

**Senator Dzedzic from the Committee on State and Local Government and Veterans,  
to which was referred**

**H.F. No. 4247:** A bill for an act relating to health; establishing registration for transfer care specialists; establishing licensure for behavior analysts; establishing licensure for veterinary technicians and a veterinary institutional license; modifying provisions of veterinary supervision; modifying specialty dentist licensure and dental assistant licensure by credentials; removing additional collaboration requirements for physician assistants to provide certain psychiatric treatment; modifying social worker provisional licensure; establishing guest licensure for marriage and family therapists; modifying pharmacy provisions for certain reporting requirements and change of ownership or relocation; appropriating money; amending Minnesota Statutes 2022, sections 148D.061, subdivisions 1, 8; 148D.062, subdivisions 3, 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions; 149A.01, subdivision 3; 149A.02, subdivision 13a, by adding a subdivision; 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62; 149A.63; 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90, subdivisions 2, 4, 5; 150A.06, subdivisions 1c, 8; 151.065, by adding subdivisions; 151.066, subdivisions 1, 2, 3; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2, 4; Minnesota Statutes 2023 Supplement, section 148B.392, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 148; 148B; 149A; 156; repealing Minnesota Statutes 2022, sections 147A.09, subdivision 5; 148D.061, subdivision 9; 156.12, subdivision 6.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

**"ARTICLE 1**

**TRANSFER CARE SPECIALISTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.8 **149A.03 DUTIES OF COMMISSIONER.**

3.9 The commissioner shall:

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

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

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

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

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

3.17 (v) licensing and operation of a crematory;

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

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

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

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

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

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

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

3.29 (9) educate the public about the existence and content of the laws and rules for mortuary  
3.30 science licensing and the removal, preparation, transportation, arrangements for disposition,

4.1 and final disposition of dead human bodies to enable consumers to file complaints against  
4.2 licensees and others who may have violated those laws or rules;

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

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

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

4.11 **149A.09 DENIAL; REFUSAL TO REISSUE; REVOCATION; SUSPENSION;**  
4.12 **LIMITATION OF LICENSE, REGISTRATION, OR PERMIT.**

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

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

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

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

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

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

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

(7) has a conservator or guardian appointed;

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

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

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

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

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

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

Subd. 4. **Limitations or qualifications placed on license, registration, or permit.** The regulatory agency may, where the facts support such action, place reasonable limitations

or qualifications on the right to practice mortuary science ~~or~~, to operate a funeral establishment or crematory, or to perform activities or actions permitted under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.2 **149A.60 PROHIBITED CONDUCT.**

8.3 The regulatory agency may impose disciplinary measures or take disciplinary action  
8.4 against a person whose conduct is subject to regulation under this chapter for failure to  
8.5 comply with any provision of this chapter or laws, rules, orders, stipulation agreements,  
8.6 settlements, compliance agreements, licenses, registrations, and permits adopted, or issued  
8.7 for the regulation of the removal, preparation, transportation, arrangements for disposition  
8.8 or final disposition of dead human bodies, or for the regulation of the practice of mortuary  
8.9 science.

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

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

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

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

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

8.24 **149A.62 IMMUNITY; REPORTING.**

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



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

9.2 **149A.63 PROFESSIONAL COOPERATION.**

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

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

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

9.10 (1) \$75 for the initial and renewal registration of a mortuary science intern;

9.11 (2) \$125 for the mortuary science examination;

9.12 (3) \$200 for issuance of initial and renewal mortuary science licenses;

9.13 (4) \$100 late fee charge for a license renewal; ~~and~~

9.14 (5) \$250 for issuing a mortuary science license by endorsement; and

9.15 (6) \$226 for the initial and renewal registration of a transfer care specialist.

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

9.17 Subd. 3. **Advertising.** No licensee, clinical student, practicum student, ~~or intern~~, or  
9.18 transfer care specialist shall publish or disseminate false, misleading, or deceptive advertising.  
9.19 False, misleading, or deceptive advertising includes, but is not limited to:

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

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

9.25 (3) using a surname not directly, actively, or presently associated with a licensed funeral  
9.26 establishment, alkaline hydrolysis facility, or crematory, unless the surname had been  
9.27 previously and continuously used by the licensed funeral establishment, alkaline hydrolysis  
9.28 facility, or crematory; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.27 (2) the date and time of removal;

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

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

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

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

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

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

12.24 **ARTICLE 2**  
12.25 **BEHAVIOR ANALYST LICENSURE**

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

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

12.29 Subd. 2. **Accredited school or educational program.** "Accredited school or educational  
12.30 program" means a school, university, college, or other postsecondary education program  
12.31 that, at the time the student completes the program, is accredited by a regional accrediting  
12.32 association whose standards are substantially equivalent to those of the North Central  
12.33 Association of Colleges and Postsecondary Education Institutions or an accrediting

13.1 association that evaluates schools of behavior analysis, psychology, or education for inclusion  
13.2 of the education, practicum, and core function standards.

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

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

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

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

13.12 Subd. 7. **Licensed assistant behavior analyst.** "Licensed assistant behavior analyst"  
13.13 or "assistant behavior analyst" means an individual who holds a valid license issued under  
13.14 sections 148.9981 to 148.9995 to assist in the practice of applied behavior analysis.

13.15 Subd. 8. **Licensed behavior analyst.** "Licensed behavior analyst" or "behavior analyst"  
13.16 means an individual who holds a valid license issued under sections 148.9981 to 148.9995  
13.17 to engage in the practice of applied behavior analysis.

13.18 Subd. 9. **Licensee.** "Licensee" means an individual who holds a valid license issued  
13.19 under sections 148.9981 to 148.9995.

13.20 Subd. 10. **Practice of applied behavior analysis.** (a) "Practice of applied behavior  
13.21 analysis" means the design, implementation, and evaluation of social, instructional, and  
13.22 environmental modifications to produce socially significant improvements in human behavior.  
13.23 The practice of applied behavior analysis includes the empirical identification of functional  
13.24 relations between behavior and environmental factors, known as functional behavioral  
13.25 assessment and analysis. Applied behavior analysis interventions are based on scientific  
13.26 research, direct and indirect observation, and measurement of behavior and environment  
13.27 and utilize contextual factors, motivating operations, antecedent stimuli, positive  
13.28 reinforcement, and other procedures to help individuals develop new behaviors, increase  
13.29 or decrease existing behaviors, and emit behaviors under specific social, instructional, and  
13.30 environmental conditions.

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

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

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

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

14.4 (1) adopt and enforce standards for licensure, licensure renewal, and the regulation of  
14.5 behavior analysts and assistant behavior analysts;

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

14.7 (3) carry out disciplinary actions against licensed behavior analysts and assistant behavior  
14.8 analysts;

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

14.12 (5) collect license fees for behavior analysts and assistant behavior analysts as specified  
14.13 under section 148.9995.

14.14 Subd. 2. **Rulemaking.** (a) The board, in consultation with the advisory council, may  
14.15 adopt rules necessary to carry out the provisions of sections 148.9981 to 148.9995.

14.16 (b) The board, in consultation with the advisory council, may adopt rules related to the  
14.17 supervision requirements for licensed assistant behavior analysts.

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

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

14.20 Subdivision 1. **General.** An individual seeking licensure as a behavior analyst or an  
14.21 assistant behavior analyst must complete and submit a written application on forms provided  
14.22 by the board together with the appropriate fee as specified under section 148.9995.

14.23 Subd. 2. **Requirements for licensure.** (a) An applicant for licensure as a behavior analyst  
14.24 must submit evidence satisfactory to the board that the applicant:

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

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

15.1 (b) An applicant for licensure as an assistant behavior analyst must submit evidence  
15.2 satisfactory to the board that the applicant:

15.3 (1) has a current and active national certification as an assistant behavior analyst issued  
15.4 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 or assistant behavior analyst from the certifying entity or  
15.25 otherwise meets renewal requirements as established by the board, in consultation with the  
15.26 advisory council.

15.27 (b) The application for license renewal and fee must be postmarked or received by the  
15.28 board by the end of the day on which the license expires or the following business day if  
15.29 the expiration date falls on a Saturday, Sunday, or holiday. A renewal application that is  
15.30 not completed and signed, or that is not accompanied by the correct fee, is void and must  
15.31 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 assistant behavior analyst, or is exempt under  
16.30 section 148.9987. A psychologist licensed under sections 148.88 to 148.981 who practices  
16.31 behavior analysis is not required to obtain a license as a behavior analyst under sections  
16.32 148.9981 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," "behavior analyst," "licensed assistant behavior analyst," or  
17.3 "assistant behavior analyst," or use any other title or description stating or implying that  
17.4 they are licensed or otherwise qualified to practice applied behavior analysis, unless that  
17.5 person holds a valid license under sections 148.9981 to 148.9995.

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

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

17.11 **EFFECTIVE DATE.** This section is effective January 1, 2025.

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

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

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

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

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

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

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

17.30 (6) providing behavior analysis services by an unlicensed supervisee or trainee under  
17.31 the authority and direction of a licensed behavior analyst or licensed assistant behavior

18.1 analyst and in compliance with the licensure and supervision standards required by law or  
18.2 rule;

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

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

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

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

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

18.16 A behavior analyst license or an assistant behavior analyst license is not transferable.

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

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

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

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

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

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

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

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

18.28 **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" includes behavior analysis students, interns, and unlicensed supervisees  
19.31 who are participating in a behavior analysis practicum or enrolled in an accredited school  
19.32 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 seven 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;

21.24 (3) two members who are licensed assistant behavior analysts; and

21.25 (4) one member who is a licensed psychologist and, to the extent practicable, who

21.26 practices applied behavior analysis.

21.27 Subd. 2. **Administration.** The advisory council is established and administered under

21.28 section 15.059, except that the advisory council does not expire.

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

- 22.1 (1) advise the board regarding standards for behavior analysts and assistant behavior  
22.2 analysts;
- 22.3 (2) assist with the distribution of information regarding behavior analyst standards;
- 22.4 (3) advise the board on enforcement of sections 148.9981 to 148.9995;
- 22.5 (4) review license applications and license renewal applications and make  
22.6 recommendations to the board;
- 22.7 (5) review complaints and complaint investigation reports and make recommendations  
22.8 to the board on whether disciplinary action should be taken and, if applicable, what type;
- 22.9 (6) advise the board regarding evaluation and treatment protocols; and
- 22.10 (7) perform other duties authorized for advisory councils under chapter 214 as directed  
22.11 by the board to ensure effective oversight of behavior analysts and assistant behavior analysts.
- 22.12 **EFFECTIVE DATE.** This section is effective July 1, 2024.
- 22.13 Sec. 15. **[148.9995] FEES.**
- 22.14 Subdivision 1. **Fees.** All applicants and licensees must pay fees as follows:
- 22.15 (1) application fee, \$225;
- 22.16 (2) license renewal fee, \$225;
- 22.17 (3) inactive license renewal fee, \$125;
- 22.18 (4) biennial renewal late fee, \$100;
- 22.19 (5) inactive license renewal late fee, \$100; and
- 22.20 (6) supervisor application processing fee, \$225.
- 22.21 Subd. 2. **Nonrefundable fees.** All fees in this section are nonrefundable.
- 22.22 Subd. 3. **Deposit of fees.** Fees collected by the board under this section must be deposited  
22.23 in the state government special revenue fund.
- 22.24 **EFFECTIVE DATE.** This section is effective July 1, 2024.
- 22.25 Sec. 16. **INITIAL APPLIED BEHAVIOR ANALYST ADVISORY COUNCIL.**
- 22.26 The Board of Psychology must make the first appointments to the Behavior Analyst  
22.27 Advisory Council authorized under Minnesota Statutes, section 148.9994, by September 1,  
22.28 2024. The initial behavior analysts and assistant behavior analysts appointed to the advisory

council need not be licensed under Minnesota Statutes, sections 148.9981 to 148.9995, but must hold a current and active national certification as a board certified behavior analyst or a board certified assistant behavior analyst issued by the Behavior Analyst Certification Board. The chair of the Board of Psychology must convene the first meeting of the council by September 1, 2024, and must convene subsequent meetings of the council until an advisory chair is elected. The council must elect a chair from its members by the third meeting of the council.

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

### ARTICLE 3

#### BOARD OF VETERINARY MEDICINE

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

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

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

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

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

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

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

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

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

(1) a veterinarian is not on the premises but is acquainted with the keeping and care of an animal by virtue of an examination of the animal or medically appropriate and timely 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 Sec. 4. Minnesota Statutes 2022, section 156.001, is amended by adding a subdivision to  
24.8 read:

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

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

24.14 **156.07 LICENSE RENEWAL.**

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

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

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

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

24.30 Subdivision 1. **Application and eligibility.** (a) Any person who seeks to practice  
24.31 veterinary medicine while employed by the University of Minnesota and who is not eligible



25.1 for a regular license shall make a written application to the board for an institutional license  
25.2 using forms provided for that purpose or in a format accepted by the board. The board shall  
25.3 issue an institutional license to practice veterinary medicine to an applicant who:

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

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

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

25.13 (4) has paid the license application fee;

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

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

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

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

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

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

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

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

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

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

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

26.12 Sec. 7. **[156.076] DIRECT SUPERVISION; UNLICENSED VETERINARY**  
26.13 **EMPLOYEES.**

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

26.17 (b) This section does not prohibit:

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

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

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

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

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

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

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

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

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

27.10 (4) completed a criminal background check.

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

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

27.15 (2) proof of graduation from a veterinary technology program accredited or approved  
27.16 by the American Veterinary Medical Association or Canadian Veterinary Medical  
27.17 Association;

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

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

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

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

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

27.31 (b) Each applicant under this subdivision must also submit to the board affidavits from  
27.32 at least two licensed veterinarians and three adults who are not related to the applicant that

28.1 establish how long, when, and under what circumstances the references have known the  
28.2 applicant and any other facts that may enable the board to determine the applicant's  
28.3 qualifications.

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

28.5 A credentialed veterinary technician duly admitted to practice in any state,  
28.6 commonwealth, territory, or district of the United States or province of Canada that desires  
28.7 permission to practice veterinary technology in this state shall submit an application to the  
28.8 board on a form furnished by the board. The board shall review an application for transfer  
28.9 if the applicant submits:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 12. **REPEALER.**

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

Sec. 13. **EFFECTIVE DATE.**

(a) Sections 1 to 5 and sections 7 to 9 are effective July 1, 2026.

(b) Section 6 and sections 10 to 12 are effective July 1, 2025.

**ARTICLE 4****BOARD OF DENTISTRY**

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

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

(b) An applicant for a specialty license shall:

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

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

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

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

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

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

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

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

(9) abide by professional ethical conduct requirements; and

(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 shall also make necessary cross-reference  
39.20 changes in Minnesota Statutes and Minnesota Rules consistent with the 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, 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.

**ARTICLE 8****BOARD OF PHARMACY**

Section 1. Minnesota Statutes 2022, section 151.01, subdivision 23, is amended to read:

Subd. 23. **Practitioner.** "Practitioner" means a licensed doctor of medicine, licensed doctor of osteopathic medicine duly licensed to practice medicine, licensed doctor of dentistry, licensed doctor of optometry, licensed podiatrist, licensed veterinarian, licensed advanced practice registered nurse, licensed certified midwife, or licensed physician assistant. For purposes of sections 151.15, subdivision 4; 151.211, subdivision 3; 151.252, subdivision 3; 151.37, subdivision 2, paragraph (b); and 151.461, "practitioner" also means a dental therapist authorized to dispense and administer under chapter 150A. For purposes of sections 151.252, subdivision 3, and 151.461, "practitioner" also means a pharmacist authorized to prescribe self-administered hormonal contraceptives, nicotine replacement medications, or opiate antagonists under section 151.37, subdivision 14, 15, or 16.

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

**ARTICLE 9****BOARD OF OPTOMETRY**

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

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

(1) advertise as an optometrist;

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

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

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

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

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

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

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

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

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

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

(4) ~~oral antivirals to be prescribed or administered for more than ten days; or~~ steroids to be prescribed or administered for more than 14 days without consultation with a physician.

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

## ARTICLE 10

### BOARD OF MEDICAL PRACTICE

Section 1. Minnesota Statutes 2023 Supplement, section 144.99, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of chapters 103I and 157 and sections 115.71 to 115.77; 144.12, subdivision 1, paragraphs (1), (2), (5), (6), (10), (12), (13), (14), and (15); 144.1201 to 144.1204; 144.121; 144.1215; 144.1222; 144.35; 144.381 to 144.385; 144.411 to 144.417; 144.495; 144.71 to 144.74; 144.9501 to 144.9512; 144.97 to 144.98; 144.992; 147.037, subdivision 1b, paragraph (c); 326.70 to 326.785; 327.10 to 327.131; and 327.14 to 327.28 and all rules, orders, stipulation agreements, settlements, compliance agreements, licenses, registrations, certificates, and permits adopted or issued by the department or under any other law now in force or later enacted for the preservation of public health may, in addition to provisions in other statutes, be enforced under this section.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 147.037, is amended by adding a subdivision to read:

Subd. 1b. **Limited license.** (a) The board must issue a limited license to any person who satisfies the requirements of subdivision 1, paragraphs (a) to (c) and (e) to (g), and who:

(1) pursuant to a license or other authorization to practice, has practiced medicine, as defined in section 147.081, subdivision 3, clauses (2) to (4), for at least 60 months in the previous ten years outside of the United States;

(2) submits sufficient evidence of an offer to practice within the context of a collaborative agreement within a hospital or clinical setting where the limited license holder and physicians work together to provide patient care;

(3) provides services in a designated rural area or underserved urban community as defined in section 144.1501; and

(4) submits two letters of recommendation in support of a limited license, which must include one letter from a physician with whom the applicant previously worked and one letter from an administrator of the hospital or clinical setting in which the applicant previously worked. The letters of recommendation must attest to the applicant's good medical standing.

(b) A person issued a limited license under this subdivision must not be required to present evidence satisfactory to the board of the completion of one year of graduate clinical medical training in a program accredited by a national accrediting organization approved by the board.

(c) An employer of a limited license holder must pay the limited license holder at least an amount equivalent to a medical resident in a comparable field. The employer must carry medical malpractice insurance covering a limited license holder for the duration of the employment. The commissioner of health may issue a correction order under section 144.99, subdivision 3, requiring an employer to comply with this paragraph. An employer must not retaliate against or discipline an employee for raising a complaint or pursuing enforcement relating to this paragraph.

(d) The board must issue a full and unrestricted license to practice medicine to a person who holds a limited license issued pursuant to paragraph (a) and who has:

(1) held the limited license for two years and is in good standing to practice medicine in this state;

(2) practiced for a minimum of 1,692 hours per year for each of the previous two years; and

(3) submitted a letter of recommendation in support of a full and unrestricted license from any physician who participated in the collaborative agreement.

(e) A limited license holder must submit to the board, every six months or upon request, a statement certifying whether the person is still employed as a physician in this state and whether the person has been subjected to professional discipline as a result of the person's practice. The board may suspend or revoke a limited license if a majority of the board determines that the licensee is no longer employed as a physician in this state by an employer. The licensee must be granted an opportunity to be heard prior to the board's determination. A licensee may change employers during the duration of the limited license if the licensee has another offer of employment. In the event that a change of employment occurs, the licensee must still work the number of hours required under paragraph (d), clause (2), to be eligible for a full and unrestricted license to practice medicine.

(f) For purposes of this subdivision, "collaborative agreement" means a mutually agreed upon plan for the overall working relationship and collaborative arrangement between a holder of a limited license and one or more physicians licensed under this chapter that designates the scope of services that can be provided to manage the care of patients. The limited license holder and one of the collaborating physicians must have experience in providing care to patients with the same or similar medical conditions. A limited license holder may practice medicine without a collaborating physician physically present, but the limited license holder and collaborating physicians must be able to easily contact each other by radio, telephone, or other telecommunication device while the limited license holder practices medicine. The limited license holder must have one-on-one practice reviews with each collaborating physician, provided in person or through eye-to-eye electronic media while maintaining visual contact, for at least two hours per month.

(g) The board must not grant a license under this section unless the applicant possesses federal immigration status that allows the applicant to practice as a physician in the United States.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 3. Minnesota Statutes 2022, section 147B.01, is amended by adding a subdivision to read:

Subd. 2a. **Acupuncture.** "Acupuncture" means a unique treatment technique that uses modern and traditional medical methods of diagnosis and treatment. It includes the insertion of filiform or acupuncture needles through the skin and may include the use of other biophysical methods of acupuncture point stimulation, including the use of heat, massage,

or manual therapy techniques or electrical stimulation. Acupuncture includes but is not limited to therapies termed "dry needling," "trigger point therapy," "intramuscular therapy," "auricular detox treatment," and similar terms referring to the insertion of needles past the skin for pain management, disease or symptom modification, or other related treatments.

Sec. 4. Minnesota Statutes 2022, section 147B.01, subdivision 3, is amended to read:

Subd. 3. **Acupuncture and herbal medicine practice.** "Acupuncture and herbal medicine practice" means a ~~comprehensive~~ system of primary health care ~~using Oriental medical theory and its unique methods of diagnosis and treatment. Its treatment techniques include the insertion of acupuncture needles through the skin and the use of other biophysical methods of acupuncture point stimulation, including the use of heat, Oriental massage techniques, electrical stimulation, herbal supplemental therapies, dietary guidelines, breathing techniques, and exercise based on Oriental medical principles~~ that uses traditional and modern diagnosis, methodology, and treatment techniques based on acupuncture and herbal medicine theory, principles, and methods. Treatment techniques include but are not limited to acupuncture, cupping, dermal friction, therapeutic massage, herbal therapies, dietary guidelines, mind-body exercises, and other appropriate techniques.

Sec. 5. Minnesota Statutes 2022, section 147B.01, subdivision 4, is amended to read:

Subd. 4. **Acupuncture needle.** "Acupuncture needle" means a needle designed exclusively for ~~acupuncture~~ the purposes of insertion past the skin to alleviate pain, provide symptom relief, or modulate disease processes. It has a solid core, with a tapered point, and is 0.12 mm to 0.45 mm in thickness. It is constructed of stainless steel, gold, silver, or other board-approved materials as long as the materials can be sterilized according to recommendations of the National Centers for Disease Control and Prevention.

Sec. 6. Minnesota Statutes 2022, section 147B.01, subdivision 9, is amended to read:

Subd. 9. **Breathing techniques.** "Breathing techniques" means ~~Oriental~~ breathing exercises taught to a patient as part of a treatment plan.

Sec. 7. Minnesota Statutes 2022, section 147B.01, subdivision 14, is amended to read:

Subd. 14. **Herbal therapies or herbal medicine.** "Herbal therapies" ~~are~~ or "herbal medicine" means the use of herbs and patent herbal remedies as supplements as part of the treatment plan of the patient.

47.1 Sec. 8. Minnesota Statutes 2022, section 147B.03, subdivision 2, is amended to read:

47.2 Subd. 2. **Board approval.** The board shall approve a continuing education program if  
47.3 the program meets the following requirements:

47.4 (1) it directly relates to the practice of acupuncture;

47.5 (2) each member of the faculty shows expertise in the subject matter by holding a degree  
47.6 or certificate from an educational institution, has verifiable experience in ~~traditional Oriental~~  
47.7 acupuncture and herbal medicine, or has special training in the subject area;

47.8 (3) the program lasts at least one contact hour;

47.9 (4) there are specific written objectives describing the goals of the program for the  
47.10 participants; and

47.11 (5) the program sponsor maintains attendance records for four years.

47.12 Sec. 9. Minnesota Statutes 2022, section 147B.03, subdivision 3, is amended to read:

47.13 Subd. 3. **Continuing education topics.** (a) Continuing education program topics may  
47.14 include, but are not limited to, ~~Oriental medical~~ acupuncture and herbal medicine theory  
47.15 and techniques including ~~Oriental~~ massage; ~~Oriental~~ nutrition; ~~Oriental~~ herbology and diet  
47.16 therapy; ~~Oriental~~ exercise; ~~western sciences such as~~ anatomy, physiology, biochemistry,  
47.17 microbiology, psychology, ~~nutrition,~~ and history of medicine; and medical terminology or  
47.18 coding.

47.19 (b) Practice management courses are excluded under this section.

47.20 Sec. 10. Minnesota Statutes 2022, section 147B.05, subdivision 1, is amended to read:

47.21 Subdivision 1. **Creation.** The advisory council to the Board of Medical Practice for  
47.22 acupuncture consists of seven members appointed by the board to three-year terms. Four  
47.23 members must be ~~licensed~~ acupuncture practitioners licensed in Minnesota, one member  
47.24 must be a licensed physician or osteopathic physician who also practices acupuncture, one  
47.25 member must be a licensed chiropractor who is NCCAOM certified, and one member must  
47.26 be a member of the public who has received acupuncture treatment as a primary therapy  
47.27 from a NCCAOM certified acupuncturist.

47.28 Sec. 11. Minnesota Statutes 2022, section 147B.06, subdivision 1, is amended to read:

47.29 Subdivision 1. **Practice standards.** (a) Before treatment of a patient, an acupuncture  
47.30 practitioner shall ask whether the patient has been examined by a licensed physician or other

professional, as defined by section 145.61, subdivision 2, with regard to the patient's illness or injury, and shall review the diagnosis as reported.

(b) The practitioner shall obtain informed consent from the patient, after advising the patient of the following information which must be supplied to the patient ~~in writing~~ before or at the time of the initial visit:

(1) the practitioner's qualifications including:

(i) education;

(ii) license information; and

(iii) outline of the scope of practice of acupuncturists in Minnesota; and

(2) side effects which may include the following:

(i) some pain in the treatment area;

(ii) minor bruising;

(iii) infection;

(iv) needle sickness; or

(v) broken needles.

~~(e) The practitioner shall obtain acknowledgment by the patient in writing that the patient has been advised to consult with the patient's primary care physician about the acupuncture treatment if the patient circumstances warrant or the patient chooses to do so.~~

~~(d)~~ (c) The practitioner shall inquire whether the patient has a pacemaker or bleeding disorder.

Sec. 12. Minnesota Statutes 2022, section 147B.06, subdivision 4, is amended to read:

Subd. 4. **Scope of practice.** The scope of practice of acupuncture and herbal medicine includes, but is not limited to, the following:

(1) ~~using Oriental medical theory to assess and diagnose a patient~~ evaluation, management, and treatment services using methods and techniques described in section 147B.01, subdivisions 2a, 3, and 14;

(2) ~~using Oriental medical theory to develop a plan to treat a patient. The treatment techniques that may be chosen include:~~ diagnostic examination, testing, and procedures including physical examination, basic diagnostic imaging, and basic laboratory or other diagnostic tests for the purposes of guiding treatment within the scope of practice of



49.1 acupuncture, herbal medicine, and herbal therapies, as described in section 147B.01,  
49.2 subdivisions 2a, 3, and 14, provided that when results fall outside of the education, training,  
49.3 and expertise of the licensed acupuncturists, or suggest serious or emergent conditions, the  
49.4 acupuncturist will facilitate referrals to other appropriate health care providers;

49.5 ~~(i) insertion of sterile acupuncture needles through the skin;~~

49.6 ~~(ii) acupuncture stimulation including, but not limited to, electrical stimulation or the~~  
49.7 ~~application of heat;~~

49.8 ~~(iii) cupping;~~

49.9 ~~(iv) dermal friction;~~

49.10 ~~(v) acupressure;~~

49.11 ~~(vi) herbal therapies;~~

49.12 ~~(vii) dietary counseling based on traditional Chinese medical principles;~~

49.13 ~~(viii) breathing techniques;~~

49.14 ~~(ix) exercise according to Oriental medical principles; or~~

49.15 ~~(x) Oriental massage.~~

49.16 (3) services included in the practice of acupuncture and herbal medicine, as defined in  
49.17 section 147B.01, subdivision 3;

49.18 (4) stimulation of acupuncture points, areas of the body, or substances in the body using  
49.19 acupuncture needles, heat, cold, color, light, infrared and ultraviolet, low-level or cold lasers,  
49.20 sound, vibration, pressure, magnetism, electricity, electromagnetic energy, bleeding, suction,  
49.21 or other devices or means;

49.22 (5) use of physical medicine modalities, procedures, and devices such as cupping, dermal  
49.23 friction, acupressure, and massage, as described in section 147B.01, subdivisions 2a, 3, and  
49.24 14;

49.25 (6) use of therapeutic exercises, breathing techniques, meditation, and biofeedback  
49.26 devices and other devices that utilize heat, cold, color, light, infrared and ultraviolet, low-level  
49.27 or cold lasers, sound, vibration, pressure, magnetism, electricity, and electromagnetic energy  
49.28 for therapeutic purposes;

49.29 (7) dietary counseling using methods and techniques of acupuncture and herbal medicine;  
49.30 and

50.1 (8) counseling and education regarding physical, emotional, and spiritual balance in  
50.2 lifestyle using methods and techniques described in section 147B.01, subdivision 3.

50.3 Sec. 13. Minnesota Statutes 2022, section 147B.06, subdivision 5, is amended to read:

50.4 Subd. 5. **Patient records.** An acupuncturist shall maintain a patient record for each  
50.5 patient treated, including:

50.6 (1) a copy of the informed consent;

50.7 (2) evidence of a patient interview concerning the patient's medical history and current  
50.8 physical condition;

50.9 (3) evidence of ~~a traditional acupuncture~~ examination and diagnosis;

50.10 (4) record of the treatment including points treated; and

50.11 (5) evidence of evaluation and instructions given to the patient.

50.12 Sec. 14. **REPEALER.**

50.13 Minnesota Statutes 2022, section 147B.01, subdivision 18, is repealed.

## 50.14 **ARTICLE 11**

### 50.15 **BOARD OF NURSING**

50.16 Section 1. Minnesota Statutes 2022, section 147D.03, subdivision 1, is amended to read:

50.17 Subdivision 1. **General.** Within the meaning of sections 147D.01 to 147D.27, a person  
50.18 who shall publicly profess to be a traditional midwife and who, for a fee, shall assist or  
50.19 attend to a woman in pregnancy, childbirth outside a hospital, and postpartum, shall be  
50.20 regarded as practicing traditional midwifery. A certified midwife licensed by the Board of  
50.21 Nursing under chapter 148G is not subject to the provisions of this chapter.

50.22 Sec. 2. Minnesota Statutes 2022, section 148.241, is amended to read:

#### 50.23 **148.241 EXPENSES.**

50.24 Subdivision 1. **Appropriation.** The expenses of administering sections 148.171 to  
50.25 148.285 and chapter 148G shall be paid from the appropriation made to the Minnesota  
50.26 Board of Nursing.

50.27 Subd. 2. **Expenditure.** All amounts appropriated to the board shall be held subject to  
50.28 the order of the board to be used only for the purpose of meeting necessary expenses incurred  
50.29 in the performance of the purposes of sections 148.171 to 148.285 and chapter 148G, and

51.1 the duties imposed thereby as well as the promotion of nursing or certified midwifery  
51.2 education and standards of nursing or certified midwifery care in this state.

51.3 Sec. 3. **[148G.01] TITLE.**

51.4 This chapter shall be referred to as the Minnesota Certified Midwife Practice Act.

51.5 Sec. 4. **[148G.02] SCOPE.**

51.6 This chapter applies to all applicants and licensees, all persons who use the title certified  
51.7 midwife, and all persons in or out of this state who provide certified midwifery services to  
51.8 patients who reside in this state, unless there are specific applicable exemptions provided  
51.9 by law.

51.10 Sec. 5. **[148G.03] DEFINITIONS.**

51.11 Subdivision 1. **Scope.** For purposes of this chapter, the definitions in this section have  
51.12 the meanings given.

51.13 Subd. 2. **Board.** "Board" means the Minnesota Board of Nursing.

51.14 Subd. 3. **Certification.** "Certification" means the formal recognition by the American  
51.15 Midwifery Certification Board of the knowledge, skills, and experience demonstrated by  
51.16 the achievement of standards identified by the American College of Nurse Midwives or any  
51.17 successor organization.

51.18 Subd. 4. **Certified midwife.** "Certified midwife" means an individual who holds a current  
51.19 and valid national certification as a certified midwife from the American Midwifery  
51.20 Certification Board or any successor organization, and who is licensed by the board under  
51.21 this chapter.

51.22 Subd. 5. **Certified midwifery practice.** "Certified midwifery practice" means:

51.23 (1) managing, diagnosing, and treating women's primary health care, including pregnancy,  
51.24 childbirth, postpartum period, care of the newborn, family planning, partner care management  
51.25 relating to sexual health, and gynecological care of women across the life span;

51.26 (2) ordering, performing, supervising, and interpreting diagnostic studies within the  
51.27 scope of certified midwifery practice, excluding interpreting computed tomography scans,  
51.28 magnetic resonance imaging scans, positron emission tomography scans, nuclear scans, and  
51.29 mammography;

52.1 (3) prescribing pharmacologic and nonpharmacologic therapies appropriate to midwifery  
52.2 practice;

52.3 (4) consulting with, collaborating with, or referring to other health care providers as  
52.4 warranted by the needs of the patient; and

52.5 (5) performing the role of educator in the theory and practice of midwifery.

52.6 Subd. 6. **Collaborating.** "Collaborating" means the process in which two or more health  
52.7 care professionals work together to meet the health care needs of a patient, as warranted by  
52.8 the needs of the patient.

52.9 Subd. 7. **Consulting.** "Consulting" means the process in which a certified midwife who  
52.10 maintains primary management responsibility for a patient's care seeks advice or opinion  
52.11 of a physician, an advanced practice registered nurse, or another member of the health care  
52.12 team.

52.13 Subd. 8. **Encumbered.** "Encumbered" means: (1) a license or other credential that is  
52.14 revoked, suspended, or contains limitations on the full and unrestricted practice of certified  
52.15 midwifery when the revocation, suspension, or limitation is imposed by a state licensing  
52.16 board or other state regulatory entity; or (2) a license or other credential that is voluntarily  
52.17 surrendered.

52.18 Subd. 9. **Licensure period.** "Licensure period" means the interval of time during which  
52.19 the certified midwife is authorized to engage in certified midwifery. The initial licensure  
52.20 period is from six to 29 full calendar months starting on the day of licensure and ending on  
52.21 the last day of the certified midwife's month of birth in an even-numbered year if the year  
52.22 of birth is an even-numbered year, or in an odd-numbered year if the year of birth is in an  
52.23 odd-numbered year. Subsequent licensure renewal periods are 24 months. For licensure  
52.24 renewal, the period starts on the first day of the month following expiration of the previous  
52.25 licensure period. The period ends the last day of the certified midwife's month of birth in  
52.26 an even- or odd-numbered year according to the certified midwife's year of birth.

52.27 Subd. 10. **Licensed practitioner.** "Licensed practitioner" means a physician licensed  
52.28 under chapter 147, an advanced practice registered nurse licensed under sections 148.171  
52.29 to 148.235, or a certified midwife licensed under this chapter.

52.30 Subd. 11. **Midwifery education program.** "Midwifery education program" means a  
52.31 university or college that provides a program of theory and practice that leads to the  
52.32 preparation and eligibility for certification in midwifery and is accredited by the Accreditation

53.1 Commission for Midwifery Education or any successor organization recognized by the  
53.2 United States Department of Education or the Council for Higher Education Accreditation.

53.3 Subd. 12. **Patient.** "Patient" means a recipient of care provided by a certified midwife,  
53.4 including an individual, family, group, or community.

53.5 Subd. 13. **Prescribing.** "Prescribing" means the act of generating a prescription for the  
53.6 preparation of, use of, or manner of using a drug or therapeutic device under section 148G.09.  
53.7 Prescribing does not include recommending the use of a drug or therapeutic device that is  
53.8 not required by the federal Food and Drug Administration to meet the labeling requirements  
53.9 for prescription drugs and devices.

53.10 Subd. 14. **Prescription.** "Prescription" means a written direction or an oral direction  
53.11 reduced to writing provided to or for a patient for the preparation or use of a drug or  
53.12 therapeutic device. The requirements of section 151.01, subdivisions 16, 16a, and 16b, apply  
53.13 to prescriptions for drugs.

53.14 Subd. 15. **Referral.** "Referral" means the process in which a certified midwife directs  
53.15 a patient to a physician or another health care professional for management of a particular  
53.16 problem or aspect of the patient's care.

53.17 Subd. 16. **Supervision.** "Supervision" means monitoring and establishing the initial  
53.18 direction, setting expectations, directing activities and courses of action, evaluating, and  
53.19 changing a course of action in certified midwifery care.

53.20 Sec. 6. **[148G.04] CERTIFIED MIDWIFE LICENSING.**

53.21 Subdivision 1. **Licensure.** (a) No person shall practice as a certified midwife or serve  
53.22 as the faculty of record for clinical instruction in a midwifery distance learning program  
53.23 unless the certified midwife is licensed by the board under this chapter.

53.24 (b) An applicant for a license to practice as a certified midwife must apply to the board  
53.25 in a format prescribed by the board and pay a fee in an amount determined under section  
53.26 148G.11.

53.27 (c) To be eligible for licensure, an applicant must:

53.28 (1) not hold an encumbered license or other credential as a certified midwife or equivalent  
53.29 professional designation in any state or territory;

53.30 (2) hold a current and valid certification as a certified midwife from the American  
53.31 Midwifery Certification Board or any successor organization acceptable to the board and

54.1 provide primary source verification of certification to the board in a format prescribed by  
54.2 the board;

54.3 (3) have completed a graduate level midwifery program that includes clinical experience,  
54.4 is accredited by the Accreditation Commission for Midwifery Education or any successor  
54.5 organization recognized by the United States Department of Education or the Council for  
54.6 Higher Education Accreditation, and leads to a graduate degree. The applicant must submit  
54.7 primary source verification of program completion to the board in a format prescribed by  
54.8 the board. The primary source verification must verify the applicant completed three separate  
54.9 graduate-level courses in physiology and pathophysiology; advanced health assessment;  
54.10 and advanced pharmacology, including pharmacodynamics, pharmacokinetics, and  
54.11 pharmacotherapeutics of all broad categories of agents;

54.12 (4) report any criminal conviction, nolo contendere plea, Alford plea, or other plea  
54.13 arrangement in lieu of conviction; and

54.14 (5) not have committed any acts or omissions that are grounds for disciplinary action in  
54.15 another jurisdiction or, if these acts were committed and would be grounds for disciplinary  
54.16 action as set forth in section 148G.13, the board has found after an investigation that sufficient  
54.17 remediation was made.

54.18 Subd. 2. **Clinical practice component.** If more than five years have elapsed since the  
54.19 applicant has practiced in the certified midwife role, the applicant must complete a  
54.20 reorientation plan as a certified midwife. The plan must include supervision during the  
54.21 clinical component by a licensed practitioner with experience in providing care to patients  
54.22 with the same or similar health care needs. The applicant must submit the plan and the name  
54.23 of the practitioner to the board. The plan must include a minimum of 500 hours of supervised  
54.24 certified midwifery practice. The certified midwife must submit verification of completion  
54.25 of the clinical reorientation to the board when the reorientation is complete.

54.26 Sec. 7. **[148G.05] LICENSURE RENEWAL; RELICENSURE.**

54.27 Subdivision 1. **Renewal; current applicants.** (a) A certified midwife must apply for  
54.28 renewal of the certified midwife's license before the certified midwife's licensure period  
54.29 ends. To be considered timely, the board must receive the certified midwife's application  
54.30 on or before the last day of the certified midwife's licensure period. A certified midwife's  
54.31 license lapses if the certified midwife's application is untimely.

(b) An applicant for certified midwifery renewal must provide the board evidence of current certification or recertification as a certified midwife by the American Midwifery Certification Board or any successor organization.

(c) An applicant for certified midwifery renewal must submit to the board the fee under section 148G.11, subdivision 2.

Subd. 2. **Clinical practice component.** If more than five years have elapsed since the applicant has practiced as a certified midwife, the applicant must complete a reorientation plan as a certified midwife. The plan must include supervision during the clinical component by a licensed practitioner with experience in providing care to patients with the same or similar health care needs. The licensee must submit the plan and the name of the practitioner to the board. The plan must include a minimum of 500 hours of supervised certified midwifery practice. The certified midwife must submit verification of completion of the clinical reorientation to the board when the reorientation is complete.

Subd. 3. **Relicensure; lapsed applicants.** A person whose license has lapsed desiring to resume practice as a certified midwife must apply for relicensure, submit to the board satisfactory evidence of compliance with the procedures and requirements established by the board, and pay the board the relicensure fee under section 148G.11, subdivision 4, for the current period. A penalty fee under section 148G.11, subdivision 4, is required from a person who practiced certified midwifery without current licensure. The board must relicense a person who meets the requirements of this subdivision.

**Sec. 8. [148G.06] FAILURE OR REFUSAL TO PROVIDE INFORMATION.**

Subdivision 1. **Notification requirement.** An individual licensed as a certified midwife must notify the board when the individual renews their certification. If a licensee fails to provide notification, the licensee is prohibited from practicing as a certified midwife.

Subd. 2. **Denial of license.** Refusal of an applicant to supply information necessary to determine the applicant's qualifications, failure to demonstrate qualifications, or failure to satisfy the requirements for a license contained in this chapter or rules of the board may result in denial of a license. The burden of proof is upon the applicant to demonstrate the qualifications and satisfaction of the requirements.

**Sec. 9. [148G.07] NAME CHANGE AND CHANGE OF ADDRESS.**

A certified midwife must maintain a current name and address with the board and must notify the board in writing within 30 days of any change in name or address. All notices or

56.1 other correspondence mailed to or served upon a certified midwife by the board at the  
56.2 licensee's address on file with the board are considered received by the licensee.

56.3 Sec. 10. **[148G.08] IDENTIFICATION OF CERTIFIED MIDWIVES.**

56.4 Only those persons who hold a current license to practice certified midwifery in this  
56.5 state may use the title of certified midwife. A certified midwife licensed by the board must  
56.6 use the designation of CM for professional identification and in documentation of services  
56.7 provided.

56.8 Sec. 11. **[148G.09] PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.**

56.9 Subdivision 1. Diagnosing, prescribing, and ordering. Certified midwives, within the  
56.10 scope of certified midwifery practice, are authorized to:

56.11 (1) diagnose, prescribe, and institute therapy or referrals of patients to health care agencies  
56.12 and providers;

56.13 (2) prescribe, procure, sign for, record, administer, and dispense over-the-counter, legend,  
56.14 and controlled substances, including sample drugs; and

56.15 (3) plan and initiate a therapeutic regimen that includes ordering and prescribing durable  
56.16 medical devices and equipment, nutrition, diagnostic services, and supportive services,  
56.17 including but not limited to home health care, physical therapy, and occupational therapy.

56.18 Subd. 2. Drug Enforcement Administration requirements. (a) Certified midwives  
56.19 must:

56.20 (1) comply with federal Drug Enforcement Administration (DEA) requirements related  
56.21 to controlled substances; and

56.22 (2) file the certified midwife's DEA registrations and numbers with the board, if any.

56.23 (b) The board must maintain current records of all certified midwives with a DEA  
56.24 registration and number.

56.25 Sec. 12. **[148G.10] FEES.**

56.26 The fees specified in section 148G.11 are nonrefundable and must be deposited in the  
56.27 state government special revenue fund.

56.28 Sec. 13. **[148G.11] FEE AMOUNTS.**

56.29 Subdivision 1. Licensure. The fee for licensure is \$105.



57.1        Subd. 2. **Renewal.** The fee for licensure renewal is \$85.

57.2        Subd. 3. **Practicing without current certification.** The penalty fee for a person who  
57.3 practices certified midwifery without a current certification or recertification, or who practices  
57.4 certified midwifery without current certification or recertification on file with the board, is  
57.5 \$200 for the first month or part of a month and an additional \$100 for each subsequent  
57.6 month or parts of months of practice. The penalty fee must be calculated from the first day  
57.7 the certified midwife practiced without a current certification to the last day of practice  
57.8 without a current certification, or from the first day the certified midwife practiced without  
57.9 a current license and certification on file with the board until the day the current license and  
57.10 certification is filed with the board.

57.11       Subd. 4. **Relicensure.** The fee for relicensure is \$105. The fee for practicing without  
57.12 current licensure is two times the amount of the current renewal fee for any part of the first  
57.13 calendar month, plus the current renewal fee for any part of each subsequent month up to  
57.14 24 months.

57.15       Subd. 5. **Dishonored check fee.** The service fee for a dishonored check is as provided  
57.16 in section 604.113.

57.17       Sec. 14. **[148G.12] APPROVED MIDWIFERY EDUCATION PROGRAM.**

57.18       Subdivision 1. **Initial approval.** An institution desiring to conduct a certified midwifery  
57.19 program must submit evidence to the board that the institution is prepared to:

57.20       (1) provide a program of theory and practice in certified midwifery leading to eligibility  
57.21 for certification in midwifery;

57.22       (2) achieve preaccreditation and eventual full accreditation by the American Commission  
57.23 for Midwifery Education or any successor organization recognized by the United States  
57.24 Department of Education or the Council for Higher Education Accreditation. Instruction  
57.25 and required experience may be obtained in one or more institutions or agencies outside  
57.26 the applying institution if the program retains accountability for all clinical and nonclinical  
57.27 teaching; and

57.28       (3) meet other standards established by law and by the board.

57.29       Subd. 2. **Continuing approval.** The board must, through the board's representative,  
57.30 annually survey all midwifery programs in the state for current accreditation status by the  
57.31 American Commission for Midwifery Education or any successor organization recognized  
57.32 by the United States Department of Education or the Council for Higher Education  
57.33 Accreditation. If the results of the survey show that a certified midwifery program meets

58.1 all standards for continuing accreditation, the board must continue approval of the certified  
58.2 midwifery program.

58.3 Subd. 3. **Loss of approval.** If the board determines that an accredited certified midwifery  
58.4 program is not maintaining the standards required by the American Commission on  
58.5 Midwifery Education or any successor organization, the board must obtain the defect in  
58.6 writing from the accrediting body. If a program fails to correct the defect to the satisfaction  
58.7 of the accrediting body and the accrediting body revokes the program's accreditation, the  
58.8 board must remove the program from the list of approved certified midwifery programs.

58.9 Subd. 4. **Reinstatement of approval.** The board must reinstate approval of a certified  
58.10 midwifery program upon submission of satisfactory evidence that the certified midwifery's  
58.11 program of theory and practice meets the standards required by the accrediting body.

58.12 Sec. 15. **[148G.13] GROUNDS FOR DISCIPLINARY ACTION.**

58.13 Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition  
58.14 the license of any person to practice certified midwifery under this chapter or otherwise  
58.15 discipline a licensee or applicant as described in section 148G.14. The following are grounds  
58.16 for disciplinary action:

58.17 (1) failure to demonstrate the qualifications or satisfy the requirements for a license  
58.18 contained in this chapter or rules of the board. In the case of a person applying for a license,  
58.19 the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction  
58.20 of the requirements;

58.21 (2) employing fraud or deceit in procuring or attempting to procure a license to practice  
58.22 certified midwifery;

58.23 (3) conviction of a felony or gross misdemeanor reasonably related to the practice of  
58.24 certified midwifery. Conviction, as used in this subdivision, includes a conviction of an  
58.25 offense that if committed in this state would be considered a felony or gross misdemeanor  
58.26 without regard to its designation elsewhere, or a criminal proceeding where a finding or  
58.27 verdict of guilt is made or returned, but the adjudication of guilt is either withheld or not  
58.28 entered;

58.29 (4) revocation, suspension, limitation, conditioning, or other disciplinary action against  
58.30 the person's certified midwife credential in another state, territory, or country; failure to  
58.31 report to the board that charges regarding the person's certified midwifery license,  
58.32 certification, or other credential are pending in another state, territory, or country; or failure

59.1 to report to the board having been refused a license or other credential by another state,  
59.2 territory, or country;

59.3 (5) failure or inability to practice as a certified midwife with reasonable skill and safety,  
59.4 or departure from or failure to conform to standards of acceptable and prevailing certified  
59.5 midwifery, including failure of a certified midwife to adequately supervise or monitor the  
59.6 performance of acts by any person working at the certified midwife's direction;

59.7 (6) engaging in unprofessional conduct, including but not limited to a departure from  
59.8 or failure to conform to statutes relating to certified midwifery practice or to the minimal  
59.9 standards of acceptable and prevailing certified midwifery practice, or in any certified  
59.10 midwifery practice that may create unnecessary danger to a patient's life, health, or safety.  
59.11 Actual injury to a patient need not be established under this clause;

59.12 (7) supervision or accepting the supervision of a midwifery function or a prescribed  
59.13 health care function when the acceptance could reasonably be expected to result in unsafe  
59.14 or ineffective patient care;

59.15 (8) actual or potential inability to practice certified midwifery with reasonable skill and  
59.16 safety to patients by reason of illness; use of alcohol, drugs, chemicals, or any other material;  
59.17 or as a result of any mental or physical condition;

59.18 (9) adjudication as mentally incompetent, mentally ill, a chemically dependent person,  
59.19 or a person dangerous to the public by a court of competent jurisdiction, within or outside  
59.20 of this state;

59.21 (10) engaging in any unethical conduct, including but not limited to conduct likely to  
59.22 deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for  
59.23 the health, welfare, or safety of a patient. Actual injury need not be established under this  
59.24 clause;

59.25 (11) engaging in conduct with a patient that is sexual or may reasonably be interpreted  
59.26 by the patient as sexual, in any verbal behavior that is seductive or sexually demeaning to  
59.27 a patient, or in sexual exploitation of a patient or former patient;

59.28 (12) obtaining money, property, or services from a patient, other than reasonable fees  
59.29 for services provided to the patient, through the use of undue influence, harassment, duress,  
59.30 deception, or fraud;

59.31 (13) revealing a privileged communication from or relating to a patient except when  
59.32 otherwise required or permitted by law;

- 60.1        (14) engaging in abusive or fraudulent billing practices, including violations of federal  
60.2 Medicare and Medicaid laws or state medical assistance laws;
- 60.3        (15) improper management of patient records, including failure to maintain adequate  
60.4 patient records, to comply with a patient's request made pursuant to sections 144.291 to  
60.5 144.298, or to furnish a patient record or report required by law;
- 60.6        (16) knowingly aiding, assisting, advising, or allowing an unlicensed person to engage  
60.7 in the unlawful practice of certified midwifery;
- 60.8        (17) violating a rule adopted by the board, an order of the board, or a state or federal  
60.9 law relating to the practice of certified midwifery, or a state or federal narcotics or controlled  
60.10 substance law;
- 60.11       (18) knowingly providing false or misleading information to a patient that is directly  
60.12 related to the care of that patient unless done for an accepted therapeutic purpose such as  
60.13 the administration of a placebo;
- 60.14       (19) aiding suicide or aiding attempted suicide in violation of section 609.215 as  
60.15 established by any of the following:
- 60.16       (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation  
60.17 of section 609.215, subdivision 1 or 2;
- 60.18       (ii) a copy of the record of a judgment of contempt of court for violating an injunction  
60.19 issued under section 609.215, subdivision 4;
- 60.20       (iii) a copy of the record of a judgment assessing damages under section 609.215,  
60.21 subdivision 5; or
- 60.22       (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.  
60.23 The board must investigate any complaint of a violation of section 609.215, subdivision 1  
60.24 or 2;
- 60.25       (20) practicing outside the scope of certified midwifery practice as defined under section  
60.26 148G.03, subdivision 5;
- 60.27       (21) making a false statement or knowingly providing false information to the board,  
60.28 failing to make reports as required by section 148G.15, or failing to cooperate with an  
60.29 investigation of the board as required by section 148G.17;
- 60.30       (22) engaging in false, fraudulent, deceptive, or misleading advertising;
- 60.31       (23) failure to inform the board of the person's certification or recertification status as  
60.32 a certified midwife;

61.1 (24) engaging in certified midwifery practice without a license and current certification  
61.2 or recertification by the American Midwifery Certification Board or any successor  
61.3 organization; or

61.4 (25) failure to maintain appropriate professional boundaries with a patient. A certified  
61.5 midwife must not engage in practices that create an unacceptable risk of patient harm or of  
61.6 the impairment of a certified midwife's objectivity or professional judgment. A certified  
61.7 midwife must not act or fail to act in a way that, as judged by a reasonable and prudent  
61.8 certified midwife, inappropriately encourages the patient to relate to the certified midwife  
61.9 outside of the boundaries of the professional relationship, or in a way that interferes with  
61.10 the patient's ability to benefit from certified midwife services. A certified midwife must not  
61.11 use the professional relationship with a patient, student, supervisee, or intern to further the  
61.12 certified midwife's personal, emotional, financial, sexual, religious, political, or business  
61.13 benefit or interests.

61.14 Subd. 2. **Conviction of a felony-level criminal sexual offense.** (a) Except as provided  
61.15 in paragraph (e), the board must not grant or renew a license to practice certified midwifery  
61.16 to any person who has been convicted on or after August 1, 2014, of any of the provisions  
61.17 of section 609.342, subdivision 1 or 1a; 609.343, subdivision 1 or 1a; 609.344, subdivision  
61.18 1 or subdivision 1a, paragraphs (c) to (g); or 609.345, subdivision 1 or subdivision 1a,  
61.19 paragraphs (c) to (g); or a similar statute in another jurisdiction.

61.20 (b) A license to practice certified midwifery is automatically revoked if the licensee is  
61.21 convicted of an offense listed in paragraph (a).

61.22 (c) A license to practice certified midwifery that has been denied or revoked under this  
61.23 subdivision is not subject to chapter 364.

61.24 (d) For purposes of this subdivision, "conviction" means a plea of guilty, a verdict of  
61.25 guilty by a jury, or a finding of guilty by the court, unless the court stays imposition or  
61.26 execution of the sentence and final disposition of the case is accomplished at a nonfelony  
61.27 level.

61.28 (e) The board may establish criteria whereby an individual convicted of an offense listed  
61.29 in paragraph (a) may become licensed if the criteria:

61.30 (1) utilize a rebuttable presumption that the applicant is not suitable for licensing;

61.31 (2) provide a standard for overcoming the presumption; and

61.32 (3) require that a minimum of ten years has elapsed since the applicant's sentence was  
61.33 discharged.

(f) The board must not consider an application under paragraph (e) if the board determines that the victim involved in the offense was a patient or a client of the applicant at the time of the offense.

Subd. 3. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, clause (3) or (4), or subdivision 2, a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same is admissible into evidence without further authentication and constitutes prima facie evidence of the violation concerned.

Subd. 4. **Examination; access to medical data.** (a) If the board has probable cause to believe that grounds for disciplinary action exist under subdivision 1, clause (8) or (9), it may direct the applicant or certified midwife to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, when a certified midwife licensed under this chapter is directed in writing by the board to submit to a mental or physical examination or chemical dependency evaluation, that person is considered to have consented and to have waived all objections to admissibility on the grounds of privilege. Failure of the applicant or certified midwife to submit to an examination when directed constitutes an admission of the allegations against the applicant or certified midwife, unless the failure was due to circumstances beyond the person's control, and the board may enter a default and final order without taking testimony or allowing evidence to be presented. A certified midwife affected under this paragraph must, at reasonable intervals, be given an opportunity to demonstrate that the competent practice of certified midwifery can be resumed with reasonable skill and safety to patients. Neither the record of proceedings nor the orders entered by the board in a proceeding under this paragraph may be used against a certified midwife in any other proceeding.

(b) Notwithstanding sections 13.384, 144.651, and 595.02, or any other law limiting access to medical or other health data, the board may obtain medical data and health records relating to a certified midwife or applicant for a license without that person's consent if the board has probable cause to believe that grounds for disciplinary action exist under subdivision 1, clause (8) or (9). The medical data may be requested from a provider, as defined in section 144.291, subdivision 2, paragraph (h); an insurance company; or a government agency, including the Department of Human Services. A provider, insurance company, or government agency must comply with any written request of the board under this subdivision and is not liable in any action for damages for releasing the data requested by the board if the data are released pursuant to a written request under this subdivision, unless the information is false and the provider giving the information knew or had reason

63.1 to believe the information was false. Information obtained under this subdivision is classified  
63.2 as private data on individuals as defined in section 13.02.

63.3 Sec. 16. **[148G.14] FORMS OF DISCIPLINARY ACTION; AUTOMATIC**  
63.4 **SUSPENSION; TEMPORARY SUSPENSION; REISSUANCE.**

63.5 Subdivision 1. **Forms of disciplinary action.** If the board finds that grounds for  
63.6 disciplinary action exist under section 148G.13, it may take one or more of the following  
63.7 actions:

63.8 (1) deny the license application or licensure renewal;

63.9 (2) revoke the license;

63.10 (3) suspend the license;

63.11 (4) impose limitations on the certified midwife's practice of certified midwifery including  
63.12 but not limited to limitation of scope of practice or the requirement of practice under  
63.13 supervision;

63.14 (5) impose conditions on the retention of the license, including but not limited to the  
63.15 imposition of retraining or rehabilitation requirements or the conditioning of continued  
63.16 practice on demonstration of knowledge or skills by appropriate examination, monitoring,  
63.17 or other review;

63.18 (6) impose a civil penalty not exceeding \$10,000 for each separate violation. The amount  
63.19 of the civil penalty must be fixed so as to deprive the certified midwife of any economic  
63.20 advantage gained by reason of the violation charged; to reimburse the board for the cost of  
63.21 counsel, investigation, and proceeding; and to discourage repeated violations;

63.22 (7) order the certified midwife to provide unremunerated service;

63.23 (8) censure or reprimand the certified midwife; or

63.24 (9) any other action justified by the facts in the case.

63.25 Subd. 2. **Automatic suspension of license.** (a) Unless the board orders otherwise, a  
63.26 license to practice certified midwifery is automatically suspended if:

63.27 (1) a guardian of a certified midwife is appointed by order of a court under sections  
63.28 524.5-101 to 524.5-502;

63.29 (2) the certified midwife is committed by order of a court under chapter 253B; or

64.1 (3) the certified midwife is determined to be mentally incompetent, mentally ill,  
64.2 chemically dependent, or a person dangerous to the public by a court of competent  
64.3 jurisdiction within or outside of this state.

64.4 (b) The license remains suspended until the certified midwife is restored to capacity by  
64.5 a court and, upon petition by the certified midwife, the suspension is terminated by the  
64.6 board after a hearing or upon agreement between the board and the certified midwife.

64.7 Subd. 3. **Temporary suspension of license.** In addition to any other remedy provided  
64.8 by law, the board may, through its designated board member under section 214.10,  
64.9 subdivision 2, temporarily suspend the license of a certified midwife without a hearing if  
64.10 the board finds that there is probable cause to believe the certified midwife has violated a  
64.11 statute or rule the board is empowered to enforce and continued practice by the certified  
64.12 midwife would create a serious risk of harm to others. The suspension takes effect upon  
64.13 written notice to the certified midwife, served by first-class mail, specifying the statute or  
64.14 rule violated. The suspension must remain in effect until the board issues a temporary stay  
64.15 of suspension or a final order in the matter after a hearing or upon agreement between the  
64.16 board and the certified midwife. At the time it issues the suspension notice, the board must  
64.17 schedule a disciplinary hearing to be held under the Administrative Procedure Act. The  
64.18 board must provide the certified midwife at least 20 days' notice of any hearing held under  
64.19 this subdivision. The board must schedule the hearing to begin no later than 30 days after  
64.20 the issuance of the suspension order.

64.21 Subd. 4. **Reissuance.** The board may reinstate and reissue a license to practice certified  
64.22 midwifery, but as a condition may impose any disciplinary or corrective measure that it  
64.23 might originally have imposed. Any person whose license has been revoked, suspended, or  
64.24 limited may have the license reinstated and a new license issued when, at the discretion of  
64.25 the board, the action is warranted, provided that the board must require the person to pay  
64.26 the costs of the proceedings resulting in the revocation, suspension, or limitation of the  
64.27 license; the relicensure fee; and the fee for the current licensure period. The cost of  
64.28 proceedings includes but is not limited to the cost paid by the board to the Office of  
64.29 Administrative Hearings and the Office of the Attorney General for legal and investigative  
64.30 services; the costs of a court reporter and witnesses, reproduction of records, board staff  
64.31 time, travel, and expenses; and the costs of board members' per diem reimbursements, travel  
64.32 costs, and expenses.



65.1       Sec. 17. **[148G.15] REPORTING OBLIGATIONS.**

65.2           Subdivision 1. **Permission to report.** A person who has knowledge of any conduct  
65.3 constituting grounds for discipline under section 148G.13 may report the alleged violation  
65.4 to the board.

65.5           Subd. 2. **Institutions.** The chief nursing executive or chief administrative officer of any  
65.6 hospital, clinic, prepaid medical plan, or other health care institution or organization located  
65.7 in this state must report to the board any action taken by the institution or organization or  
65.8 any of its administrators or committees to revoke, suspend, limit, or condition a certified  
65.9 midwife's privilege to practice in the institution, or as part of the organization, any denial  
65.10 of privileges, any dismissal from employment, or any other disciplinary action. The institution  
65.11 or organization must also report the resignation of any certified midwife before the conclusion  
65.12 of any disciplinary proceeding, or before commencement of formal charges, but after the  
65.13 certified midwife had knowledge that formal charges were contemplated or in preparation.  
65.14 The reporting described by this subdivision is required only if the action pertains to grounds  
65.15 for disciplinary action under section 148G.13.

65.16          Subd. 3. **Licensed professionals.** A person licensed by a health-related licensing board  
65.17 as defined in section 214.01, subdivision 2, must report to the board personal knowledge  
65.18 of any conduct the person reasonably believes constitutes grounds for disciplinary action  
65.19 under section 148G.13 by any certified midwife, including conduct indicating that the  
65.20 certified midwife may be incompetent, may have engaged in unprofessional or unethical  
65.21 conduct, or may be mentally or physically unable to engage safely in the practice of certified  
65.22 midwifery.

65.23          Subd. 4. **Insurers.** (a) By the first day of February, May, August, and November, each  
65.24 insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13),  
65.25 and providing professional liability insurance to certified midwives must submit to the board  
65.26 a report concerning any certified midwife against whom a malpractice award has been made  
65.27 or who has been a party to a settlement. The report must contain at least the following  
65.28 information:

65.29           (1) the total number of settlements or awards;

65.30           (2) the date a settlement or award was made;

65.31           (3) the allegations contained in the claim or complaint leading to the settlement or award;

65.32           (4) the dollar amount of each malpractice settlement or award and whether that amount  
65.33 was paid as a result of a settlement or of an award; and

(5) the name and address of the practice of the certified midwife against whom an award was made or with whom a settlement was made.

(b) An insurer must also report to the board any information it possesses that tends to substantiate a charge that a certified midwife may have engaged in conduct in violation of this chapter.

Subd. 5. **Courts.** The court administrator of district court or another court of competent jurisdiction must report to the board any judgment or other determination of the court that adjudges or includes a finding that a certified midwife is a person who is mentally ill, mentally incompetent, chemically dependent, dangerous to the public, guilty of a felony or gross misdemeanor, guilty of a violation of federal or state narcotics laws or controlled substances act, guilty of operating a motor vehicle while under the influence of alcohol or a controlled substance, or guilty of an abuse or fraud under Medicare or Medicaid; or if the court appoints a guardian of the certified midwife under sections 524.5-101 to 524.5-502 or commits a certified midwife under chapter 253B.

Subd. 6. **Deadlines; forms.** Reports required by subdivisions 2 to 5 must be submitted no later than 30 days after the occurrence of the reportable event or transaction. The board may provide forms for the submission of reports required by this section, may require that the reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting. The board must review all reports, including those submitted after the deadline.

Subd. 7. **Failure to report.** Any person, institution, insurer, or organization that fails to report as required under subdivisions 2 to 6 is subject to civil penalties for failing to report as required by law.

## Sec. 18. **[148G.16] IMMUNITY.**

Subdivision 1. **Reporting.** Any person, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting in good faith a report to the board under section 148G.15 or for otherwise reporting in good faith to the board violations or alleged violations of this chapter. All such reports are investigative data as defined in chapter 13.

Subd. 2. **Investigation.** (a) Members of the board and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of this chapter on behalf of the board, or persons participating in the investigation or testifying regarding charges of violations, are immune from civil liability

67.1 and criminal prosecution for any actions, transactions, or publications in the execution of,  
67.2 or relating to, their duties under this chapter.

67.3 (b) Members of the board and persons employed by the board or engaged in maintaining  
67.4 records and making reports regarding adverse health care events are immune from civil  
67.5 liability and criminal prosecution for any actions, transactions, or publications in the  
67.6 execution of, or relating to, their duties under this chapter.

67.7 Sec. 19. **[148G.17] CERTIFIED MIDWIFE COOPERATION.**

67.8 A certified midwife who is the subject of an investigation by or on behalf of the board  
67.9 must cooperate fully with the investigation. Cooperation includes responding fully and  
67.10 promptly to any question raised by or on behalf of the board relating to the subject of the  
67.11 investigation and providing copies of patient or other records in the certified midwife's  
67.12 possession, as reasonably requested by the board, to assist the board in its investigation and  
67.13 to appear at conferences and hearings scheduled by the board. The board must pay for copies  
67.14 requested. If the board does not have written consent from a patient permitting access to  
67.15 the patient's records, the certified midwife must delete any data in the record that identify  
67.16 the patient before providing it to the board. The board must maintain any records obtained  
67.17 pursuant to this section as investigative data under chapter 13. The certified midwife must  
67.18 not be excused from giving testimony or producing any documents, books, records, or  
67.19 correspondence on the grounds of self-incrimination, but the testimony or evidence must  
67.20 not be used against the certified midwife in any criminal case.

67.21 Sec. 20. **[148G.18] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**

67.22 Upon judicial review of any board disciplinary action taken under this chapter, the  
67.23 reviewing court must seal the administrative record, except for the board's final decision,  
67.24 and must not make the administrative record available to the public.

67.25 Sec. 21. **[148G.19] EXEMPTIONS.**

67.26 The provisions of this chapter do not prohibit:

67.27 (1) the furnishing of certified midwifery assistance in an emergency;

67.28 (2) the practice of certified midwifery by any legally qualified certified midwife of  
67.29 another state who is employed by the United States government or any bureau, division, or  
67.30 agency thereof while in the discharge of official duties;

68.1 (3) the practice of any profession or occupation licensed by the state, other than certified  
68.2 midwifery, by any person licensed to practice the profession or occupation, or the  
68.3 performance by a person of any acts properly coming within the scope of the profession,  
68.4 occupation, or license;

68.5 (4) the practice of traditional midwifery as specified under section 147D.03;

68.6 (5) certified midwifery practice by a student practicing under the supervision of an  
68.7 instructor while the student is enrolled in an approved certified midwifery education program;  
68.8 or

68.9 (6) certified midwifery practice by a certified midwife licensed in another state, territory,  
68.10 or jurisdiction who is in Minnesota temporarily:

68.11 (i) providing continuing or in-service education;

68.12 (ii) serving as a guest lecturer;

68.13 (iii) presenting at a conference; or

68.14 (iv) teaching didactic content via distance education to a student located in Minnesota  
68.15 who is enrolled in a formal, structured course of study, such as a course leading to a higher  
68.16 degree in midwifery.

68.17 **Sec. 22. [148G.20] VIOLATIONS; PENALTY.**

68.18 Subdivision 1. **Violations described.** It is unlawful for any person, corporation, firm,  
68.19 or association to:

68.20 (1) sell or fraudulently obtain or furnish any certified midwifery diploma, license, or  
68.21 record, or aid or abet therein;

68.22 (2) practice certified midwifery under cover of any diploma, permit, license certified  
68.23 midwife credential, or record illegally or fraudulently obtained or signed or issued unlawfully  
68.24 or under fraudulent representation;

68.25 (3) practice certified midwifery unless the person is licensed to do so under this chapter;

68.26 (4) use the professional title certified midwife or licensed certified midwife unless  
68.27 licensed to practice certified midwifery under this chapter;

68.28 (5) use any abbreviation or other designation tending to imply licensure as a certified  
68.29 midwife unless licensed to practice certified midwifery under this chapter;

68.30 (6) practice certified midwifery in a manner prohibited by the board in any limitation  
68.31 of a license issued under this chapter;

(7) practice certified midwifery during the time a license issued under this section is suspended or revoked;

(8) knowingly employ persons in the practice of certified midwifery who have not been issued a current license to practice as a certified midwife in this state; or

(9) conduct a certified midwifery program for the education of persons to become certified midwives unless the program has been approved by the board.

Subd. 2. **Penalty.** Any person, corporation, or association violating any provision of subdivision 1 is guilty of a gross misdemeanor and must be punished according to law.

Subd. 3. **Penalty; certified midwives.** In addition to subdivision 2, a certified midwife who practices certified midwifery without a current license and certification or recertification, or without current certification or recertification on file with the board, is subject to the applicable penalties in section 148G.11.

**Sec. 23. [148G.21] UNAUTHORIZED PRACTICE OF MIDWIFERY.**

The practice of certified midwifery by any person who is not licensed to practice certified midwifery under this chapter, or whose license has been suspended or revoked, or whose national certification credential has expired, is inimical to the public health and welfare and constitutes a public nuisance. Upon a complaint being made by the board or any prosecuting officer, and upon a proper showing of the facts, the district court of the county where such practice occurred may enjoin such acts and practice. The injunction proceeding is in addition to, and not in lieu of, all other penalties and remedies provided by law.

Sec. 24. Minnesota Statutes 2022, section 152.12, subdivision 1, is amended to read:

Subdivision 1. **Prescribing, dispensing, administering controlled substances in Schedules II through V.** A licensed doctor of medicine, a doctor of osteopathic medicine, duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a licensed doctor of podiatry, a licensed advanced practice registered nurse, a licensed certified midwife, a licensed physician assistant, or a licensed doctor of optometry limited to Schedules IV and V, and in the course of professional practice only, may prescribe, administer, and dispense a controlled substance included in Schedules II through V of section 152.02, may cause the same to be administered by a nurse, an intern or an assistant under the direction and supervision of the doctor, and may cause a person who is an appropriately certified and licensed health care professional to prescribe and administer the same within the expressed legal scope of the person's practice as defined in Minnesota Statutes.

70.1 Sec. 25. Minnesota Statutes 2022, section 256B.0625, is amended by adding a subdivision  
70.2 to read:

70.3 Subd. 28c. **Certified midwifery practice services.** Medical assistance covers services  
70.4 performed by a licensed certified midwife if:

70.5 (1) the service provided on an inpatient basis is not included as part of the cost for  
70.6 inpatient services included in the facility payment;

70.7 (2) the service is otherwise covered under this chapter as a physician service; and

70.8 (3) the service is within the scope of practice of the certified midwife's license as defined  
70.9 under chapter 148G.

70.10 Sec. 26. **EFFECTIVE DATE.**

70.11 This article is effective July 1, 2025.

## 70.12 **ARTICLE 12**

### 70.13 **SPEECH-LANGUAGE PATHOLOGY ASSISTANT LICENSURE**

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

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

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

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

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

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

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

71.3 **148.511 SCOPE.**

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

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

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

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

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

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

71.19 Subdivision 1. **Unlicensed practice prohibited.** A person must not engage in the practice  
71.20 of speech-language pathology or audiology or practice as a speech-language pathology  
71.21 assistant unless the person is licensed as a speech-language pathologist or, an audiologist,  
71.22 or a speech-language pathology assistant under sections 148.511 to 148.5198 or is practicing  
71.23 as a speech-language pathology assistant in accordance with section 148.5192. For purposes  
71.24 of this subdivision, a speech-language pathology assistant's duties are limited to the duties  
71.25 described in accordance with section 148.5192, subdivision 2.

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

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

71.28 Subd. 2. **Protected titles and restrictions on use; speech-language pathologists and**  
71.29 **audiologists.** (a) Notwithstanding paragraph ~~(b)~~ (c), the use of the following terms or initials  
71.30 which represent the following terms, alone or in combination with any word or words, by

72.1 any person to form an occupational title is prohibited unless that person is licensed as a  
72.2 speech-language pathologist or audiologist under sections 148.511 to 148.5198:

72.3 (1) speech-language;

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

72.5 (3) speech pathologist;

72.6 (4) language pathologist;

72.7 (5) audiologist, A, or AUD;

72.8 (6) speech therapist;

72.9 (7) speech clinician;

72.10 (8) speech correctionist;

72.11 (9) language therapist;

72.12 (10) voice therapist;

72.13 (11) voice pathologist;

72.14 (12) logopedist;

72.15 (13) communicologist;

72.16 (14) aphasiologist;

72.17 (15) phoniatrist;

72.18 (16) audiometrist;

72.19 (17) audioprosthologist;

72.20 (18) hearing therapist;

72.21 (19) hearing clinician; or

72.22 (20) hearing aid audiologist.

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

72.26 ~~(b)~~ (c) A speech-language pathology assistant practicing under ~~section 148.5192~~ sections  
72.27 148.511 to 148.5198 must not represent, indicate, or imply to the public that the assistant  
72.28 is a licensed speech-language pathologist and shall only utilize ~~one of the following titles:~~



73.1 ~~"speech-language pathology assistant," "SLP assistant," or "SLP asst."~~ the titles provided  
 73.2 in subdivision 2b.

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

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

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

73.10 (1) speech-language pathology assistant;

73.11 (2) SLP assistant; or

73.12 (3) SLP asst.

73.13 (b) Use of the term "Minnesota licensed" in conjunction with the titles protected under  
 73.14 this subdivision by any person is prohibited unless that person is licensed under section  
 73.15 148.5181.

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

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

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

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

73.25 (b) Subdivision 1 does not apply to a student participating in supervised field work or  
 73.26 supervised course work that is necessary to meet the requirements of ~~section~~ sections  
 73.27 148.515, subdivision 2 ~~or 3~~, or 148.5181, subdivision 2, if the person is designated by a  
 73.28 title which clearly indicates the person's status as a student trainee.

73.29 (c) Subdivisions 1 ~~and~~ 2, and 2a do not apply to a person visiting and then leaving the  
 73.30 state and using titles restricted under this section while in the state, if the titles are used no  
 73.31 more than 30 days in a calendar year as part of a professional activity that is limited in scope

74.1 and duration and is in association with an audiologist or speech-language pathologist licensed  
74.2 under sections 148.511 to 148.5198.

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

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

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

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

74.9 (2) a person who applies for licensure and who has a current certificate of clinical  
74.10 competence issued by the American Speech-Language-Hearing Association, or board  
74.11 certification by the American Board of Audiology, must meet the requirements of section  
74.12 148.516; or

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

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

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

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

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

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

74.22 **148.518 LICENSURE FOLLOWING LAPSE OF LICENSURE STATUS.**

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

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

74.29 (2) fulfill the requirements of section 148.517;

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

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

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

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

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

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

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

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

76.1       Sec. 11. [148.5181] LICENSURE; SPEECH-LANGUAGE PATHOLOGY

76.2       ASSISTANTS.

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

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

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

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

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

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

76.20       (b) Within one month following expiration of a license, an applicant for licensure renewal  
76.21 as a speech-language pathology assistant must provide, on a form provided by the  
76.22 commissioner, evidence to the commissioner of a minimum of 20 contact hours of continuing  
76.23 education obtained within the two years immediately preceding licensure expiration. A  
76.24 minimum of 13 contact hours of continuing education must be directly related to the licensee's  
76.25 area of licensure. Seven contact hours of continuing education may be in areas generally  
76.26 related to the licensee's area of licensure. Licensees who are issued licenses for a period of  
76.27 less than two years must prorate the number of contact hours required for licensure renewal  
76.28 based on the number of months licensed during the biennial licensure period. Licensees  
76.29 must receive contact hours for continuing education activities only for the biennial licensure  
76.30 period in which the continuing education activity was performed.

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

- 77.1 (1) payment of the commissioner's current fee for licensure; and  
77.2 (2) submission of evidence of licensure in good standing from another state that maintains  
77.3 a system and standard of examinations for speech-language pathology assistants which  
77.4 meets or exceeds the current requirements for licensure in Minnesota.

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

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

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

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

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

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

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

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

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

77.28 (b) In addition, an applicant must:

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

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

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

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

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

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

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

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

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

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

(4) submit all fees required under section 148.5194;

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

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

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

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

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

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

79.6 (2) meet the continuing education requirements of section 148.5193 and submit evidence  
79.7 of attending continuing education courses, as required in section 148.5193, subdivision 6;  
79.8 and

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

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

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

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

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

79.19 (2) meet the continuing education requirements of section 148.5193, subdivision 1a,  
79.20 and submit evidence of attending continuing education courses, as required in section  
79.21 148.5193, subdivision 1a; and

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

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

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

79.27 Subdivision 1. **Delegation requirements.** A licensed speech-language pathologist may  
79.28 delegate duties to a licensed speech-language pathology assistant in accordance with this  
79.29 section following an initial introduction to a client with the speech-language pathologist  
79.30 and speech-language pathology assistant present. ~~Duties may only be delegated to an~~

80.1 ~~individual who has documented with a transcript from an educational institution satisfactory~~  
80.2 ~~completion of either:~~

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

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

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

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

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

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

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

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

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

80.22 (4) assist with assessments of clients;

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

80.24 (6) perform checks and maintenance of equipment;

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

80.27 (8) collect data for quality improvement.

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

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



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

81.6 (3) participate in parent conferences, case conferences, or ~~any~~ interdisciplinary team  
81.7 ~~without the presence of the supervising speech-language pathologist or other licensed~~  
81.8 ~~speech-language pathologist as authorized by the supervising speech-language pathologist~~  
81.9 meetings without approval from the speech-language pathologist or misrepresent themselves  
81.10 as a speech-language pathologist at such a conference or meeting. The speech-language  
81.11 pathologist and speech-language pathology assistant are required to meet prior to the parent  
81.12 conferences, case conferences, or interdisciplinary team meetings to determine the  
81.13 information to be shared;

81.14 (4) provide client or family counseling or consult with the client or the family regarding  
81.15 the client status or service;

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

81.18 (6) select clients for service;

81.19 (7) discharge clients from service;

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

81.23 (9) make referrals for additional services.

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

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

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

81.31 Subd. 3. **Supervision requirements.** (a) A supervising speech-language pathologist  
81.32 shall authorize and accept full responsibility for the performance, practice, and activity of

82.1 a speech-language pathology assistant. The amount and type of supervision required must  
82.2 be based on the skills and experience of the speech-language pathology assistant. A minimum  
82.3 of one hour every 30 days of consultative supervision time must be documented for each  
82.4 speech-language pathology assistant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83.17 (b) Within one month following expiration of a license, an applicant for licensure renewal  
83.18 as either a speech-language pathologist or an audiologist must provide evidence to the  
83.19 commissioner of a minimum of 30 contact hours of continuing education obtained within  
83.20 the two years immediately preceding licensure expiration. A minimum of 20 contact hours  
83.21 of continuing education must be directly related to the licensee's area of licensure. Ten  
83.22 contact hours of continuing education may be in areas generally related to the licensee's  
83.23 area of licensure. Licensees who are issued licenses for a period of less than two years shall  
83.24 prorate the number of contact hours required for licensure renewal based on the number of  
83.25 months licensed during the biennial licensure period. Licensees shall receive contact hours  
83.26 for continuing education activities only for the biennial licensure period in which the  
83.27 continuing education activity was performed.

83.28 (c) An applicant for licensure renewal as both a speech-language pathologist and an  
83.29 audiologist must attest to and document completion of a minimum of 36 contact hours of  
83.30 continuing education offered by a continuing education sponsor within the two years  
83.31 immediately preceding licensure renewal. A minimum of 15 contact hours must be received  
83.32 in the area of speech-language pathology and a minimum of 15 contact hours must be  
83.33 received in the area of audiology. Six contact hours of continuing education may be in areas

generally related to the licensee's areas of licensure. Licensees who are issued licenses for a period of less than two years shall prorate the number of contact hours required for licensure renewal based on the number of months licensed during the biennial licensure period. Licensees shall receive contact hours for continuing education activities only for the biennial licensure period in which the continuing education activity was performed.

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

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

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

(ii) directly related to speech-language pathology;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

85.13 (b) The penalty fee for applicants who engage in the unauthorized practice of  
85.14 speech-language pathology or audiology, practice as a speech-language pathology assistant,  
85.15 or using use of protected titles before being issued a license is the amount of the license  
85.16 application fee for any part of the first month, plus the license application fee for any part  
85.17 of any subsequent month up to 36 months. This paragraph does not apply to applicants not  
85.18 qualifying for a license who engage in the unauthorized practice of speech language  
85.19 pathology or audiology or in the unauthorized practice as a speech-language pathology  
85.20 assistant.

85.21 (c) The penalty fee for practicing speech-language pathology or audiology and failing  
85.22 to submit a continuing education report by the due date with the correct number or type of  
85.23 hours in the correct time period is \$100 plus \$20 for each missing clock hour. The penalty  
85.24 fee for a licensed speech-language pathology assistant who fails to submit a continuing  
85.25 education report by the due date with the correct number or type of hours in the correct time  
85.26 period is \$100 plus \$20 for each missing clock hour. "Missing" means not obtained between  
85.27 the effective and expiration dates of the certificate, the one-month period following the  
85.28 certificate expiration date, or the 30 days following notice of a penalty fee for failing to  
85.29 report all continuing education hours. The licensee must obtain the missing number of  
85.30 continuing education hours by the next reporting due date.

85.31 (d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for  
85.32 conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty  
85.33 fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and

86.1 exceeding six months, payment of a penalty fee does not preclude any disciplinary action  
86.2 reasonably justified by the individual case.

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

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

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

86.8 (1) intentionally submitted false or misleading information to the commissioner or the  
86.9 advisory council;

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

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

86.14 (4) violated sections 148.511 to 148.5198;

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

86.17 (6) violated any state or federal law, rule, or regulation, and the violation is a felony or  
86.18 misdemeanor, an essential element of which is dishonesty, or which relates directly or  
86.19 indirectly to the practice of speech-language pathology or audiology or to the practice of a  
86.20 speech-language pathology assistant. Conviction for violating any state or federal law which  
86.21 relates to speech-language pathology ~~or~~, audiology, or to the practice of a speech-language  
86.22 pathology assistant is necessarily considered to constitute a violation, except as provided  
86.23 in chapter 364;

86.24 (7) aided or abetted another person in violating any provision of sections 148.511 to  
86.25 148.5198;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

88.5 (iv) failed to comply with restrictions on sales of prescription hearing aids in sections  
88.6 148.5197, subdivision 3, and 148.5198;

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

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

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

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

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

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

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

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

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

88.25 Subd. 5. **Consequences of disciplinary actions.** Upon the suspension or revocation of  
88.26 licensure, the speech-language pathologist or audiologist, or speech-language pathology  
88.27 assistant, shall cease to practice speech-language pathology or audiology, or practice as a  
88.28 speech-language pathology assistant, to use titles protected under sections 148.511 to  
88.29 148.5198, and to represent to the public that the speech-language pathologist or audiologist,  
88.30 or speech-language pathology assistant, is licensed by the commissioner.

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



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

89.2 Subd. 6. **Reinstatement requirements after disciplinary action.** A speech-language  
89.3 pathologist or audiologist, or speech-language pathology assistant, who has had licensure  
89.4 suspended may petition on forms provided by the commissioner for reinstatement following  
89.5 the period of suspension specified by the commissioner. The requirements of section  
89.6 148.5191 for renewing licensure must be met before licensure may be reinstated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

90.28 Subd. 4. **Applicants, licensees, and other occupations regulated by the commissioner**  
90.29 **of health.** The commissioner shall conduct an alternative background study, including a  
90.30 check of state data, and a national criminal history records check of the following individuals.

91.1 For studies under this section, the following persons shall complete a consent form and  
91.2 criminal history disclosure form:

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

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

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

91.11 **ARTICLE 13**  
91.12 **APPROPRIATION**

91.13 Section 1. **COMMISSIONER OF HEALTH.**

91.14 **Subdivision 1. Registration of transfer care specialists.** \$198,000 in fiscal year 2025  
91.15 is appropriated from the state government special revenue fund to the commissioner of  
91.16 health to implement registration requirements for transfer care specialists under Minnesota  
91.17 Statutes, section 149A.47. The base for this appropriation is \$105,000 in fiscal year 2026  
91.18 and \$105,000 in fiscal year 2027.

91.19 **Subd. 2. Licensure of speech-language pathology assistants.** \$105,000 in fiscal year  
91.20 2025 is appropriated from the state government special revenue fund to the commissioner  
91.21 of health to implement licensing requirements for speech-language pathology assistants  
91.22 under Minnesota Statutes, section 148.5181. The base for this appropriation is \$22,000 in  
91.23 fiscal year 2026 and \$22,000 in fiscal year 2027.

91.24 **Subd. 3. Audiology and speech-language interstate compact.** \$279,000 in fiscal year  
91.25 2025 is appropriated from the state government special revenue fund to the commissioner  
91.26 of health to implement the audiology and speech-language pathology interstate compact  
91.27 under Minnesota Statutes, section 148.5185. The base for this appropriation is \$106,000 in  
91.28 fiscal year 2026 and \$106,000 in fiscal year 2027.

91.29 Sec. 2. **BOARD OF BEHAVIORAL HEALTH AND THERAPY; LICENSED**  
91.30 **PROFESSIONAL COUNSELOR INTERSTATE COMPACT.**

91.31 \$159,000 in fiscal year 2025 is appropriated from the state government special revenue  
91.32 fund to the board of behavioral health and therapy to implement the licensed professional

92.1 counselor interstate compact under Minnesota Statutes, section 148B.75. The base for this  
92.2 appropriation is \$95,000 in fiscal year 2026 and \$95,000 in fiscal year 2027.

92.3 Sec. 3. **BOARD OF DENTISTRY.**

92.4 Subdivision 1. **Licensure by credential for dental assistants.** \$2,000 in fiscal year  
92.5 2025 is appropriated from the state government special revenue fund to the board of dentistry  
92.6 to implement modifications to licensing requirements under Minnesota Statutes, section  
92.7 150A.06, subdivision 8. The base for this appropriation is \$3,000 in fiscal year 2026 and  
92.8 \$5,000 in fiscal year 2027.

92.9 Subd. 2. **Dentist and dental hygienist compact.** \$41,000 in fiscal year 2025 is  
92.10 appropriated from the state government special revenue fund to the board of dentistry to  
92.11 implement the dentist and dental hygienist compact under Minnesota Statutes, section  
92.12 150A.051. The base for this appropriation is \$42,000 in fiscal year 2026 and \$42,000 in  
92.13 fiscal year 2027.

92.14 Sec. 4. **BOARD OF MARRIAGE AND FAMILY THERAPY; LICENSED**  
92.15 **MARRIAGE AND FAMILY THERAPIST GUEST LICENSE.**

92.16 \$18,000 in fiscal year 2025 is appropriated from the state government special revenue  
92.17 fund to the board of marriage and family therapy to implement the licensed marriage and  
92.18 family therapist guest license under Minnesota Statutes, section 148B.331. The base for  
92.19 this appropriation is \$1,000 in fiscal year 2026 and \$1,000 in fiscal year 2027.

92.20 Sec. 5. **BOARD OF MEDICAL PRACTICE.**

92.21 Subdivision 1. **Licensing requirements for graduates of foreign medical**  
92.22 **schools.** \$81,000 in fiscal year 2025 is appropriated from the state government special  
92.23 revenue fund to the board of medical practice to implement licensing requirements for  
92.24 graduates of foreign medical schools under Minnesota Statutes, section 147.037. The base  
92.25 for this appropriation is \$74,000 in fiscal year 2026 and \$60,000 in fiscal year 2027.

92.26 Subd. 2. **Physician assistant licensure compact.** \$113,000 in fiscal year 2025 is  
92.27 appropriated from the state government special revenue fund to the board of medical practice  
92.28 to implement the physician assistant licensure compact under Minnesota Statutes, section  
92.29 148.675. The base for this appropriation is \$142,000 in fiscal year 2026 and \$96,000 in  
92.30 fiscal year 2027.

93.1       Sec. 6. **BOARD OF OCCUPATIONAL THERAPY PRACTICE; OCCUPATIONAL**  
93.2 **THERAPY LICENSURE COMPACT.**

93.3       \$143,000 in fiscal year 2025 is appropriated from the state government special revenue  
93.4 fund to the board of therapy practice to implement the occupational therapy licensure  
93.5 compact under Minnesota Statutes, section 148.645. The base for this appropriation is  
93.6 \$80,000 in fiscal year 2026 and \$80,000 in fiscal year 2027.

93.7       Sec. 7. **BOARD OF PHYSICAL THERAPY; PHYSICAL THERAPY LICENSURE**  
93.8 **COMPACT.**

93.9       \$160,000 in fiscal year 2025 is appropriated from the state government special revenue  
93.10 fund to the board of physical therapy to implement the physical therapy licensure compact  
93.11 under Minnesota Statutes, section 148.676. The base for this appropriation is \$95,000 in  
93.12 fiscal year 2026 and \$95,000 in fiscal year 2027.

93.13       Sec. 8. **BOARD OF PSYCHOLOGY; LICENSING REQUIREMENTS FOR**  
93.14 **BEHAVIOR ANALYSTS AND ASSISTANT BEHAVIOR ANALYSTS.**

93.15       \$81,000 in fiscal year 2025 is appropriated from the state government special revenue  
93.16 fund to the board of psychology to implement licensing requirements for behavior analysts  
93.17 and assistant behavior analysts under Minnesota Statutes, sections 148.9981 to 148.9995.  
93.18 The base for this appropriation is \$47,000 in fiscal year 2026 and \$47,000 in fiscal year  
93.19 2027.

93.20       Sec. 9. **BOARD OF SOCIAL WORK.**

93.21       Subdivision 1. **Social worker provisional licensing.** \$133,000 in fiscal year 2025 is  
93.22 appropriated from the state government special revenue fund to the board of social work to  
93.23 implement social worker provisional licensing requirements. The base for this appropriation  
93.24 is \$80,000 in fiscal year 2026 and \$80,000 in fiscal year 2027.

93.25       Subd. 2. **Social work interstate compact.** \$3,000 in fiscal year 2025 is appropriated  
93.26 from the state government special revenue fund to the board of social work to implement  
93.27 the social work interstate compact under Minnesota Statutes, sections 148E.40 to 148E.55.  
93.28 The base for this appropriation is \$149,000 in fiscal year 2026 and \$83,000 in fiscal year  
93.29 2027.

94.1 Sec. 10. **BOARD OF VETERINARY MEDICINE; LICENSING REQUIREMENTS**  
94.2 **FOR VETERINARY TECHNICIANS.**

94.3 \$23,000 in fiscal year 2025 is appropriated from the state government special revenue  
94.4 fund to the board of veterinary medicine to implement licensing requirements for veterinary  
94.5 technicians under Minnesota Statutes, section 156.077. The base for this appropriation is  
94.6 \$52,000 in fiscal year 2026 and \$52,000 in fiscal year 2027.

94.7 Sec. 11. **EFFECTIVE DATE.**

94.8 This article is effective July 1, 2024.

94.9 **ARTICLE 14**  
94.10 **PHYSICIAN ASSISTANTS**

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

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

94.14 **ARTICLE I**

94.15 **TITLE**

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

94.17 **ARTICLE II**

94.18 **DEFINITIONS**

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

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

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

94.28 (c) "Compact privilege" means the authorization granted by a remote state to allow a  
94.29 licensee from another participating state to practice as a PA to provide medical services or

95.1 other licensed activities to a patient located in the remote state under the remote state's laws  
95.2 and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

96.4 (q) "PA" means an individual who is licensed as a physician assistant in a state. For  
96.5 purposes of this compact, any other title or status adopted by a state to replace the term  
96.6 "physician assistant" shall be deemed synonymous with "physician assistant" and shall  
96.7 confer the same rights and responsibilities to the licensee under the provisions of this compact  
96.8 at the time of its enactment.

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

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

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

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

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

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

96.22 ARTICLE III

96.23 STATE PARTICIPATION IN THE COMPACT

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

96.25 (1) license PAs;

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

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

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



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

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

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

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

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

97.12 ARTICLE IV

97.13 COMPACT PRIVILEGE

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

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

97.18 (2) hold current NCCPA certification;

97.19 (3) have no felony or misdemeanor convictions;

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

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

97.23 (6) hold a qualifying license;

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

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

97.29 (9) if a compact privilege has been revoked or is limited or restricted in a participating  
97.30 state for conduct that would not be a basis for disciplinary action in a participating state in  
97.31 which the licensee is practicing or applying to practice under a compact privilege, that

98.1 participating state shall have the discretion not to consider such action as an adverse action  
98.2 requiring the denial or removal of a compact privilege in that state;

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

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

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

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

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

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

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

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

98.25 ARTICLE V

98.26 DESIGNATION OF THE STATE FROM WHICH LICENSEE IS APPLYING FOR  
98.27 COMPACT PRIVILEGE

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

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

99.4 (2) the licensee must consent to accept service of process by mail at the licensee's primary  
99.5 residence on file with the commission with respect to any action brought against the licensee  
99.6 by the commission or a participating state, including a subpoena, with respect to any action  
99.7 brought or investigation conducted by the commission or a participating state.

## 99.8 ARTICLE VI

### 99.9 ADVERSE ACTIONS

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

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

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

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

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

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

99.32 (e) For purposes of taking adverse action, the participating state which issued the  
99.33 qualifying license shall give the same priority and effect to reported conduct received from

100.1 any other participating state as it would if the conduct had occurred within the participating  
100.2 state which issued the qualifying license. In so doing, that participating state shall apply its  
100.3 own state laws to determine appropriate action.

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

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

100.10 (h) Joint investigations:

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

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

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

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

## 100.24 ARTICLE VII

### 100.25 ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

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

100.31 (b) Membership, voting, and meetings:

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

101.4 (2) the delegate shall be:

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

101.7 (ii) an administrator of a licensing board;

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

101.10 (4) the participating state board shall fill any vacancy occurring in the commission within  
101.11 60 days;

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

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

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

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

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

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

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

101.24 (3) establish fees;

101.25 (4) establish bylaws;

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

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

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

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

102.7 (9) purchase and maintain insurance and bonds;

102.8 (10) borrow, accept, or contract for services of personnel, including but not limited to  
102.9 employees of a participating state;

102.10 (11) hire employees and engage contractors, elect or appoint officers, fix compensation,  
102.11 define duties, grant such individuals appropriate authority to carry out the purposes of this  
102.12 compact, and establish the commission's personnel policies and programs relating to conflicts  
102.13 of interest, qualifications of personnel, and other related personnel matters;

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

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

102.20 (14) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
102.21 any property real, personal, or mixed;

102.22 (15) establish a budget and make expenditures;

102.23 (16) borrow money;

102.24 (17) appoint committees, including standing committees composed of members, state  
102.25 regulators, state legislators or their representatives, and consumer representatives, and such  
102.26 other interested persons as may be designated in this compact and the bylaws;

102.27 (18) provide and receive information from, and cooperate with, law enforcement agencies;

102.28 (19) elect a chair, vice chair, secretary, and treasurer and such other officers of the  
102.29 commission as provided in the commission's bylaws;

102.30 (20) reserve for itself, in addition to those reserved exclusively to the commission under  
102.31 the compact, powers that the executive committee may not exercise;

- 103.1 (21) approve or disapprove a state's participation in the compact based upon its  
103.2 determination as to whether the state's compact legislation departs in a material manner  
103.3 from the model compact language;
- 103.4 (22) prepare and provide to the participating states an annual report; and
- 103.5 (23) perform such other functions as may be necessary or appropriate to achieve the  
103.6 purposes of this compact consistent with the state regulation of PA licensure and practice.
- 103.7 (d) Meetings of the commission:
- 103.8 (1) all meetings of the commission that are not closed pursuant to this paragraph shall  
103.9 be open to the public. Notice of public meetings shall be posted on the commission's website  
103.10 at least 30 days prior to the public meeting;
- 103.11 (2) notwithstanding clause (1), the commission may convene a public meeting by  
103.12 providing at least 24 hours' prior notice on the commission's website, and any other means  
103.13 as provided in the commission's rules, for any of the reasons it may dispense with notice of  
103.14 proposed rulemaking under article IX, paragraph (l);
- 103.15 (3) the commission may convene in a closed, nonpublic meeting or nonpublic part of a  
103.16 public meeting to receive legal advice or to discuss:
- 103.17 (i) noncompliance of a participating state with its obligations under this compact;
- 103.18 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
103.19 related to specific employees, or other matters related to the commission's internal personnel  
103.20 practices and procedures;
- 103.21 (iii) current, threatened, or reasonably anticipated litigation;
- 103.22 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
103.23 estate;
- 103.24 (v) accusing any person of a crime or formally censuring any person;
- 103.25 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
103.26 or confidential;
- 103.27 (vii) disclosure of information of a personal nature where disclosure would constitute a  
103.28 clearly unwarranted invasion of personal privacy;
- 103.29 (viii) disclosure of investigative records compiled for law enforcement purposes;

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

104.4 (x) legal advice; or

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

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

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

104.16 (e) Financing of the commission:

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

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

104.21 (3) the commission may levy on and collect an annual assessment from each participating  
104.22 state and may impose compact privilege fees on licensees of participating states to whom  
104.23 a compact privilege is granted, to cover the cost of the operations and activities of the  
104.24 commission and its staff. The cost of the operations and activities of the commission and  
104.25 its staff must be in a total amount sufficient to cover its annual budget as approved by the  
104.26 commission each year for which revenue is not provided by other sources. The aggregate  
104.27 annual assessment amount levied on participating states shall be allocated based upon a  
104.28 formula to be determined by commission rule;

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

104.31 (ii) if the licensee terminates the qualifying license through which the licensee applied  
104.32 for the compact privilege before its scheduled expiration, and the licensee has a qualifying  
104.33 license in another participating state, the licensee shall inform the commission that it is



105.1 changing the participating state through which it applies for a compact privilege to the other  
105.2 participating state and pay to the commission any compact privilege fee required by  
105.3 commission rule;

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

105.7 (5) the commission shall keep accurate accounts of all receipts and disbursements. The  
105.8 receipts and disbursements of the commission shall be subject to the financial review and  
105.9 accounting procedures established under its bylaws. All receipts and disbursements of funds  
105.10 handled by the commission shall be subject to an annual financial review by a certified or  
105.11 licensed public accountant, and the report of the financial review shall be included in and  
105.12 become part of the annual report of the commission.

105.13 (f) The executive committee:

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

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

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

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

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

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

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

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

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

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

- 106.1 (ii) ensure compact administration services are appropriately provided, contractual or  
106.2 otherwise;
- 106.3 (iii) prepare and recommend the budget;
- 106.4 (iv) maintain financial records on behalf of the commission;
- 106.5 (v) monitor compact compliance of participating states and provide compliance reports  
106.6 to the commission;
- 106.7 (vi) establish additional committees as necessary;
- 106.8 (vii) exercise the powers and duties of the commission during the interim between  
106.9 commission meetings, except for issuing proposed rulemaking or adopting commission  
106.10 rules or bylaws, or exercising any other powers and duties exclusively reserved to the  
106.11 commission by the commission's rules; and
- 106.12 (viii) perform other duties as provided in commission's rules or bylaws;
- 106.13 (7) all meetings of the executive committee at which it votes or plans to vote on matters  
106.14 in exercising the powers and duties of the commission shall be open to the public, and public  
106.15 notice of such meetings shall be given as public meetings of the commission are given; and
- 106.16 (8) the executive committee may convene in a closed, nonpublic meeting for the same  
106.17 reasons that the commission may convene in a nonpublic meeting as set forth in paragraph  
106.18 (d), clause (3), and shall announce the closed meeting as the commission is required to  
106.19 under paragraph (d), clause (4), and keep minutes of the closed meeting as the commission  
106.20 is required to under paragraph (d), clause (5).
- 106.21 (g) Qualified immunity, defense, and indemnification:
- 106.22 (1) the members, officers, executive director, employees, and representatives of the  
106.23 commission shall be immune from suit and liability, both personally and in their official  
106.24 capacity, for any claim for damage to or loss of property or personal injury or other civil  
106.25 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
106.26 or that the person against whom the claim is made had a reasonable basis for believing  
106.27 occurred, within the scope of commission employment, duties, or responsibilities, provided  
106.28 that nothing in this paragraph shall be construed to protect any such person from suit or  
106.29 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
106.30 wanton misconduct of that person. The procurement of insurance of any type by the  
106.31 commission shall not in any way compromise or limit the immunity granted hereunder;

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

107.10       (3) the commission shall indemnify and hold harmless any member, officer, executive  
107.11 director, employee, or representative of the commission for the amount of any settlement  
107.12 or judgment obtained against that person arising out of any actual or alleged act, error, or  
107.13 omission that occurred within the scope of commission employment, duties, or  
107.14 responsibilities, or that such person had a reasonable basis for believing occurred within  
107.15 the scope of commission employment, duties, or responsibilities, provided that the actual  
107.16 or alleged act, error, or omission did not result from the intentional or willful or wanton  
107.17 misconduct of that person;

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

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

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

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

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

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

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

## ARTICLE VIII

### DATA SYSTEM

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

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

(1) identifying information;

(2) licensure data;

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

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

(5) the existence of significant investigative information; and

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

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

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

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

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

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

## ARTICLE IX

### RULEMAKING

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

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

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

(d) If a majority of the legislatures of the participating states rejects a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact within

110.1 four years of the date of adoption of the rule, then such rule shall have no further force and  
110.2 effect in any participating state or in any state applying to participate in the compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111.31 (4) protect public health and safety.

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

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

## ARTICLE X

### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### (a) Oversight:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

114.1 (c) Dispute resolution:

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

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

114.7 (d) Enforcement:

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

114.10 (2) if compliance is not secured after all means to secure compliance have been exhausted,  
114.11 by majority vote, the commission may initiate legal action in the United States District  
114.12 Court for the District of Columbia or the federal district where the commission has its  
114.13 principal offices against a participating state in default, to enforce compliance with the  
114.14 provisions of this compact and the commission's promulgated rules and bylaws. The relief  
114.15 sought may include both injunctive relief and damages. In the event judicial enforcement  
114.16 is necessary, the prevailing member shall be awarded all costs of such litigation, including  
114.17 reasonable attorney fees; and

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

114.20 (e) Legal action against the commission:

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

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

114.29 ARTICLE XI

114.30 DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

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

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

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

115.13 (d) Any participating state enacting the compact subsequent to the seven initial charter  
115.14 participating states shall be subject to the process set forth in article VII, paragraph (c),  
115.15 clause (21), to determine if the state's enactment is materially different from the model  
115.16 compact and whether the state qualifies for participation in the compact.

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

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

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

115.27 (1) a participating state's withdrawal shall not take effect until 180 days after enactment  
115.28 of the repealing statute. During this 180-day period, all compact privileges that were in  
115.29 effect in the withdrawing state and were granted to licensees licensed in the withdrawing  
115.30 state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed  
115.31 in another participating state or obtains a license in another participating state within the  
115.32 180 days, the licensee's compact privileges in other participating states shall not be affected  
115.33 by the passage of the 180 days;

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

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

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

(i) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states, as determined by the commission.

## ARTICLE XII

### CONSTRUCTION AND SEVERABILITY

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

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

(c) Notwithstanding paragraph (b) or any provision of this article, the commission may deny a state's participation in the compact or, in accordance with the requirements of article X, paragraph (b), terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise,

117.1 if this compact shall be held to be contrary to the constitution of any participating state, the  
117.2 compact shall remain in full force and effect as to the remaining participating states and in  
117.3 full force and effect as to the participating state affected as to all severable matters.

117.4 ARTICLE XIII

117.5 BINDING EFFECT OF THE COMPACT

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

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

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

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

117.13 Sec. 2. **DIRECTION TO BOARD OF MEDICAL PRACTICE.**

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

117.16 ARTICLE 15

117.17 OCCUPATIONAL THERAPISTS

117.18 Section 1. **[148.645] OCCUPATIONAL THERAPY LICENSURE COMPACT.**

117.19 ARTICLE I

117.20 TITLE

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

117.22 ARTICLE II

117.23 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### ARTICLE III

#### STATE PARTICIPATION IN THE COMPACT

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

(1) license occupational therapists and occupational therapy assistants;

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

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

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

(5) implement or utilize procedures for considering the criminal history records of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

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

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

(6) comply with the rules of the commission;

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

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



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

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

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

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

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

121.13 ARTICLE IV

121.14 COMPACT PRIVILEGE

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

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

121.18 (2) have a valid United States Social Security number or national practitioner  
121.19 identification number;

121.20 (3) have no encumbrance on any state license;

121.21 (4) be eligible for a compact privilege in any member state in accordance with Article  
121.22 IV, (D), (F), (G), and (H);

121.23 (5) have paid all fines and completed all requirements resulting from any adverse action  
121.24 against any license or compact privilege, and two years have elapsed from the date of such  
121.25 completion;

121.26 (6) notify the commission that the licensee is seeking the compact privilege within a  
121.27 remote state or states;

121.28 (7) pay any applicable fees, including any state fee, for the compact privilege;

121.29 (8) complete a criminal background check in accordance with Article III, (A)(5). The  
121.30 licensee shall be responsible for the payment of any fee associated with the completion of  
121.31 a criminal background check;

- 122.1 (9) meet any jurisprudence requirements established by the remote state or states in  
122.2 which the licensee is seeking a compact privilege; and
- 122.3 (10) report to the commission adverse action taken by any nonmember state within 30  
122.4 days from the date the adverse action is taken.
- 122.5 (B) The compact privilege is valid until the expiration date of the home state license.  
122.6 The licensee must comply with the requirements of Article IV, (A), to maintain the compact  
122.7 privilege in the remote state.
- 122.8 (C) A licensee providing occupational therapy in a remote state under the compact  
122.9 privilege shall function within the laws and regulations of the remote state.
- 122.10 (D) Occupational therapy assistants practicing in a remote state shall be supervised by  
122.11 an occupational therapist licensed or holding a compact privilege in that remote state.
- 122.12 (E) A licensee providing occupational therapy in a remote state is subject to that state's  
122.13 regulatory authority. A remote state may, in accordance with due process and that state's  
122.14 laws, remove a licensee's compact privilege in the remote state for a specific period of time,  
122.15 impose fines, or take any other necessary actions to protect the health and safety of its  
122.16 citizens. The licensee may be ineligible for a compact privilege in any state until the specific  
122.17 time for removal has passed and all fines are paid.
- 122.18 (F) If a home state license is encumbered, the licensee shall lose the compact privilege  
122.19 in any remote state until the following occur:
- 122.20 (1) the home state license is no longer encumbered; and
- 122.21 (2) two years have elapsed from the date on which the home state license is no longer  
122.22 encumbered in accordance with Article IV, (F)(1).
- 122.23 (G) Once an encumbered license in the home state is restored to good standing, the  
122.24 licensee must meet the requirements of Article IV, (A), to obtain a compact privilege in any  
122.25 remote state.
- 122.26 (H) If a licensee's compact privilege in any remote state is removed, the individual may  
122.27 lose the compact privilege in any other remote state until the following occur:
- 122.28 (1) the specific period of time for which the compact privilege was removed has ended;
- 122.29 (2) all fines have been paid and all conditions have been met;
- 122.30 (3) two years have elapsed from the date of completing requirements for Article IV,  
122.31 (H)(1) and (2); and

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

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

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

123.7 ARTICLE V

123.8 OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

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

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

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

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

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

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

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

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

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

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

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

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

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

124.12 ARTICLE VI

124.13 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

124.14 Active duty military personnel, or their spouses, shall designate a home state where the  
124.15 individual has a current license in good standing. The individual may retain the home state  
124.16 designation during the period the service member is on active duty. Subsequent to designating  
124.17 a home state, the individual shall only change their home state through application for  
124.18 licensure in the new state or through the process described in Article V.

124.19 ARTICLE VII

124.20 ADVERSE ACTIONS

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

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

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

124.27 (2) issue subpoenas for both hearings and investigations that require the attendance and  
124.28 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing  
124.29 board in a member state for the attendance and testimony of witnesses or the production of  
124.30 evidence from another member state shall be enforced in the latter state by any court of  
124.31 competent jurisdiction, according to the practice and procedure of that court applicable to  
124.32 subpoenas issued in proceedings pending before that court. The issuing authority shall pay

125.1 any witness fees, travel expenses, mileage, and other fees required by the service statutes  
125.2 of the state in which the witnesses or evidence are located.

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

125.7 (D) The home state shall complete any pending investigations of an occupational therapist  
125.8 or occupational therapy assistant who changes their primary state of residence during the  
125.9 course of the investigations. The home state, where the investigations were initiated, shall  
125.10 also have the authority to take appropriate action and shall promptly report the conclusions  
125.11 of the investigations to the compact commission data system. The occupational therapy  
125.12 compact commission data system administrator shall promptly notify the new home state  
125.13 of any adverse actions.

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

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

125.21 (G) Joint Investigations:

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

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

125.27 (H) If an adverse action is taken by the home state against an occupational therapist's  
125.28 or occupational therapy assistant's license, the occupational therapist's or occupational  
125.29 therapy assistant's compact privilege in all other member states shall be deactivated until  
125.30 all encumbrances have been removed from the state license. All home state disciplinary  
125.31 orders that impose adverse action against an occupational therapist's or occupational therapy  
125.32 assistant's license shall include a statement that the occupational therapist's or occupational

126.1 therapy assistant's compact privilege is deactivated in all member states during the pendency  
126.2 of the order.

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

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

126.8 ARTICLE VIII

126.9 ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

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

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

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

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

126.19 (B) Membership, Voting, and Meetings:

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

126.22 (2) The delegate shall be either:

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

126.25 (ii) an administrator of the licensing board.

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

126.28 (4) The member state board shall fill any vacancy occurring in the commission within  
126.29 90 days.

126.30 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules  
126.31 and creation of bylaws and shall otherwise have an opportunity to participate in the business

127.1 and affairs of the commission. A delegate shall vote in person or by such other means as  
127.2 provided in the bylaws. The bylaws may provide for delegates' participation in meetings  
127.3 by telephone or other means of communication.

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

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

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

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

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

127.10 (3) establish bylaws;

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

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

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

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

127.20 (8) purchase and maintain insurance and bonds;

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

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

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

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

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

128.6 (14) establish a budget and make expenditures;

128.7 (15) borrow money;

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

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

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

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

128.16 (D) The Executive Committee:

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

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

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

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

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

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

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

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

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



- 129.1 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
129.2 compact legislation, fees paid by compact member states such as annual dues, and any  
129.3 commission compact fee charged to licensees for the compact privilege;
- 129.4 (ii) ensure compact administration services are appropriately provided, contractual or  
129.5 otherwise;
- 129.6 (iii) prepare and recommend the budget;
- 129.7 (iv) maintain financial records on behalf of the commission;
- 129.8 (v) monitor compact compliance of member states and provide compliance reports to  
129.9 the commission;
- 129.10 (vi) establish additional committees as necessary; and
- 129.11 (vii) perform other duties as provided in rules or bylaws.
- 129.12 (E) Meetings of the Commission:
- 129.13 (1) All meetings shall be open to the public, and public notice of meetings shall be given  
129.14 in the same manner as required under the rulemaking provisions in Article X.
- 129.15 (2) The commission or the executive committee or other committees of the commission  
129.16 may convene in a closed, nonpublic meeting if the commission or executive committee or  
129.17 other committees of the commission must discuss:
- 129.18 (i) noncompliance of a member state with its obligations under the compact;
- 129.19 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
129.20 related to specific employees or other matters related to the commission's internal personnel  
129.21 practices and procedures;
- 129.22 (iii) current, threatened, or reasonably anticipated litigation;
- 129.23 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
129.24 estate;
- 129.25 (v) accusing any person of a crime or formally censuring any person;
- 129.26 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
129.27 or confidential;
- 129.28 (vii) disclosure of information of a personal nature where disclosure would constitute a  
129.29 clearly unwarranted invasion of personal privacy;
- 129.30 (viii) disclosure of investigative records compiled for law enforcement purposes;

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

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

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

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

130.14 (F) Financing of the Commission:

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

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

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

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

130.29 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
130.30 receipts and disbursements of the commission shall be subject to the audit and accounting  
130.31 procedures established under its bylaws. However, all receipts and disbursements of funds  
130.32 handled by the commission shall be audited yearly by a certified or licensed public

131.1 accountant, and the report of the audit shall be included in and become part of the annual  
131.2 report of the commission.

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

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

131.13 (2) The commission shall defend any member, officer, executive director, employee, or  
131.14 representative of the commission in any civil action seeking to impose liability arising out  
131.15 of any actual or alleged act, error, or omission that occurred within the scope of commission  
131.16 employment, duties, or responsibilities, or that the person against whom the claim is made  
131.17 had a reasonable basis for believing occurred within the scope of commission employment,  
131.18 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
131.19 person from retaining their own counsel; and provided further, that the actual or alleged  
131.20 act, error, or omission did not result from that person's intentional or willful or wanton  
131.21 misconduct.

131.22 (3) The commission shall indemnify and hold harmless any member, officer, executive  
131.23 director, employee, or representative of the commission for the amount of any settlement  
131.24 or judgment obtained against that person arising out of any actual or alleged act, error, or  
131.25 omission that occurred within the scope of commission employment, duties, or  
131.26 responsibilities, or that such person had a reasonable basis for believing occurred within  
131.27 the scope of commission employment, duties, or responsibilities; provided that the actual  
131.28 or alleged act, error, or omission did not result from the intentional or willful or wanton  
131.29 misconduct of that person.

131.30 (H) Notwithstanding paragraph (G), clause (1), the liability of the executive director,  
131.31 employees, or representatives of the interstate commission, acting within the scope of their  
131.32 employment or duties, may not exceed the limits of liability set forth under the constitution  
131.33 and laws of this state for state officials, employees, and agents. This paragraph expressly

132.1 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
132.2 under that statute.

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

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

132.10 ARTICLE IX

132.11 DATA SYSTEM

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

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

132.18 (1) identifying information;

132.19 (2) licensure data;

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

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

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

132.23 (6) other information that may facilitate the administration of this compact, as determined  
132.24 by the rules of the commission; and

132.25 (7) current significant investigative information.

132.26 (C) Current significant investigative information and other investigative information  
132.27 pertaining to a licensee in any member state will only be available to other member states.

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

133.1 (E) Member states contributing information to the data system may designate information  
133.2 that may not be shared with the public without the express permission of the contributing  
133.3 state.

133.4 (F) Any information submitted to the data system that is subsequently required to be  
133.5 expunged by the laws of the member state contributing the information shall be removed  
133.6 from the data system.

133.7 ARTICLE X

133.8 RULEMAKING

133.9 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set  
133.10 forth in this Article and the rules adopted thereunder. Rules and amendments shall become  
133.11 binding as of the date specified in each rule or amendment.

133.12 (B) The commission shall promulgate reasonable rules in order to effectively and  
133.13 efficiently achieve the purposes of the compact. Notwithstanding the foregoing, in the event  
133.14 the commission exercises its rulemaking authority in a manner that is beyond the scope of  
133.15 the purposes of the compact, or the powers granted hereunder, then such an action by the  
133.16 commission shall be invalid and have no force and effect.

133.17 (C) If a majority of the legislatures of the member states rejects a rule, by enactment of  
133.18 a statute or resolution in the same manner used to adopt the compact within four years of  
133.19 the date of adoption of the rule, then such rule shall have no further force and effect in any  
133.20 member state.

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

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

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

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

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

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

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

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

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

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

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

134.9 (1) at least 25 persons;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) protect public health and safety.

(N) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## ARTICLE XI

### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(A) Oversight:

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

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

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

(B) Default, Technical Assistance, and Termination:

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

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

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

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

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

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

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

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the



137.1 commission has its principal offices. The prevailing member shall be awarded all costs of  
137.2 such litigation, including reasonable attorney fees.

137.3 (C) Dispute Resolution:

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

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

137.9 (D) Enforcement:

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

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

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

137.21 ARTICLE XII

137.22 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR  
137.23 OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,  
137.24 AND AMENDMENT

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

137.30 (B) Any state that joins the compact subsequent to the commission's initial adoption of  
137.31 the rules shall be subject to the rules as they exist on the date on which the compact becomes

138.1 law in that state. Any rule that has been previously adopted by the commission shall have  
138.2 the full force and effect of law on the day the compact becomes law in that state.

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

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

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

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

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

138.17 ARTICLE XIII

138.18 CONSTRUCTION AND SEVERABILITY

138.19 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
138.20 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
138.21 of this compact is declared to be contrary to the constitution of any member state or of the  
138.22 United States or the applicability thereof to any government, agency, person, or circumstance  
138.23 is held invalid, the validity of the remainder of this compact and the applicability thereof  
138.24 to any government, agency, person, or circumstance shall not be affected thereby. If this  
138.25 compact shall be held contrary to the constitution of any member state, the compact shall  
138.26 remain in full force and effect as to the remaining member states and in full force and effect  
138.27 as to the member state affected as to all severable matters.

138.28 ARTICLE XIV

138.29 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

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

139.12 **ARTICLE 16**  
139.13 **PHYSICAL THERAPISTS**

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

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

139.18 **ARTICLE I**

139.19 **TITLE**

139.20 This statute shall be known and cited as the physical therapy licensure compact.

139.21 **ARTICLE II**

139.22 **DEFINITIONS**

139.23 As used in this compact, and except as otherwise provided, the following terms have  
139.24 the meanings given them.

139.25 (a) "Active duty military" means full-time duty status in the active uniformed service  
139.26 of the United States, including members of the National Guard and Reserve on active duty  
139.27 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

139.28 (b) "Adverse action" means disciplinary action taken by a physical therapy licensing  
139.29 board based upon misconduct, unacceptable performance, or a combination of both.

140.1 (c) "Alternative program" means a nondisciplinary monitoring or practice remediation  
140.2 process approved by a physical therapy licensing board. Alternative program includes but  
140.3 is not limited to substance abuse issues.

140.4 (d) "Compact privilege" means the authorization granted by a remote state to allow a  
140.5 licensee from another member state to practice as a physical therapist or work as a physical  
140.6 therapist assistant in the remote state under its laws and rules. The practice of physical  
140.7 therapy occurs in the member state where the patient or client is located at the time of the  
140.8 patient or client encounter.

140.9 (e) "Continuing competence" means a requirement, as a condition of license renewal,  
140.10 to provide evidence of participation in, or completion of, educational and professional  
140.11 activities relevant to practice or area of work.

140.12 (f) "Data system" means a repository of information about licensees, including  
140.13 examination, licensure, investigative, compact privilege, and adverse action.

140.14 (g) "Encumbered license" means a license that a physical therapy licensing board has  
140.15 limited in any way.

140.16 (h) "Executive board" means a group of directors elected or appointed to act on behalf  
140.17 of, and within the powers granted to them by, the commission.

140.18 (i) "Home state" means the member state that is the licensee's primary state of residence.

140.19 (j) "Investigative information" means information, records, and documents received or  
140.20 generated by a physical therapy licensing board pursuant to an investigation.

140.21 (k) "Jurisprudence requirement" means the assessment of an individual's knowledge of  
140.22 the laws and rules governing the practice of physical therapy in a state.

140.23 (l) "Licensee" means an individual who currently holds an authorization from the state  
140.24 to practice as a physical therapist or to work as a physical therapist assistant.

140.25 (m) "Member state" means a state that has enacted the compact.

140.26 (n) "Party state" means any member state in which a licensee holds a current license or  
140.27 compact privilege or is applying for a license or compact privilege.

140.28 (o) "Physical therapist" means an individual who is licensed by a state to practice physical  
140.29 therapy.

140.30 (p) "Physical therapist assistant" means an individual who is licensed or certified by a  
140.31 state and who assists the physical therapist in selected components of physical therapy.

141.1 (q) "Physical therapy," "physical therapy practice," or "the practice of physical therapy"  
141.2 means the care and services provided by or under the direction and supervision of a licensed  
141.3 physical therapist.

141.4 (r) "Physical Therapy Compact Commission" or "commission" means the national  
141.5 administrative body whose membership consists of all states that have enacted the compact.

141.6 (s) "Physical therapy licensing board" or "licensing board" means the agency of a state  
141.7 that is responsible for the licensing and regulation of physical therapists and physical therapist  
141.8 assistants.

141.9 (t) "Remote state" means a member state other than the home state where a licensee is  
141.10 exercising or seeking to exercise the compact privilege.

141.11 (u) "Rule" means a regulation, principle, or directive promulgated by the commission  
141.12 that has the force of law.

141.13 (v) "State" means any state, commonwealth, district, or territory of the United States  
141.14 that regulates the practice of physical therapy.

141.15 ARTICLE III

141.16 STATE PARTICIPATION IN THE COMPACT

141.17 (a) To participate in the compact, a state must:

141.18 (1) participate fully in the commission's data system, including using the commission's  
141.19 unique identifier as defined in rules;

141.20 (2) have a mechanism in place for receiving and investigating complaints about licensees;

141.21 (3) notify the commission, in compliance with the terms of the compact and rules, of  
141.22 any adverse action or the availability of investigative information regarding a licensee;

141.23 (4) fully implement a criminal background check requirement, within a time frame  
141.24 established by rule, by receiving the results of the Federal Bureau of Investigation record  
141.25 search on criminal background checks and use the results in making licensure decisions in  
141.26 accordance with paragraph (b);

141.27 (5) comply with the rules of the commission;

141.28 (6) utilize a recognized national examination as a requirement for licensure pursuant to  
141.29 the rules of the commission; and

141.30 (7) have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this compact, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with United States Code, title 28, section 534, and United States Code, title 42, section 14616.

(c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(d) Member states may charge a fee for granting a compact privilege.

#### ARTICLE IV

##### COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) hold a license in the home state;

(2) have no encumbrance on any state license;

(3) be eligible for a compact privilege in any member state in accordance with paragraphs (d), (g), and (h);

(4) have not had any adverse action against any license or compact privilege within the previous two years;

(5) notify the commission that the licensee is seeking the compact privilege within a remote state or states;

(6) pay any applicable fees, including any state fee, for the compact privilege;

(7) meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a compact privilege; and

(8) report to the commission adverse action taken by any nonmember state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of paragraph (a) to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) the home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of paragraph (a) to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(1) the specific period of time for which the compact privilege was removed has ended;

(2) all fines have been paid; and

(3) two years have elapsed from the date of the adverse action.

(h) Once the requirements of paragraph (g) have been met, the licensee must meet the requirements in paragraph (a) to obtain a compact privilege in a remote state.

## ARTICLE V

### ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

(1) home of record;

(2) permanent change of station (PCS) state; or

(3) state of current residence if different than the PCS state or home of record.

## ARTICLE VI

### ADVERSE ACTIONS

144.1 (a) A home state shall have exclusive power to impose adverse action against a license  
144.2 issued by the home state.

144.3 (b) A home state may take adverse action based on the investigative information of a  
144.4 remote state, so long as the home state follows its own procedures for imposing adverse  
144.5 action.

144.6 (c) Nothing in this compact shall override a member state's decision that participation  
144.7 in an alternative program may be used in lieu of adverse action and that such participation  
144.8 shall remain nonpublic if required by the member state's laws. Member states must require  
144.9 licensees who enter any alternative programs in lieu of discipline to agree not to practice  
144.10 in any other member state during the term of the alternative program without prior  
144.11 authorization from such other member state.

144.12 (d) Any member state may investigate actual or alleged violations of the statutes and  
144.13 rules authorizing the practice of physical therapy in any other member state in which a  
144.14 physical therapist or physical therapist assistant holds a license or compact privilege.

144.15 (e) A remote state shall have the authority to:

144.16 (1) take adverse actions as set forth in article IV, paragraph (d), against a licensee's  
144.17 compact privilege in the state;

144.18 (2) issue subpoenas for both hearings and investigations that require the attendance and  
144.19 testimony of witnesses and the production of evidence. Subpoenas issued by a physical  
144.20 therapy licensing board in a party state for the attendance and testimony of witnesses, or  
144.21 the production of evidence from another party state, shall be enforced in the latter state by  
144.22 any court of competent jurisdiction, according to the practice and procedure of that court  
144.23 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall  
144.24 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes  
144.25 of the state where the witnesses or evidence are located; and

144.26 (3) if otherwise permitted by state law, recover from the licensee the costs of  
144.27 investigations and disposition of cases resulting from any adverse action taken against that  
144.28 licensee.

144.29 (f) In addition to the authority granted to a member state by its respective physical therapy  
144.30 practice act or other applicable state law, a member state may participate with other member  
144.31 states in joint investigations of licensees.

144.32 (g) Member states shall share any investigative, litigation, or compliance materials in  
144.33 furtherance of any joint or individual investigation initiated under the compact.



ARTICLE VII

ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(1) the commission is an instrumentality of the compact states;

(2) except as provided under paragraph (h), venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

(3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings:

(1) each member state shall have and be limited to one delegate selected by that member state's licensing board;

(2) the delegate shall be a current member of the licensing board who is a physical therapist, physical therapist assistant, public member, or the board administrator;

(3) each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission;

(4) a delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication;

(5) any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed;

(6) the member state board shall fill any vacancy occurring in the commission;

(7) the commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws;

(8) all meetings shall be open to the public and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in article IX;

146.1 (9) the commission or the executive board or other committees of the commission may  
146.2 convene in a closed, nonpublic meeting if the commission or executive board or other  
146.3 committees of the commission must discuss:

146.4 (i) noncompliance of a member state with its obligations under the compact;

146.5 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
146.6 related to specific employees or other matters related to the commission's internal personnel  
146.7 practices and procedures;

146.8 (iii) current, threatened, or reasonably anticipated litigation;

146.9 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
146.10 estate;

146.11 (v) accusing any person of a crime or formally censuring any person;

146.12 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
146.13 or confidential;

146.14 (vii) disclosure of information of a personal nature where disclosure would constitute a  
146.15 clearly unwarranted invasion of personal privacy;

146.16 (viii) disclosure of investigative records compiled for law enforcement purposes;

146.17 (ix) disclosure of information related to any investigative reports prepared by or on  
146.18 behalf of or for use of the commission or other committee charged with responsibility of  
146.19 investigation or determination of compliance issues pursuant to the compact; or

146.20 (x) matters specifically exempted from disclosure by federal or member state statute;

146.21 (10) if a meeting, or portion of a meeting, is closed pursuant to this provision, the  
146.22 commission's legal counsel or designee shall certify that the meeting may be closed and  
146.23 shall reference each relevant exempting provision; and

146.24 (11) the commission shall keep minutes that fully and clearly describe all matters  
146.25 discussed in a meeting and shall provide a full and accurate summary of actions taken and  
146.26 the reasons therefore, including a description of the views expressed. All documents  
146.27 considered in connection with an action shall be identified in such minutes. All minutes and  
146.28 documents of a closed meeting shall remain under seal, subject to release by a majority vote  
146.29 of the commission or order of a court of competent jurisdiction.

146.30 (c) The commission shall have the following powers and duties:

146.31 (1) establish the fiscal year of the commission;

- 147.1 (2) establish bylaws;
- 147.2 (3) maintain its financial records in accordance with the bylaws;
- 147.3 (4) meet and take such actions as are consistent with the provisions of this compact and  
147.4 the bylaws;
- 147.5 (5) promulgate uniform rules to facilitate and coordinate implementation and  
147.6 administration of this compact. The rules shall have the force and effect of law and shall  
147.7 be binding in all member states;
- 147.8 (6) bring and prosecute legal proceedings or actions in the name of the commission,  
147.9 provided that the standing of any state physical therapy licensing board to sue or be sued  
147.10 under applicable law shall not be affected;
- 147.11 (7) purchase and maintain insurance and bonds;
- 147.12 (8) borrow, accept, or contract for services of personnel, including but not limited to  
147.13 employees of a member state;
- 147.14 (9) hire employees; elect or appoint officers; fix compensation; define duties; grant such  
147.15 individuals appropriate authority to carry out the purposes of the compact; and establish the  
147.16 commission's personnel policies and programs relating to conflicts of interest, qualifications  
147.17 of personnel, and other related personnel matters;
- 147.18 (10) accept any and all appropriate donations and grants of money, equipment, supplies,  
147.19 materials, and services and receive, utilize, and dispose of the same, provided that at all  
147.20 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 147.21 (11) lease; purchase; accept appropriate gifts or donations of; or otherwise to own, hold,  
147.22 improve, or use any property, real, personal, or mixed, provided that at all times the  
147.23 commission shall avoid any appearance of impropriety;
- 147.24 (12) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
147.25 any property real, personal, or mixed;
- 147.26 (13) establish a budget and make expenditures;
- 147.27 (14) borrow money;
- 147.28 (15) appoint committees, including standing committees composed of members, state  
147.29 regulators, state legislators or their representatives, consumer representatives, and such  
147.30 other interested persons as may be designated in this compact and the bylaws;
- 147.31 (16) provide and receive information from, and cooperate with, law enforcement agencies;

- 148.1 (17) establish and elect an executive board; and
- 148.2 (18) perform such other functions as may be necessary or appropriate to achieve the
- 148.3 purposes of this compact consistent with the state regulation of physical therapy licensure
- 148.4 and practice.
- 148.5 (d) The executive board:
- 148.6 (1) the executive board shall have the power to act on behalf of the commission according
- 148.7 to the terms of this compact;
- 148.8 (2) the executive board shall be composed of nine members as follows:
- 148.9 (i) seven voting members who are elected by the commission from the current
- 148.10 membership of the commission;
- 148.11 (ii) one ex officio, nonvoting member from the recognized national physical therapy
- 148.12 professional association; and
- 148.13 (iii) one ex officio, nonvoting member from the recognized membership organization
- 148.14 of the physical therapy licensing boards;
- 148.15 (3) the ex officio members must be selected by their respective organizations;
- 148.16 (4) the commission may remove any member of the executive board as provided in the
- 148.17 bylaws;
- 148.18 (5) the executive board shall meet at least annually; and
- 148.19 (6) the executive board shall have the following duties and responsibilities:
- 148.20 (i) recommend to the entire commission changes to the rules or bylaws, changes to this
- 148.21 compact legislation, fees paid by compact member states such as annual dues, and any
- 148.22 commission compact fee charged to licensees for the compact privilege;
- 148.23 (ii) ensure compact administration services are appropriately provided, contractual or
- 148.24 otherwise;
- 148.25 (iii) prepare and recommend the budget;
- 148.26 (iv) maintain financial records on behalf of the commission;
- 148.27 (v) monitor compact compliance of member states and provide compliance reports to
- 148.28 the commission;
- 148.29 (vi) establish additional committees as necessary; and
- 148.30 (vii) other duties as provided in rules or bylaws.

149.1 (e) Financing of the commission:

149.2 (1) the commission shall pay, or provide for the payment of, the reasonable expenses of  
149.3 the commission's establishment, organization, and ongoing activities;

149.4 (2) the commission may accept any and all appropriate revenue sources, donations, and  
149.5 grants of money, equipment, supplies, materials, and services;

149.6 (3) the commission may levy on and collect an annual assessment from each member  
149.7 state or impose fees on other parties to cover the cost of the operations and activities of the  
149.8 commission and the commission's staff, which must be in a total amount sufficient to cover  
149.9 its annual budget as approved each year for which revenue is not provided by other sources.  
149.10 The aggregate annual assessment amount shall be allocated based upon a formula to be  
149.11 determined by the commission, which shall promulgate a rule binding upon all member  
149.12 states;

149.13 (4) the commission shall not incur obligations of any kind prior to securing the funds  
149.14 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
149.15 states, except by and with the authority of the member state; and

149.16 (5) the commission shall keep accurate accounts of all receipts and disbursements. The  
149.17 receipts and disbursements of the commission shall be subject to the audit and accounting  
149.18 procedures established under the commission's bylaws. However, all receipts and  
149.19 disbursements of funds handled by the commission shall be audited yearly by a certified or  
149.20 licensed public accountant and the report of the audit shall be included in and become part  
149.21 of the annual report of the commission.

149.22 (f) Qualified immunity, defense, and indemnification:

149.23 (1) the members, officers, executive director, employees, and representatives of the  
149.24 commission shall be immune from suit and liability, either personally or in their official  
149.25 capacity, for any claim for damage to or loss of property or personal injury or other civil  
149.26 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
149.27 or that the person against whom the claim is made had a reasonable basis for believing  
149.28 occurred, within the scope of commission employment, duties, or responsibilities, provided  
149.29 that nothing in this paragraph shall be construed to protect any such person from suit or  
149.30 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
149.31 wanton misconduct of that person;

149.32 (2) the commission shall defend any member, officer, executive director, employee, or  
149.33 representative of the commission in any civil action seeking to impose liability arising out

150.1 of any actual or alleged act, error, or omission that occurred within the scope of commission  
150.2 employment, duties, or responsibilities, or that the person against whom the claim is made  
150.3 had a reasonable basis for believing occurred within the scope of commission employment,  
150.4 duties, or responsibilities, provided that nothing herein shall be construed to prohibit that  
150.5 person from retaining his or her own counsel, and provided further that the actual or alleged  
150.6 act, error, or omission did not result from the intentional or willful or wanton misconduct  
150.7 of that person; and

150.8 (3) the commission shall indemnify and hold harmless any member, officer, executive  
150.9 director, employee, or representative of the commission for the amount of any settlement  
150.10 or judgment obtained against that person arising out of any actual or alleged act, error, or  
150.11 omission that occurred within the scope of commission employment, duties, or  
150.12 responsibilities, or that such person had a reasonable basis for believing occurred within  
150.13 the scope of commission employment, duties, or responsibilities, provided that the actual  
150.14 or alleged act, error, or omission did not result from the intentional or willful or wanton  
150.15 misconduct of that person.

150.16 (g) Notwithstanding paragraph (f), clause (1), the liability of the executive director,  
150.17 employees, or representatives of the interstate commission, acting within the scope of their  
150.18 employment or duties, may not exceed the limits of liability set forth under the constitution  
150.19 and laws of this state for state officials, employees, and agents. This paragraph expressly  
150.20 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
150.21 under that statute.

150.22 (h) Except for a claim alleging a violation of this compact, a claim against the  
150.23 commission, its executive director, employees, or representatives alleging a violation of the  
150.24 constitution and laws of this state may be brought in any county where the plaintiff resides.  
150.25 Nothing in this paragraph creates a private right of action.

150.26 (i) Nothing in this compact shall be construed as a limitation on the liability of any  
150.27 licensee for professional malpractice or misconduct, which shall be governed solely by any  
150.28 other applicable state laws.

150.29 ARTICLE VIII

150.30 DATA SYSTEM

150.31 (a) The commission shall provide for the development, maintenance, and utilization of  
150.32 a coordinated database and reporting system containing licensure, adverse action, and  
150.33 investigative information on all licensed individuals in member states.

151.1 (b) Notwithstanding any other provision of state law to the contrary, a member state  
151.2 shall submit a uniform data set to the data system on all individuals to whom this compact  
151.3 is applicable as required by the rules of the commission, including:

151.4 (1) identifying information;

151.5 (2) licensure data;

151.6 (3) adverse actions against a license or compact privilege;

151.7 (4) nonconfidential information related to alternative program participation;

151.8 (5) any denial of application for licensure and the reason or reasons for the denial; and

151.9 (6) other information that may facilitate the administration of this compact, as determined  
151.10 by the rules of the commission.

151.11 (c) Investigative information pertaining to a licensee in any member state will only be  
151.12 available to other party states.

151.13 (d) The commission shall promptly notify all member states of any adverse action taken  
151.14 against a licensee or an individual applying for a license. Adverse action information  
151.15 pertaining to a licensee in any member state will be available to any other member state.

151.16 (e) Member states contributing information to the data system may designate information  
151.17 that may not be shared with the public without the express permission of the contributing  
151.18 state.

151.19 (f) Any information submitted to the data system that is subsequently required to be  
151.20 expunged by the laws of the member state contributing the information shall be removed  
151.21 from the data system.

151.22 ARTICLE IX

151.23 RULEMAKING

151.24 (a) The commission shall exercise its rulemaking powers pursuant to the criteria set  
151.25 forth in this article and the rules adopted thereunder. Rules and amendments shall become  
151.26 binding as of the date specified in each rule or amendment.

151.27 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of  
151.28 a statute or resolution in the same manner used to adopt the compact within four years of  
151.29 the date of adoption of the rule, then such rule shall have no further force and effect in any  
151.30 member state.

152.1 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of  
152.2 the commission.

152.3 (d) Prior to promulgation and adoption of a final rule or rules by the commission and at  
152.4 least 30 days in advance of the meeting at which the rule will be considered and voted upon,  
152.5 the commission shall file a notice of proposed rulemaking:

152.6 (1) on the website of the commission or other publicly accessible platform; and

152.7 (2) on the website of each member state physical therapy licensing board or other publicly  
152.8 accessible platform or the publication in which each state would otherwise publish proposed  
152.9 rules.

152.10 (e) The notice of proposed rulemaking shall include:

152.11 (1) the proposed time, date, and location of the meeting in which the rule will be  
152.12 considered and voted upon;

152.13 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

152.14 (3) a request for comments on the proposed rule from any interested person; and

152.15 (4) the manner in which interested persons may submit notice to the commission of their  
152.16 intention to attend the public hearing and any written comments.

152.17 (f) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
152.18 written data, facts, opinions, and arguments, which shall be made available to the public.

152.19 (g) The commission shall grant an opportunity for a public hearing before it adopts a  
152.20 rule or amendment if a hearing is requested by:

152.21 (1) at least 25 persons;

152.22 (2) a state or federal governmental subdivision or agency; or

152.23 (3) an association having at least 25 members.

152.24 (h) If a hearing is held on the proposed rule or amendment, the commission shall publish  
152.25 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
152.26 means, the commission shall publish the mechanism for access to the electronic hearing:

152.27 (1) all persons wishing to be heard at the hearing shall notify the executive director of  
152.28 the commission or other designated member in writing of their desire to appear and testify  
152.29 at the hearing not less than five business days before the scheduled date of the hearing;

152.30 (2) hearings shall be conducted in a manner providing each person who wishes to  
152.31 comment a fair and reasonable opportunity to comment orally or in writing;



153.1 (3) all hearings will be recorded. A copy of the recording will be made available on  
153.2 request; and

153.3 (4) nothing in this section shall be construed as requiring a separate hearing on each  
153.4 rule. Rules may be grouped for the convenience of the commission at hearings required by  
153.5 this section.

153.6 (i) Following the scheduled hearing date, or by the close of business on the scheduled  
153.7 hearing date if the hearing was not held, the commission shall consider all written and oral  
153.8 comments received.

153.9 (j) If no written notice of intent to attend the public hearing by interested parties is  
153.10 received, the commission may proceed with promulgation of the proposed rule without a  
153.11 public hearing.

153.12 (k) The commission shall, by majority vote of all members, take final action on the  
153.13 proposed rule and shall determine the effective date of the rule, if any, based on the  
153.14 rulemaking record and the full text of the rule.

153.15 (l) Upon determination that an emergency exists, the commission may consider and  
153.16 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided  
153.17 that the usual rulemaking procedures provided in the compact and in this section shall be  
153.18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
153.19 days after the effective date of the rule. For the purposes of this provision, an emergency  
153.20 rule is one that must be adopted immediately in order to:

153.21 (1) meet an imminent threat to public health, safety, or welfare;

153.22 (2) prevent a loss of commission or member state funds;

153.23 (3) meet a deadline for the promulgation of an administrative rule that is established by  
153.24 federal law or rule; or

153.25 (4) protect public health and safety.

153.26 (m) The commission or an authorized committee of the commission may direct revisions  
153.27 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
153.28 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
153.29 shall be posted on the website of the commission. The revision shall be subject to challenge  
153.30 by any person for a period of 30 days after posting. The revision may be challenged only  
153.31 on grounds that the revision results in a material change to a rule. A challenge shall be made  
153.32 in writing and delivered to the chair of the commission prior to the end of the notice period.

154.1 If no challenge is made, the revision will take effect without further action. If the revision  
154.2 is challenged, the revision may not take effect without the approval of the commission.

154.3 ARTICLE X

154.4 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

154.5 (a) Oversight:

154.6 (1) the executive, legislative, and judicial branches of state government in each member  
154.7 state shall enforce this compact and take all actions necessary and appropriate to effectuate  
154.8 the compact's purposes and intent. The provisions of this compact and the rules promulgated  
154.9 hereunder shall have standing as statutory law;

154.10 (2) all courts shall take judicial notice of the compact and the rules in any judicial or  
154.11 administrative proceeding in a member state pertaining to the subject matter of this compact  
154.12 which may affect the powers, responsibilities, or actions of the commission; and

154.13 (3) the commission shall be entitled to receive service of process in any such proceeding  
154.14 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
154.15 service of process to the commission shall render a judgment or order void as to the  
154.16 commission, this compact, or promulgated rules.

154.17 (b) Default, technical assistance, and termination:

154.18 (1) if the commission determines that a member state has defaulted in the performance  
154.19 of its obligations or responsibilities under this compact or the promulgated rules, the  
154.20 commission shall:

154.21 (i) provide written notice to the defaulting state and other member states of the nature  
154.22 of the default, the proposed means of curing the default, or any other action to be taken by  
154.23 the commission; and

154.24 (ii) provide remedial training and specific technical assistance regarding the default;

154.25 (2) if a state in default fails to cure the default, the defaulting state may be terminated  
154.26 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
154.27 privileges, and benefits conferred by this compact may be terminated on the effective date  
154.28 of termination. A cure of the default does not relieve the offending state of obligations or  
154.29 liabilities incurred during the period of default;

154.30 (3) termination of membership in the compact shall be imposed only after all other means  
154.31 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall

155.1 be given by the commission to the governor, the majority and minority leaders of the  
155.2 defaulting state's legislature, and each of the member states;

155.3 (4) a state that has been terminated is responsible for all assessments, obligations, and  
155.4 liabilities incurred through the effective date of termination, including obligations that  
155.5 extend beyond the effective date of termination;

155.6 (5) the commission shall not bear any costs related to a state that is found to be in default  
155.7 or that has been terminated from the compact, unless agreed upon in writing between the  
155.8 commission and the defaulting state; and

155.9 (6) the defaulting state may appeal the action of the commission by petitioning the United  
155.10 States District Court for the District of Columbia or the federal district where the commission  
155.11 has its principal offices. The prevailing member shall be awarded all costs of such litigation,  
155.12 including reasonable attorney fees.

155.13 (c) Dispute resolution:

155.14 (1) upon request by a member state, the commission shall attempt to resolve disputes  
155.15 related to the compact that arise among member states and between member and nonmember  
155.16 states; and

155.17 (2) the commission shall promulgate a rule providing for both mediation and binding  
155.18 dispute resolution for disputes as appropriate.

155.19 (d) Enforcement:

155.20 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
155.21 provisions and rules of this compact;

155.22 (2) by majority vote, the commission may initiate legal action in the United States District  
155.23 Court for the District of Columbia or the federal district where the commission has its  
155.24 principal offices against a member state in default to enforce compliance with the provisions  
155.25 of the compact and its promulgated rules and bylaws. The relief sought may include both  
155.26 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
155.27 member shall be awarded all costs of such litigation, including reasonable attorney fees;  
155.28 and

155.29 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
155.30 commission may pursue any other remedies available under federal or state law.

155.31 ARTICLE XI

DATE OF IMPLEMENTATION OF THE INTERSTATE COMPACT FOR PHYSICAL  
THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND  
AMENDMENTS

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same:

(1) a member state's withdrawal shall not take effect until six months after enactment of the repealing statute; and

(2) withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this

157.1 compact shall be held contrary to the constitution of any party state, the compact shall  
157.2 remain in full force and effect as to the remaining party states and in full force and effect  
157.3 as to the party state affected as to all severable matters.

157.4 **EFFECTIVE DATE.** This section is effective the day following final enactment. The  
157.5 Board of Physical Therapy must publish the effective date of the compact in the State  
157.6 Register and on the board's website.

157.7 **ARTICLE 17**  
157.8 **PROFESSIONAL COUNSELORS**

157.9 Section 1. **[148B.75] LICENSED PROFESSIONAL COUNSELOR INTERSTATE**  
157.10 **COMPACT.**

157.11 The licensed professional counselor interstate compact is enacted into law and entered  
157.12 into with all other jurisdictions legally joining in it, in the form substantially specified in  
157.13 this section.

157.14 **ARTICLE I**

157.15 **TITLE**

157.16 This statute shall be known and cited as the professional counselors licensure compact.

157.17 **ARTICLE II**

157.18 **DEFINITIONS**

157.19 (a) As used in this compact, and except as otherwise provided, the following definitions  
157.20 shall apply.

157.21 (b) "Active duty military" means full-time duty status in the active uniformed service  
157.22 of the United States, including members of the national guard and reserve on active duty  
157.23 orders pursuant to United States Code, title 10, chapters 1209 and 1211.

157.24 (c) "Adverse action" means any administrative, civil, equitable, or criminal action  
157.25 permitted by a state's laws which is imposed by a licensing board or other authority against  
157.26 a licensed professional counselor, including actions against an individual's license or privilege  
157.27 to practice such as revocation, suspension, probation, monitoring of the licensee, limitation  
157.28 on the licensee's practice, or any other encumbrance on licensure affecting a licensed  
157.29 professional counselor's authorization to practice, including issuance of a cease and desist  
157.30 action.

158.1 (d) "Alternative program" means a non-disciplinary monitoring or practice remediation  
158.2 process approved by a professional counseling licensing board to address impaired  
158.3 practitioners.

158.4 (e) "Continuing competence" and "continuing education" means a requirement, as a  
158.5 condition of license renewal, to provide evidence of participation in, or completion of,  
158.6 educational and professional activities relevant to practice or area of work.

158.7 (f) "Counseling compact commission" or "commission" means the national administrative  
158.8 body whose membership consists of all states that have enacted the compact.

158.9 (g) "Current significant investigative information" means:

158.10 (1) investigative information that a licensing board, after a preliminary inquiry that  
158.11 includes notification and an opportunity for the licensed professional counselor to respond,  
158.12 if required by state law, has reason to believe is not groundless and, if proved true, would  
158.13 indicate more than a minor infraction; or

158.14 (2) investigative information that indicates that the licensed professional counselor  
158.15 represents an immediate threat to public health and safety regardless of whether the licensed  
158.16 professional counselor has been notified and had an opportunity to respond.

158.17 (h) "Data system" means a repository of information about licensees, including but not  
158.18 limited to continuing education, examination, licensure, investigative, privilege to practice,  
158.19 and adverse action information.

158.20 (i) "Encumbered license" means a license in which an adverse action restricts the practice  
158.21 of licensed professional counseling by the licensee and said adverse action has been reported  
158.22 to the National Practitioners Data Bank (NPDB).

158.23 (j) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
158.24 and unrestricted practice of licensed professional counseling by a licensing board.

158.25 (k) "Executive committee" means a group of directors elected or appointed to act on  
158.26 behalf of, and within the powers granted to them by, the commission.

158.27 (l) "Home state" means the member state that is the licensee's primary state of residence.

158.28 (m) "Impaired practitioner" means an individual who has a condition that may impair  
158.29 their ability to practice as a licensed professional counselor without some type of intervention  
158.30 and may include but is not limited to alcohol and drug dependence, mental health impairment,  
158.31 and neurological or physical impairment.

(n) "Investigative information" means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation.

(o) "Jurisprudence requirement," if required by a member state, means the assessment of an individual's knowledge of the laws and rules governing the practice of professional counseling in a state.

(p) "Licensed professional counselor" means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions.

(q) "Licensee" means an individual who currently holds an authorization from the state to practice as a licensed professional counselor.

(r) "Licensing board" means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors.

(s) "Member state" means a state that has enacted the compact.

(t) "Privilege to practice" means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state.

(u) "Professional counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor.

(v) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

(w) "Rule" means a regulation promulgated by the commission that has the force of law.

(x) "Single state license" means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(y) "State" means any state, commonwealth, district, or territory of the United States that regulates the practice of professional counseling.

(z) "Telehealth" means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions.

(aa) "Unencumbered license" means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.

### ARTICLE III

STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state must currently:

(1) license and regulate licensed professional counselors;

(2) require licensees to pass a nationally recognized exam approved by the commission;

(3) require licensees to have a 60 semester-hour or 90 quarter-hour master's degree in counseling or 60 semester-hours or 90 quarter-hours of graduate coursework including the following topic areas:

(i) professional counseling orientation and ethical practice;

(ii) social and cultural diversity;

(iii) human growth and development;

(iv) career development;

(v) counseling and helping relationships;

(vi) group counseling and group work;

(vii) diagnosis and treatment; assessment and testing;

(viii) research and program evaluation; and

(ix) other areas as determined by the commission;

(4) require licensees to complete a supervised postgraduate professional experience as defined by the commission; and

(5) have a mechanism in place for receiving and investigating complaints about licensees.

(b) A member state shall:

(1) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(2) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

(3) implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;



161.1 (i) a member state must fully implement a criminal background check requirement,  
161.2 within a time frame established by rule, by receiving the results of the Federal Bureau of  
161.3 Investigation record search and shall use the results in making licensure decisions; and

161.4 (ii) communication between a member state, the commission, and among member states  
161.5 regarding the verification of eligibility for licensure through the compact shall not include  
161.6 any information received from the Federal Bureau of Investigation relating to a federal  
161.7 criminal records check performed by a member state under Public Law 92-544;

161.8 (4) comply with the rules of the commission;

161.9 (5) require an applicant to obtain or retain a license in the home state and meet the home  
161.10 state's qualifications for licensure or renewal of licensure, as well as all other applicable  
161.11 state laws;

161.12 (6) grant the privilege to practice to a licensee holding a valid unencumbered license in  
161.13 another member state in accordance with the terms of the compact and rules; and

161.14 (7) provide for the attendance of the state's commissioner to the counseling compact  
161.15 commission meetings.

161.16 (c) Member states may charge a fee for granting the privilege to practice.

161.17 (d) Individuals not residing in a member state shall continue to be able to apply for a  
161.18 member state's single state license as provided under the laws of each member state. However,  
161.19 the single state license granted to these individuals shall not be recognized as granting a  
161.20 privilege to practice professional counseling in any other member state.

161.21 (e) Nothing in this compact shall affect the requirements established by a member state  
161.22 for the issuance of a single state license.

161.23 (f) A license issued to a licensed professional counselor by a home state to a resident in  
161.24 that state shall be recognized by each member state as authorizing a licensed professional  
161.25 counselor to practice professional counseling, under a privilege to practice, in each member  
161.26 state.

161.27 ARTICLE IV

161.28 PRIVILEGE TO PRACTICE

161.29 (a) To exercise the privilege to practice under the terms and provisions of the compact,  
161.30 the licensee shall:

161.31 (1) hold a license in the home state;

- 162.1 (2) have a valid United States Social Security number or national practitioner identifier;
- 162.2 (3) be eligible for a privilege to practice in any member state in accordance with this
- 162.3 article, paragraphs (d), (g), and (h);
- 162.4 (4) have not had any encumbrance or restriction against any license or privilege to
- 162.5 practice within the previous two years;
- 162.6 (5) notify the commission that the licensee is seeking the privilege to practice within a
- 162.7 remote state(s);
- 162.8 (6) pay any applicable fees, including any state fee, for the privilege to practice;
- 162.9 (7) meet any continuing competence or education requirements established by the home
- 162.10 state;
- 162.11 (8) meet any jurisprudence requirements established by the remote state in which the
- 162.12 licensee is seeking a privilege to practice; and
- 162.13 (9) report to the commission any adverse action, encumbrance, or restriction on license
- 162.14 taken by any nonmember state within 30 days from the date the action is taken.
- 162.15 (b) The privilege to practice is valid until the expiration date of the home state license.
- 162.16 The licensee must comply with the requirements of this article, paragraph (a), to maintain
- 162.17 the privilege to practice in the remote state.
- 162.18 (c) A licensee providing professional counseling in a remote state under the privilege
- 162.19 to practice shall adhere to the laws and regulations of the remote state.
- 162.20 (d) A licensee providing professional counseling services in a remote state is subject to
- 162.21 that state's regulatory authority. A remote state may, in accordance with due process and
- 162.22 that state's laws, remove a licensee's privilege to practice in the remote state for a specific
- 162.23 period of time, impose fines, or take any other necessary actions to protect the health and
- 162.24 safety of its citizens. The licensee may be ineligible for a privilege to practice in any member
- 162.25 state until the specific time for removal has passed and all fines are paid.
- 162.26 (e) If a home state license is encumbered, the licensee shall lose the privilege to practice
- 162.27 in any remote state until the following occur:
- 162.28 (1) the home state license is no longer encumbered; and
- 162.29 (2) have not had any encumbrance or restriction against any license or privilege to
- 162.30 practice within the previous two years.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of this article, paragraph (a), to obtain a privilege to practice in any remote state.

(g) If a licensee's privilege to practice in any remote state is removed, the individual may lose the privilege to practice in all other remote states until the following occur:

(1) the specific period of time for which the privilege to practice was removed has ended;

(2) all fines have been paid; and

(3) have not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

(h) Once the requirements of this article, paragraph (g), have been met, the licensee must meet the requirements in this article, paragraph (a), to obtain a privilege to practice in a remote state.

## ARTICLE V

### OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

(a) A licensed professional counselor may hold a home state license, which allows for a privilege to practice in other member states, in only one member state at a time.

(b) If a licensed professional counselor changes primary state of residence by moving between two member states:

(1) the licensed professional counselor shall file an application for obtaining a new home state license based on a privilege to practice, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission;

(2) upon receipt of an application for obtaining a new home state license by virtue of a privilege to practice, the new home state shall verify that the licensed professional counselor meets the pertinent criteria outlined in article IV via the data system, without need for primary source verification, except for:

(i) a Federal Bureau of Investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544;

(ii) other criminal background checks as required by the new home state; and

(iii) completion of any requisite jurisprudence requirements of the new home state;

(3) the former home state shall convert the former home state license into a privilege to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission;

(4) notwithstanding any other provision of this compact, if the licensed professional counselor cannot meet the criteria in article VI, the new home state may apply its requirements for issuing a new single state license; and

(5) the licensed professional counselor shall pay all applicable fees to the new home state in order to be issued a new home state license.

(c) If a licensed professional counselor changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states, however, for the purposes of this compact, a licensee shall have only one home state license.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

## ARTICLE VI

### ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process outlined in article V.

## ARTICLE VII

### COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

(a) Member states shall recognize the right of a licensed professional counselor, licensed by a home state in accordance with article III and under rules promulgated by the commission, to practice professional counseling in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(b) A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

## ARTICLE VIII

ADVERSE ACTIONS

(a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) take adverse action against a licensed professional counselor's privilege to practice within that member state; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(b) Only the home state shall have the power to take adverse action against a licensed professional counselor's license issued by the home state.

(c) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(d) The home state shall complete any pending investigations of a licensed professional counselor who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(e) A member state, if otherwise permitted by state law, may recover from the affected licensed professional counselor the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensed professional counselor.

(f) A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

(g) Joint investigations:

(1) in addition to the authority granted to a member state by its respective professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees; and

(2) member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(h) If adverse action is taken by the home state against the license of a licensed professional counselor, the licensed professional counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed professional counselor shall include a statement that the licensed professional counselor's privilege to practice is deactivated in all member states during the pendency of the order.

(i) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(j) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

## ARTICLE IX

### ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint public agency known as the counseling compact commission:

(1) the commission is an instrumentality of the compact states;

(2) except as provided under paragraph (i), venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings; and

(3) nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Membership, voting, and meetings:

(1) each member state shall have and be limited to one delegate selected by that member state's licensing board;

(2) the delegate shall be either:

- 167.1 (i) a current member of the licensing board at the time of appointment who is a licensed  
167.2 professional counselor or public member; or
- 167.3 (ii) an administrator of the licensing board;
- 167.4 (3) any delegate may be removed or suspended from office as provided by the law of  
167.5 the state from which the delegate is appointed;
- 167.6 (4) the member state licensing board shall fill any vacancy occurring on the commission  
167.7 within 60 days;
- 167.8 (5) each delegate shall be entitled to one vote with regard to the promulgation of rules  
167.9 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
167.10 and affairs of the commission;
- 167.11 (6) a delegate shall vote in person or by such other means as provided in the bylaws.  
167.12 The bylaws may provide for delegates' participation in meetings by telephone or other means  
167.13 of communication;
- 167.14 (7) the commission shall meet at least once during each calendar year. Additional  
167.15 meetings shall be held as set forth in the bylaws; and
- 167.16 (8) the commission shall by rule establish a term of office for delegates and may by rule  
167.17 establish term limits.
- 167.18 (c) The commission shall have the following powers and duties:
- 167.19 (1) establish the fiscal year of the commission;
- 167.20 (2) establish bylaws;
- 167.21 (3) maintain its financial records in accordance with the bylaws;
- 167.22 (4) meet and take such actions as are consistent with the provisions of this compact and  
167.23 the bylaws;
- 167.24 (5) promulgate rules which shall be binding to the extent and in the manner provided  
167.25 for in the compact;
- 167.26 (6) bring and prosecute legal proceedings or actions in the name of the commission,  
167.27 provided that the standing of any state licensing board to sue or be sued under applicable  
167.28 law shall not be affected;
- 167.29 (7) purchase and maintain insurance and bonds;
- 167.30 (8) borrow, accept, or contract for services of personnel, including but not limited to  
167.31 employees of a member state;

168.1 (9) hire employees, elect or appoint officers, fix compensation, define duties, grant such  
168.2 individuals appropriate authority to carry out the purposes of the compact, and establish the  
168.3 commission's personnel policies and programs relating to conflicts of interest, qualifications  
168.4 of personnel, and other related personnel matters;

168.5 (10) accept any and all appropriate donations and grants of money, equipment, supplies,  
168.6 materials, and services and to receive, utilize, and dispose of the same; provided that at all  
168.7 times the commission shall avoid any appearance of impropriety and conflict of interest;

168.8 (11) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
168.9 improve, or use any property, real, personal, or mixed; provided that at all times the  
168.10 commission shall avoid any appearance of impropriety;

168.11 (12) sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
168.12 any property real, personal, or mixed;

168.13 (13) establish a budget and make expenditures;

168.14 (14) borrow money;

168.15 (15) appoint committees, including standing committees composed of members, state  
168.16 regulators, state legislators or their representatives, and consumer representatives, and such  
168.17 other interested persons as may be designated in this compact and the bylaws;

168.18 (16) provide and receive information from, and cooperate with, law enforcement agencies;

168.19 (17) establish and elect an executive committee; and

168.20 (18) perform such other functions as may be necessary or appropriate to achieve the  
168.21 purposes of this compact consistent with the state regulation of professional counseling  
168.22 licensure and practice.

168.23 (d) The executive committee:

168.24 (1) the executive committee shall have the power to act on behalf of the commission  
168.25 according to the terms of this compact;

168.26 (2) the executive committee shall be composed of up to eleven members:

168.27 (i) seven voting members who are elected by the commission from the current  
168.28 membership of the commission;

168.29 (ii) up to four ex-officio, nonvoting members from four recognized national professional  
168.30 counselor organizations; and

168.31 (iii) the ex-officio members will be selected by their respective organizations;



- 169.1 (3) the commission may remove any member of the executive committee as provided  
169.2 in the bylaws;
- 169.3 (4) the executive committee shall meet at least annually; and
- 169.4 (5) the executive committee shall have the following duties and responsibilities:
- 169.5 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
169.6 compact legislation, fees paid by compact member states such as annual dues, and any  
169.7 commission compact fee charged to licensees for the privilege to practice;
- 169.8 (ii) ensure compact administration services are appropriately provided, contractual or  
169.9 otherwise;
- 169.10 (iii) prepare and recommend the budget;
- 169.11 (iv) maintain financial records on behalf of the commission;
- 169.12 (v) monitor compact compliance of member states and provide compliance reports to  
169.13 the commission;
- 169.14 (vi) establish additional committees as necessary; and
- 169.15 (vii) other duties as provided in rules or bylaws.
- 169.16 (e) Meetings of the commission:
- 169.17 (1) all meetings shall be open to the public, and public notice of meetings shall be given  
169.18 in the same manner as required under the rulemaking provisions in article XI;
- 169.19 (2) the commission or the executive committee or other committees of the commission  
169.20 may convene in a closed, non-public meeting if the commission or executive committee or  
169.21 other committees of the commission must discuss:
- 169.22 (i) non-compliance of a member state with its obligations under the compact;
- 169.23 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
169.24 related to specific employees or other matters related to the commission's internal personnel  
169.25 practices and procedures;
- 169.26 (iii) current, threatened, or reasonably anticipated litigation;
- 169.27 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
169.28 estate;
- 169.29 (v) accusing any person of a crime or formally censuring any person;

- 170.1 (vi) disclosure of trade secrets or commercial or financial information that is privileged  
170.2 or confidential;
- 170.3 (vii) disclosure of information of a personal nature where disclosure would constitute a  
170.4 clearly unwarranted invasion of personal privacy;
- 170.5 (viii) disclosure of investigative records compiled for law enforcement purposes;
- 170.6 (ix) disclosure of information related to any investigative reports prepared by or on  
170.7 behalf of or for use of the commission or other committee charged with responsibility of  
170.8 investigation or determination of compliance issues pursuant to the compact; or
- 170.9 (x) matters specifically exempted from disclosure by federal or member state statute;
- 170.10 (3) if a meeting, or portion of a meeting, is closed pursuant to this provision, the  
170.11 commission's legal counsel or designee shall certify that the meeting may be closed and  
170.12 shall reference each relevant exempting provision; and
- 170.13 (4) the commission shall keep minutes that fully and clearly describe all matters discussed  
170.14 in a meeting and shall provide a full and accurate summary of actions taken and the reasons  
170.15 therefore, including a description of the views expressed. All documents considered in  
170.16 connection with an action shall be identified in such minutes. All minutes and documents  
170.17 of a closed meeting shall remain under seal, subject to release by a majority vote of the  
170.18 commission or order of a court of competent jurisdiction.
- 170.19 (f) Financing of the commission:
- 170.20 (i) the commission shall pay, or provide for the payment of, the reasonable expenses of  
170.21 its establishment, organization, and ongoing activities;
- 170.22 (ii) the commission may accept any and all appropriate revenue sources, donations, and  
170.23 grants of money, equipment, supplies, materials, and services;
- 170.24 (iii) the commission may levy on and collect an annual assessment from each member  
170.25 state or impose fees on other parties to cover the cost of the operations and activities of the  
170.26 commission and its staff, which must be in a total amount sufficient to cover its annual  
170.27 budget as approved each year for which revenue is not provided by other sources. The  
170.28 aggregate annual assessment amount shall be allocated based upon a formula to be determined  
170.29 by the commission, which shall promulgate a rule binding upon all member states;
- 170.30 (iv) the commission shall not incur obligations of any kind prior to securing the funds  
170.31 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
170.32 states, except by and with the authority of the member state; and

171.1 (v) the commission shall keep accurate accounts of all receipts and disbursements. The  
171.2 receipts and disbursements of the commission shall be subject to the audit and accounting  
171.3 procedures established under its bylaws. However, all receipts and disbursements of funds  
171.4 handled by the commission shall be audited yearly by a certified or licensed public  
171.5 accountant, and the report of the audit shall be included in and become part of the annual  
171.6 report of the commission.

171.7 (g) Qualified immunity, defense, and indemnification:

171.8 (1) the members, officers, executive director, employees, and representatives of the  
171.9 commission shall be immune from suit and liability, either personally or in their official  
171.10 capacity, for any claim for damage to or loss of property or personal injury or other civil  
171.11 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
171.12 or that the person against whom the claim is made had a reasonable basis for believing  
171.13 occurred within the scope of commission employment, duties, or responsibilities; provided  
171.14 that nothing in this paragraph shall be construed to protect any such person from suit or  
171.15 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
171.16 wanton misconduct of that person;

171.17 (2) the commission shall defend any member, officer, executive director, employee, or  
171.18 representative of the commission in any civil action seeking to impose liability arising out  
171.19 of any actual or alleged act, error, or omission that occurred within the scope of commission  
171.20 employment, duties, or responsibilities, or that the person against whom the claim is made  
171.21 had a reasonable basis for believing occurred within the scope of commission employment,  
171.22 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
171.23 person from retaining his or her own counsel; and provided further, that the actual or alleged  
171.24 act, error, or omission did not result from that person's intentional or willful or wanton  
171.25 misconduct; and

171.26 (3) the commission shall indemnify and hold harmless any member, officer, executive  
171.27 director, employee, or representative of the commission for the amount of any settlement  
171.28 or judgment obtained against that person arising out of any actual or alleged act, error, or  
171.29 omission that occurred within the scope of commission employment, duties, or  
171.30 responsibilities, or that such person had a reasonable basis for believing occurred within  
171.31 the scope of commission employment, duties, or responsibilities, provided that the actual  
171.32 or alleged act, error, or omission did not result from the intentional or willful or wanton  
171.33 misconduct of that person.

(h) Notwithstanding paragraph (g), clause (1), the liability of the executive director, employees, or representatives of the interstate commission, acting within the scope of their employment or duties, may not exceed the limits of liability set forth under the constitution and laws of this state for state officials, employees, and agents. This paragraph expressly incorporates section 3.736, and neither expands nor limits the rights and remedies provided under that statute.

(i) Except for a claim alleging a violation of this compact, a claim against the commission, its executive director, employees, or representatives alleging a violation of the constitution and laws of this state may be brought in any county where the plaintiff resides. Nothing in this paragraph creates a private right of action.

(j) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

## ARTICLE X

### DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) identifying information;

(2) licensure data;

(3) adverse actions against a license or privilege to practice;

(4) nonconfidential information related to alternative program participation;

(5) any denial of application for licensure and the reason for such denial;

(6) current significant investigative information; and

(7) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state will only be available to other member states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

## ARTICLE XI

### RULEMAKING

(a) The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force or effect.

(b) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) on the website of the commission or other publicly accessible platform; and

(2) on the website of each member state professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

- 174.1 (f) The notice of proposed rulemaking shall include:
- 174.2 (1) the proposed time, date, and location of the meeting in which the rule will be
- 174.3 considered and voted upon;
- 174.4 (2) the text of the proposed rule or amendment and the reason for the proposed rule;
- 174.5 (3) a request for comments on the proposed rule from any interested person; and
- 174.6 (4) the manner in which interested persons may submit notice to the commission of their
- 174.7 intention to attend the public hearing and any written comments.
- 174.8 (g) Prior to adoption of a proposed rule, the commission shall allow persons to submit
- 174.9 written data, facts, opinions, and arguments, which shall be made available to the public.
- 174.10 (h) The commission shall grant an opportunity for a public hearing before it adopts a
- 174.11 rule or amendment if a hearing is requested by:
- 174.12 (1) at least 25 persons;
- 174.13 (2) a state or federal governmental subdivision or agency; or
- 174.14 (3) an association having at least 25 members.
- 174.15 (i) If a hearing is held on the proposed rule or amendment, the commission shall publish
- 174.16 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic
- 174.17 means, the commission shall publish the mechanism for access to the electronic hearing:
- 174.18 (1) all persons wishing to be heard at the hearing shall notify the executive director of
- 174.19 the commission or other designated member in writing of their desire to appear and testify
- 174.20 at the hearing not less than five business days before the scheduled date of the hearing;
- 174.21 (2) hearings shall be conducted in a manner providing each person who wishes to
- 174.22 comment a fair and reasonable opportunity to comment orally or in writing;
- 174.23 (3) all hearings will be recorded. A copy of the recording will be made available on
- 174.24 request; and
- 174.25 (4) nothing in this article shall be construed as requiring a separate hearing on each rule.
- 174.26 Rules may be grouped for the convenience of the commission at hearings required by this
- 174.27 article.
- 174.28 (j) Following the scheduled hearing date, or by the close of business on the scheduled
- 174.29 hearing date if the hearing was not held, the commission shall consider all written and oral
- 174.30 comments received.

175.1 (k) If no written notice of intent to attend the public hearing by interested parties is  
175.2 received, the commission may proceed with promulgation of the proposed rule without a  
175.3 public hearing.

175.4 (l) The commission shall, by majority vote of all members, take final action on the  
175.5 proposed rule and shall determine the effective date of the rule, if any, based on the  
175.6 rulemaking record and the full text of the rule.

175.7 (m) Upon determination that an emergency exists, the commission may consider and  
175.8 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided  
175.9 that the usual rulemaking procedures provided in the compact and in this article shall be  
175.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
175.11 days after the effective date of the rule. For the purposes of this provision, an emergency  
175.12 rule is one that must be adopted immediately in order to:

175.13 (1) meet an imminent threat to public health, safety, or welfare;

175.14 (2) prevent a loss of commission or member state funds;

175.15 (3) meet a deadline for the promulgation of an administrative rule that is established by  
175.16 federal law or rule; or

175.17 (4) protect public health and safety.

175.18 (n) The commission or an authorized committee of the commission may direct revisions  
175.19 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
175.20 errors in format, errors in consistency, or grammatical errors. Public notice of any revisions  
175.21 shall be posted on the website of the commission. The revision shall be subject to challenge  
175.22 by any person for a period of thirty days after posting. The revision may be challenged only  
175.23 on grounds that the revision results in a material change to a rule. A challenge shall be made  
175.24 in writing and delivered to the chair of the commission prior to the end of the notice period.  
175.25 If no challenge is made, the revision will take effect without further action. If the revision  
175.26 is challenged, the revision may not take effect without the approval of the commission.

175.27 ARTICLE XII

175.28 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

175.29 (a) Oversight:

175.30 (1) the executive, legislative, and judicial branches of state government in each member  
175.31 state shall enforce this compact and take all actions necessary and appropriate to effectuate

176.1 the compact's purposes and intent. The provisions of this compact and the rules promulgated  
176.2 hereunder shall have standing as statutory law;

176.3 (2) all courts shall take judicial notice of the compact and the rules in any judicial or  
176.4 administrative proceeding in a member state pertaining to the subject matter of this compact  
176.5 which may affect the powers, responsibilities, or actions of the commission; and

176.6 (3) the commission shall be entitled to receive service of process in any such proceeding  
176.7 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide  
176.8 service of process to the commission shall render a judgment or order void as to the  
176.9 commission, this compact, or promulgated rules.

176.10 (b) Default, technical assistance, and termination:

176.11 (1) if the commission determines that a member state has defaulted in the performance  
176.12 of its obligations or responsibilities under this compact or the promulgated rules, the  
176.13 commission shall:

176.14 (i) provide written notice to the defaulting state and other member states of the nature  
176.15 of the default, the proposed means of curing the default, or any other action to be taken by  
176.16 the commission; and

176.17 (ii) provide remedial training and specific technical assistance regarding the default.

176.18 (c) If a state in default fails to cure the default, the defaulting state may be terminated  
176.19 from the compact upon an affirmative vote of a majority of the member states, and all rights,  
176.20 privileges, and benefits conferred by this compact may be terminated on the effective date  
176.21 of termination. A cure of the default does not relieve the offending state of obligations or  
176.22 liabilities incurred during the period of default.

176.23 (d) Termination of membership in the compact shall be imposed only after all other  
176.24 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
176.25 shall be given by the commission to the governor, the majority and minority leaders of the  
176.26 defaulting state's legislature, and each of the member states.

176.27 (e) A state that has been terminated is responsible for all assessments, obligations, and  
176.28 liabilities incurred through the effective date of termination, including obligations that  
176.29 extend beyond the effective date of termination.

176.30 (f) The commission shall not bear any costs related to a state that is found to be in default  
176.31 or that has been terminated from the compact, unless agreed upon in writing between the  
176.32 commission and the defaulting state.



177.1 (g) The defaulting state may appeal the action of the commission by petitioning the  
177.2 United States District Court for the District of Columbia or the federal district where the  
177.3 commission has its principal offices. The prevailing member shall be awarded all costs of  
177.4 such litigation, including reasonable attorney fees.

177.5 (h) Dispute resolution:

177.6 (1) upon request by a member state, the commission shall attempt to resolve disputes  
177.7 related to the compact that arise among member states and between member and nonmember  
177.8 states; and

177.9 (2) the commission shall promulgate a rule providing for both mediation and binding  
177.10 dispute resolution for disputes as appropriate.

177.11 (i) Enforcement:

177.12 (1) the commission, in the reasonable exercise of its discretion, shall enforce the  
177.13 provisions and rules of this compact;

177.14 (2) by majority vote, the commission may initiate legal action in the United States District  
177.15 Court for the District of Columbia or the federal district where the commission has its  
177.16 principal offices against a member state in default to enforce compliance with the provisions  
177.17 of the compact and its promulgated rules and bylaws. The relief sought may include both  
177.18 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
177.19 member shall be awarded all costs of such litigation, including reasonable attorney fees;  
177.20 and

177.21 (3) the remedies herein shall not be the exclusive remedies of the commission. The  
177.22 commission may pursue any other remedies available under federal or state law.

177.23 ARTICLE XIII

177.24 DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT COMMISSION  
177.25 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

177.26 (a) The compact shall come into effect on the date on which the compact statute is  
177.27 enacted into law in the tenth member state. The provisions, which become effective at that  
177.28 time, shall be limited to the powers granted to the commission relating to assembly and the  
177.29 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
177.30 powers necessary to the implementation and administration of the compact.

177.31 (b) Any state that joins the compact subsequent to the commission's initial adoption of  
177.32 the rules shall be subject to the rules as they exist on the date on which the compact becomes

178.1 law in that state. Any rule that has been previously adopted by the commission shall have  
178.2 the full force and effect of law on the day the compact becomes law in that state.

178.3 (c) Any member state may withdraw from this compact by enacting a statute repealing  
178.4 the same.

178.5 (1) a member state's withdrawal shall not take effect until six months after enactment  
178.6 of the repealing statute; and

178.7 (2) withdrawal shall not affect the continuing requirement of the withdrawing state's  
178.8 professional counseling licensing board to comply with the investigative and adverse action  
178.9 reporting requirements of this compact prior to the effective date of withdrawal.

178.10 (d) Nothing contained in this compact shall be construed to invalidate or prevent any  
178.11 professional counseling licensure agreement or other cooperative arrangement between a  
178.12 member state and a nonmember state that does not conflict with the provisions of this  
178.13 compact.

178.14 (e) This compact may be amended by the member states. No amendment to this compact  
178.15 shall become effective and binding upon any member state until it is enacted into the laws  
178.16 of all member states.

178.17 ARTICLE XIV

178.18 CONSTRUCTION AND SEVERABILITY

178.19 This compact shall be liberally construed so as to effectuate the purposes thereof. The  
178.20 provisions of this compact shall be severable and if any phrase, clause, sentence, or provision  
178.21 of this compact is declared to be contrary to the constitution of any member state or of the  
178.22 United States or the applicability thereof to any government, agency, person, or circumstance  
178.23 is held invalid, the validity of the remainder of this compact and the applicability thereof  
178.24 to any government, agency, person, or circumstance shall not be affected thereby. If this  
178.25 compact shall be held contrary to the constitution of any member state, the compact shall  
178.26 remain in full force and effect as to the remaining member states and in full force and effect  
178.27 as to the member state affected as to all severable matters.

178.28 ARTICLE XV

178.29 BINDING EFFECT OF COMPACT AND OTHER LAWS

178.30 (a) A licensee providing professional counseling services in a remote state under the  
178.31 privilege to practice shall adhere to the laws and regulations, including scope of practice,  
178.32 of the remote state.

179.1 (b) Nothing herein prevents the enforcement of any other law of a member state that is  
179.2 not inconsistent with the compact.

179.3 (c) Any laws in a member state in conflict with the compact are superseded to the extent  
179.4 of the conflict.

179.5 (d) Any lawful actions of the commission, including all rules and bylaws properly  
179.6 promulgated by the commission, are binding upon the member states.

179.7 (e) All permissible agreements between the commission and the member states are  
179.8 binding in accordance with their terms.

179.9 (f) In the event any provision of the compact exceeds the constitutional limits imposed  
179.10 on the legislature of any member state, the provision shall be ineffective to the extent of the  
179.11 conflict with the constitutional provision in question in that member state.

179.12 **ARTICLE 18**

179.13 **AUDIOLOGIST AND SPEECH-LANGUAGE PATHOLOGISTS**

179.14 Section 1. **[148.5185] AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**  
179.15 **INTERSTATE COMPACT.**

179.16 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law  
179.17 and entered into with all other jurisdictions legally joining in it in the form substantially  
179.18 specified in this section.

179.19 **ARTICLE I**

179.20 **DEFINITIONS**

179.21 As used in this compact, and except as otherwise provided, the following definitions  
179.22 shall apply:

179.23 (A) "Active duty military" means full-time duty status in the active uniformed service  
179.24 of the United States, including members of the National Guard and Reserve on active duty  
179.25 orders pursuant to United States Code, title 10, sections 1209 and 1211.

179.26 (B) "Adverse action" means any administrative, civil, equitable, or criminal action  
179.27 permitted by a state's laws which is imposed by a licensing board or other authority against  
179.28 an audiologist or speech-language pathologist, including actions against an individual's  
179.29 license or privilege to practice such as revocation, suspension, probation, monitoring of the  
179.30 licensee, or restriction on the licensee's practice.

180.1 (C) "Alternative program" means a non-disciplinary monitoring process approved by  
180.2 an audiology or speech-language pathology licensing board to address impaired practitioners.

180.3 (D) "Audiologist" means an individual who is licensed by a state to practice audiology.

180.4 (E) "Audiology" means the care and services provided by a licensed audiologist as set  
180.5 forth in the member state's statutes and rules.

180.6 (F) "Audiology and Speech-Language Pathology Compact Commission" or "commission"  
180.7 means the national administrative body whose membership consists of all states that have  
180.8 enacted the compact.

180.9 (G) "Audiology and speech-language pathology licensing board," "audiology licensing  
180.10 board," "speech-language pathology licensing board," or "licensing board" means the agency  
180.11 of a state that is responsible for the licensing and regulation of audiologists or  
180.12 speech-language pathologists or both.

180.13 (H) "Compact privilege" means the authorization granted by a remote state to allow a  
180.14 licensee from another member state to practice as an audiologist or speech-language  
180.15 pathologist in the remote state under its laws and rules. The practice of audiology or  
180.16 speech-language pathology occurs in the member state where the patient, client, or student  
180.17 is located at the time of the patient, client, or student encounter.

180.18 (I) "Current significant investigative information" means investigative information that  
180.19 a licensing board, after an inquiry or investigation that includes notification and an  
180.20 opportunity for the audiologist or speech-language pathologist to respond, if required by  
180.21 state law, has reason to believe is not groundless and, if proved true, would indicate more  
180.22 than a minor infraction.

180.23 (J) "Data system" means a repository of information about licensees, including but not  
180.24 limited to continuing education, examination, licensure, investigation, compact privilege,  
180.25 and adverse action.

180.26 (K) "Encumbered license" means a license in which an adverse action restricts the  
180.27 practice of audiology or speech-language pathology by the licensee and said adverse action  
180.28 has been reported to the National Practitioners Data Bank (NPDB).

180.29 (L) "Executive committee" means a group of directors elected or appointed to act on  
180.30 behalf of, and within the powers granted to them by, the commission.

180.31 (M) "Home state" means the member state that is the licensee's primary state of residence.

181.1 (N) "Impaired practitioner" means individuals whose professional practice is adversely  
181.2 affected by substance abuse, addiction, or other health-related conditions.

181.3 (O) "Licensee" means an individual who currently holds an authorization from the state  
181.4 licensing board to practice as an audiologist or speech-language pathologist.

181.5 (P) "Member state" means a state that has enacted the compact.

181.6 (Q) "Privilege to practice" means a legal authorization permitting the practice of audiology  
181.7 or speech-language pathology in a remote state.

181.8 (R) "Remote state" means a member state other than the home state where a licensee is  
181.9 exercising or seeking to exercise the compact privilege.

181.10 (S) "Rule" means a regulation, principle, or directive promulgated by the commission  
181.11 that has the force of law.

181.12 (T) "Single-state license" means an audiology or speech-language pathology license  
181.13 issued by a member state that authorizes practice only within the issuing state and does not  
181.14 include a privilege to practice in any other member state.

181.15 (U) "Speech-language pathologist" means an individual who is licensed by a state to  
181.16 practice speech-language pathology.

181.17 (V) "Speech-language pathology" means the care and services provided by a licensed  
181.18 speech-language pathologist as set forth in the member state's statutes and rules.

181.19 (W) "State" means any state, commonwealth, district, or territory of the United States  
181.20 of America that regulates the practice of audiology and speech-language pathology.

181.21 (X) "State practice laws" means a member state's laws, rules, and regulations that govern  
181.22 the practice of audiology or speech-language pathology, define the scope of audiology or  
181.23 speech-language pathology practice, and create the methods and grounds for imposing  
181.24 discipline.

181.25 (Y) "Telehealth" means the application of telecommunication technology to deliver  
181.26 audiology or speech-language pathology services at a distance for assessment, intervention,  
181.27 or consultation.

181.28 ARTICLE II

181.29 STATE PARTICIPATION IN THE COMPACT

181.30 (A) A license issued to an audiologist or speech-language pathologist by a home state  
181.31 to a resident in that state shall be recognized by each member state as authorizing an

182.1 audiologist or speech-language pathologist to practice audiology or speech-language  
182.2 pathology, under a privilege to practice, in each member state.

182.3 (B) A state must implement or utilize procedures for considering the criminal history  
182.4 records of applicants for initial privilege to practice. These procedures shall include the  
182.5 submission of fingerprints or other biometric-based information by applicants for the purpose  
182.6 of obtaining an applicant's criminal history record information from the Federal Bureau of  
182.7 Investigation and the agency responsible for retaining that state's criminal records.

182.8 (1) A member state must fully implement a criminal background check requirement,  
182.9 within a time frame established by rule, by receiving the results of the Federal Bureau of  
182.10 Investigation record search on criminal background checks and use the results in making  
182.11 licensure decisions.

182.12 (2) Communication between a member state and the commission and among member  
182.13 states regarding the verification of eligibility for licensure through the compact shall not  
182.14 include any information received from the Federal Bureau of Investigation relating to a  
182.15 federal criminal records check performed by a member state under Public Law 92-544.

182.16 (C) Upon application for a privilege to practice, the licensing board in the issuing remote  
182.17 state shall ascertain, through the data system, whether the applicant has ever held, or is the  
182.18 holder of, a license issued by any other state, whether there are any encumbrances on any  
182.19 license or privilege to practice held by the applicant, and whether any adverse action has  
182.20 been taken against any license or privilege to practice held by the applicant.

182.21 (D) Each member state shall require an applicant to obtain or retain a license in the home  
182.22 state and meet the home state's qualifications for licensure or renewal of licensure, as well  
182.23 as all other applicable state laws.

182.24 (E) An audiologist must:

182.25 (1) meet one of the following educational requirements:

182.26 (i) on or before December 31, 2007, have graduated with a master's degree or doctoral  
182.27 degree in audiology, or equivalent degree regardless of degree name, from a program that  
182.28 is accredited by an accrediting agency recognized by the Council for Higher Education  
182.29 Accreditation, or its successor, or by the United States Department of Education and operated  
182.30 by a college or university accredited by a regional or national accrediting organization  
182.31 recognized by the board; or

182.32 (ii) on or after January 1, 2008, have graduated with a doctoral degree in audiology, or  
182.33 equivalent degree regardless of degree name, from a program that is accredited by an

183.1 accrediting agency recognized by the Council for Higher Education Accreditation, or its  
183.2 successor, or by the United States Department of Education and operated by a college or  
183.3 university accredited by a regional or national accrediting organization recognized by the  
183.4 board; or

183.5 (iii) have graduated from an audiology program that is housed in an institution of higher  
183.6 education outside of the United States (a) for which the program and institution have been  
183.7 approved by the authorized accrediting body in the applicable country and (b) the degree  
183.8 program has been verified by an independent credentials review agency to be comparable  
183.9 to a state licensing board-approved program;

183.10 (2) have completed a supervised clinical practicum experience from an accredited  
183.11 educational institution or its cooperating programs as required by the board;

183.12 (3) have successfully passed a national examination approved by the commission;

183.13 (4) hold an active, unencumbered license;

183.14 (5) not have been convicted or found guilty, and not have entered into an agreed  
183.15 disposition, of a felony related to the practice of audiology, under applicable state or federal  
183.16 criminal law; and

183.17 (6) have a valid United States Social Security or National Practitioner Identification  
183.18 number.

183.19 (F) A speech-language pathologist must:

183.20 (1) meet one of the following educational requirements:

183.21 (i) have graduated with a master's degree from a speech-language pathology program  
183.22 that is accredited by an organization recognized by the United States Department of Education  
183.23 and operated by a college or university accredited by a regional or national accrediting  
183.24 organization recognized by the board; or

183.25 (ii) have graduated from a speech-language pathology program that is housed in an  
183.26 institution of higher education outside of the United States (a) for which the program and  
183.27 institution have been approved by the authorized accrediting body in the applicable country  
183.28 and (b) the degree program has been verified by an independent credentials review agency  
183.29 to be comparable to a state licensing board-approved program;

183.30 (2) have completed a supervised clinical practicum experience from an educational  
183.31 institution or its cooperating programs as required by the commission;

184.1 (3) have completed a supervised postgraduate professional experience as required by  
184.2 the commission;

184.3 (4) have successfully passed a national examination approved by the commission;

184.4 (5) hold an active, unencumbered license;

184.5 (6) not have been convicted or found guilty, and not have entered into an agreed  
184.6 disposition, of a felony related to the practice of speech-language pathology, under applicable  
184.7 state or federal criminal law; and

184.8 (7) have a valid United States Social Security or National Practitioner Identification  
184.9 number.

184.10 (G) The privilege to practice is derived from the home state license.

184.11 (H) An audiologist or speech-language pathologist practicing in a member state must  
184.12 comply with the state practice laws of the state in which the client is located at the time  
184.13 service is provided. The practice of audiology and speech-language pathology shall include  
184.14 all audiology and speech-language pathology practice as defined by the state practice laws  
184.15 of the member state in which the client is located. The practice of audiology and  
184.16 speech-language pathology in a member state under a privilege to practice shall subject an  
184.17 audiologist or speech-language pathologist to the jurisdiction of the licensing board, the  
184.18 courts and the laws of the member state in which the client is located at the time service is  
184.19 provided.

184.20 (I) Individuals not residing in a member state shall continue to be able to apply for a  
184.21 member state's single-state license as provided under the laws of each member state.  
184.22 However, the single-state license granted to these individuals shall not be recognized as  
184.23 granting the privilege to practice audiology or speech-language pathology in any other  
184.24 member state. Nothing in this compact shall affect the requirements established by a member  
184.25 state for the issuance of a single-state license.

184.26 (J) Member states may charge a fee for granting a compact privilege.

184.27 (K) Member states must comply with the bylaws and rules and regulations of the  
184.28 commission.

184.29 ARTICLE III

184.30 COMPACT PRIVILEGE

184.31 (A) To exercise the compact privilege under the terms and provisions of the compact,  
184.32 the audiologist or speech-language pathologist shall:



- 185.1 (1) hold an active license in the home state;
- 185.2 (2) have no encumbrance on any state license;
- 185.3 (3) be eligible for a compact privilege in any member state in accordance with Article
- 185.4 II;
- 185.5 (4) have not had any adverse action against any license or compact privilege within the
- 185.6 previous two years from date of application;
- 185.7 (5) notify the commission that the licensee is seeking the compact privilege within a
- 185.8 remote state or states;
- 185.9 (6) pay any applicable fees, including any state fee, for the compact privilege; and
- 185.10 (7) report to the commission adverse action taken by any nonmember state within 30
- 185.11 days from the date the adverse action is taken.
- 185.12 (B) For the purposes of the compact privilege, an audiologist or speech-language
- 185.13 pathologist shall only hold one home state license at a time.
- 185.14 (C) Except as provided in Article V, if an audiologist or speech-language pathologist
- 185.15 changes primary state of residence by moving between two member states, the audiologist
- 185.16 or speech-language pathologist must apply for licensure in the new home state, and the
- 185.17 license issued by the prior home state shall be deactivated in accordance with applicable
- 185.18 rules adopted by the commission.
- 185.19 (D) The audiologist or speech-language pathologist may apply for licensure in advance
- 185.20 of a change in primary state of residence.
- 185.21 (E) A license shall not be issued by the new home state until the audiologist or
- 185.22 speech-language pathologist provides satisfactory evidence of a change in primary state of
- 185.23 residence to the new home state and satisfies all applicable requirements to obtain a license
- 185.24 from the new home state.
- 185.25 (F) If an audiologist or speech-language pathologist changes primary state of residence
- 185.26 by moving from a member state to a nonmember state, the license issued by the prior home
- 185.27 state shall convert to a single-state license, valid only in the former home state.
- 185.28 (G) The compact privilege is valid until the expiration date of the home state license.
- 185.29 The licensee must comply with the requirements of Article III, (A), to maintain the compact
- 185.30 privilege in the remote state.

(H) A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(I) A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens.

(J) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) the home state license is no longer encumbered; and

(2) two years have elapsed from the date of the adverse action.

(K) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Article III, (A), to obtain a compact privilege in any remote state.

(L) Once the requirements of Article III, (J), have been met, the licensee must meet the requirements in Article III, (A), to obtain a compact privilege in a remote state.

#### ARTICLE IV

##### COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Article II and under rules promulgated by the commission, to practice audiology or speech-language pathology in a member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

#### ARTICLE V

##### ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

#### ARTICLE VI

ADVERSE ACTIONS

(A) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(B) Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

(C) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(D) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(E) If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(F) The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

(G) Joint Investigations:

(1) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(H) If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(I) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

(J) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

## ARTICLE VII

### ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

(A) The compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

(1) The commission is an instrumentality of the compact states.

(2) Except as provided under paragraph (H), venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(B) Membership, Voting, and Meetings:

189.1 (1) Each member state shall have two delegates selected by that member state's licensing  
189.2 board. The delegates shall be current members of the licensing board. One shall be an  
189.3 audiologist and one shall be a speech-language pathologist.

189.4 (2) An additional five delegates, who are either a public member or board administrator  
189.5 from a state licensing board, shall be chosen by the executive committee from a pool of  
189.6 nominees provided by the commission at large.

189.7 (3) Any delegate may be removed or suspended from office as provided by the law of  
189.8 the state from which the delegate is appointed.

189.9 (4) The member state board shall fill any vacancy occurring on the commission, within  
189.10 90 days.

189.11 (5) Each delegate shall be entitled to one vote with regard to the promulgation of rules  
189.12 and creation of bylaws and shall otherwise have an opportunity to participate in the business  
189.13 and affairs of the commission.

189.14 (6) A delegate shall vote in person or by other means as provided in the bylaws. The  
189.15 bylaws may provide for delegates' participation in meetings by telephone or other means  
189.16 of communication.

189.17 (7) The commission shall meet at least once during each calendar year. Additional  
189.18 meetings shall be held as set forth in the bylaws.

189.19 (C) The commission shall have the following powers and duties:

189.20 (1) establish the fiscal year of the commission;

189.21 (2) establish bylaws;

189.22 (3) establish a code of ethics;

189.23 (4) maintain its financial records in accordance with the bylaws;

189.24 (5) meet and take actions as are consistent with the provisions of this compact and the  
189.25 bylaws;

189.26 (6) promulgate uniform rules to facilitate and coordinate implementation and  
189.27 administration of this compact. The rules shall have the force and effect of law and shall  
189.28 be binding in all member states;

189.29 (7) bring and prosecute legal proceedings or actions in the name of the commission,  
189.30 provided that the standing of any state audiology or speech-language pathology licensing  
189.31 board to sue or be sued under applicable law shall not be affected;

- 190.1       (8) purchase and maintain insurance and bonds;
- 190.2       (9) borrow, accept, or contract for services of personnel, including but not limited to  
190.3 employees of a member state;
- 190.4       (10) hire employees, elect or appoint officers, fix compensation, define duties, grant  
190.5 individuals appropriate authority to carry out the purposes of the compact, and establish the  
190.6 commission's personnel policies and programs relating to conflicts of interest, qualifications  
190.7 of personnel, and other related personnel matters;
- 190.8       (11) accept any and all appropriate donations and grants of money, equipment, supplies,  
190.9 materials, and services and to receive, utilize, and dispose of the same; provided that at all  
190.10 times the commission shall avoid any appearance of impropriety or conflict of interest;
- 190.11       (12) lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,  
190.12 improve, or use any property real, personal, or mixed; provided that at all times the  
190.13 commission shall avoid any appearance of impropriety;
- 190.14       (13) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
190.15 any property real, personal, or mixed;
- 190.16       (14) establish a budget and make expenditures;
- 190.17       (15) borrow money;
- 190.18       (16) appoint committees, including standing committees composed of members and  
190.19 other interested persons as may be designated in this compact and the bylaws;
- 190.20       (17) provide and receive information from, and cooperate with, law enforcement agencies;
- 190.21       (18) establish and elect an executive committee; and
- 190.22       (19) perform other functions as may be necessary or appropriate to achieve the purposes  
190.23 of this compact consistent with the state regulation of audiology and speech-language  
190.24 pathology licensure and practice.
- 190.25       (D) The Executive Committee:
- 190.26       The executive committee shall have the power to act on behalf of the commission  
190.27 according to the terms of this compact. The executive committee shall be composed of ten  
190.28 members:
- 190.29       (1) seven voting members who are elected by the commission from the current  
190.30 membership of the commission;

191.1 (2) two ex officios, consisting of one nonvoting member from a recognized national  
191.2 audiology professional association and one nonvoting member from a recognized national  
191.3 speech-language pathology association; and

191.4 (3) one ex officio, nonvoting member from the recognized membership organization of  
191.5 the audiology and speech-language pathology licensing boards.

191.6 (E) The ex officio members shall be selected by their respective organizations.

191.7 (1) The commission may remove any member of the executive committee as provided  
191.8 in bylaws.

191.9 (2) The executive committee shall meet at least annually.

191.10 (3) The executive committee shall have the following duties and responsibilities:

191.11 (i) recommend to the entire commission changes to the rules or bylaws, changes to this  
191.12 compact legislation, fees paid by compact member states such as annual dues, and any  
191.13 commission compact fee charged to licensees for the compact privilege;

191.14 (ii) ensure compact administration services are appropriately provided, contractual or  
191.15 otherwise;

191.16 (iii) prepare and recommend the budget;

191.17 (iv) maintain financial records on behalf of the commission;

191.18 (v) monitor compact compliance of member states and provide compliance reports to  
191.19 the commission;

191.20 (vi) establish additional committees as necessary; and

191.21 (vii) other duties as provided in rules or bylaws.

191.22 (4) All meetings of the commission shall be open to the public and public notice of  
191.23 meetings shall be given in the same manner as required under the rulemaking provisions in  
191.24 Article IX.

191.25 (5) The commission or the executive committee or other committees of the commission  
191.26 may convene in a closed, nonpublic meeting if the commission or executive committee or  
191.27 other committees of the commission must discuss:

191.28 (i) noncompliance of a member state with its obligations under the compact;

191.29 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
191.30 related to specific employees or other matters related to the commission's internal personnel  
191.31 practices and procedures;

- 192.1 (iii) current, threatened, or reasonably anticipated litigation;
- 192.2 (iv) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
- 192.3 estate;
- 192.4 (v) accusing any person of a crime or formally censuring any person;
- 192.5 (vi) disclosure of trade secrets or commercial or financial information that is privileged
- 192.6 or confidential;
- 192.7 (vii) disclosure of information of a personal nature where disclosure would constitute a
- 192.8 clearly unwarranted invasion of personal privacy;
- 192.9 (viii) disclosure of investigative records compiled for law enforcement purposes;
- 192.10 (ix) disclosure of information related to any investigative reports prepared by or on
- 192.11 behalf of or for use of the commission or other committee charged with responsibility of
- 192.12 investigation or determination of compliance issues pursuant to the compact; or
- 192.13 (x) matters specifically exempted from disclosure by federal or member state statute.
- 192.14 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 192.15 commission's legal counsel or designee shall certify that the meeting may be closed and
- 192.16 shall reference each relevant exempting provision.
- 192.17 (7) The commission shall keep minutes that fully and clearly describe all matters
- 192.18 discussed in a meeting and shall provide a full and accurate summary of actions taken, and
- 192.19 the reasons therefore, including a description of the views expressed. All documents
- 192.20 considered in connection with an action shall be identified in minutes. All minutes and
- 192.21 documents of a closed meeting shall remain under seal, subject to release by a majority vote
- 192.22 of the commission or order of a court of competent jurisdiction.
- 192.23 (8) Financing of the Commission:
- 192.24 (i) The commission shall pay, or provide for the payment of, the reasonable expenses
- 192.25 of its establishment, organization, and ongoing activities.
- 192.26 (ii) The commission may accept any and all appropriate revenue sources, donations, and
- 192.27 grants of money, equipment, supplies, materials, and services.
- 192.28 (iii) The commission may levy on and collect an annual assessment from each member
- 192.29 state or impose fees on other parties to cover the cost of the operations and activities of the
- 192.30 commission and its staff, which must be in a total amount sufficient to cover its annual
- 192.31 budget as approved each year for which revenue is not provided by other sources. The



193.1 aggregate annual assessment amount shall be allocated based upon a formula to be determined  
193.2 by the commission, which shall promulgate a rule binding upon all member states.

193.3 (9) The commission shall not incur obligations of any kind prior to securing the funds  
193.4 adequate to meet the same; nor shall the commission pledge the credit of any of the member  
193.5 states, except by and with the authority of the member state.

193.6 (10) The commission shall keep accurate accounts of all receipts and disbursements.  
193.7 The receipts and disbursements of the commission shall be subject to the audit and accounting  
193.8 procedures established under its bylaws. However, all receipts and disbursements of funds  
193.9 handled by the commission shall be audited yearly by a certified or licensed public  
193.10 accountant, and the report of the audit shall be included in and become part of the annual  
193.11 report of the commission.

193.12 (F) Qualified Immunity, Defense, and Indemnification:

193.13 (1) The members, officers, executive director, employees, and representatives of the  
193.14 commission shall be immune from suit and liability, either personally or in their official  
193.15 capacity, for any claim for damage to or loss of property or personal injury or other civil  
193.16 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
193.17 or that the person against whom the claim is made had a reasonable basis for believing  
193.18 occurred, within the scope of commission employment, duties, or responsibilities; provided  
193.19 that nothing in this paragraph shall be construed to protect any person from suit or liability  
193.20 for any damage, loss, injury, or liability caused by the intentional or willful or wanton  
193.21 misconduct of that person.

193.22 (2) The commission shall defend any member, officer, executive director, employee, or  
193.23 representative of the commission in any civil action seeking to impose liability arising out  
193.24 of any actual or alleged act, error, or omission that occurred within the scope of commission  
193.25 employment, duties, or responsibilities, or that the person against whom the claim is made  
193.26 had a reasonable basis for believing occurred within the scope of commission employment,  
193.27 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that  
193.28 person from retaining his or her own counsel; and provided further that the actual or alleged  
193.29 act, error, or omission did not result from that person's intentional or willful or wanton  
193.30 misconduct.

193.31 (3) The commission shall indemnify and hold harmless any member, officer, executive  
193.32 director, employee, or representative of the commission for the amount of any settlement  
193.33 or judgment obtained against that person arising out of any actual or alleged act, error, or  
193.34 omission that occurred within the scope of commission employment, duties, or

194.1 responsibilities, or that person had a reasonable basis for believing occurred within the scope  
194.2 of commission employment, duties, or responsibilities; provided that the actual or alleged  
194.3 act, error, or omission did not result from the intentional or willful or wanton misconduct  
194.4 of that person.

194.5 (G) Notwithstanding paragraph (F), clause (1), the liability of the executive director,  
194.6 employees, or representatives of the interstate commission, acting within the scope of their  
194.7 employment or duties, may not exceed the limits of liability set forth under the constitution  
194.8 and laws of this state for state officials, employees, and agents. This paragraph expressly  
194.9 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
194.10 under that statute.

194.11 (H) Except for a claim alleging a violation of this compact, a claim against the  
194.12 commission, its executive director, employees, or representatives alleging a violation of the  
194.13 constitution and laws of this state may be brought in any county where the plaintiff resides.  
194.14 Nothing in this paragraph creates a private right of action.

194.15 (I) Nothing in this compact shall be construed as a limitation on the liability of any  
194.16 licensee for professional malpractice or misconduct, which shall be governed solely by any  
194.17 other applicable state laws.

194.18 ARTICLE VIII

194.19 DATA SYSTEM

194.20 (A) The commission shall provide for the development, maintenance, and utilization of  
194.21 a coordinated database and reporting system containing licensure, adverse action, and  
194.22 investigative information on all licensed individuals in member states.

194.23 (B) Notwithstanding any other provision of state law to the contrary, a member state  
194.24 shall submit a uniform data set to the data system on all individuals to whom this compact  
194.25 is applicable as required by the rules of the commission, including:

194.26 (1) identifying information;

194.27 (2) licensure data;

194.28 (3) adverse actions against a license or compact privilege;

194.29 (4) nonconfidential information related to alternative program participation;

194.30 (5) any denial of application for licensure, and the reason or reasons for denial; and

194.31 (6) other information that may facilitate the administration of this compact, as determined  
194.32 by the rules of the commission.

195.1 (C) Investigative information pertaining to a licensee in any member state shall only be  
195.2 available to other member states.

195.3 (D) The commission shall promptly notify all member states of any adverse action taken  
195.4 against a licensee or an individual applying for a license. Adverse action information  
195.5 pertaining to a licensee in any member state shall be available to any other member state.

195.6 (E) Member states contributing information to the data system may designate information  
195.7 that may not be shared with the public without the express permission of the contributing  
195.8 state.

195.9 (F) Any information submitted to the data system that is subsequently required to be  
195.10 expunged by the laws of the member state contributing the information shall be removed  
195.11 from the data system.

195.12 ARTICLE IX

195.13 RULEMAKING

195.14 (A) The commission shall exercise its rulemaking powers pursuant to the criteria set  
195.15 forth in this article and the rules adopted thereunder. Rules and amendments shall become  
195.16 binding as of the date specified in each rule or amendment.

195.17 (B) If a majority of the legislatures of the member states rejects a rule, by enactment of  
195.18 a statute or resolution in the same manner used to adopt the compact within four years of  
195.19 the date of adoption of the rule, the rule shall have no further force and effect in any member  
195.20 state.

195.21 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting  
195.22 of the commission.

195.23 (D) Prior to promulgation and adoption of a final rule or rules by the commission, and  
195.24 at least 30 days in advance of the meeting at which the rule shall be considered and voted  
195.25 upon, the commission shall file a notice of proposed rulemaking:

195.26 (1) on the website of the commission or other publicly accessible platform; and

195.27 (2) on the website of each member state audiology or speech-language pathology licensing  
195.28 board or other publicly accessible platform or the publication in which each state would  
195.29 otherwise publish proposed rules.

195.30 (E) The notice of proposed rulemaking shall include:

195.31 (1) the proposed time, date, and location of the meeting in which the rule shall be  
195.32 considered and voted upon;

196.1 (2) the text of the proposed rule or amendment and the reason for the proposed rule;

196.2 (3) a request for comments on the proposed rule from any interested person; and

196.3 (4) the manner in which interested persons may submit notice to the commission of their  
196.4 intention to attend the public hearing and any written comments.

196.5 (F) Prior to the adoption of a proposed rule, the commission shall allow persons to submit  
196.6 written data, facts, opinions, and arguments, which shall be made available to the public.

196.7 (G) The commission shall grant an opportunity for a public hearing before it adopts a  
196.8 rule or amendment if a hearing is requested by:

196.9 (1) at least 25 persons;

196.10 (2) a state or federal governmental subdivision or agency; or

196.11 (3) an association having at least 25 members.

196.12 (H) If a hearing is held on the proposed rule or amendment, the commission shall publish  
196.13 the place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
196.14 means, the commission shall publish the mechanism for access to the electronic hearing.

196.15 (1) All persons wishing to be heard at the hearing shall notify the executive director of  
196.16 the commission or other designated member in writing of their desire to appear and testify  
196.17 at the hearing not less than five business days before the scheduled date of the hearing.

196.18 (2) Hearings shall be conducted in a manner providing each person who wishes to  
196.19 comment a fair and reasonable opportunity to comment orally or in writing.

196.20 (3) All hearings shall be recorded. A copy of the recording shall be made available on  
196.21 request.

196.22 (4) Nothing in this Article shall be construed as requiring a separate hearing on each  
196.23 rule. Rules may be grouped for the convenience of the commission at hearings required by  
196.24 this Article.

196.25 (I) Following the scheduled hearing date, or by the close of business on the scheduled  
196.26 hearing date if the hearing was not held, the commission shall consider all written and oral  
196.27 comments received.

196.28 (J) If no written notice of intent to attend the public hearing by interested parties is  
196.29 received, the commission may proceed with promulgation of the proposed rule without a  
196.30 public hearing.

(K) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided that the usual rulemaking procedures provided in the compact and in this Article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member state funds; or

(3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(M) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

## ARTICLE X

### OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### (A) Dispute Resolution:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for such disputes as appropriate.

#### (B) Enforcement:

198.1 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
198.2 provisions and rules of this compact.

198.3 (2) By majority vote, the commission may initiate legal action in the United States  
198.4 District Court for the District of Columbia or the federal district where the commission has  
198.5 its principal offices against a member state in default to enforce compliance with the  
198.6 provisions of the compact and its promulgated rules and bylaws. The relief sought may  
198.7 include both injunctive relief and damages. In the event judicial enforcement is necessary,  
198.8 the prevailing member shall be awarded all costs of litigation, including reasonable attorney's  
198.9 fees.

198.10 (3) The remedies herein shall not be the exclusive remedies of the commission. The  
198.11 commission may pursue any other remedies available under federal or state law.

198.12 ARTICLE XI

198.13 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR  
198.14 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND  
198.15 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

198.16 (A) The compact shall come into effect on the date on which the compact statute is  
198.17 enacted into law in the tenth member state. The provisions, which become effective at that  
198.18 time, shall be limited to the powers granted to the commission relating to assembly and the  
198.19 promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking  
198.20 powers necessary to the implementation and administration of the compact.

198.21 (B) Any state that joins the compact subsequent to the commission's initial adoption of  
198.22 the rules shall be subject to the rules as they exist on the date on which the compact becomes  
198.23 law in that state. Any rule that has been previously adopted by the commission shall have  
198.24 the full force and effect of law on the day the compact becomes law in that state.

198.25 (C) Any member state may withdraw from this compact by enacting a statute repealing  
198.26 the same.

198.27 (1) A member state's withdrawal shall not take effect until six months after enactment  
198.28 of the repealing statute.

198.29 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's  
198.30 audiology or speech-language pathology licensing board to comply with the investigative  
198.31 and adverse action reporting requirements of this compact prior to the effective date of  
198.32 withdrawal.

(D) Nothing contained in this compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(E) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

## ARTICLE XII

### CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

## ARTICLE XIII

### BINDING EFFECT OF COMPACT AND OTHER LAWS

(A) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

(B) All laws in a member state in conflict with the compact are superseded to the extent of the conflict.

(C) All lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

(D) All agreements between the commission and the member states are binding in accordance with their terms.

(E) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. **[148.5186] APPLICATION OF AUDIOLOGY AND SPEECH-LANGUAGE  
PATHOLOGY INTERSTATE COMPACT TO EXISTING LAWS.**

**Subdivision 1. Rulemaking.** Rules developed by the Audiology and Speech-Language Pathology Compact Commission under section 148.5185 are not subject to sections 14.05 to 14.389.

**Subd. 2. Background studies.** The commissioner of health is authorized to require an audiologist or speech-language pathologist licensed in Minnesota as the home state to submit to a criminal history background check under section 144.0572.

**ARTICLE 19**  
**DENTIST AND DENTAL HYGIENISTS**

Section 1. **[150A.051] DENTIST AND DENTAL HYGIENIST COMPACT.**

The dentist and dental hygienist compact is enacted into law and entered into with all other jurisdictions legally joining in the compact in the form substantially specified in this section.

**ARTICLE I**

**TITLE**

This statute shall be known and cited as the dentist and dental hygienist compact.

**ARTICLE II**

**DEFINITIONS**

As used in this compact, unless the context requires otherwise, the following definitions shall apply:

(A) "Active military member" means any person with full-time duty status in the armed forces of the United States including members of the National Guard and Reserve.

(B) "Adverse action" means disciplinary action or encumbrance imposed on a license or compact privilege by a state licensing authority.

(C) "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. This includes but is not limited to programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.



201.1 (D) "Clinical assessment" means examination or process, required for licensure as a  
201.2 dentist or dental hygienist as applicable, that provides evidence of clinical competence in  
201.3 dentistry or dental hygiene.

201.4 (E) "Commissioner" means the individual appointed by a participating state to serve as  
201.5 the member of the commission for that participating state.

201.6 (F) "Compact" means this dentist and dental hygienist compact.

201.7 (G) "Compact privilege" means the authorization granted by a remote state to allow a  
201.8 licensee from a participating state to practice as a dentist or dental hygienist in a remote  
201.9 state.

201.10 (H) "Continuing professional development" means a requirement as a condition of license  
201.11 renewal to provide evidence of successful participation in educational or professional  
201.12 activities relevant to practice or area of work.

201.13 (I) "Criminal background check" means the submission of fingerprints or other  
201.14 biometric-based information for a license applicant for the purpose of obtaining that  
201.15 applicant's criminal history record information, as defined in Code of Federal Regulations,  
201.16 title 28, section 20.3(d), from the Federal Bureau of Investigation and the state's criminal  
201.17 history record repository as defined in Code of Federal Regulations, title 28, section 20.3(f).

201.18 (J) "Data system" means the commission's repository of information about licensees,  
201.19 including but not limited to examination, licensure, investigative, compact privilege, adverse  
201.20 action, and alternative program.

201.21 (K) "Dental hygienist" means an individual who is licensed by a state licensing authority  
201.22 to practice dental hygiene.

201.23 (L) "Dentist" means an individual who is licensed by a state licensing authority to practice  
201.24 dentistry.

201.25 (M) "Dentist and dental hygienist compact commission" or "commission" means a joint  
201.26 government agency established by this compact comprised of each state that has enacted  
201.27 the compact and a national administrative body comprised of a commissioner from each  
201.28 state that has enacted the compact.

201.29 (N) "Encumbered license" means a license that a state licensing authority has limited in  
201.30 any way other than through an alternative program.

201.31 (O) "Executive board" means the chair, vice chair, secretary, and treasurer and any other  
201.32 commissioners as may be determined by commission rule or bylaw.

202.1 (P) "Jurisprudence requirement" means the assessment of an individual's knowledge of  
202.2 the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a  
202.3 state.

202.4 (Q) "License" means current authorization by a state, other than authorization pursuant  
202.5 to a compact privilege, or other privilege, for an individual to practice as a dentist or dental  
202.6 hygienist in that state.

202.7 (R) "Licensee" means an individual who holds an unrestricted license from a participating  
202.8 state to practice as a dentist or dental hygienist in that state.

202.9 (S) "Model compact" means the model for the dentist and dental hygienist compact on  
202.10 file with the council of state governments or other entity as designated by the commission.

202.11 (T) "Participating state" means a state that has enacted the compact and been admitted  
202.12 to the commission in accordance with the provisions herein and commission rules.

202.13 (U) "Qualifying license" means a license that is not an encumbered license issued by a  
202.14 participating state to practice dentistry or dental hygiene.

202.15 (V) "Remote state" means a participating state where a licensee who is not licensed as  
202.16 a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

202.17 (W) "Rule" means a regulation promulgated by an entity that has the force of law.

202.18 (X) "Scope of practice" means the procedures, actions, and processes a dentist or dental  
202.19 hygienist licensed in a state is permitted to undertake in that state and the circumstances  
202.20 under which the licensee is permitted to undertake those procedures, actions, and processes.  
202.21 Such procedures, actions, and processes and the circumstances under which they may be  
202.22 undertaken may be established through means, including but not limited to statute,  
202.23 regulations, case law, and other processes available to the state licensing authority or other  
202.24 government agency.

202.25 (Y) "Significant investigative information" means information, records, and documents  
202.26 received or generated by a state licensing authority pursuant to an investigation for which  
202.27 a determination has been made that there is probable cause to believe that the licensee has  
202.28 violated a statute or regulation that is considered more than a minor infraction for which  
202.29 the state licensing authority could pursue adverse action against the licensee.

202.30 (Z) "State" means any state, commonwealth, district, or territory of the United States of  
202.31 America that regulates the practices of dentistry and dental hygiene.

203.1 (AA) "State licensing authority" means an agency or other entity of a state that is  
203.2 responsible for the licensing and regulation of dentists or dental hygienists.

203.3 ARTICLE III

203.4 STATE PARTICIPATION IN THE COMPACT

203.5 (A) In order to join the compact and thereafter continue as a participating state, a state  
203.6 must:

203.7 (1) enact a compact that is not materially different from the model compact as determined  
203.8 in accordance with commission rules;

203.9 (2) participate fully in the commission's data system;

203.10 (3) have a mechanism in place for receiving and investigating complaints about its  
203.11 licensees and license applicants;

203.12 (4) notify the commission, in compliance with the terms of the compact and commission  
203.13 rules, of any adverse action or the availability of significant investigative information  
203.14 regarding a licensee and license applicant;

203.15 (5) fully implement a criminal background check requirement, within a time frame  
203.16 established by commission rule, by receiving the results of a qualifying criminal background  
203.17 check;

203.18 (6) comply with the commission rules applicable to a participating state;

203.19 (7) accept the national board examinations of the joint commission on national dental  
203.20 examinations or another examination accepted by commission rule as a licensure  
203.21 examination;

203.22 (8) accept for licensure that applicants for a dentist license graduate from a predoctoral  
203.23 dental education program accredited by the Commission on Dental Accreditation, or another  
203.24 accrediting agency recognized by the United States Department of Education for the  
203.25 accreditation of dentistry and dental hygiene education programs, leading to the Doctor of  
203.26 Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

203.27 (9) accept for licensure that applicants for a dental hygienist license graduate from a  
203.28 dental hygiene education program accredited by the Commission on Dental Accreditation  
203.29 or another accrediting agency recognized by the United States Department of Education for  
203.30 the accreditation of dentistry and dental hygiene education programs;

203.31 (10) require for licensure that applicants successfully complete a clinical assessment;

204.1 (11) have continuing professional development requirements as a condition for license  
204.2 renewal; and

204.3 (12) pay a participation fee to the commission as established by commission rule.

204.4 (B) Providing alternative pathways for an individual to obtain an unrestricted license  
204.5 does not disqualify a state from participating in the compact.

204.6 (C) When conducting a criminal background check, the state licensing authority shall:

204.7 (1) consider that information in making a licensure decision;

204.8 (2) maintain documentation of completion of the criminal background check and  
204.9 background check information to the extent allowed by state and federal law; and

204.10 (3) report to the commission whether it has completed the criminal background check  
204.11 and whether the individual was granted or denied a license.

204.12 (D) A licensee of a participating state who has a qualifying license in that state and does  
204.13 not hold an encumbered license in any other participating state, shall be issued a compact  
204.14 privilege in a remote state in accordance with the terms of the compact and commission  
204.15 rules. If a remote state has a jurisprudence requirement a compact privilege will not be  
204.16 issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

204.17 ARTICLE IV

204.18 COMPACT PRIVILEGE

204.19 (A) To obtain and exercise the compact privilege under the terms and provisions of the  
204.20 compact, the licensee shall:

204.21 (1) have a qualifying license as a dentist or dental hygienist in a participating state;

204.22 (2) be eligible for a compact privilege in any remote state in accordance with (D), (G),  
204.23 and (H) of this article;

204.24 (3) submit to an application process whenever the licensee is seeking a compact privilege;

204.25 (4) pay any applicable commission and remote state fees for a compact privilege in the  
204.26 remote state;

204.27 (5) meet any jurisprudence requirement established by a remote state in which the licensee  
204.28 is seeking a compact privilege;

204.29 (6) have passed a National Board Examination of the Joint Commission on National  
204.30 Dental Examinations or another examination accepted by commission rule;

205.1 (7) for a dentist, have graduated from a predoctoral dental education program accredited  
205.2 by the Commission on Dental Accreditation, or another accrediting agency recognized by  
205.3 the United States Department of Education for the accreditation of dentistry and dental  
205.4 hygiene education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor  
205.5 of Dental Medicine (D.M.D.) degree;

205.6 (8) for a dental hygienist, have graduated from a dental hygiene education program  
205.7 accredited by the Commission on Dental Accreditation or another accrediting agency  
205.8 recognized by the United States Department of Education for the accreditation of dentistry  
205.9 and dental hygiene education programs;

205.10 (9) have successfully completed a clinical assessment for licensure;

205.11 (10) report to the commission adverse action taken by any nonparticipating state when  
205.12 applying for a compact privilege and, otherwise, within 30 days from the date the adverse  
205.13 action is taken;

205.14 (11) report to the commission when applying for a compact privilege the address of the  
205.15 licensee's primary residence and thereafter immediately report to the commission any change  
205.16 in the address of the licensee's primary residence; and

205.17 (12) consent to accept service of process by mail at the licensee's primary residence on  
205.18 record with the commission with respect to any action brought against the licensee by the  
205.19 commission or a participating state, and consent to accept service of a subpoena by mail at  
205.20 the licensee's primary residence on record with the commission with respect to any action  
205.21 brought or investigation conducted by the commission or a participating state.

205.22 (B) The licensee must comply with the requirements of (A) of this article to maintain  
205.23 the compact privilege in the remote state. If those requirements are met, the compact privilege  
205.24 will continue as long as the licensee maintains a qualifying license in the state through which  
205.25 the licensee applied for the compact privilege and pays any applicable compact privilege  
205.26 renewal fees.

205.27 (C) A licensee providing dentistry or dental hygiene in a remote state under the compact  
205.28 privilege shall function within the scope of practice authorized by the remote state for a  
205.29 dentist or dental hygienist licensed in that state.

205.30 (D) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in  
205.31 a remote state is subject to that state's regulatory authority. A remote state may, in accordance  
205.32 with due process and that state's laws, by adverse action revoke or remove a licensee's  
205.33 compact privilege in the remote state for a specific period of time and impose fines or take

206.1 any other necessary actions to protect the health and safety of its citizens. If a remote state  
206.2 imposes an adverse action against a compact privilege that limits the compact privilege,  
206.3 that adverse action applies to all compact privileges in all remote states. A licensee whose  
206.4 compact privilege in a remote state is removed for a specified period of time is not eligible  
206.5 for a compact privilege in any other remote state until the specific time for removal of the  
206.6 compact privilege has passed and all encumbrance requirements are satisfied.

206.7 (E) If a license in a participating state is an encumbered license, the licensee shall lose  
206.8 the compact privilege in a remote state and shall not be eligible for a compact privilege in  
206.9 any remote state until the license is no longer encumbered.

206.10 (F) Once an encumbered license in a participating state is restored to good standing, the  
206.11 licensee must meet the requirements of (A) of this article to obtain a compact privilege in  
206.12 a remote state.

206.13 (G) If a licensee's compact privilege in a remote state is removed by the remote state,  
206.14 the individual shall lose or be ineligible for the compact privilege in any remote state until  
206.15 the following occur:

206.16 (1) the specific period of time for which the compact privilege was removed has ended;  
206.17 and

206.18 (2) all conditions for removal of the compact privilege have been satisfied.

206.19 (H) Once the requirements of (G) of this article have been met, the licensee must meet  
206.20 the requirements in (A) of this article to obtain a compact privilege in a remote state.

206.21 ARTICLE V

206.22 ACTIVE MILITARY MEMBER OR THEIR SPOUSES

206.23 An active military member and their spouse shall not be required to pay to the commission  
206.24 for a compact privilege the fee otherwise charged by the commission. If a remote state  
206.25 chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or  
206.26 no fee to an active military member and their spouse for a compact privilege.

206.27 ARTICLE VI

206.28 ADVERSE ACTIONS

206.29 (A) A participating state in which a licensee is licensed shall have exclusive authority  
206.30 to impose adverse action against the qualifying license issued by that participating state.

207.1 (B) A participating state may take adverse action based on the significant investigative  
207.2 information of a remote state, so long as the participating state follows its own procedures  
207.3 for imposing adverse action.

207.4 (C) Nothing in this compact shall override a participating state's decision that participation  
207.5 in an alternative program may be used in lieu of adverse action and that such participation  
207.6 shall remain nonpublic if required by the participating state's laws. Participating states must  
207.7 require licensees who enter any alternative program in lieu of discipline to agree not to  
207.8 practice pursuant to a compact privilege in any other participating state during the term of  
207.9 the alternative program without prior authorization from such other participating state.

207.10 (D) Any participating state in which a licensee is applying to practice or is practicing  
207.11 pursuant to a compact privilege may investigate actual or alleged violations of the statutes  
207.12 and regulations authorizing the practice of dentistry or dental hygiene in any other  
207.13 participating state in which the dentist or dental hygienist holds a license or compact  
207.14 privilege.

207.15 (E) A remote state shall have the authority to:

207.16 (1) take adverse actions as set forth in article IV, (D), against a licensee's compact  
207.17 privilege in the state;

207.18 (2) in furtherance of its rights and responsibilities under the compact and the commission's  
207.19 rules issue subpoenas for both hearings and investigations that require the attendance and  
207.20 testimony of witnesses, and the production of evidence. Subpoenas issued by a state licensing  
207.21 authority in a participating state for the attendance and testimony of witnesses, or the  
207.22 production of evidence from another participating state, shall be enforced in the latter state  
207.23 by any court of competent jurisdiction, according to the practice and procedure of that court  
207.24 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall  
207.25 pay any witness fees, travel expenses, mileage, and other fees required by the service statutes  
207.26 of the state where the witnesses or evidence are located; and

207.27 (3) if otherwise permitted by state law, recover from the licensee the costs of  
207.28 investigations and disposition of cases resulting from any adverse action taken against that  
207.29 licensee.

207.30 (F) Joint Investigations:

207.31 (1) In addition to the authority granted to a participating state by its dentist or dental  
207.32 hygienist licensure act or other applicable state law, a participating state may jointly  
207.33 investigate licensees with other participating states.

208.1 (2) Participating states shall share any significant investigative information, litigation,  
208.2 or compliance materials in furtherance of any joint or individual investigation initiated under  
208.3 the compact.

208.4 (G) Authority to Continue Investigation:

208.5 (1) After a licensee's compact privilege in a remote state is terminated, the remote state  
208.6 may continue an investigation of the licensee that began when the licensee had a compact  
208.7 privilege in that remote state.

208.8 (2) If the investigation yields what would be significant investigative information had  
208.9 the licensee continued to have a compact privilege in that remote state, the remote state  
208.10 shall report the presence of such information to the data system as required by article VIII,  
208.11 (B), (6), as if it was significant investigative information.

208.12 ARTICLE VII

208.13 ESTABLISHMENT AND OPERATION OF THE COMMISSION

208.14 (A) The compact participating states hereby create and establish a joint government  
208.15 agency whose membership consists of all participating states that have enacted the compact.  
208.16 The commission is an instrumentality of the participating states acting jointly and not an  
208.17 instrumentality of any one state. The commission shall come into existence on or after the  
208.18 effective date of the compact as set forth in article XI, (A).

208.19 (B) Participation, Voting, and Meetings:

208.20 (1) Each participating state shall have and be limited to one commissioner selected by  
208.21 that participating state's state licensing authority or, if the state has more than one state  
208.22 licensing authority, selected collectively by the state licensing authorities.

208.23 (2) The commissioner shall be a member or designee of such authority or authorities.

208.24 (3) The commission may by rule or bylaw establish a term of office for commissioners  
208.25 and may by rule or bylaw establish term limits.

208.26 (4) The commission may recommend to a state licensing authority or authorities, as  
208.27 applicable, removal or suspension of an individual as the state's commissioner.

208.28 (5) A participating state's state licensing authority or authorities, as applicable, shall fill  
208.29 any vacancy of its commissioner on the commission within 60 days of the vacancy.

208.30 (6) Each commissioner shall be entitled to one vote on all matters that are voted upon  
208.31 by the commission.



209.1 (7) The commission shall meet at least once during each calendar year. Additional  
209.2 meetings may be held as set forth in the bylaws. The commission may meet by  
209.3 telecommunication, video conference, or other similar electronic means.

209.4 (C) The commission shall have the following powers:

209.5 (1) establish the fiscal year of the commission;

209.6 (2) establish a code of conduct and conflict of interest policies;

209.7 (3) adopt rules and bylaws;

209.8 (4) maintain its financial records in accordance with the bylaws;

209.9 (5) meet and take such actions as are consistent with the provisions of this compact, the  
209.10 commission's rules, and the bylaws;

209.11 (6) initiate and conclude legal proceedings or actions in the name of the commission,  
209.12 provided that the standing of any state licensing authority to sue or be sued under applicable  
209.13 law shall not be affected;

209.14 (7) maintain and certify records and information provided to a participating state as the  
209.15 authenticated business records of the commission, and designate a person to do so on the  
209.16 commission's behalf;

209.17 (8) purchase and maintain insurance and bonds;

209.18 (9) borrow, accept, or contract for services of personnel, including but not limited to  
209.19 employees of a participating state;

209.20 (10) conduct an annual financial review;

209.21 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant  
209.22 such individuals appropriate authority to carry out the purposes of the compact, and establish  
209.23 the commission's personnel policies and programs relating to conflicts of interest,  
209.24 qualifications of personnel, and other related personnel matters;

209.25 (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a  
209.26 compact privilege in a remote state and thereafter, as may be established by commission  
209.27 rule, charge the licensee a compact privilege renewal fee for each renewal period in which  
209.28 that licensee exercises or intends to exercise the compact privilege in that remote state.  
209.29 Nothing herein shall be construed to prevent a remote state from charging a licensee a fee  
209.30 for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence  
209.31 requirement if the remote state imposes such a requirement for the grant of a compact  
209.32 privilege;

210.1 (13) accept any and all appropriate gifts, donations, grants of money, other sources of  
210.2 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of  
210.3 the same; provided that at all times the commission shall avoid any appearance of impropriety  
210.4 and conflict of interest;

210.5 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or  
210.6 mixed, or any undivided interest therein;

210.7 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
210.8 any property real, personal, or mixed;

210.9 (16) establish a budget and make expenditures;

210.10 (17) borrow money;

210.11 (18) appoint committees, including standing committees, which may be composed of  
210.12 members, state regulators, state legislators or their representatives, and consumer  
210.13 representatives, and such other interested persons as may be designated in this compact and  
210.14 the bylaws;

210.15 (19) provide and receive information from, and cooperate with, law enforcement agencies;

210.16 (20) elect a chair, vice chair, secretary, and treasurer and such other officers of the  
210.17 commission as provided in the commission's bylaws;

210.18 (21) establish and elect an executive board;

210.19 (22) adopt and provide to the participating states an annual report;

210.20 (23) determine whether a state's enacted compact is materially different from the model  
210.21 compact language such that the state would not qualify for participation in the compact;  
210.22 and

210.23 (24) perform such other functions as may be necessary or appropriate to achieve the  
210.24 purposes of this compact.

210.25 (D) Meetings of the Commission:

210.26 (1) All meetings of the commission that are not closed pursuant to (D)(4) of this article  
210.27 shall be open to the public. Notice of public meetings shall be posted on the commission's  
210.28 website at least 30 days prior to the public meeting.

210.29 (2) Notwithstanding (D)(1) of this article, the commission may convene an emergency  
210.30 public meeting by providing at least 24 hours prior notice on the commission's website, and  
210.31 any other means as provided in the commission's rules, for any of the reasons it may dispense

211.1 with notice of proposed rulemaking under article IX, (L). The commission's legal counsel  
211.2 shall certify that one of the reasons justifying an emergency public meeting has been met.

211.3 (3) Notice of all commission meetings shall provide the time, date, and location of the  
211.4 meeting, and if the meeting is to be held or accessible via telecommunication, video  
211.5 conference, or other electronic means, the notice shall include the mechanism for access to  
211.6 the meeting through such means.

211.7 (4) The commission may convene in a closed, nonpublic meeting for the commission  
211.8 to receive legal advice or to discuss:

211.9 (i) noncompliance of a participating state with its obligations under the compact;

211.10 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
211.11 related to specific employees or other matters related to the commission's internal personnel  
211.12 practices and procedures;

211.13 (iii) current or threatened discipline of a licensee or compact privilege holder by the  
211.14 commission or by a participating state's licensing authority;

211.15 (iv) current, threatened, or reasonably anticipated litigation;

211.16 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
211.17 estate;

211.18 (vi) accusing any person of a crime or formally censuring any person;

211.19 (vii) trade secrets or commercial or financial information that is privileged or confidential;

211.20 (viii) information of a personal nature where disclosure would constitute a clearly  
211.21 unwarranted invasion of personal privacy;

211.22 (ix) investigative records compiled for law enforcement purposes;

211.23 (x) information related to any investigative reports prepared by or on behalf of or for  
211.24 use of the commission or other committee charged with responsibility of investigation or  
211.25 determination of compliance issues pursuant to the compact;

211.26 (xi) legal advice;

211.27 (xii) matters specifically exempted from disclosure to the public by federal or participating  
211.28 state law; and

211.29 (xiii) other matters as promulgated by the commission by rule.

212.1 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that  
212.2 the meeting will be closed and reference each relevant exempting provision, and such  
212.3 reference shall be recorded in the minutes.

212.4 (6) The commission shall keep minutes that fully and clearly describe all matters  
212.5 discussed in a meeting and shall provide a full and accurate summary of actions taken, and  
212.6 the reasons therefore, including a description of the views expressed. All documents  
212.7 considered in connection with an action shall be identified in such minutes. All minutes and  
212.8 documents of a closed meeting shall remain under seal, subject to release only by a majority  
212.9 vote of the commission or order of a court of competent jurisdiction.

212.10 (E) Financing of the Commission:

212.11 (1) The commission shall pay, or provide for the payment of, the reasonable expenses  
212.12 of its establishment, organization, and ongoing activities.

212.13 (2) The commission may accept any and all appropriate sources of revenue, donations,  
212.14 and grants of money, equipment, supplies, materials, and services.

212.15 (3) The commission may levy on and collect an annual assessment from each participating  
212.16 state and impose fees on licensees of participating states when a compact privilege is granted  
212.17 to cover the cost of the operations and activities of the commission and its staff, which must  
212.18 be in a total amount sufficient to cover its annual budget as approved each fiscal year for  
212.19 which sufficient revenue is not provided by other sources. The aggregate annual assessment  
212.20 amount for participating states shall be allocated based upon a formula that the commission  
212.21 shall promulgate by rule.

212.22 (4) The commission shall not incur obligations of any kind prior to securing the funds  
212.23 adequate to meet the same; nor shall the commission pledge the credit of any participating  
212.24 state, except by and with the authority of the participating state.

212.25 (5) The commission shall keep accurate accounts of all receipts and disbursements. The  
212.26 receipts and disbursements of the commission shall be subject to the financial review and  
212.27 accounting procedures established under the commission's bylaws. All receipts and  
212.28 disbursements of funds handled by the commission shall be subject to an annual financial  
212.29 review by a certified or licensed public accountant, and the report of the financial review  
212.30 shall be included in and become part of the annual report of the commission.

212.31 (F) The Executive Board:

213.1 (1) The executive board shall have the power to act on behalf of the commission according  
213.2 to the terms of this compact. The powers, duties, and responsibilities of the executive board  
213.3 shall include:

213.4 (i) overseeing the day-to-day activities of the administration of the compact including  
213.5 compliance with the provisions of the compact and the commission's rules and bylaws;

213.6 (ii) recommending to the commission changes to the rules or bylaws, changes to this  
213.7 compact legislation, fees charged to compact participating states, fees charged to licensees,  
213.8 and other fees;

213.9 (iii) ensuring compact administration services are appropriately provided, including by  
213.10 contract;

213.11 (iv) preparing and recommending the budget;

213.12 (v) maintaining financial records on behalf of the commission;

213.13 (vi) monitoring compact compliance of participating states and providing compliance  
213.14 reports to the commission;

213.15 (vii) establishing additional committees as necessary;

213.16 (viii) exercising the powers and duties of the commission during the interim between  
213.17 commission meetings, except for adopting or amending rules, adopting or amending bylaws,  
213.18 and exercising any other powers and duties expressly reserved to the commission by rule  
213.19 or bylaw; and

213.20 (ix) other duties as provided in the rules or bylaws of the commission.

213.21 (2) The executive board shall be composed of up to seven members:

213.22 (i) the chair, vice chair, secretary, and treasurer of the commission and any other members  
213.23 of the commission who serve on the executive board shall be voting members of the executive  
213.24 board; and

213.25 (ii) other than the chair, vice chair, secretary, and treasurer, the commission may elect  
213.26 up to three voting members from the current membership of the commission.

213.27 (3) The commission may remove any member of the executive board as provided in the  
213.28 commission's bylaws.

213.29 (4) The executive board shall meet at least annually.

213.30 (i) An executive board meeting at which it takes or intends to take formal action on a  
213.31 matter shall be open to the public, except that the executive board may meet in a closed,

214.1 nonpublic session of a public meeting when dealing with any of the matters covered under  
214.2 (D)(4) of this article.

214.3 (ii) The executive board shall give five business days' notice of its public meetings,  
214.4 posted on its website and as it may otherwise determine to provide notice to persons with  
214.5 an interest in the public matters the executive board intends to address at those meetings.

214.6 (5) The executive board may hold an emergency meeting when acting for the commission  
214.7 to:

214.8 (i) meet an imminent threat to public health, safety, or welfare;

214.9 (ii) prevent a loss of commission or participating state funds; or

214.10 (iii) protect public health and safety.

214.11 (G) Qualified Immunity, Defense, and Indemnification:

214.12 (1) The members, officers, executive director, employees, and representatives of the  
214.13 commission shall be immune from suit and liability, both personally and in their official  
214.14 capacity, for any claim for damage to or loss of property or personal injury or other civil  
214.15 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
214.16 or that the person against whom the claim is made had a reasonable basis for believing  
214.17 occurred within the scope of commission employment, duties, or responsibilities; provided  
214.18 that nothing in this paragraph shall be construed to protect any such person from suit or  
214.19 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
214.20 wanton misconduct of that person. The procurement of insurance of any type by the  
214.21 commission shall not in any way compromise or limit the immunity granted hereunder.

214.22 (2) The commission shall defend any member, officer, executive director, employee, or  
214.23 representative of the commission in any civil action seeking to impose liability arising out  
214.24 of any actual or alleged act, error, or omission that occurred within the scope of commission  
214.25 employment, duties, or responsibilities, or as determined by the commission that the person  
214.26 against whom the claim is made had a reasonable basis for believing occurred within the  
214.27 scope of commission employment, duties, or responsibilities; provided that nothing herein  
214.28 shall be construed to prohibit that person from retaining their own counsel at their own  
214.29 expense; and provided further that the actual or alleged act, error, or omission did not result  
214.30 from that person's intentional or willful or wanton misconduct.

214.31 (3) Notwithstanding (G)(1) of this article, should any member, officer, executive director,  
214.32 employee, or representative of the commission be held liable for the amount of any settlement  
214.33 or judgment arising out of any actual or alleged act, error, or omission that occurred within

215.1 the scope of that individual's employment, duties, or responsibilities for the commission,  
215.2 or that the person to whom that individual is liable had a reasonable basis for believing  
215.3 occurred within the scope of the individual's employment, duties, or responsibilities for the  
215.4 commission, the commission shall indemnify and hold harmless such individual; provided  
215.5 that the actual or alleged act, error, or omission did not result from the intentional or willful  
215.6 or wanton misconduct of the individual.

215.7 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for  
215.8 professional malpractice or misconduct, which shall be governed solely by any other  
215.9 applicable state laws.

215.10 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a  
215.11 participating state's state action immunity or state action affirmative defense with respect  
215.12 to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust  
215.13 or anticompetitive law or regulation.

215.14 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by  
215.15 the participating states or by the commission.

215.16 (H) Notwithstanding paragraph (G), clause (1), of this article, the liability of the executive  
215.17 director, employees, or representatives of the interstate commission, acting within the scope  
215.18 of their employment or duties, may not exceed the limits of liability set forth under the  
215.19 constitution and laws of this state for state officials, employees, and agents. This paragraph  
215.20 expressly incorporates section 3.736, and neither expands nor limits the rights and remedies  
215.21 provided under that statute.

215.22 (I) Except for a claim alleging a violation of this compact, a claim against the commission,  
215.23 its executive director, employees, or representatives alleging a violation of the constitution  
215.24 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
215.25 this paragraph creates a private right of action.

215.26 (J) Nothing in this compact shall be construed as a limitation on the liability of any  
215.27 licensee for professional malpractice or misconduct, which shall be governed solely by any  
215.28 other applicable state laws.

215.29 ARTICLE VIII

215.30 DATA SYSTEM

215.31 (A) The commission shall provide for the development, maintenance, operation, and  
215.32 utilization of a coordinated database and reporting system containing licensure, adverse

216.1 action, and the presence of significant investigative information on all licensees and  
216.2 applicants for a license in participating states.

216.3 (B) Notwithstanding any other provision of state law to the contrary, a participating state  
216.4 shall submit a uniform data set to the data system on all individuals to whom this compact  
216.5 is applicable as required by the rules of the commission, including:

216.6 (1) identifying information;

216.7 (2) licensure data;

216.8 (3) adverse actions against a licensee, license applicant, or compact privilege and  
216.9 information related thereto;

216.10 (4) nonconfidential information related to alternative program participation, the beginning  
216.11 and ending dates of such participation, and other information related to such participation;

216.12 (5) any denial of an application for licensure, and the reasons for such denial, excluding  
216.13 the reporting of any criminal history record information where prohibited by law;

216.14 (6) the presence of significant investigative information; and

216.15 (7) other information that may facilitate the administration of this compact or the  
216.16 protection of the public, as determined by the rules of the commission.

216.17 (C) The records and information provided to a participating state pursuant to this compact  
216.18 or through the data system, when certified by the commission or an agent thereof, shall  
216.19 constitute the authenticated business records of the commission, and shall be entitled to any  
216.20 associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
216.21 proceedings in a participating state.

216.22 (D) Significant investigative information pertaining to a licensee in any participating  
216.23 state will only be available to other participating states.

216.24 (E) It is the responsibility of the participating states to monitor the database to determine  
216.25 whether adverse action has been taken against a licensee or license applicant. Adverse action  
216.26 information pertaining to a licensee or license applicant in any participating state will be  
216.27 available to any other participating state.

216.28 (F) Participating states contributing information to the data system may designate  
216.29 information that may not be shared with the public without the express permission of the  
216.30 contributing state.



217.1 (G) Any information submitted to the data system that is subsequently expunged pursuant  
217.2 to federal law or the laws of the participating state contributing the information shall be  
217.3 removed from the data system.

217.4 ARTICLE IX

217.5 RULEMAKING

217.6 (A) The commission shall promulgate reasonable rules in order to effectively and  
217.7 efficiently implement and administer the purposes and provisions of the compact. A  
217.8 commission rule shall be invalid and have no force or effect only if a court of competent  
217.9 jurisdiction holds that the rule is invalid because the commission exercised its rulemaking  
217.10 authority in a manner that is beyond the scope and purposes of the compact, or the powers  
217.11 granted hereunder, or based upon another applicable standard of review.

217.12 (B) The rules of the commission shall have the force of law in each participating state,  
217.13 provided that where the rules of the commission conflict with the laws of the participating  
217.14 state that establish the participating state's scope of practice as held by a court of competent  
217.15 jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the  
217.16 conflict.

217.17 (C) The commission shall exercise its rulemaking powers pursuant to the criteria set  
217.18 forth in this article and the rules adopted thereunder. Rules shall become binding as of the  
217.19 date specified by the commission for each rule.

217.20 (D) If a majority of the legislatures of the participating states rejects a commission rule  
217.21 or portion of a commission rule, by enactment of a statute or resolution in the same manner  
217.22 used to adopt the compact, within four years of the date of adoption of the rule, then such  
217.23 rule shall have no further force and effect in any participating state or to any state applying  
217.24 to participate in the compact.

217.25 (E) Rules shall be adopted at a regular or special meeting of the commission.

217.26 (F) Prior to adoption of a proposed rule, the commission shall hold a public hearing and  
217.27 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

217.28 (G) Prior to adoption of a proposed rule by the commission, and at least 30 days in  
217.29 advance of the meeting at which the commission will hold a public hearing on the proposed  
217.30 rule, the commission shall provide a notice of proposed rulemaking:

217.31 (1) on the website of the commission or other publicly accessible platform;

218.1 (2) to persons who have requested notice of the commission's notices of proposed  
218.2 rulemaking; and

218.3 (3) in such other ways as the commission may by rule specify.

218.4 (H) The notice of proposed rulemaking shall include:

218.5 (1) the time, date, and location of the public hearing at which the commission will hear  
218.6 public comments on the proposed rule and, if different, the time, date, and location of the  
218.7 meeting where the commission will consider and vote on the proposed rule;

218.8 (2) if the hearing is held via telecommunication, video conference, or other electronic  
218.9 means, the commission shall include the mechanism for access to the hearing in the notice  
218.10 of proposed rulemaking;

218.11 (3) the text of the proposed rule and the reason therefor;

218.12 (4) a request for comments on the proposed rule from any interested person; and

218.13 (5) the manner in which interested persons may submit written comments.

218.14 (I) All hearings will be recorded. A copy of the recording and all written comments and  
218.15 documents received by the commission in response to the proposed rule shall be available  
218.16 to the public.

218.17 (J) Nothing in this article shall be construed as requiring a separate hearing on each  
218.18 commission rule. Rules may be grouped for the convenience of the commission at hearings  
218.19 required by this article.

218.20 (K) The commission shall, by majority vote of all commissioners, take final action on  
218.21 the proposed rule based on the rulemaking record.

218.22 (1) The commission may adopt changes to the proposed rule provided the changes do  
218.23 not enlarge the original purpose of the proposed rule.

218.24 (2) The commission shall provide an explanation of the reasons for substantive changes  
218.25 made to the proposed rule as well as reasons for substantive changes not made that were  
218.26 recommended by commenters.

218.27 (3) The commission shall determine a reasonable effective date for the rule. Except for  
218.28 an emergency as provided in (L) of this article, the effective date of the rule shall be no  
218.29 sooner than 30 days after the commission issuing the notice that it adopted or amended the  
218.30 rule.

219.1 (L) Upon determination that an emergency exists, the commission may consider and  
219.2 adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that  
219.3 the usual rulemaking procedures provided in the compact and in this article shall be  
219.4 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
219.5 days after the effective date of the rule. For the purposes of this provision, an emergency  
219.6 rule is one that must be adopted immediately in order to:

219.7 (1) meet an imminent threat to public health, safety, or welfare;

219.8 (2) prevent a loss of commission or participating state funds;

219.9 (3) meet a deadline for the promulgation of a rule that is established by federal law or  
219.10 rule; or

219.11 (4) protect public health and safety.

219.12 (M) The commission or an authorized committee of the commission may direct revisions  
219.13 to a previously adopted rule for purposes of correcting typographical errors, errors in format,  
219.14 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted  
219.15 on the website of the commission. The revision shall be subject to challenge by any person  
219.16 for a period of 30 days after posting. The revision may be challenged only on grounds that  
219.17 the revision results in a material change to a rule. A challenge shall be made in writing and  
219.18 delivered to the commission prior to the end of the notice period. If no challenge is made,  
219.19 the revision will take effect without further action. If the revision is challenged, the revision  
219.20 may not take effect without the approval of the commission.

219.21 (N) No participating state's rulemaking requirements shall apply under this compact.

219.22 ARTICLE X

219.23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

219.24 (A) Oversight:

219.25 (1) The executive and judicial branches of state government in each participating state  
219.26 shall enforce this compact and take all actions necessary and appropriate to implement the  
219.27 compact.

219.28 (2) Except as provided under article VII, paragraph (I), venue is proper and judicial  
219.29 proceedings by or against the commission shall be brought solely and exclusively in a court  
219.30 of competent jurisdiction where the principal office of the commission is located. The  
219.31 commission may waive venue and jurisdictional defenses to the extent it adopts or consents  
219.32 to participate in alternative dispute resolution proceedings. Nothing herein shall affect or

220.1 limit the selection or propriety of venue in any action against a licensee for professional  
220.2 malpractice, misconduct, or any such similar matter.

220.3 (3) The commission shall be entitled to receive service of process in any proceeding  
220.4 regarding the enforcement or interpretation of the compact or commission rule and shall  
220.5 have standing to intervene in such a proceeding for all purposes. Failure to provide the  
220.6 commission service of process shall render a judgment or order void as to the commission,  
220.7 this compact, or the promulgated rules.

220.8 (B) Default, Technical Assistance, and Termination:

220.9 (1) If the commission determines that a participating state has defaulted in the  
220.10 performance of its obligations or responsibilities under this compact or the promulgated  
220.11 rules, the commission shall provide written notice to the defaulting state. The notice of  
220.12 default shall describe the default, the proposed means of curing the default, and any other  
220.13 action that the commission may take, and shall offer training and specific technical assistance  
220.14 regarding the default.

220.15 (2) The commission shall provide a copy of the notice of default to the other participating  
220.16 states.

220.17 (C) If a state in default fails to cure the default, the defaulting state may be terminated  
220.18 from the compact upon an affirmative vote of a majority of the commissioners, and all  
220.19 rights, privileges, and benefits conferred on that state by this compact may be terminated  
220.20 on the effective date of termination. A cure of the default does not relieve the offending  
220.21 state of obligations or liabilities incurred during the period of default.

220.22 (D) Termination of participation in the compact shall be imposed only after all other  
220.23 means of securing compliance have been exhausted. Notice of intent to suspend or terminate  
220.24 shall be given by the commission to the governor, the majority and minority leaders of the  
220.25 defaulting state's legislature, the defaulting state's state licensing authority or authorities,  
220.26 as applicable, and each of the participating states' state licensing authority or authorities, as  
220.27 applicable.

220.28 (E) A state that has been terminated is responsible for all assessments, obligations, and  
220.29 liabilities incurred through the effective date of termination, including obligations that  
220.30 extend beyond the effective date of termination.

220.31 (F) Upon the termination of a state's participation in this compact, that state shall  
220.32 immediately provide notice to all licensees of the state, including licensees of other  
220.33 participating states issued a compact privilege to practice within that state, of such

221.1 termination. The terminated state shall continue to recognize all compact privileges then in  
221.2 effect in that state for a minimum of 180 days after the date of said notice of termination.

221.3 (G) The commission shall not bear any costs related to a state that is found to be in  
221.4 default or that has been terminated from the compact, unless agreed upon in writing between  
221.5 the commission and the defaulting state.

221.6 (H) The defaulting state may appeal the action of the commission by petitioning the  
221.7 United States District Court for the District of Columbia or the federal district where the  
221.8 commission has its principal offices. The prevailing party shall be awarded all costs of such  
221.9 litigation, including reasonable attorney fees.

221.10 (I) Dispute Resolution:

221.11 (1) Upon request by a participating state, the commission shall attempt to resolve disputes  
221.12 related to the compact that arise among participating states and between participating states  
221.13 and nonparticipating states.

221.14 (2) The commission shall promulgate a rule providing for both mediation and binding  
221.15 dispute resolution for disputes as appropriate.

221.16 (J) Enforcement:

221.17 (1) The commission, in the reasonable exercise of its discretion, shall enforce the  
221.18 provisions of this compact and the commission's rules.

221.19 (2) By majority vote, the commission may initiate legal action against a participating  
221.20 state in default in the United States District Court for the District of Columbia or the federal  
221.21 district where the commission has its principal offices to enforce compliance with the  
221.22 provisions of the compact and its promulgated rules. The relief sought may include both  
221.23 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing  
221.24 party shall be awarded all costs of such litigation, including reasonable attorney fees. The  
221.25 remedies herein shall not be the exclusive remedies of the commission. The commission  
221.26 may pursue any other remedies available under federal or the defaulting participating state's  
221.27 law.

221.28 (3) A participating state may initiate legal action against the commission in the United  
221.29 States District Court for the District of Columbia or the federal district where the commission  
221.30 has its principal offices to enforce compliance with the provisions of the compact and its  
221.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the  
221.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
221.33 such litigation, including reasonable attorney fees.

222.1 (4) No individual or entity other than a participating state may enforce this compact  
222.2 against the commission.

222.3 ARTICLE XI

222.4 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

222.5 (A) The compact shall come into effect on the date on which the compact statute is  
222.6 enacted into law in the seventh participating state.

222.7 (1) On or after the effective date of the compact, the commission shall convene and  
222.8 review the enactment of each of the states that enacted the compact prior to the commission  
222.9 convening ("charter participating states") to determine if the statute enacted by each such  
222.10 charter participating state is materially different than the model compact.

222.11 (i) A charter participating state whose enactment is found to be materially different from  
222.12 the model compact shall be entitled to the default process set forth in article X.

222.13 (ii) If any participating state is later found to be in default, or is terminated or withdraws  
222.14 from the compact, the commission shall remain in existence and the compact shall remain  
222.15 in effect even if the number of participating states should be less than seven.

222.16 (2) Participating states enacting the compact subsequent to the charter participating states  
222.17 shall be subject to the process set forth in article VII, (C)(23), to determine if their enactments  
222.18 are materially different from the model compact and whether they qualify for participation  
222.19 in the compact.

222.20 (3) All actions taken for the benefit of the commission or in furtherance of the purposes  
222.21 of the administration of the compact prior to the effective date of the compact or the  
222.22 commission coming into existence shall be considered to be actions of the commission  
222.23 unless specifically repudiated by the commission.

222.24 (4) Any state that joins the compact subsequent to the commission's initial adoption of  
222.25 the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on  
222.26 the date on which the compact becomes law in that state. Any rule that has been previously  
222.27 adopted by the commission shall have the full force and effect of law on the day the compact  
222.28 becomes law in that state.

222.29 (B) Any participating state may withdraw from this compact by enacting a statute  
222.30 repealing that state's enactment of the compact.

222.31 (1) A participating state's withdrawal shall not take effect until 180 days after enactment  
222.32 of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(C) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact.

(D) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states.

## ARTICLE XII

### CONSTRUCTION AND SEVERABILITY

(A) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(B) The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

(C) Notwithstanding (B) of this article, the commission may deny a state's participation in the compact or, in accordance with the requirements of article X, (B), terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the

224.1 compact shall remain in full force and effect as to the remaining participating states and in  
224.2 full force and effect as to the participating state affected as to all severable matters.

224.3 ARTICLE XIII

224.4 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

224.5 (A) Nothing herein shall prevent or inhibit the enforcement of any other law of a  
224.6 participating state that is not inconsistent with the compact.

224.7 (B) Any laws, statutes, regulations, or other legal requirements in a participating state  
224.8 in conflict with the compact are superseded to the extent of the conflict.

224.9 (C) All permissible agreements between the commission and the participating states are  
224.10 binding in accordance with their terms.

224.11 ARTICLE 20

224.12 SOCIAL WORKERS

224.13 Section 1. [148E.40] TITLE.

224.14 Sections 148E.40 to 148E.55 shall be known and cited as the social work services  
224.15 licensure compact.

224.16 Sec. 2. [148E.41] DEFINITIONS.

224.17 As used in this Compact, and except as otherwise provided, the following definitions  
224.18 shall apply:

224.19 (1) "Active military member" means any individual with full-time duty status in the  
224.20 active armed forces of the United States, including members of the National Guard and  
224.21 Reserve.

224.22 (2) "Adverse action" means any administrative, civil, equitable, or criminal action  
224.23 permitted by a state's laws which is imposed by a licensing authority or other authority  
224.24 against a regulated social worker, including actions against an individual's license or  
224.25 multistate authorization to practice such as revocation, suspension, probation, monitoring  
224.26 of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure  
224.27 affecting a regulated social worker's authorization to practice, including issuance of a cease  
224.28 and desist action.

224.29 (3) "Alternative program" means a nondisciplinary monitoring or practice remediation  
224.30 process approved by a licensing authority to address practitioners with an impairment.



225.1 (4) "Charter member states" means member states who have enacted legislation to adopt  
225.2 this Compact where such legislation predates the effective date of this Compact as described  
225.3 in section 148E.53.

225.4 (5) "Compact" means sections 148E.40 to 148E.55.

225.5 (6) "Compact Commission" or "Commission" means the government agency whose  
225.6 membership consists of all States that have enacted this Compact, which is known as the  
225.7 Social Work Licensure Compact Commission, as described in section 148E.49, and which  
225.8 shall operate as an instrumentality of the member states.

225.9 (7) "Current significant investigative information" means:

225.10 (i) investigative information that a licensing authority, after a preliminary inquiry that  
225.11 includes notification and an opportunity for the regulated social worker to respond, has  
225.12 reason to believe is not groundless and, if proved true, would indicate more than a minor  
225.13 infraction as may be defined by the Commission; or

225.14 (ii) investigative information that indicates that the regulated social worker represents  
225.15 an immediate threat to public health and safety, as may be defined by the Commission,  
225.16 regardless of whether the regulated social worker has been notified and has had an  
225.17 opportunity to respond.

225.18 (8) "Data system" means a repository of information about licensees, including continuing  
225.19 education, examinations, licensure, current significant investigative information, disqualifying  
225.20 events, multistate licenses, and adverse action information or other information as required  
225.21 by the Commission.

225.22 (9) "Disqualifying event" means any adverse action or incident which results in an  
225.23 encumbrance that disqualifies or makes the licensee ineligible to obtain, retain, or renew a  
225.24 multistate license.

225.25 (10) "Domicile" means the jurisdiction in which the licensee resides and intends to  
225.26 remain indefinitely.

225.27 (11) "Encumbrance" means a revocation or suspension of, or any limitation on, the full  
225.28 and unrestricted practice of social work licensed and regulated by a licensing authority.

225.29 (12) "Executive Committee" means a group of delegates elected or appointed to act on  
225.30 behalf of, and within the powers granted to them by, the Compact and Commission.

225.31 (13) "Home state" means the member state that is the licensee's primary domicile.

226.1       (14) "Impairment" means a condition that may impair a practitioner's ability to engage  
226.2 in full and unrestricted practice as a regulated social worker without some type of intervention  
226.3 and may include alcohol and drug dependence, mental health impairment, and neurological  
226.4 or physical impairments.

226.5       (15) "Licensee" means an individual who currently holds a license from a state to practice  
226.6 as a regulated social worker.

226.7       (16) "Licensing authority" means the board or agency of a member state, or equivalent,  
226.8 that is responsible for the licensing and regulation of regulated social workers.

226.9       (17) "Member state" means a state, commonwealth, district, or territory of the United  
226.10 States of America that has enacted this Compact.

226.11       (18) "Multistate authorization to practice" means a legally authorized privilege to practice,  
226.12 which is equivalent to a license, associated with a multistate license permitting the practice  
226.13 of social work in a remote state.

226.14       (19) "Multistate license" means a license to practice as a regulated social worker issued  
226.15 by a home state licensing authority that authorizes the regulated social worker to practice  
226.16 in all member states under multistate authorization to practice.

226.17       (20) "Qualifying national exam" means a national licensing examination approved by  
226.18 the Commission.

226.19       (21) "Regulated social worker" means any clinical, master's, or bachelor's social worker  
226.20 licensed by a member state regardless of the title used by that member state.

226.21       (22) "Remote state" means a member state other than the licensee's home state.

226.22       (23) "Rule" or "rule of the Commission" means a regulation or regulations duly  
226.23 promulgated by the Commission, as authorized by the Compact, that has the force of law.

226.24       (24) "Single state license" means a social work license issued by any state that authorizes  
226.25 practice only within the issuing state and does not include multistate authorization to practice  
226.26 in any member state.

226.27       (25) "Social work" or "social work services" means the application of social work theory,  
226.28 knowledge, methods, ethics, and the professional use of self to restore or enhance social,  
226.29 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,  
226.30 organizations, and communities through the care and services provided by a regulated social  
226.31 worker as set forth in the member state's statutes and regulations in the state where the  
226.32 services are being provided.

227.1 (26) "State" means any state, commonwealth, district, or territory of the United States  
227.2 of America that regulates the practice of social work.

227.3 (27) "Unencumbered license" means a license that authorizes a regulated social worker  
227.4 to engage in the full and unrestricted practice of social work.

227.5 **Sec. 3. [148E.42] STATE PARTICIPATION IN THE COMPACT.**

227.6 (a) To be eligible to participate in the compact, a potential member state must currently  
227.7 meet all of the following criteria:

227.8 (1) license and regulate the practice of social work at either the clinical, master's, or  
227.9 bachelor's category;

227.10 (2) require applicants for licensure to graduate from a program that:

227.11 (i) is operated by a college or university recognized by the licensing authority;

227.12 (ii) is accredited, or in candidacy by an institution that subsequently becomes accredited,  
227.13 by an accrediting agency recognized by either:

227.14 (A) the Council for Higher Education Accreditation, or its successor; or

227.15 (B) the United States Department of Education; and

227.16 (iii) corresponds to the licensure sought as outlined in section 148E.43;

227.17 (3) require applicants for clinical licensure to complete a period of supervised practice;  
227.18 and

227.19 (4) have a mechanism in place for receiving, investigating, and adjudicating complaints  
227.20 about licensees.

227.21 (b) To maintain membership in the Compact, a member state shall:

227.22 (1) require that applicants for a multistate license pass a qualifying national exam for  
227.23 the corresponding category of multistate license sought as outlined in section 148E.43;

227.24 (2) participate fully in the Commission's data system, including using the Commission's  
227.25 unique identifier as defined in rules;

227.26 (3) notify the Commission, in compliance with the terms of the Compact and rules, of  
227.27 any adverse action or the availability of current significant investigative information regarding  
227.28 a licensee;

227.29 (4) implement procedures for considering the criminal history records of applicants for  
227.30 a multistate license. Such procedures shall include the submission of fingerprints or other

228.1 biometric-based information by applicants for the purpose of obtaining an applicant's criminal  
228.2 history record information from the Federal Bureau of Investigation and the agency  
228.3 responsible for retaining that state's criminal records;

228.4 (5) comply with the rules of the Commission;

228.5 (6) require an applicant to obtain or retain a license in the home state and meet the home  
228.6 state's qualifications for licensure or renewal of licensure, as well as all other applicable  
228.7 home state laws;

228.8 (7) authorize a licensee holding a multistate license in any member state to practice in  
228.9 accordance with the terms of the Compact and rules of the Commission; and

228.10 (8) designate a delegate to participate in the Commission meetings.

228.11 (c) A member state meeting the requirements of paragraphs (a) and (b) shall designate  
228.12 the categories of social work licensure that are eligible for issuance of a multistate license  
228.13 for applicants in such member state. To the extent that any member state does not meet the  
228.14 requirements for participation in the Compact at any particular category of social work  
228.15 licensure, such member state may choose but is not obligated to issue a multistate license  
228.16 to applicants that otherwise meet the requirements of section 148E.43 for issuance of a  
228.17 multistate license in such category or categories of licensure.

228.18 (d) The home state may charge a fee for granting the multistate license.

228.19 **Sec. 4. [148E.43] SOCIAL WORKER PARTICIPATION IN THE COMPACT.**

228.20 (a) To be eligible for a multistate license under the terms and provisions of the Compact,  
228.21 an applicant, regardless of category, must:

228.22 (1) hold or be eligible for an active, unencumbered license in the home state;

228.23 (2) pay any applicable fees, including any state fee, for the multistate license;

228.24 (3) submit, in connection with an application for a multistate license, fingerprints or  
228.25 other biometric data for the purpose of obtaining criminal history record information from  
228.26 the Federal Bureau of Investigation and the agency responsible for retaining that state's  
228.27 criminal records;

228.28 (4) notify the home state of any adverse action, encumbrance, or restriction on any  
228.29 professional license taken by any member state or nonmember state within 30 days from  
228.30 the date the action is taken;

228.31 (5) meet any continuing competence requirements established by the home state; and

229.1 (6) abide by the laws, regulations, and applicable standards in the member state where  
229.2 the client is located at the time care is rendered.

229.3 (b) An applicant for a clinical-category multistate license must meet all of the following  
229.4 requirements:

229.5 (1) fulfill a competency requirement, which shall be satisfied by either:

229.6 (i) passage of a clinical-category qualifying national exam;

229.7 (ii) licensure of the applicant in their home state at the clinical category, beginning prior  
229.8 to such time as a qualifying national exam was required by the home state and accompanied  
229.9 by a period of continuous social work licensure thereafter, all of which may be further  
229.10 governed by the rules of the Commission; or

229.11 (iii) the substantial equivalency of the foregoing competency requirements which the  
229.12 Commission may determine by rule;

229.13 (2) attain at least a master's degree in social work from a program that is:

229.14 (i) operated by a college or university recognized by the licensing authority; and

229.15 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
229.16 agency recognized by either:

229.17 (A) the Council for Higher Education Accreditation or its successor; or

229.18 (B) the United States Department of Education; and

229.19 (3) fulfill a practice requirement, which shall be satisfied by demonstrating completion  
229.20 of:

229.21 (i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000  
229.22 hours;

229.23 (ii) a minimum of two years of full-time postgraduate supervised clinical practice; or

229.24 (iii) the substantial equivalency of the foregoing practice requirements which the  
229.25 Commission may determine by rule.

229.26 (c) An applicant for a master's-category multistate license must meet all of the following  
229.27 requirements:

229.28 (1) fulfill a competency requirement, which shall be satisfied by either:

229.29 (i) passage of a masters-category qualifying national exam;

230.1 (ii) licensure of the applicant in their home state at the master's category, beginning prior  
230.2 to such time as a qualifying national exam was required by the home state at the master's  
230.3 category and accompanied by a continuous period of social work licensure thereafter, all  
230.4 of which may be further governed by the rules of the Commission; or

230.5 (iii) the substantial equivalency of the foregoing competency requirements which the  
230.6 Commission may determine by rule; and

230.7 (2) attain at least a master's degree in social work from a program that is:

230.8 (i) operated by a college or university recognized by the licensing authority; and

230.9 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
230.10 agency recognized by either:

230.11 (A) the Council for Higher Education Accreditation or its successor; or

230.12 (B) the United States Department of Education.

230.13 (d) An applicant for a bachelor's-category multistate license must meet all of the following  
230.14 requirements:

230.15 (1) fulfill a competency requirement, which shall be satisfied by either:

230.16 (i) passage of a bachelor's-category qualifying national exam;

230.17 (ii) licensure of the applicant in their home state at the bachelor's category, beginning  
230.18 prior to such time as a qualifying national exam was required by the home state and  
230.19 accompanied by a period of continuous social work licensure thereafter, all of which may  
230.20 be further governed by the rules of the Commission; or

230.21 (iii) the substantial equivalency of the foregoing competency requirements which the  
230.22 Commission may determine by rule; and

230.23 (2) attain at least a bachelor's degree in social work from a program that is:

230.24 (i) operated by a college or university recognized by the licensing authority; and

230.25 (ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting  
230.26 agency recognized by either:

230.27 (A) the Council for Higher Education Accreditation or its successor; or

230.28 (B) the United States Department of Education.

231.1 (e) The multistate license for a regulated social worker is subject to the renewal  
231.2 requirements of the home state. The regulated social worker must maintain compliance with  
231.3 the requirements of paragraph (a) to be eligible to renew a multistate license.

231.4 (f) The regulated social worker's services in a remote state are subject to that member  
231.5 state's regulatory authority. A remote state may, in accordance with due process and that  
231.6 member state's laws, remove a regulated social worker's multistate authorization to practice  
231.7 in the remote state for a specific period of time, impose fines, and take any other necessary  
231.8 actions to protect the health and safety of its citizens.

231.9 (g) If a multistate license is encumbered, the regulated social worker's multistate  
231.10 authorization to practice shall be deactivated in all remote states until the multistate license  
231.11 is no longer encumbered.

231.12 (h) If a multistate authorization to practice is encumbered in a remote state, the regulated  
231.13 social worker's multistate authorization to practice may be deactivated in that state until the  
231.14 multistate authorization to practice is no longer encumbered.

231.15 **Sec. 5. [148E.44] ISSUANCE OF A MULTISTATE LICENSE.**

231.16 (a) Upon receipt of an application for multistate license, the home state licensing authority  
231.17 shall determine the applicant's eligibility for a multistate license in accordance with section  
231.18 148E.43.

231.19 (b) If such applicant is eligible pursuant to section 148E.43, the home state licensing  
231.20 authority shall issue a multistate license that authorizes the applicant or regulated social  
231.21 worker to practice in all member states under a multistate authorization to practice.

231.22 (c) Upon issuance of a multistate license, the home state licensing authority shall designate  
231.23 whether the regulated social worker holds a multistate license in the bachelor's, master's,  
231.24 or clinical category of social work.

231.25 (d) A multistate license issued by a home state to a resident in that state shall be  
231.26 recognized by all Compact member states as authorizing social work practice under a  
231.27 multistate authorization to practice corresponding to each category of licensure regulated  
231.28 in each member state.

231.29 **Sec. 6. [148E.45] AUTHORITY OF INTERSTATE COMPACT COMMISSION**  
231.30 **AND MEMBER STATE LICENSING AUTHORITIES.**

231.31 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
231.32 restrict, or in any way reduce the ability of a member state to enact and enforce laws,

232.1 regulations, or other rules related to the practice of social work in that state, where those  
232.2 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

232.3 (b) Nothing in this Compact shall affect the requirements established by a member state  
232.4 for the issuance of a single state license.

232.5 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
232.6 restrict, or in any way reduce the ability of a member state to take adverse action against a  
232.7 licensee's single state license to practice social work in that state.

232.8 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
232.9 restrict, or in any way reduce the ability of a remote state to take adverse action against a  
232.10 licensee's multistate authorization to practice in that state.

232.11 (e) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,  
232.12 restrict, or in any way reduce the ability of a licensee's home state to take adverse action  
232.13 against a licensee's multistate license based upon information provided by a remote state.

232.14 **Sec. 7. [148E.46] REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME**  
232.15 **STATE.**

232.16 (a) A licensee can hold a multistate license, issued by their home state, in only one  
232.17 member state at any given time.

232.18 (b) If a licensee changes their home state by moving between two member states:

232.19 (1) The licensee shall immediately apply for the reissuance of their multistate license in  
232.20 their new home state. The licensee shall pay all applicable fees and notify the prior home  
232.21 state in accordance with the rules of the Commission.

232.22 (2) Upon receipt of an application to reissue a multistate license, the new home state  
232.23 shall verify that the multistate license is active, unencumbered, and eligible for reissuance  
232.24 under the terms of the Compact and the rules of the Commission. The multistate license  
232.25 issued by the prior home state will be deactivated and all member states notified in  
232.26 accordance with the applicable rules adopted by the Commission.

232.27 (3) Prior to the reissuance of the multistate license, the new home state shall conduct  
232.28 procedures for considering the criminal history records of the licensee. Such procedures  
232.29 shall include the submission of fingerprints or other biometric-based information by  
232.30 applicants for the purpose of obtaining an applicant's criminal history record information  
232.31 from the Federal Bureau of Investigation and the agency responsible for retaining that state's  
232.32 criminal records.



233.1 (4) If required for initial licensure, the new home state may require completion of  
233.2 jurisprudence requirements in the new home state.

233.3 (5) Notwithstanding any other provision of this Compact, if a licensee does not meet  
233.4 the requirements set forth in this Compact for the reissuance of a multistate license by the  
233.5 new home state, then the licensee shall be subject to the new home state requirements for  
233.6 the issuance of a single state license in that state.

233.7 (c) If a licensee changes their primary state of residence by moving from a member state  
233.8 to a nonmember state, or from a nonmember state to a member state, then the licensee shall  
233.9 be subject to the state requirements for the issuance of a single state license in the new home  
233.10 state.

233.11 (d) Nothing in this Compact shall interfere with a licensee's ability to hold a single state  
233.12 license in multiple states; however, for the purposes of this Compact, a licensee shall have  
233.13 only one home state, and only one multistate license.

233.14 (e) Nothing in this Compact shall interfere with the requirements established by a member  
233.15 state for the issuance of a single state license.

233.16 **Sec. 8. [148E.47] MILITARY FAMILIES.**

233.17 An active military member or their spouse shall designate a home state where the  
233.18 individual has a multistate license. The individual may retain their home state designation  
233.19 during the period the service member is on active duty.

233.20 **Sec. 9. [148E.48] ADVERSE ACTIONS.**

233.21 (a) In addition to the other powers conferred by state law, a remote state shall have the  
233.22 authority, in accordance with existing state due process law, to:

233.23 (1) take adverse action against a regulated social worker's multistate authorization to  
233.24 practice only within that member state, and issue subpoenas for both hearings and  
233.25 investigations that require the attendance and testimony of witnesses as well as the production  
233.26 of evidence. Subpoenas issued by a licensing authority in a member state for the attendance  
233.27 and testimony of witnesses or the production of evidence from another member state shall  
233.28 be enforced in the latter state by any court of competent jurisdiction, according to the practice  
233.29 and procedure of that court applicable to subpoenas issued in proceedings pending before  
233.30 it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and  
233.31 other fees required by the service statutes of the state in which the witnesses or evidence  
233.32 are located; and

234.1 (2) only the home state shall have the power to take adverse action against a regulated  
234.2 social worker's multistate license.

234.3 (b) For purposes of taking adverse action, the home state shall give the same priority  
234.4 and effect to reported conduct received from a member state as it would if the conduct had  
234.5 occurred within the home state. In so doing, the home state shall apply its own state laws  
234.6 to determine appropriate action.

234.7 (c) The home state shall complete any pending investigations of a regulated social worker  
234.8 who changes their home state during the course of the investigations. The home state shall  
234.9 also have the authority to take appropriate action and shall promptly report the conclusions  
234.10 of the investigations to the administrator of the data system. The administrator of the data  
234.11 system shall promptly notify the new home state of any adverse actions.

234.12 (d) A member state, if otherwise permitted by state law, may recover from the affected  
234.13 regulated social worker the costs of investigations and dispositions of cases resulting from  
234.14 any adverse action taken against that regulated social worker.

234.15 (e) A member state may take adverse action based on the factual findings of another  
234.16 member state, provided that the member state follows its own procedures for taking the  
234.17 adverse action.

234.18 (f) Joint investigations:

234.19 (1) In addition to the authority granted to a member state by its respective social work  
234.20 practice act or other applicable state law, any member state may participate with other  
234.21 member states in joint investigations of licensees.

234.22 (2) Member states shall share any investigative, litigation, or compliance materials in  
234.23 furtherance of any joint or individual investigation initiated under the Compact.

234.24 (g) If adverse action is taken by the home state against the multistate license of a regulated  
234.25 social worker, the regulated social worker's multistate authorization to practice in all other  
234.26 member states shall be deactivated until all encumbrances have been removed from the  
234.27 multistate license. All home state disciplinary orders that impose adverse action against the  
234.28 license of a regulated social worker shall include a statement that the regulated social worker's  
234.29 multistate authorization to practice is deactivated in all member states until all conditions  
234.30 of the decision, order, or agreement are satisfied.

234.31 (h) If a member state takes adverse action, it shall promptly notify the administrator of  
234.32 the data system. The administrator of the data system shall promptly notify the home state  
234.33 and all other member states of any adverse actions by remote states.

235.1 (i) Nothing in this compact shall override a member state's decision that participation  
235.2 in an alternative program may be used in lieu of adverse action.

235.3 (j) Nothing in this Compact shall authorize a member state to demand the issuance of  
235.4 subpoenas for attendance and testimony of witnesses or the production of evidence from  
235.5 another member state for lawful actions within that member state.

235.6 (k) Nothing in this Compact shall authorize a member state to impose discipline against  
235.7 a regulated social worker who holds a multistate authorization to practice for lawful actions  
235.8 within another member state.

235.9 **Sec. 10. [148E.49] ESTABLISHMENT OF SOCIAL WORK LICENSURE**  
235.10 **COMPACT COMMISSION.**

235.11 (a) The Compact member states hereby create and establish a joint government agency  
235.12 whose membership consists of all member states that have enacted the compact known as  
235.13 the Social Work Licensure Compact Commission. The Commission is an instrumentality  
235.14 of the Compact states acting jointly and not an instrumentality of any one state. The  
235.15 Commission shall come into existence on or after the effective date of the Compact as set  
235.16 forth in section 148E.53.

235.17 (b) Membership, voting, and meetings:

235.18 (1) Each member state shall have and be limited to one delegate selected by that member  
235.19 state's state licensing authority.

235.20 (2) The delegate shall be either:

235.21 (i) a current member of the state licensing authority at the time of appointment, who is  
235.22 a regulated social worker or public member of the state licensing authority; or

235.23 (ii) an administrator of the state licensing authority or their designee.

235.24 (3) The Commission shall by rule or bylaw establish a term of office for delegates and  
235.25 may by rule or bylaw establish term limits.

235.26 (4) The Commission may recommend removal or suspension of any delegate from office.

235.27 (5) A member state's state licensing authority shall fill any vacancy of its delegate  
235.28 occurring on the Commission within 60 days of the vacancy.

235.29 (6) Each delegate shall be entitled to one vote on all matters before the Commission  
235.30 requiring a vote by Commission delegates.

236.1 (7) A delegate shall vote in person or by such other means as provided in the bylaws.

236.2 The bylaws may provide for delegates to meet by telecommunication, video conference, or  
236.3 other means of communication.

236.4 (8) The Commission shall meet at least once during each calendar year. Additional

236.5 meetings may be held as set forth in the bylaws. The Commission may meet by

236.6 telecommunication, video conference, or other similar electronic means.

236.7 (c) The Commission shall have the following powers:

236.8 (1) establish the fiscal year of the Commission;

236.9 (2) establish code of conduct and conflict of interest policies;

236.10 (3) establish and amend rules and bylaws;

236.11 (4) maintain its financial records in accordance with the bylaws;

236.12 (5) meet and take such actions as are consistent with the provisions of this Compact, the

236.13 Commission's rules, and the bylaws;

236.14 (6) initiate and conclude legal proceedings or actions in the name of the Commission,

236.15 provided that the standing of any state licensing board to sue or be sued under applicable

236.16 law shall not be affected;

236.17 (7) maintain and certify records and information provided to a member state as the

236.18 authenticated business records of the Commission, and designate an agent to do so on the

236.19 Commission's behalf;

236.20 (8) purchase and maintain insurance and bonds;

236.21 (9) borrow, accept, or contract for services of personnel, including but not limited to

236.22 employees of a member state;

236.23 (10) conduct an annual financial review;

236.24 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant

236.25 such individuals appropriate authority to carry out the purposes of the Compact, and establish

236.26 the Commission's personnel policies and programs relating to conflicts of interest,

236.27 qualifications of personnel, and other related personnel matters;

236.28 (12) assess and collect fees;

236.29 (13) accept any and all appropriate gifts, donations, grants of money, other sources of

236.30 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of

237.1 the same, provided that at all times the Commission shall avoid any appearance of  
237.2 impropriety or conflict of interest;

237.3 (14) lease, purchase, retain, own, hold, improve, or use any property real, personal, or  
237.4 mixed, or any undivided interest therein;

237.5 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
237.6 any property real, personal, or mixed;

237.7 (16) establish a budget and make expenditures;

237.8 (17) borrow money;

237.9 (18) appoint committees, including standing committees, composed of members, state  
237.10 regulators, state legislators or their representatives, and consumer representatives, and such  
237.11 other interested persons as may be designated in this Compact and the bylaws;

237.12 (19) provide and receive information from, and cooperate with, law enforcement agencies;

237.13 (20) establish and elect an Executive Committee, including a chair and a vice chair;

237.14 (21) determine whether a state's adopted language is materially different from the model  
237.15 compact language such that the state would not qualify for participation in the Compact;  
237.16 and

237.17 (22) perform such other functions as may be necessary or appropriate to achieve the  
237.18 purposes of this Compact.

237.19 (d) The Executive Committee:

237.20 (1) The Executive Committee shall have the power to act on behalf of the Commission  
237.21 according to the terms of this Compact. The powers, duties, and responsibilities of the  
237.22 Executive Committee shall include:

237.23 (i) oversee the day-to-day activities of the administration of the Compact, including  
237.24 enforcement and compliance with the provisions of the Compact, its rules and bylaws, and  
237.25 other such duties as deemed necessary;

237.26 (ii) recommend to the Commission changes to the rules or bylaws, changes to this  
237.27 Compact legislation, fees charged to Compact member states, fees charged to licensees,  
237.28 and other fees;

237.29 (iii) ensure Compact administration services are appropriately provided, including by  
237.30 contract;

237.31 (iv) prepare and recommend the budget;

- 238.1 (v) maintain financial records on behalf of the Commission;
- 238.2 (vi) monitor Compact compliance of member states and provide compliance reports to  
238.3 the Commission;
- 238.4 (vii) establish additional committees as necessary;
- 238.5 (viii) exercise the powers and duties of the Commission during the interim between  
238.6 Commission meetings, except for adopting or amending rules, adopting or amending bylaws,  
238.7 and exercising any other powers and duties expressly reserved to the Commission by rule  
238.8 or bylaw; and
- 238.9 (ix) other duties as provided in the rules or bylaws of the Commission.
- 238.10 (2) The Executive Committee shall be composed of up to 11 members:
- 238.11 (i) the chair and vice chair of the Commission shall be voting members of the Executive  
238.12 Committee;
- 238.13 (ii) the Commission shall elect five voting members from the current membership of  
238.14 the Commission;
- 238.15 (iii) up to four ex-officio, nonvoting members from four recognized national social work  
238.16 organizations; and
- 238.17 (iv) the ex-officio members will be selected by their respective organizations.
- 238.18 (3) The Commission may remove any member of the Executive Committee as provided  
238.19 in the Commission's bylaws.
- 238.20 (4) The Executive Committee shall meet at least annually.
- 238.21 (i) Executive Committee meetings shall be open to the public, except that the Executive  
238.22 Committee may meet in a closed, nonpublic meeting as provided in paragraph (f), clause  
238.23 (2).
- 238.24 (ii) The Executive Committee shall give seven days' notice of its meetings posted on its  
238.25 website and as determined to provide notice to persons with an interest in the business of  
238.26 the Commission.
- 238.27 (iii) The Executive Committee may hold a special meeting in accordance with paragraph  
238.28 (f), clause (1), item (ii).
- 238.29 (e) The Commission shall adopt and provide to the member states an annual report.
- 238.30 (f) Meetings of the Commission:

239.1 (1) All meetings shall be open to the public, except that the Commission may meet in a  
239.2 closed, nonpublic meeting as provided in paragraph (f), clause (2).

239.3 (i) Public notice for all meetings of the full Commission of meetings shall be given in  
239.4 the same manner as required under the rulemaking provisions in section 148E.51, except  
239.5 that the Commission may hold a special meeting as provided in paragraph (f), clause (1),  
239.6 item (ii).

239.7 (ii) The Commission may hold a special meeting when it must meet to conduct emergency  
239.8 business by giving 48 hours' notice to all commissioners on the Commission's website and  
239.9 other means as provided in the Commission's rules. The Commission's legal counsel shall  
239.10 certify that the Commission's need to meet qualifies as an emergency.

239.11 (2) The Commission or the Executive Committee or other committees of the Commission  
239.12 may convene in a closed, nonpublic meeting for the Commission or Executive Committee  
239.13 or other committees of the Commission to receive legal advice or to discuss:

239.14 (i) noncompliance of a member state with its obligations under the Compact;

239.15 (ii) the employment, compensation, discipline, or other matters, practices, or procedures  
239.16 related to specific employees;

239.17 (iii) current or threatened discipline of a licensee by the Commission or by a member  
239.18 state's licensing authority;

239.19 (iv) current, threatened, or reasonably anticipated litigation;

239.20 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
239.21 estate;

239.22 (vi) accusing any person of a crime or formally censuring any person;

239.23 (vii) trade secrets or commercial or financial information that is privileged or confidential;

239.24 (viii) information of a personal nature where disclosure would constitute a clearly  
239.25 unwarranted invasion of personal privacy;

239.26 (ix) investigative records compiled for law enforcement purposes;

239.27 (x) information related to any investigative reports prepared by or on behalf of or for  
239.28 use of the Commission or other committee charged with responsibility of investigation or  
239.29 determination of compliance issues pursuant to the Compact;

239.30 (xi) matters specifically exempted from disclosure by federal or member state law; or

239.31 (xii) other matters as promulgated by the Commission by rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

(g) Financing of the Commission:

(1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The Commission may accept any and all appropriate revenue sources as provided in paragraph (c), clause (13).

(3) The Commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the Commission shall promulgate by rule.

(4) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

(h) Qualified immunity, defense, and indemnification:

(1) The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official



241.1 capacity, for any claim for damage to or loss of property or personal injury or other civil  
241.2 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,  
241.3 or that the person against whom the claim is made had a reasonable basis for believing  
241.4 occurred within the scope of Commission employment, duties, or responsibilities, provided  
241.5 that nothing in this paragraph shall be construed to protect any such person from suit or  
241.6 liability for any damage, loss, injury, or liability caused by the intentional or willful or  
241.7 wanton misconduct of that person. The procurement of insurance of any type by the  
241.8 Commission shall not in any way compromise or limit the immunity granted hereunder.

241.9 (2) The Commission shall defend any member, officer, executive director, employee,  
241.10 and representative of the Commission in any civil action seeking to impose liability arising  
241.11 out of any actual or alleged act, error, or omission that occurred within the scope of  
241.12 Commission employment, duties, or responsibilities, or as determined by the Commission  
241.13 that the person against whom the claim is made had a reasonable basis for believing occurred  
241.14 within the scope of Commission employment, duties, or responsibilities, provided that  
241.15 nothing herein shall be construed to prohibit that person from retaining their own counsel  
241.16 at their own expense, and provided further, that the actual or alleged act, error, or omission  
241.17 did not result from that person's intentional or willful or wanton misconduct.

241.18 (3) The Commission shall indemnify and hold harmless any member, officer, executive  
241.19 director, employee, and representative of the Commission for the amount of any settlement  
241.20 or judgment obtained against that person arising out of any actual or alleged act, error, or  
241.21 omission that occurred within the scope of Commission employment, duties, or  
241.22 responsibilities, or that such person had a reasonable basis for believing occurred within  
241.23 the scope of Commission employment, duties, or responsibilities, provided that the actual  
241.24 or alleged act, error, or omission did not result from the intentional or willful or wanton  
241.25 misconduct of that person.

241.26 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for  
241.27 professional malpractice or misconduct, which shall be governed solely by any other  
241.28 applicable state laws.

241.29 (5) Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member  
241.30 state's state action immunity or state action affirmative defense with respect to antitrust  
241.31 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or  
241.32 anticompetitive law or regulation.

241.33 (6) Nothing in this Compact shall be construed to be a waiver of sovereign immunity  
241.34 by the member states or by the Commission.

242.1 (i) Notwithstanding paragraph (h), clause (1), the liability of the executive director,  
242.2 employees, or representatives of the interstate commission, acting within the scope of their  
242.3 employment or duties, may not exceed the limits of liability set forth under the constitution  
242.4 and laws of this state for state officials, employees, and agents. This paragraph expressly  
242.5 incorporates section 3.736, and neither expands nor limits the rights and remedies provided  
242.6 under that statute.

242.7 (j) Except for a claim alleging a violation of this compact, a claim against the commission,  
242.8 its executive director, employees, or representatives alleging a violation of the constitution  
242.9 and laws of this state may be brought in any county where the plaintiff resides. Nothing in  
242.10 this paragraph creates a private right of action.

242.11 **Sec. 11. [148E.50] DATA SYSTEM.**

242.12 (a) The Commission shall provide for the development, maintenance, operation, and  
242.13 utilization of a coordinated data system.

242.14 (b) The Commission shall assign each applicant for a multistate license a unique identifier,  
242.15 as determined by the rules of the Commission.

242.16 (c) Notwithstanding any other provision of state law to the contrary, a member state  
242.17 shall submit a uniform data set to the data system on all individuals to whom this Compact  
242.18 is applicable as required by the rules of the Commission, including:

242.19 (1) identifying information;

242.20 (2) licensure data;

242.21 (3) adverse actions against a license and information related thereto;

242.22 (4) nonconfidential information related to alternative program participation, the beginning  
242.23 and ending dates of such participation, and other information related to such participation  
242.24 not made confidential under member state law;

242.25 (5) any denial of application for licensure, and the reason for such denial;

242.26 (6) the presence of current significant investigative information; and

242.27 (7) other information that may facilitate the administration of this Compact or the  
242.28 protection of the public, as determined by the rules of the Commission.

242.29 (d) The records and information provided to a member state pursuant to this Compact  
242.30 or through the data system, when certified by the Commission or an agent thereof, shall  
242.31 constitute the authenticated business records of the Commission, and shall be entitled to

243.1 any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative  
243.2 proceedings in a member state.

243.3 (e) Current significant investigative information pertaining to a licensee in any member  
243.4 state will only be available to other member states.

243.5 (f) It is the responsibility of the member states to report any adverse action against a  
243.6 licensee and to monitor the database to determine whether adverse action has been taken  
243.7 against a licensee. Adverse action information pertaining to a licensee in any member state  
243.8 will be available to any other member state.

243.9 (g) Member states contributing information to the data system may designate information  
243.10 that may not be shared with the public without the express permission of the contributing  
243.11 state.

243.12 (h) Any information submitted to the data system that is subsequently expunged pursuant  
243.13 to federal law or the laws of the member state contributing the information shall be removed  
243.14 from the data system.

243.15 **Sec. 12. [148E.51] RULEMAKING.**

243.16 (a) The Commission shall promulgate reasonable rules in order to effectively and  
243.17 efficiently implement and administer the purposes and provisions of the Compact. A rule  
243.18 shall be invalid and have no force or effect only if a court of competent jurisdiction holds  
243.19 that the rule is invalid because the Commission exercised its rulemaking authority in a  
243.20 manner that is beyond the scope and purposes of the Compact, or the powers granted  
243.21 hereunder, or based upon another applicable standard of review.

243.22 (b) The rules of the Commission shall have the force of law in each member state,  
243.23 provided however that where the rules of the Commission conflict with the laws of the  
243.24 member state that establish the member state's laws, regulations, and applicable standards  
243.25 that govern the practice of social work as held by a court of competent jurisdiction, the rules  
243.26 of the Commission shall be ineffective in that state to the extent of the conflict.

243.27 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set  
243.28 forth in this section and the rules adopted thereunder. Rules shall become binding on the  
243.29 day following adoption or the date specified in the rule or amendment, whichever is later.

243.30 (d) If a majority of the legislatures of the member states rejects a rule or portion of a  
243.31 rule, by enactment of a statute or resolution in the same manner used to adopt the Compact  
243.32 within four years of the date of adoption of the rule, then such rule shall have no further  
243.33 force and effect in any member state.

244.1 (e) Rules shall be adopted at a regular or special meeting of the Commission.

244.2 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and  
244.3 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

244.4 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in  
244.5 advance of the meeting at which the Commission will hold a public hearing on the proposed  
244.6 rule, the Commission shall provide a notice of proposed rulemaking:

244.7 (1) on the website of the Commission or other publicly accessible platform;

244.8 (2) to persons who have requested notice of the Commission's notices of proposed  
244.9 rulemaking; and

244.10 (3) in such other way as the Commission may by rule specify.

244.11 (h) The notice of proposed rulemaking shall include:

244.12 (1) the time, date, and location of the public hearing at which the Commission will hear  
244.13 public comments on the proposed rule and, if different, the time, date, and location of the  
244.14 meeting where the Commission will consider and vote on the proposed rule;

244.15 (2) if the hearing is held via telecommunication, video conference, or other electronic  
244.16 means, the Commission shall include the mechanism for access to the hearing in the notice  
244.17 of proposed rulemaking;

244.18 (3) the text of the proposed rule and the reason therefor;

244.19 (4) a request for comments on the proposed rule from any interested person; and

244.20 (5) the manner in which interested persons may submit written comments.

244.21 (i) All hearings will be recorded. A copy of the recording and all written comments and  
244.22 documents received by the Commission in response to the proposed rule shall be available  
244.23 to the public.

244.24 (j) Nothing in this section shall be construed as requiring a separate hearing on each  
244.25 rule. Rules may be grouped for the convenience of the Commission at hearings required by  
244.26 this section.

244.27 (k) The Commission shall, by majority vote of all members, take final action on the  
244.28 proposed rule based on the rulemaking record and the full text of the rule.

244.29 (1) The Commission may adopt changes to the proposed rule, provided the changes do  
244.30 not enlarge the original purpose of the proposed rule.

245.1 (2) The Commission shall provide an explanation of the reasons for substantive changes  
245.2 made to the proposed rule as well as reasons for substantive changes not made that were  
245.3 recommended by commenters.

245.4 (3) The Commission shall determine a reasonable effective date for the rule. Except for  
245.5 an emergency as provided in paragraph (1), the effective date of the rule shall be no sooner  
245.6 than 30 days after issuing the notice that it adopted or amended the rule.

245.7 (l) Upon determination that an emergency exists, the Commission may consider and  
245.8 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that  
245.9 the usual rulemaking procedures provided in the Compact and in this section shall be  
245.10 retroactively applied to the rule as soon as reasonably possible, in no event later than 90  
245.11 days after the effective date of the rule. For the purposes of this provision, an emergency  
245.12 rule is one that must be adopted immediately in order to:

245.13 (1) meet an imminent threat to public health, safety, or welfare;

245.14 (2) prevent a loss of Commission or member state funds;

245.15 (3) meet a deadline for the promulgation of a rule that is established by federal law or  
245.16 rule; or

245.17 (4) protect public health and safety.

245.18 (m) The Commission or an authorized committee of the Commission may direct revisions  
245.19 to a previously adopted rule for purposes of correcting typographical errors, errors in format,  
245.20 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted  
245.21 on the website of the Commission. The revision shall be subject to challenge by any person  
245.22 for a period of 30 days after posting. The revision may be challenged only on grounds that  
245.23 the revision results in a material change to a rule. A challenge shall be made in writing and  
245.24 delivered to the Commission prior to the end of the notice period. If no challenge is made,  
245.25 the revision will take effect without further action. If the revision is challenged, the revision  
245.26 may not take effect without the approval of the Commission.

245.27 (n) No member state's rulemaking requirements shall apply under this compact.

245.28 **Sec. 13. [148E.52] OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.**

245.29 (a) Oversight:

245.30 (1) The executive and judicial branches of state government in each member state shall  
245.31 enforce this Compact and take all actions necessary and appropriate to implement the  
245.32 Compact.

(2) Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(3) The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

(b) Default, technical assistance, and termination:

(1) If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The Commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.

(e) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

247.1 (f) Upon the termination of a state's membership from this Compact, that state shall  
247.2 immediately provide notice to all licensees within that state of such termination. The  
247.3 terminated state shall continue to recognize all licenses granted pursuant to this Compact  
247.4 for a minimum of six months after the date of said notice of termination.

247.5 (g) The Commission shall not bear any costs related to a state that is found to be in  
247.6 default or that has been terminated from the Compact, unless agreed upon in writing between  
247.7 the Commission and the defaulting state.

247.8 (h) The defaulting state may appeal the action of the Commission by petitioning the  
247.9 United States District Court for the District of Columbia or the federal district where the  
247.10 Commission has its principal offices. The prevailing party shall be awarded all costs of such  
247.11 litigation, including reasonable attorney fees.

247.12 (i) Dispute resolution:

247.13 (1) Upon request by a member state, the Commission shall attempt to resolve disputes  
247.14 related to the Compact that arise among member states and between member and nonmember  
247.15 states.

247.16 (2) The Commission shall promulgate a rule providing for both mediation and binding  
247.17 dispute resolution for disputes as appropriate.

247.18 (j) Enforcement:

247.19 (1) By majority vote as provided by rule, the Commission may initiate legal action  
247.20 against a member state in default in the United States District Court for the District of  
247.21 Columbia or the federal district where the Commission has its principal offices to enforce  
247.22 compliance with the provisions of the Compact and its promulgated rules. The relief sought  
247.23 may include both injunctive relief and damages. In the event judicial enforcement is  
247.24 necessary, the prevailing party shall be awarded all costs of such litigation, including  
247.25 reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the  
247.26 Commission. The Commission may pursue any other remedies available under federal or  
247.27 the defaulting member state's law.

247.28 (2) A member state may initiate legal action against the Commission in the United States  
247.29 District Court for the District of Columbia or the federal district where the Commission has  
247.30 its principal offices to enforce compliance with the provisions of the Compact and its  
247.31 promulgated rules. The relief sought may include both injunctive relief and damages. In the  
247.32 event judicial enforcement is necessary, the prevailing party shall be awarded all costs of  
247.33 such litigation, including reasonable attorney fees.

248.1 (3) No person other than a member state shall enforce this compact against the  
248.2 Commission.

248.3 Sec. 14. **[148E.53] EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.**

248.4 (a) The Compact shall come into effect on the date on which the Compact statute is  
248.5 enacted into law in the seventh member state.

248.6 (1) On or after the effective date of the Compact, the Commission shall convene and  
248.7 review the enactment of each of the first seven member states ("charter member states") to  
248.8 determine if the statute enacted by each such charter member state is materially different  
248.9 than the model Compact statute.

248.10 (i) A charter member state whose enactment is found to be materially different from the  
248.11 model Compact statute shall be entitled to the default process set forth in section 148E.52.

248.12 (ii) If any member state is later found to be in default, or is terminated or withdraws  
248.13 from the Compact, the Commission shall remain in existence and the Compact shall remain  
248.14 in effect even if the number of member states should be less than seven.

248.15 (2) Member states enacting the compact subsequent to the seven initial charter member  
248.16 states shall be subject to the process set forth in section 148E.49, paragraph (c), clause (21),  
248.17 to determine if their enactments are materially different from the model Compact statute  
248.18 and whether they qualify for participation in the Compact.

248.19 (3) All actions taken for the benefit of the Commission or in furtherance of the purposes  
248.20 of the administration of the Compact prior to the effective date of the Compact or the  
248.21 Commission coming into existence shall be considered to be actions of the Commission  
248.22 unless specifically repudiated by the Commission.

248.23 (4) Any state that joins the Compact subsequent to the Commission's initial adoption of  
248.24 the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on  
248.25 which the Compact becomes law in that state. Any rule that has been previously adopted  
248.26 by the Commission shall have the full force and effect of law on the day the Compact  
248.27 becomes law in that state.

248.28 (b) Any member state may withdraw from this Compact by enacting a statute repealing  
248.29 the same.

248.30 (1) A member state's withdrawal shall not take effect until 180 days after enactment of  
248.31 the repealing statute.



(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

(d) This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Sec. 15. **[148E.54] CONSTRUCTION AND SEVERABILITY.**

(a) This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

(b) The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding paragraph (b), the Commission may deny a state's participation in the Compact or, in accordance with the requirements of section 148E.52, paragraph (b), terminate a member state's participation in the Compact, if it determines that a constitutional requirement of a member state is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any member state, the Compact

250.1 shall remain in full force and effect as to the remaining member states and in full force and  
250.2 effect as to the member state affected as to all severable matters.

250.3 Sec. 16. **[148E.55] CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE**  
250.4 **LAWS.**

250.5 (a) A licensee providing services in a remote state under a multistate authorization to  
250.6 practice shall adhere to the laws and regulations, including laws, regulations, and applicable  
250.7 standards, of the remote state where the client is located at the time care is rendered.

250.8 (b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member  
250.9 state that is not inconsistent with the Compact.

250.10 (c) Any laws, statutes, regulations, or other legal requirements in a member state in  
250.11 conflict with the Compact are superseded to the extent of the conflict.

250.12 (d) All permissible agreements between the Commission and the member states are  
250.13 binding in accordance with their terms."

250.14 Delete the title and insert:

250.15 "A bill for an act

250.16 relating to health occupations; establishing transfer care specialist registration;  
250.17 providing licensure for behavior analysts and assistants; providing licensure for  
250.18 veterinary technicians; modifying required education criteria for dental assistants;  
250.19 creating guest licensure for marriage and family therapists; revising the scope of  
250.20 practice for optometrists; creating a limited licensure to practice medicine for  
250.21 international medical graduates; establishing licensure for certified midwives;  
250.22 establishing licensure for speech-language pathology assistants; creating a licensure  
250.23 compact for physician assistants, occupational therapists, physical therapists,  
250.24 licensed professional counselors, audiologists and speech language pathologists,  
250.25 dentists and dental hygienists, and social workers; establishing fees; appropriating  
250.26 money; amending Minnesota Statutes 2022, sections 144.0572, subdivision 1;  
250.27 147.037, by adding a subdivision; 147B.01, subdivisions 3, 4, 9, 14, by adding a  
250.28 subdivision; 147B.03, subdivisions 2, 3; 147B.05, subdivision 1; 147B.06,  
250.29 subdivisions 1, 4, 5; 147D.03, subdivision 1; 148.241; 148.511; 148.512,  
250.30 subdivision 17a; 148.513, subdivisions 1, 2, 3, by adding a subdivision; 148.514,  
250.31 subdivision 2; 148.515, subdivision 1; 148.518; 148.519, subdivision 1, by adding  
250.32 a subdivision; 148.5191, subdivision 1, by adding a subdivision; 148.5192,  
250.33 subdivisions 1, 2, 3; 148.5193, subdivision 1, by adding a subdivision; 148.5194,  
250.34 subdivision 8, by adding a subdivision; 148.5195, subdivisions 5, 6; 148.5196,  
250.35 subdivision 3; 148.56, subdivision 1; 148D.061, subdivisions 1, 8; 148D.062,  
250.36 subdivisions 3, 4; 148D.063, subdivisions 1, 2; 148E.055, by adding subdivisions;  
250.37 149A.01, subdivision 3; 149A.02, subdivision 13a, by adding a subdivision;  
250.38 149A.03; 149A.09; 149A.11; 149A.60; 149A.61, subdivisions 4, 5; 149A.62;  
250.39 149A.63; 149A.65, subdivision 2; 149A.70, subdivisions 3, 4, 5, 7; 149A.90,  
250.40 subdivisions 2, 4, 5; 150A.06, subdivisions 1c, 8; 151.01, subdivision 23; 152.12,  
250.41 subdivision 1; 156.001, by adding subdivisions; 156.07; 156.12, subdivisions 2,  
250.42 4; 256B.0625, by adding a subdivision; Minnesota Statutes 2023 Supplement,  
250.43 sections 144.99, subdivision 1; 148.5195, subdivision 3; 148.5196, subdivision 1;  
250.44 148B.392, subdivision 2; 245C.031, subdivision 4; proposing coding for new law  
250.45 in Minnesota Statutes, chapters 148; 148B; 148E; 149A; 150A; 156; proposing

251.1

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coding for new law as Minnesota Statutes, chapter 148G; repealing Minnesota Statutes 2022, sections 147A.09, subdivision 5; 147B.01, subdivision 18; 148D.061, subdivision 9; 156.12, subdivision 6."

251.4

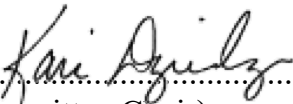
And when so amended the bill do pass and be re-referred to the Committee on Finance.

251.5

Amendments adopted. Report adopted.

251.6

251.7



(Committee Chair)

251.8

251.9

May 2, 2024.....

(Date of Committee recommendation)