.

192.17 As used in this Compact, and except as otherwise provided, the following definitions  
192.18 shall apply:

192.19 (1) "Active military member" means any individual with full-time duty status in the  
192.20 active armed forces of the United States, including members of the National Guard and  
192.21 Reserve.

192.22 (2) "Adverse action" means any administrative, civil, equitable, or criminal action  
192.23 permitted by a state's laws which is imposed by a licensing authority or other authority  
192.24 against a regulated social worker, including actions against an individual's license or  
192.25 multistate authorization to practice such as revocation, suspension, probation, monitoring  
192.26 of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure  
192.27 affecting a regulated social worker's authorization to practice, including issuance of a cease  
192.28 and desist action.

192.29 (3) "Alternative program" means a nondisciplinary monitoring or practice remediation  
192.30 process approved by a licensing authority to address practitioners with an impairment.



193.1 (4) "Charter member states" means member states who have enacted legislation to adopt  
193.2 this Compact where such legislation predates the effective date of this Compact as described  
193.3 in section 148E.53.

193.4 (5) "Compact" means sections 148E.40 to 148E.55.

193.5 (6) "Compact Commission" or "Commission" means the government agency whose  
193.6 membership consists of all States that have enacted this Compact, which is known as the  
193.7 Social Work Licensure Compact Commission, as described in section 148E.49, and which  
193.8 shall operate as an instrumentality of the member states.

193.9 (7) "Current significant investigative information" means:

193.10 (i) investigative information that a licensing authority, after a preliminary inquiry that  
193.11 includes notification and an opportunity for the regulated social worker to respond, has  
193.12 reason to believe is not groundless and, if proved true, would indicate more than a minor  
193.13 infraction as may be defined by the Commission; or

193.14 (ii) investigative information that indicates that the regulated social worker represents  
193.15 an immediate threat to public health and safety, as may be defined by the Commission,  
193.16 regardless of whether the regulated social worker has been notified and has had an  
193.17 opportunity to respond.

193.18 (8) "Data system" means a repository of information about licensees, including continuing  
193.19 education, examinations, licensure, current significant investigative information, disqualifying  
193.20 events, multistate licenses, and adverse action information or other information as required  
193.21 by the Commission.

193.22 (9) "Disqualifying event" means any adverse action or incident which results in an  
193.23 encumbrance that disqualifies or makes the licensee ineligible to obtain, retain, or renew a  
193.24 multistate license.

193.25 (10) "Domicile" means the jurisdiction in which the licensee resides and intends to  
193.26 remain indefinitely.

193.27 (11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
193.28 and unrestricted practice of social work licensed and regulated by a licensing authority.

193.29 (12) "Executive Committee" means a group of delegates elected or appointed to act on  
193.30 behalf of, and within the powers granted to them by, the Compact and Commission.

193.31 (13) "Home state" means the member state that is the licensee's primary domicile.

194.1 (14) "Impairment" means a condition that may impair a practitioner's ability to engage  
194.2 in full and unrestricted practice as a regulated social worker without some type of intervention  
194.3 and may include alcohol and drug dependence, mental health impairment, and neurological  
194.4 or physical impairments.

194.5 (15) "Licensee" means an individual who currently holds a license from a state to practice  
194.6 as a regulated social worker.

194.7 (16) "Licensing authority" means the board or agency of a member state, or equivalent,  
194.8 that is responsible for the licensing and regulation of regulated social workers.

194.9 (17) "Member state" means a state, commonwealth, district, or territory of the United  
194.10 States of America that has enacted this Compact.

194.11 (18) "Multistate authorization to practice" means a legally authorized privilege to practice,  
194.12 which is equivalent to a license, associated with a multistate license permitting the practice  
194.13 of social work in a remote state.

194.14 (19) "Multistate license" means a license to practice as a regulated social worker issued  
194.15 by a home state licensing authority that authorizes the regulated social worker to practice  
194.16 in all member states under multistate authorization to practice.

194.17 (20) "Qualifying national exam" means a national licensing examination approved by  
194.18 the Commission.

194.19 (21) "Regulated social worker" means any clinical, master's, or bachelor's social worker  
194.20 licensed by a member state regardless of the title used by that member state.

194.21 (22) "Remote state" means a member state other than the licensee's home state.

194.22 (23) "Rule" or "rule of the Commission" means a regulation or regulations duly  
194.23 promulgated by the Commission, as authorized by the Compact, that has the force of law.

194.24 (24) "Single state license" means a social work license issued by any state that authorizes  
194.25 practice only within the issuing state and does not include multistate authorization to practice  
194.26 in any member state.

194.27 (25) "Social work" or "social work services" means the application of social work theory,  
194.28 knowledge, methods, ethics, and the professional use of self to restore or enhance social,  
194.29 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,  
194.30 organizations, and communities through the care and services provided by a regulated social  
194.31 worker as set forth in the member state's statutes and regulations in the state where the  
194.32 services are being provided.

195.1 (26) "State" means any state, commonwealth, district, or territory of the United States  
195.2 of America that regulates the practice of social work.

195.3 (27) "Unencumbered license" means a license that authorizes a regulated social worker  
195.4 to engage in the full and unrestricted practice of social work.

195.5 **Sec. 3. [148E.42] STATE PARTICIPATION IN THE COMPACT.**

195.6 (a) To be eligible to participate in the compact, a potential member state must currently  
195.7 meet all of the following criteria:

195.8 (1) license and regulate the practice of social work at either the clinical, master's, or  
195.9 bachelor's category;

195.10 (2) require applicants for licensure to graduate from a program that:

195.11 (i) is operated by a college or university recognized by the licensing authority;

195.12 (ii) is accredited, or in candidacy by an institution that subsequently becomes accredited,  
195.13 by an accrediting agency recognized by either:

195.14 (A) the Council for Higher Education Accreditation, or its successor; or

195.15 (B) the United States Department of Education; and

195.16 (iii) corresponds to the licensure sought as outlined in section 148E.43;

195.17 (3) require applicants for clinical licensure to complete a period of supervised practice;  
195.18 and

195.19 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints  
195.20 about licensees.

195.21 (b) To maintain membership in the Compact, a member state shall:

195.22 (1) require that applicants for a multistate license pass a qualifying national exam for  
195.23 the corresponding category of multistate license sought as outlined in section 148E.43;

195.24 (2) participate fully in the Commission's data system, including using the Commission's  
195.25 unique identifier as defined in rules;

195.26 (3) notify the Commission, in compliance with the terms of the Compact and rules, of  
195.27 any adverse action or the availability of current significant investigative information regarding  
195.28 a licensee;

195.29 (4) implement procedures for considering the criminal history records of applicants for  
195.30 a multistate license. Such procedures shall include the submission of fingerprints or other

196.1 biometric-based information by applicants for the purpose of obtaining an applicant's criminal  
196.2 history record information from the Federal Bureau of Investigation and the agency  
196.3 responsible for retaining that state's criminal records;

196.4 (5) comply with the rules of the Commission;

196.5 (6) require an applicant to obtain or retain a license in the home state and meet the home  
196.6 state's qualifications for licensure or renewal of licensure, as well as all other applicable  
196.7 home state laws;

196.8 (7) authorize a licensee holding a multistate license in any member state to practice in  
196.9 accordance with the terms of the Compact and rules of the Commission; and

196.10 (8) designate a delegate to participate in the Commission meetings.

196.11 (c) A member state meeting the requirements of paragraphs (a) and (b) shall designate  
196.12 the categories of social work licensure that are eligible for issuance of a multistate license  
196.13 for applicants in such member state. To the extent that any member state does not meet the  
196.14 requirements for participation in the Compact at any particular category of social work  
196.15 licensure, such member state may choose but is not obligated to issue a multistate license  
196.16 to applicants that otherwise meet the requirements of section 148E.43 for issuance of a  
196.17 multistate license in such category or categories of licensure.

196.18 (d) The home state may charge a fee for granting the multistate license.

196.19 **Sec. 4. [148E.43] SOCIAL WORKER PARTICIPATION IN THE COMPACT.**

196.20 (a) To be eligible for a multistate license under the terms and provisions of the Compact,  
196.21 an applicant, regardless of category, must:

196.22 (1) hold or be eligible for an active, unencumbered license in the home state;

196.23 (2) pay any applicable fees, including any state fee, for the multistate license;

196.24 (3) submit, in connection with an application for a multistate license, fingerprints or  
196.25 other biometric data for the purpose of obtaining criminal history record information from  
196.26 the Federal Bureau of Investigation and the agency responsible for retaining that state's  
196.27 criminal records;

196.28 (4) notify the home state of any adverse action, encumbrance, or restriction on any  
196.29 professional license taken by any member state or nonmember state within 30 days from  
196.30 the date the action is taken;

196.31 (5) meet any continuing competence requirements established by the home state; and

197.1 (6) abide by the laws, regulations, and applicable standards in the member state where  
197.2 the client is located at the time care is rendered.

197.3 (b) An applicant for a clinical-category multistate license must meet all of the following  
197.4 requirements:

197.5 (1) fulfill a competency requirement, which shall be satisfied by either:

197.6 (i) passage of a clinical-category qualifying national exam;

197.7 (ii) licensure of the applicant in their home state at the clinical category, beginning prior  
197.8 to such time as a qualifying national exam was required by the home state and accompanied  
197.9 by a period of continuous social work licensure thereafter, all of which may be further  
197.10 governed by the rules of the Commission; or

197.11 (iii) the substantial equivalency of the foregoing competency requirements which the  
197.12 Commission may determine by rule;

197.13 (2) attain at least a master's degree in social work from a program that is:

197.14 (i) operated by a college or university recognized by the licensing authority; and

197.15 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
197.16 agency recognized by either:

197.17 (A) the Council for Higher Education Accreditation or its successor; or

197.18 (B) the United States Department of Education; and

197.19 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion  
197.20 of:

197.21 (i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000  
197.22 hours;

197.23 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

197.24 (iii) the substantial equivalency of the foregoing practice requirements which the  
197.25 Commission may determine by rule.

197.26 (c) An applicant for a master's-category multistate license must meet all of the following  
197.27 requirements:

197.28 (1) fulfill a competency requirement, which shall be satisfied by either:

197.29 (i) passage of a masters-category qualifying national exam;

198.1 (ii) licensure of the applicant in their home state at the master's category, beginning prior  
198.2 to such time as a qualifying national exam was required by the home state at the master's  
198.3 category and accompanied by a continuous period of social work licensure thereafter, all  
198.4 of which may be further governed by the rules of the Commission; or

198.5 (iii) the substantial equivalency of the foregoing competency requirements which the  
198.6 Commission may determine by rule; and

198.7 (2) attain at least a master's degree in social work from a program that is:

198.8 (i) operated by a college or university recognized by the licensing authority; and

198.9 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
198.10 agency recognized by either:

198.11 (A) the Council for Higher Education Accreditation or its successor; or

198.12 (B) the United States Department of Education.

198.13 (d) An applicant for a bachelor's-category multistate license must meet all of the following  
198.14 requirements:

198.15 (1) fulfill a competency requirement, which shall be satisfied by either:

198.16 (i) passage of a bachelor's-category qualifying national exam;

198.17 (ii) licensure of the applicant in their home state at the bachelor's category, beginning  
198.18 prior to such time as a qualifying national exam was required by the home state and  
198.19 accompanied by a period of continuous social work licensure thereafter, all of which may  
198.20 be further governed by the rules of the Commission; or

198.21 (iii) the substantial equivalency of the foregoing competency requirements which the  
198.22 Commission may determine by rule; and

198.23 (2) attain at least a bachelor's degree in social work from a program that is:

198.24 (i) operated by a college or university recognized by the licensing authority; and

198.25 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
198.26 agency recognized by either:

198.27 (A) the Council for Higher Education Accreditation or its successor; or

198.28 (B) the United States Department of Education.

199.1 (e) The multistate license for a regulated social worker is subject to the renewal  
199.2 requirements of the home state. The regulated social worker must maintain compliance with  
199.3 the requirements of paragraph (a) to be eligible to renew a multistate license.

199.4 (f) The regulated social worker's services in a remote state are subject to that member  
199.5 state's regulatory authority. A remote state may, in accordance with due process and that  
199.6 member state's laws, remove a regulated social worker's multistate authorization to practice  
199.7 in the remote state for a specific period of time, impose fines, and take any other necessary  
199.8 actions to protect the health and safety of its citizens.

199.9 (g) If a multistate license is encumbered, the regulated social worker's multistate  
199.10 authorization to practice shall be deactivated in all remote states until the multistate license  
199.11 is no longer encumbered.

199.12 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated  
199.13 social worker's multistate authorization to practice may be deactivated in that state until the  
199.14 multistate authorization to practice is no longer encumbered.

199.15 **Sec. 5. [148E.44] ISSUANCE OF A MULTISTATE LICENSE.**

199.16 (a) Upon receipt of an application for multistate license, the home state licensing authority  
199.17 shall determine the applicant's eligibility for a multistate license in accordance with section  
199.18 148E.43.

199.19 (b) If such applicant is eligible pursuant to section 148E.43, the home state licensing  
199.20 authority shall issue a multistate license that authorizes the applicant or regulated social  
199.21 worker to practice in all member states under a multistate authorization to practice.

199.22 (c) Upon issuance of a multistate license, the home state licensing authority shall designate  
199.23 whether the regulated social worker holds a multistate license in the bachelor's, master's,  
199.24 or clinical category of social work.

199.25 (d) A multistate license issued by a home state to a resident in that state shall be  
199.26 recognized by all Compact member states as authorizing social work practice under a  
199.27 multistate authorization to practice corresponding to each category of licensure regulated  
199.28 in each member state.

199.29 **Sec. 6. [148E.45] AUTHORITY OF INTERSTATE COMPACT COMMISSION**  
199.30 **AND MEMBER STATE LICENSING AUTHORITIES.**

199.31 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
199.32 restrict, or in any way reduce the ability of a member state to enact and enforce laws,

200.1 regulations, or other rules related to the practice of social work in that state, where those  
200.2 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

200.3 (b) Nothing in this Compact shall affect the requirements established by a member state  
200.4 for the issuance of a single state license.

200.5 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
200.6 restrict, or in any way reduce the ability of a member state to take adverse action against a  
200.7 licensee's single state license to practice social work in that state.

200.8 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
200.9 restrict, or in any way reduce the ability of a remote state to take adverse action against a  
200.10 licensee's multistate authorization to practice in that state.

200.11 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
200.12 restrict, or in any way reduce the ability of a licensee's home state to take adverse action  
200.13 against a licensee's multistate license based upon information provided by a remote state.

200.14 **Sec. 7. [148E.46] REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME**  
200.15 **STATE.**

200.16 (a) A licensee can hold a multistate license, issued by their home state, in only one  
200.17 member state at any given time.

200.18 (b) If a licensee changes their home state by moving between two member states:

200.19 (1) The licensee shall immediately apply for the reissuance of their multistate license in  
200.20 their new home state. The licensee shall pay all applicable fees and notify the prior home  
200.21 state in accordance with the rules of the Commission.

200.22 (2) Upon receipt of an application to reissue a multistate license, the new home state  
200.23 shall verify that the multistate license is active, unencumbered, and eligible for reissuance  
200.24 under the terms of the Compact and the rules of the Commission. The multistate license  
200.25 issued by the prior home state will be deactivated and all member states notified in  
200.26 accordance with the applicable rules adopted by the Commission.

200.27 (3) Prior to the reissuance of the multistate license, the new home state shall conduct  
200.28 procedures for considering the criminal history records of the licensee. Such procedures  
200.29 shall include the submission of fingerprints or other biometric-based information by  
200.30 applicants for the purpose of obtaining an applicant's criminal history record information  
200.31 from the Federal Bureau of Investigation and the agency responsible for retaining that state's  
200.32 criminal records.



201.1 (4) If required for initial licensure, the new home state may require completion of  
201.2 jurisprudence requirements in the new home state.

201.3 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet  
201.4 the requirements set forth in this Compact for the reissuance of a multistate license by the  
201.5 new home state, then the licensee shall be subject to the new home state requirements for  
201.6 the issuance of a single state license in that state.

201.7 (c) If a licensee changes their primary state of residence by moving from a member state  
201.8 to a nonmember state, or from a nonmember state to a member state, then the licensee shall  
201.9 be subject to the state requirements for the issuance of a single state license in the new home  
201.10 state.

201.11 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state  
201.12 license in multiple states; however, for the purposes of this Compact, a licensee shall have  
201.13 only one home state, and only one multistate license.

201.14 (e) Nothing in this Compact shall interfere with the requirements established by a member  
201.15 state for the issuance of a single state license.

201.16 **Sec. 8. [148E.47] MILITARY FAMILIES.**

201.17 An active military member or their spouse shall designate a home state where the  
201.18 individual has a multistate license. The individual may retain their home state designation  
201.19 during the period the service member is on active duty.

201.20 **Sec. 9. [148E.48] ADVERSE ACTIONS.**

201.21 (a) In addition to the other powers conferred by state law, a remote state shall have the  
201.22 authority, in accordance with existing state due process law, to:

201.23 (1) take adverse action against a regulated social worker's multistate authorization to  
201.24 practice only within that member state, and issue subpoenas for both hearings and  
201.25 investigations that require the attendance and testimony of witnesses as well as the production  
201.26 of evidence. Subpoenas issued by a licensing authority in a member state for the attendance  
201.27 and testimony of witnesses or the production of evidence from another member state shall  
201.28 be enforced in the latter state by any court of competent jurisdiction, according to the practice  
201.29 and procedure of that court applicable to subpoenas issued in proceedings pending before  
201.30 it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and  
201.31 other fees required by the service statutes of the state in which the witnesses or evidence  
201.32 are located; and

202.1 (2) only the home state shall have the power to take adverse action against a regulated  
202.2 social worker's multistate license.

202.3 (b) For purposes of taking adverse action, the home state shall give the same priority  
202.4 and effect to reported conduct received from a member state as it would if the conduct had  
202.5 occurred within the home state. In so doing, the home state shall apply its own state laws  
202.6 to determine appropriate action.

202.7 (c) The home state shall complete any pending investigations of a regulated social worker  
202.8 who changes their home state during the course of the investigations. The home state shall  
202.9 also have the authority to take appropriate action and shall promptly report the conclusions  
202.10 of the investigations to the administrator of the data system. The administrator of the data  
202.11 system shall promptly notify the new home state of any adverse actions.

202.12 (d) A member state, if otherwise permitted by state law, may recover from the affected  
202.13 regulated social worker the costs of investigations and dispositions of cases resulting from  
202.14 any adverse action taken against that regulated social worker.

202.15 (e) A member state may take adverse action based on the factual findings of another  
202.16 member state, provided that the member state follows its own procedures for taking the  
202.17 adverse action.

202.18 (f) Joint investigations:

202.19 (1) In addition to the authority granted to a member state by its respective social work  
202.20 practice act or other applicable state law, any member state may participate with other  
202.21 member states in joint investigations of licensees.

202.22 (2) Member states shall share any investigative, litigation, or compliance materials in  
202.23 furtherance of any joint or individual investigation initiated under the Compact.

202.24 (g) If adverse action is taken by the home state against the multistate license of a regulated  
202.25 social worker, the regulated social worker's multistate authorization to practice in all other  
202.26 member states shall be deactivated until all encumbrances have been removed from the  
202.27 multistate license. All home state disciplinary orders that impose adverse action against the  
202.28 license of a regulated social worker shall include a statement that the regulated social worker's  
202.29 multistate authorization to practice is deactivated in all member states until all conditions  
202.30 of the decision, order, or agreement are satisfied.

202.31 (h) If a member state takes adverse action, it shall promptly notify the administrator of  
202.32 the data system. The administrator of the data system shall promptly notify the home state  
202.33 and all other member states of any adverse actions by remote states.

203.1 (i) Nothing in this compact shall override a member state's decision that participation  
203.2 in an alternative program may be used in lieu of adverse action.

203.3 (j) Nothing in this Compact shall authorize a member state to demand the issuance of  
203.4 subpoenas for attendance and testimony of witnesses or the production of evidence from  
203.5 another member state for lawful actions within that member state.

203.6 (k) Nothing in this Compact shall authorize a member state to impose discipline against  
203.7 a regulated social worker who holds a multistate authorization to practice for lawful actions  
203.8 within another member state.

203.9 **Sec. 10. [148E.49] ESTABLISHMENT OF SOCIAL WORK LICENSURE**  
203.10 **COMPACT COMMISSION.**

203.11 (a) The Compact member states hereby create and establish a joint government agency  
203.12 whose membership consists of all member states that have enacted the compact known as  
203.13 the Social Work Licensure Compact Commission. The Commission is an instrumentality  
203.14 of the Compact states acting jointly and not an instrumentality of any one state. The  
203.15 Commission shall come into existence on or after the effective date of the Compact as set  
203.16 forth in section 148E.53.

203.17 (b) Membership, voting, and meetings:

203.18 (1) Each member state shall have and be limited to one delegate selected by that member  
203.19 state's state licensing authority.

203.20 (2) The delegate shall be either:

203.21 (i) a current member of the state licensing authority at the time of appointment, who is  
203.22 a regulated social worker or public member of the state licensing authority; or

203.23 (ii) an administrator of the state licensing authority or their designee.

203.24 (3) The Commission shall by rule or bylaw establish a term of office for delegates and  
203.25 may by rule or bylaw establish term limits.

203.26 (4) The Commission may recommend removal or suspension of any delegate from office.

203.27 (5) A member state's state licensing authority shall fill any vacancy of its delegate  
203.28 occurring on the Commission within 60 days of the vacancy.

203.29 (6) Each delegate shall be entitled to one vote on all matters before the Commission  
203.30 requiring a vote by Commission delegates.

204.1 (7) A delegate shall vote in person or by such other means as provided in the bylaws.  
204.2 The bylaws may provide for delegates to meet by telecommunication, video conference, or  
204.3 other means of communication.

204.4 (8) The Commission shall meet at least once during each calendar year. Additional  
204.5 meetings may be held as set forth in the bylaws. The Commission may meet by  
204.6 telecommunication, video conference, or other similar electronic means.

204.7 (c) The Commission shall have the following powers:

204.8 (1) establish the fiscal year of the Commission;

204.9 (2) establish code of conduct and conflict of interest policies;

204.10 (3) establish and amend rules and bylaws;

204.11 (4) maintain its financial records in accordance with the bylaws;

204.12 (5) meet and take such actions as are consistent with the provisions of this Compact, the  
204.13 Commission's rules, and the bylaws;

204.14 (6) initiate and conclude legal proceedings or actions in the name of the Commission,  
204.15 provided that the standing of any state licensing board to sue or be sued under applicable  
204.16 law shall not be affected;

204.17 (7) maintain and certify records and information provided to a member state as the  
204.18 authenticated business records of the Commission, and designate an agent to do so on the  
204.19 Commission's behalf;

204.20 (8) purchase and maintain insurance and bonds;

204.21 (9) borrow, accept, or contract for services of personnel, including but not limited to  
204.22 employees of a member state;

204.23 (10) conduct an annual financial review;

204.24 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant  
204.25 such individuals appropriate authority to carry out the purposes of the Compact, and establish  
204.26 the Commission's personnel policies and programs relating to conflicts of interest,  
204.27 qualifications of personnel, and other related personnel matters;

204.28 (12) assess and collect fees;

204.29 (13) accept any and all appropriate gifts, donations, grants of money, other sources of  
204.30 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of

- 205.1 the same, provided that at all times the Commission shall avoid any appearance of  
205.2 impropriety or conflict of interest;
- 205.3 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or  
205.4 mixed, or any undivided interest therein;
- 205.5 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
205.6 any property real, personal, or mixed;
- 205.7 (16) establish a budget and make expenditures;
- 205.8 (17) borrow money;
- 205.9 (18) appoint committees, including standing committees, composed of members, state  
205.10 regulators, state legislators or their representatives, and consumer representatives, and such  
205.11 other interested persons as may be designated in this Compact and the bylaws;
- 205.12 (19) provide and receive information from, and cooperate with, law enforcement agencies;
- 205.13 (20) establish and elect an Executive Committee, including a chair and a vice chair;
- 205.14 (21) determine whether a state's adopted language is materially different from the model  
205.15 compact language such that the state would not qualify for participation in the Compact;  
205.16 and
- 205.17 (22) perform such other functions as may be necessary or appropriate to achieve the  
205.18 purposes of this Compact.
- 205.19 (d) The Executive Committee:
- 205.20 (1) The Executive Committee shall have the power to act on behalf of the Commission  
205.21 according to the terms of this Compact. The powers, duties, and responsibilities of the  
205.22 Executive Committee shall include:
- 205.23 (i) oversee the day-to-day activities of the administration of the Compact, including  
205.24 enforcement and compliance with the provisions of the Compact, its rules and bylaws, and  
205.25 other such duties as deemed necessary;
- 205.26 (ii) recommend to the Commission changes to the rules or bylaws, changes to this  
205.27 Compact legislation, fees charged to Compact member states, fees charged to licensees,  
205.28 and other fees;
- 205.29 (iii) ensure Compact administration services are appropriately provided, including by  
205.30 contract;
- 205.31 (iv) prepare and recommend the budget;

- 206.1 (v) maintain financial records on behalf of the Commission;
- 206.2 (vi) monitor Compact compliance of member states and provide compliance reports to  
206.3 the Commission;
- 206.4 (vii) establish additional committees as necessary;
- 206.5 (viii) exercise the powers and duties of the Commission during the interim between  
206.6 Commission meetings, except for adopting or amending rules, adopting or amending bylaws,  
206.7 and exercising any other powers and duties expressly reserved to the Commission by rule  
206.8 or bylaw; and
- 206.9 (ix) other duties as provided in the rules or bylaws of the Commission.
- 206.10 (2) The Executive Committee shall be composed of up to 11 members:
- 206.11 (i) the chair and vice chair of the Commission shall be voting members of the Executive  
206.12 Committee;
- 206.13 (ii) the Commission shall elect five voting members from the current membership of  
206.14 the Commission;
- 206.15 (iii) up to four ex-officio, nonvoting members from four recognized national social work  
206.16 organizations; and
- 206.17 (iv) the ex-officio members will be selected by their respective organizations.
- 206.18 (3) The Commission may remove any member of the Executive Committee as provided  
206.19 in the Commission's bylaws.
- 206.20 (4) The Executive Committee shall meet at least annually.
- 206.21 (i) Executive Committee meetings shall be open to the public, except that the Executive  
206.22 Committee may meet in a closed, nonpublic meeting as provided in paragraph (f), clause  
206.23 (2).
- 206.24 (ii) The Executive Committee shall give seven days' notice of its meetings posted on its  
206.25 website and as determined to provide notice to persons with an interest in the business of  
206.26 the Commission.
- 206.27 (iii) The Executive Committee may hold a special meeting in accordance with paragraph  
206.28 (f), clause (1), item (ii).
- 206.29 (e) The Commission shall adopt and provide to the member states an annual report.
- 206.30 (f) Meetings of the Commission:

207.1 (1) All meetings shall be open to the public, except that the Commission may meet in a  
207.2 closed, nonpublic meeting as provided in paragraph (f), clause (2).

207.3 (i) Public notice for all meetings of the full Commission of meetings shall be given in  
207.4 the same manner as required under the rulemaking provisions in section 148E.51, except  
207.5 that the Commission may hold a special meeting as provided in paragraph (f), clause (1),  
207.6 item (ii).

207.7 (ii) The Commission may hold a special meeting when it must meet to conduct emergency  
207.8 business by giving 48 hours' notice to all commissioners on the Commission's website and  
207.9 other means as provided in the Commission's rules. The Commission's legal counsel shall  
207.10 certify that the Commission's need to meet qualifies as an emergency.

207.11 (2) The Commission or the Executive Committee or other committees of the Commission  
207.12 may convene in a closed, nonpublic meeting for the Commission or Executive Committee  
207.13 or other committees of the Commission to receive legal advice or to discuss:

207.14 (i) noncompliance of a member state with its obligations under the Compact;

207.15 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
207.16 related to specific employees;

207.17 (iii) current or threatened discipline of a licensee by the Commission or by a member  
207.18 state's licensing authority;

207.19 (iv) current, threatened, or reasonably anticipated litigation;

207.20 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
207.21 estate;

207.22 (vi) accusing any person of a crime or formally censuring any person;

207.23 (vii) trade secrets or commercial or financial information that is privileged or confidential;

207.24 (viii) information of a personal nature where disclosure would constitute a clearly  
207.25 unwarranted invasion of personal privacy;

207.26 (ix) investigative records compiled for law enforcement purposes;

207.27 (x) information related to any investigative reports prepared by or on behalf of or for  
207.28 use of the Commission or other committee charged with responsibility of investigation or  
207.29 determination of compliance issues pursuant to the Compact;

207.30 (xi) matters specifically exempted from disclosure by federal or member state law; or

207.31 (xii) other matters as promulgated by the Commission by rule.

208.1 (3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that  
208.2 the meeting will be closed and reference each relevant exempting provision, and such  
208.3 reference shall be recorded in the minutes.

208.4 (4) The Commission shall keep minutes that fully and clearly describe all matters  
208.5 discussed in a meeting and shall provide a full and accurate summary of actions taken, and  
208.6 the reasons therefore, including a description of the views expressed. All documents  
208.7 considered in connection with an action shall be identified in such minutes. All minutes and  
208.8 documents of a closed meeting shall remain under seal, subject to release only by a majority  
208.9 vote of the Commission or order of a court of competent jurisdiction.

208.10 (g) Financing of the Commission:

208.11 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses  
208.12 of its establishment, organization, and ongoing activities.

208.13 (2) The Commission may accept any and all appropriate revenue sources as provided  
208.14 in paragraph (c), clause (13).

208.15 (3) The Commission may levy on and collect an annual assessment from each member  
208.16 state and impose fees on licensees of member states to whom it grants a multistate license  
208.17 to cover the cost of the operations and activities of the Commission and its staff, which  
208.18 must be in a total amount sufficient to cover its annual budget as approved each year for  
208.19 which revenue is not provided by other sources. The aggregate annual assessment amount  
208.20 for member states shall be allocated based upon a formula that the Commission shall  
208.21 promulgate by rule.

208.22 (4) The Commission shall not incur obligations of any kind prior to securing the funds  
208.23 adequate to meet the same; nor shall the Commission pledge the credit of any of the member  
208.24 states, except by and with the authority of the member state.

208.25 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The  
208.26 receipts and disbursements of the Commission shall be subject to the financial review and  
208.27 accounting procedures established under its bylaws. However, all receipts and disbursements  
208.28 of funds handled by the Commission shall be subject to an annual financial review by a  
208.29 certified or licensed public accountant, and the report of the financial review shall be included  
208.30 in and become part of the annual report of the Commission.

208.31 (h) Qualified immunity, defense, and indemnification:

208.32 (1) The members, officers, executive director, employees, and representatives of the  
208.33 Commission shall be immune from suit and liability, both personally and in their official



209.1 capacity, for any claim for damage to or loss of property or personal injury or other civil  
209.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
209.3 or that the person against whom the claim is made had a reasonable basis for believing  
209.4 occurred within the scope of Commission employment, duties, or responsibilities, provided  
209.5 that nothing in this paragraph shall be construed to protect any such person from suit or  
209.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
209.7 wanton misconduct of that person. The procurement of insurance of any type by the  
209.8 Commission shall not in any way compromise or limit the immunity granted hereunder.

209.9 (2) The Commission shall defend any member, officer, executive director, employee,  
209.10 and representative of the Commission in any civil action seeking to impose liability arising  
209.11 out of any actual or alleged act, error, or omission that occurred within the scope of  
209.12 Commission employment, duties, or responsibilities, or as determined by the Commission  
209.13 that the person against whom the claim is made had a reasonable basis for believing occurred  
209.14 within the scope of Commission employment, duties, or responsibilities, provided that  
209.15 nothing herein shall be construed to prohibit that person from retaining their own counsel  
209.16 at their own expense, and provided further, that the actual or alleged act, error, or omission  
209.17 did not result from that person's intentional or willful or wanton misconduct.

209.18 (3) The Commission shall indemnify and hold harmless any member, officer, executive  
209.19 director, employee, and representative of the Commission for the amount of any settlement  
209.20 or judgment obtained against that person arising out of any actual or alleged act, error, or  
209.21 omission that occurred within the scope of Commission employment, duties, or  
209.22 responsibilities, or that such person had a reasonable basis for believing occurred within  
209.23 the scope of Commission employment, duties, or responsibilities, provided that the actual  
209.24 or alleged act, error, or omission did not result from the intentional or willful or wanton  
209.25 misconduct of that person.

209.26 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for  
209.27 professional malpractice or misconduct, which shall be governed solely by any other  
209.28 applicable state laws.

209.29 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member  
209.30 state's state action immunity or state action affirmative defense with respect to antitrust  
209.31 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or  
209.32 anticompetitive law or regulation.

209.33 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity  
209.34 by the member states or by the Commission.

210.1 (i) Notwithstanding paragraph (h), clause (1), the liability of the executive director,  
210.2 employees, or representatives of the interstate commission, acting within the scope of their  
210.3 employment or duties, may not exceed the limits of liability set forth under the constitution  
210.4 and laws of this state for state officials, employees, and agents. This paragraph expressly  
210.5 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
210.6 under that statute.

210.7 (j) Except for a claim alleging a violation of this compact, a claim against the commission,  
210.8 its executive director, employees, or representatives alleging a violation of the constitution  
210.9 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
210.10 this paragraph creates a private right of action.

210.11 **Sec. 11. [148E.50] DATA SYSTEM.**

210.12 (a) The Commission shall provide for the development, maintenance, operation, and  
210.13 utilization of a coordinated data system.

210.14 (b) The Commission shall assign each applicant for a multistate license a unique identifier,  
210.15 as determined by the rules of the Commission.

210.16 (c) Notwithstanding any other provision of state law to the contrary, a member state  
210.17 shall submit a uniform data set to the data system on all individuals to whom this Compact  
210.18 is applicable as required by the rules of the Commission, including:

210.19 (1) identifying information;

210.20 (2) licensure data;

210.21 (3) adverse actions against a license and information related thereto;

210.22 (4) nonconfidential information related to alternative program participation, the beginning  
210.23 and ending dates of such participation, and other information related to such participation  
210.24 not made confidential under member state law;

210.25 (5) any denial of application for licensure, and the reason for such denial;

210.26 (6) the presence of current significant investigative information; and

210.27 (7) other information that may facilitate the administration of this Compact or the  
210.28 protection of the public, as determined by the rules of the Commission.

210.29 (d) The records and information provided to a member state pursuant to this Compact  
210.30 or through the data system, when certified by the Commission or an agent thereof, shall  
210.31 constitute the authenticated business records of the Commission, and shall be entitled to

211.1 any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
211.2 proceedings in a member state.

211.3 (e) Current significant investigative information pertaining to a licensee in any member  
211.4 state will only be available to other member states.

211.5 (f) It is the responsibility of the member states to report any adverse action against a  
211.6 licensee and to monitor the database to determine whether adverse action has been taken  
211.7 against a licensee. Adverse action information pertaining to a licensee in any member state  
211.8 will be available to any other member state.

211.9 (g) Member states contributing information to the data system may designate information  
211.10 that may not be shared with the public without the express permission of the contributing  
211.11 state.

211.12 (h) Any information submitted to the data system that is subsequently expunged pursuant  
211.13 to federal law or the laws of the member state contributing the information shall be removed  
211.14 from the data system.

211.15 **Sec. 12. [148E.51] RULEMAKING.**

211.16 (a) The Commission shall promulgate reasonable rules in order to effectively and  
211.17 efficiently implement and administer the purposes and provisions of the Compact. A rule  
211.18 shall be invalid and have no force or effect only if a court of competent jurisdiction holds  
211.19 that the rule is invalid because the Commission exercised its rulemaking authority in a  
211.20 manner that is beyond the scope and purposes of the Compact, or the powers granted  
211.21 hereunder, or based upon another applicable standard of review.

211.22 (b) The rules of the Commission shall have the force of law in each member state,  
211.23 provided however that where the rules of the Commission conflict with the laws of the  
211.24 member state that establish the member state's laws, regulations, and applicable standards  
211.25 that govern the practice of social work as held by a court of competent jurisdiction, the rules  
211.26 of the Commission shall be ineffective in that state to the extent of the conflict.

211.27 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set  
211.28 forth in this section and the rules adopted thereunder. Rules shall become binding on the  
211.29 day following adoption or the date specified in the rule or amendment, whichever is later.

211.30 (d) If a majority of the legislatures of the member states rejects a rule or portion of a  
211.31 rule, by enactment of a statute or resolution in the same manner used to adopt the Compact  
211.32 within four years of the date of adoption of the rule, then such rule shall have no further  
211.33 force and effect in any member state.

- 212.1 (e) Rules shall be adopted at a regular or special meeting of the Commission.
- 212.2 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and  
212.3 allow persons to provide oral and written comments, data, facts, opinions, and arguments.
- 212.4 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in  
212.5 advance of the meeting at which the Commission will hold a public hearing on the proposed  
212.6 rule, the Commission shall provide a notice of proposed rulemaking:
- 212.7 (1) on the website of the Commission or other publicly accessible platform;
- 212.8 (2) to persons who have requested notice of the Commission's notices of proposed  
212.9 rulemaking; and
- 212.10 (3) in such other way as the Commission may by rule specify.
- 212.11 (h) The notice of proposed rulemaking shall include:
- 212.12 (1) the time, date, and location of the public hearing at which the Commission will hear  
212.13 public comments on the proposed rule and, if different, the time, date, and location of the  
212.14 meeting where the Commission will consider and vote on the proposed rule;
- 212.15 (2) if the hearing is held via telecommunication, video conference, or other electronic  
212.16 means, the Commission shall include the mechanism for access to the hearing in the notice  
212.17 of proposed rulemaking;
- 212.18 (3) the text of the proposed rule and the reason therefor;
- 212.19 (4) a request for comments on the proposed rule from any interested person; and
- 212.20 (5) the manner in which interested persons may submit written comments.
- 212.21 (i) All hearings will be recorded. A copy of the recording and all written comments and  
212.22 documents received by the Commission in response to the proposed rule shall be available  
212.23 to the public.
- 212.24 (j) Nothing in this section shall be construed as requiring a separate hearing on each  
212.25 rule. Rules may be grouped for the convenience of the Commission at hearings required by  
212.26 this section.
- 212.27 (k) The Commission shall, by majority vote of all members, take final action on the  
212.28 proposed rule based on the rulemaking record and the full text of the rule.
- 212.29 (1) The Commission may adopt changes to the proposed rule, provided the changes do  
212.30 not enlarge the original purpose of the proposed rule.

213.1 (2) The Commission shall provide an explanation of the reasons for substantive changes  
213.2 made to the proposed rule as well as reasons for substantive changes not made that were  
213.3 recommended by commenters.

213.4 (3) The Commission shall determine a reasonable effective date for the rule. Except for  
213.5 an emergency as provided in paragraph (1), the effective date of the rule shall be no sooner  
213.6 than 30 days after issuing the notice that it adopted or amended the rule.

213.7 (1) Upon determination that an emergency exists, the Commission may consider and  
213.8 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that  
213.9 the usual rulemaking procedures provided in the Compact and in this section shall be  
213.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
213.11 days after the effective date of the rule. For the purposes of this provision, an emergency  
213.12 rule is one that must be adopted immediately in order to:

213.13 (1) meet an imminent threat to public health, safety, or welfare;

213.14 (2) prevent a loss of Commission or member state funds;

213.15 (3) meet a deadline for the promulgation of a rule that is established by federal law or  
213.16 rule; or

213.17 (4) protect public health and safety.

213.18 (m) The Commission or an authorized committee of the Commission may direct revisions  
213.19 to a previously adopted rule for purposes of correcting typographical errors, errors in format,  
213.20 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted  
213.21 on the website of the Commission. The revision shall be subject to challenge by any person  
213.22 for a period of 30 days after posting. The revision may be challenged only on grounds that  
213.23 the revision results in a material change to a rule. A challenge shall be made in writing and  
213.24 delivered to the Commission prior to the end of the notice period. If no challenge is made,  
213.25 the revision will take effect without further action. If the revision is challenged, the revision  
213.26 may not take effect without the approval of the Commission.

213.27 (n) No member state's rulemaking requirements shall apply under this compact.

213.28 **Sec. 13. [148E.52] OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

213.29 (a) Oversight:

213.30 (1) The executive and judicial branches of state government in each member state shall  
213.31 enforce this Compact and take all actions necessary and appropriate to implement the  
213.32 Compact.

214.1 (2) Except as otherwise provided in this Compact, venue is proper and judicial  
214.2 proceedings by or against the Commission shall be brought solely and exclusively in a court  
214.3 of competent jurisdiction where the principal office of the Commission is located. The  
214.4 Commission may waive venue and jurisdictional defenses to the extent it adopts or consents  
214.5 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or  
214.6 limit the selection or propriety of venue in any action against a licensee for professional  
214.7 malpractice, misconduct, or any such similar matter.

214.8 (3) The Commission shall be entitled to receive service of process in any proceeding  
214.9 regarding the enforcement or interpretation of the Compact and shall have standing to  
214.10 intervene in such a proceeding for all purposes. Failure to provide the Commission service  
214.11 of process shall render a judgment or order void as to the Commission, this Compact, or  
214.12 promulgated rules.

214.13 (b) Default, technical assistance, and termination:

214.14 (1) If the Commission determines that a member state has defaulted in the performance  
214.15 of its obligations or responsibilities under this Compact or the promulgated rules, the  
214.16 Commission shall provide written notice to the defaulting state. The notice of default shall  
214.17 describe the default, the proposed means of curing the default, and any other action that the  
214.18 Commission may take, and shall offer training and specific technical assistance regarding  
214.19 the default.

214.20 (2) The Commission shall provide a copy of the notice of default to the other member  
214.21 states.

214.22 (c) If a state in default fails to cure the default, the defaulting state may be terminated  
214.23 from the Compact upon an affirmative vote of a majority of the delegates of the member  
214.24 states, and all rights, privileges, and benefits conferred on that state by this Compact may  
214.25 be terminated on the effective date of termination. A cure of the default does not relieve the  
214.26 offending state of obligations or liabilities incurred during the period of default.

214.27 (d) Termination of membership in the Compact shall be imposed only after all other  
214.28 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
214.29 shall be given by the Commission to the governor, the majority and minority leaders of the  
214.30 defaulting state's legislature, the defaulting state's state licensing authority, and each of the  
214.31 member states' state licensing authority.

214.32 (e) A state that has been terminated is responsible for all assessments, obligations, and  
214.33 liabilities incurred through the effective date of termination, including obligations that  
214.34 extend beyond the effective date of termination.

215.1 (f) Upon the termination of a state's membership from this Compact, that state shall  
215.2 immediately provide notice to all licensees within that state of such termination. The  
215.3 terminated state shall continue to recognize all licenses granted pursuant to this Compact  
215.4 for a minimum of six months after the date of said notice of termination.

215.5 (g) The Commission shall not bear any costs related to a state that is found to be in  
215.6 default or that has been terminated from the Compact, unless agreed upon in writing between  
215.7 the Commission and the defaulting state.

215.8 (h) The defaulting state may appeal the action of the Commission by petitioning the  
215.9 United States District Court for the District of Columbia or the federal district where the  
215.10 Commission has its principal offices. The prevailing party shall be awarded all costs of such  
215.11 litigation, including reasonable attorney fees.

215.12 (i) Dispute resolution:

215.13 (1) Upon request by a member state, the Commission shall attempt to resolve disputes  
215.14 related to the Compact that arise among member states and between member and nonmember  
215.15 states.

215.16 (2) The Commission shall promulgate a rule providing for both mediation and binding  
215.17 dispute resolution for disputes as appropriate.

215.18 (j) Enforcement:

215.19 (1) By majority vote as provided by rule, the Commission may initiate legal action  
215.20 against a member state in default in the United States District Court for the District of  
215.21 Columbia or the federal district where the Commission has its principal offices to enforce  
215.22 compliance with the provisions of the Compact and its promulgated rules. The relief sought  
215.23 may include both injunctive relief and damages. In the event judicial enforcement is  
215.24 necessary, the prevailing party shall be awarded all costs of such litigation, including  
215.25 reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the  
215.26 Commission. The Commission may pursue any other remedies available under federal or  
215.27 the defaulting member state's law.

215.28 (2) A member state may initiate legal action against the Commission in the United States  
215.29 District Court for the District of Columbia or the federal district where the Commission has  
215.30 its principal offices to enforce compliance with the provisions of the Compact and its  
215.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the  
215.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
215.33 such litigation, including reasonable attorney fees.

216.1 (3) No person other than a member state shall enforce this compact against the  
216.2 Commission.

216.3 Sec. 14. **[148E.53] EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

216.4 (a) The Compact shall come into effect on the date on which the Compact statute is  
216.5 enacted into law in the seventh member state.

216.6 (1) On or after the effective date of the Compact, the Commission shall convene and  
216.7 review the enactment of each of the first seven member states ("charter member states") to  
216.8 determine if the statute enacted by each such charter member state is materially different  
216.9 than the model Compact statute.

216.10 (i) A charter member state whose enactment is found to be materially different from the  
216.11 model Compact statute shall be entitled to the default process set forth in section 148E.52.

216.12 (ii) If any member state is later found to be in default, or is terminated or withdraws  
216.13 from the Compact, the Commission shall remain in existence and the Compact shall remain  
216.14 in effect even if the number of member states should be less than seven.

216.15 (2) Member states enacting the compact subsequent to the seven initial charter member  
216.16 states shall be subject to the process set forth in section 148E.49, paragraph (c), clause (21),  
216.17 to determine if their enactments are materially different from the model Compact statute  
216.18 and whether they qualify for participation in the Compact.

216.19 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes  
216.20 of the administration of the Compact prior to the effective date of the Compact or the  
216.21 Commission coming into existence shall be considered to be actions of the Commission  
216.22 unless specifically repudiated by the Commission.

216.23 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of  
216.24 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on  
216.25 which the Compact becomes law in that state. Any rule that has been previously adopted  
216.26 by the Commission shall have the full force and effect of law on the day the Compact  
216.27 becomes law in that state.

216.28 (b) Any member state may withdraw from this Compact by enacting a statute repealing  
216.29 the same.

216.30 (1) A member state's withdrawal shall not take effect until 180 days after enactment of  
216.31 the repealing statute.



217.1 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
217.2 licensing authority to comply with the investigative and adverse action reporting requirements  
217.3 of this Compact prior to the effective date of withdrawal.

217.4 (3) Upon the enactment of a statute withdrawing from this Compact, a state shall  
217.5 immediately provide notice of such withdrawal to all licensees within that state.  
217.6 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing  
217.7 state shall continue to recognize all licenses granted pursuant to this Compact for a minimum  
217.8 of 180 days after the date of such notice of withdrawal.

217.9 (c) Nothing contained in this Compact shall be construed to invalidate or prevent any  
217.10 licensure agreement or other cooperative arrangement between a member state and a  
217.11 nonmember state that does not conflict with the provisions of this Compact.

217.12 (d) This Compact may be amended by the member states. No amendment to this Compact  
217.13 shall become effective and binding upon any member state until it is enacted into the laws  
217.14 of all member states.

217.15 Sec. 15. **[148E.54] CONSTRUCTION AND SEVERABILITY.**

217.16 (a) This Compact and the Commission's rulemaking authority shall be liberally construed  
217.17 so as to effectuate the purposes, and the implementation and administration of the Compact.  
217.18 Provisions of the Compact expressly authorizing or requiring the promulgation of rules  
217.19 shall not be construed to limit the Commission's rulemaking authority solely for those  
217.20 purposes.

217.21 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,  
217.22 or provision of this Compact is held by a court of competent jurisdiction to be contrary to  
217.23 the constitution of any member state, a state seeking participation in the Compact, or of the  
217.24 United States, or the applicability thereof to any government, agency, person or circumstance  
217.25 is held to be unconstitutional by a court of competent jurisdiction, the validity of the  
217.26 remainder of this Compact and the applicability thereof to any other government, agency,  
217.27 person or circumstance shall not be affected thereby.

217.28 (c) Notwithstanding paragraph (b), the Commission may deny a state's participation in  
217.29 the Compact or, in accordance with the requirements of section 148E.52, paragraph (b),  
217.30 terminate a member state's participation in the Compact, if it determines that a constitutional  
217.31 requirement of a member state is a material departure from the Compact. Otherwise, if this  
217.32 Compact shall be held to be contrary to the constitution of any member state, the Compact

218.1 shall remain in full force and effect as to the remaining member states and in full force and  
218.2 effect as to the member state affected as to all severable matters.

218.3 Sec. 16. **[148E.55] CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**  
218.4 **LAWS.**

218.5 (a) A licensee providing services in a remote state under a multistate authorization to  
218.6 practice shall adhere to the laws and regulations, including laws, regulations, and applicable  
218.7 standards, of the remote state where the client is located at the time care is rendered.

218.8 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member  
218.9 state that is not inconsistent with the Compact.

218.10 (c) Any laws, statutes, regulations, or other legal requirements in a member state in  
218.11 conflict with the Compact are superseded to the extent of the conflict.

218.12 (d) All permissible agreements between the Commission and the member states are  
218.13 binding in accordance with their terms.

218.14 **ARTICLE 16**  
218.15 **APPROPRIATIONS**

218.16 Section 1. **COMMISSIONER OF HEALTH.**

218.17 Subdivision 1. **Registration of transfer care specialists.** \$198,000 in fiscal year 2025  
218.18 is appropriated from the state government special revenue fund to the commissioner of  
218.19 health to implement Minnesota Statutes, section 149A.47. The state government special  
218.20 revenue fund base for this appropriation is \$105,000 in fiscal year 2026 and \$105,000 in  
218.21 fiscal year 2027.

218.22 Subd. 2. **Licensure of speech-language pathology assistants.** \$105,000 in fiscal year  
218.23 2025 is appropriated from the state government special revenue fund to the commissioner  
218.24 of health to implement licensing requirements for speech-language pathology assistants  
218.25 under Minnesota Statutes, section 148.5181. The state government special revenue fund  
218.26 base for this appropriation is \$22,000 in fiscal year 2026 and \$22,000 in fiscal year 2027.

218.27 Subd. 3. **Audiology and speech-language interstate compact.** \$279,000 in fiscal year  
218.28 2025 is appropriated from the state government special revenue fund to the commissioner  
218.29 of health to implement the audiology and speech-language pathology interstate compact  
218.30 under Minnesota Statutes, section 148.5185. The state government special revenue fund  
218.31 base for this appropriation is \$106,000 in fiscal year 2026 and \$106,000 in fiscal year 2027.

219.1     Sec. 2. **BOARD OF PSYCHOLOGY; LICENSING REQUIREMENTS FOR**  
219.2 **BEHAVIOR ANALYSTS.**

219.3         \$81,000 in fiscal year 2025 is appropriated from the state government special revenue  
219.4 fund to the Board of Psychology to implement licensing requirements for behavior analysts  
219.5 under Minnesota Statutes, sections 148.9981 to 148.9995. The state government special  
219.6 revenue fund base for this appropriation is \$47,000 in fiscal year 2026 and \$47,000 in fiscal  
219.7 year 2027.

219.8     Sec. 3. **BOARD OF VETERINARY MEDICINE; LICENSING REQUIREMENTS**  
219.9 **FOR VETERINARY TECHNICIANS.**

219.10        \$23,000 in fiscal year 2025 is appropriated from the state government special revenue  
219.11 fund to the Board of Veterinary Medicine to implement Minnesota Statutes, section 156.077.  
219.12 The state government special revenue fund base for this appropriation is \$52,000 in fiscal  
219.13 year 2026 and \$52,000 in fiscal year 2027.

219.14     Sec. 4. **BOARD OF DENTISTRY.**

219.15        Subdivision 1. **Licensure by credential for dental assistants.** \$2,000 in fiscal year  
219.16 2025 is appropriated from the state government special revenue fund to the Board of Dentistry  
219.17 to implement Minnesota Statutes, section 150A.06, subdivision 8. The state government  
219.18 special revenue fund base for this appropriation is \$3,000 in fiscal year 2026 and \$5,000 in  
219.19 fiscal year 2027.

219.20        Subd. 2. **Dentist and dental hygienist compact.** \$41,000 in fiscal year 2025 is  
219.21 appropriated from the state government special revenue fund to the Board of Dentistry to  
219.22 implement the dentist and dental hygienist compact under Minnesota Statutes, section  
219.23 150A.051. The state government special revenue fund base for this appropriation is \$42,000  
219.24 in fiscal year 2026 and \$42,000 in fiscal year 2027.

219.25     Sec. 5. **BOARD OF MARRIAGE AND FAMILY THERAPY; LICENSED**  
219.26 **MARRIAGE AND FAMILY THERAPIST GUEST LICENSE.**

219.27        \$18,000 in fiscal year 2025 is appropriated from the state government special revenue  
219.28 fund to the Board of Marriage and Family Therapy to implement Minnesota Statutes, section  
219.29 148B.331. The state government special revenue fund base for this appropriation is \$1,000  
219.30 in fiscal year 2026 and \$1,000 in fiscal year 2027.

220.1     Sec. 6. **BOARD OF SOCIAL WORK.**

220.2         Subdivision 1. Social worker provisional licensing. \$133,000 in fiscal year 2025 is  
220.3 appropriated from the state government special revenue fund to the Board of Social Work  
220.4 to implement modifications to provisional licensure under Minnesota Statutes, chapters  
220.5 148D and 148E. The state government special revenue fund base for this appropriation is  
220.6 \$80,000 in fiscal year 2026 and \$80,000 in fiscal year 2027.

220.7         Subd. 2. Social work interstate compact. \$3,000 in fiscal year 2025 is appropriated  
220.8 from the state government special revenue fund to the Board of Social Work to implement  
220.9 the social work interstate compact under Minnesota Statutes, sections 148E.40 to 148E.55.  
220.10 The state government special revenue fund base for this appropriation is \$149,000 in fiscal  
220.11 year 2026 and \$83,000 in fiscal year 2027.

220.12     Sec. 7. **BOARD OF BEHAVIORAL HEALTH AND THERAPY; LICENSED**  
220.13 **PROFESSIONAL COUNSELOR INTERSTATE COMPACT.**

220.14         \$159,000 in fiscal year 2025 is appropriated from the state government special revenue  
220.15 fund to the Board of Behavioral Health and Therapy to implement the licensed professional  
220.16 counselor interstate compact under Minnesota Statutes, section 148B.75. The state  
220.17 government special revenue fund base for this appropriation is \$95,000 in fiscal year 2026  
220.18 and \$95,000 in fiscal year 2027.

220.19     Sec. 8. **BOARD OF MEDICAL PRACTICE; PHYSICIAN ASSISTANT LICENSURE**  
220.20 **COMPACT.**

220.21         \$113,000 in fiscal year 2025 is appropriated from the state government special revenue  
220.22 fund to the Board of Medical Practice to implement the physician assistant licensure compact  
220.23 under Minnesota Statutes, section 148.675. The state government special revenue fund base  
220.24 for this appropriation is \$142,000 in fiscal year 2026 and \$96,000 in fiscal year 2027.

220.25     Sec. 9. **BOARD OF OCCUPATIONAL THERAPY PRACTICE; OCCUPATIONAL**  
220.26 **THERAPY LICENSURE COMPACT.**

220.27         \$143,000 in fiscal year 2025 is appropriated from the state government special revenue  
220.28 fund to the Board of Occupational Therapy Practice to implement the occupational therapy  
220.29 licensure compact under Minnesota Statutes, section 148.645. The state government special  
220.30 revenue fund base for this appropriation is \$80,000 in fiscal year 2026 and \$80,000 in fiscal  
220.31 year 2027.

221.1 Sec. 10. **BOARD OF PHYSICAL THERAPY; PHYSICAL THERAPY LICENSURE**  
221.2 **COMPACT.**

221.3 \$160,000 in fiscal year 2025 is appropriated from the state government special revenue  
221.4 fund to the Board of Physical Therapy to implement the physical therapy licensure compact  
221.5 under Minnesota Statutes, section 148.676. The state government special revenue fund base  
221.6 for this appropriation is \$95,000 in fiscal year 2026 and \$95,000 in fiscal year 2027.

221.7 Sec. 11. **EFFECTIVE DATE.**

221.8 This article is effective July 1, 2024."

221.9 Delete the title and insert:

221.10 "A bill for an act

221.11 relating to health occupations; establishing registration for transfer care specialists,  
221.12 licensure for behavior analysts, licensure for veterinary technicians and a veterinary  
221.13 institutional license, guest licensure for marriage and family therapists, and licensure  
221.14 for speech-language pathology assistants; modifying provisions of veterinary  
221.15 supervision; modifying specialty dentist licensure and dental assistant licensure  
221.16 by credentials; removing additional collaboration requirements for physician  
221.17 assistants to provide certain psychiatric treatment; modifying social worker  
221.18 provisional licensure; creating a licensure compact for physician assistants,  
221.19 occupational therapists, physical therapists, licensed professional counselors,  
221.20 audiologists and speech-language pathologists, dentists and dental hygienists, and  
221.21 social workers; providing for rulemaking; establishing fees; appropriating money;  
221.22 amending Minnesota Statutes 2022, sections 144.0572, subdivision 1; 148.511;  
221.23 148.512, subdivision 17a; 148.513, subdivisions 1, 2, 3, by adding a subdivision;  
221.24 148.514, subdivision 2; 148.515, subdivision 1; 148.518; 148.519, subdivision 1,  
221.25 by adding a subdivision; 148.5191, subdivision 1, by adding a subdivision;  
221.26 148.5192, subdivisions 1, 2, 3; 148.5193, subdivision 1, by adding a subdivision;  
221.27 148.5194, subdivision 8, by adding a subdivision; 148.5195, subdivisions 5, 6;  
221.28 148.5196, subdivision 3; 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3,  
221.29 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01,  
221.30 subdivision 3; 149A.02, subdivision 13a, by adding a subdivision; 149A.03;  
221.31 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63;  
221.32 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions  
221.33 2, 4, 5; 150A.06, subdivisions 1c, 8; 156.001, by adding subdivisions; 156.07;  
221.34 156.12, subdivisions 2, 4; Minnesota Statutes 2023 Supplement, sections 148.5195,  
221.35 subdivision 3; 148.5196, subdivision 1; 148B.392, subdivision 2; 245C.031,  
221.36 subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 148;  
221.37 148B; 148E; 149A; 150A; 156; repealing Minnesota Statutes 2022, sections  
221.38 147A.09, subdivision 5; 148D.061, subdivision 9; 156.12, subdivision 6."

222.1 We request the adoption of this report and repassage of the bill.

222.2 House Conferees:

222.3 ..... ..

222.4 Tina Liebling Ned Carroll

222.5 .....

222.6 Danny Nadeau

222.7 Senate Conferees:

222.8 ..... ..

222.9 Melissa Wiklund Liz Boldon

222.10 .....

222.11 Paul Utke