

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

3
4 **Title of Rule:** Rule on Rulemaking

5 **Drafted:** January 2022

6 **Meeting at which Rule will be discussed and voted on:** TBD

7 **Public comment:** Interested persons may electronically submit written comments on the
8 proposed rule at jeliassen@csg.org or by attending the meeting at which
9 the rule will be discussed and voted on. Written comments on the
10 proposed rule must be submitted by 2 pm the day before the meeting.

11 **Effective:** TBD

12 **Reason for Rule:** To further define and establish procedure and policy for proposal and
13 promulgation of rules pursuant to Section 10 of the ASLP-IC.

14 **History for Rule:** Introduced at public meeting on January 12, 2022

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17 **Chapter 1:** Rulemaking

18 **Authority:** Section 12: Date of Implementation of the Interstate Commission for
19 Audiology and Speech-Language Pathology Practice and Associated
20 Rules, Withdrawal, and Amendment

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

23 Section 10: Rulemaking

24 **1.0 Purpose:** **Pursuant to Section 10**, the Audiology and Speech-Language Pathology
25 Interstate Compact Commission shall promulgate reasonable and lawful
26 uniform rules to facilitate and coordinate implementation and
27 administration of the Audiology and Speech-Language Pathology
28 Interstate Compact. This rule will become effective upon passage by the
29 Audiology and Speech-Language Pathology Interstate Compact
30 Commission as provided in Section 10 of the Audiology and Speech-
31 Language Pathology Interstate Compact.

32 **1.1 Definition(s):** (a) **“Commission”** means: the Audiology and Speech-Language
33 Pathology Interstate Compact Commission, which is the national

34 administrative body whose membership consists of all states that have
35 enacted the Compact.

36 (b) **“Compact”** means: Audiology and Speech-Language Pathology
37 Interstate Compact (ASLP-IC).

38 (c) **“Delegate”** means: the appointed delegate from each state as described
39 in Section 8 of the Compact and further rules promulgated by the
40 Commission pursuant to the criteria set forth in Section 10.

41 (d) **“Member state”** means a state a state, the District of Columbia, or
42 United States territory that has enacted this Compact legislation and which
43 has not withdrawn pursuant to Section 12 or has not been discharged
44 pursuant to Section 11 due to non-compliance with the provisions of
45 Section 3.

46 (d) **“Rule”** means: a regulation, principle or directive promulgated by the
47 Commission pursuant to the criteria set forth in Section 10 that has the
48 force and effect of statutory law in a Member State and includes the
49 amendment, repeal, or suspension of an existing rule.

50 (e) **“Rules Committee”** means: a committee that is established as a
51 standing committee to develop reasonable and lawful uniform rules for
52 consideration by the Commission and subsequent implementation by the
53 states and to review existing rules and recommend necessary changes to
54 the Commission for consideration.

55 (f) **“State”** means: any state, commonwealth, territory, or possession of
56 the United States, the District of Columbia.

57 **1.2 Proposed rules or amendments:** rules shall be adopted by majority vote of the Member
58 States of the Commission pursuant to the criteria set forth in Section 10 and in the following
59 manner:

60 (a) New rules and amendments to existing rules proposed pursuant to Section 8 and
61 Section 10 and the Commission Bylaws shall be submitted to the Commission office for
62 referral to the Rules Committee as follows:

63 (1) Any Delegate may submit a proposed rule or rule amendment for referral to
64 the Rules Committee during the next scheduled Commission meeting. or

65 (2) Standing Committees of the Commission may propose rules or rule
66 amendments by majority vote of that Committee.

67 (3) The Commission or an authorized committee of the Commission may direct
68 revisions to a previously adopted rule or amendment for purposes of correcting
69 typographical errors, errors in format, errors in consistency, or grammatical
70 errors. Public notice of any revisions shall be posted on the website of the
71 Commission. The revision shall be subject to challenge by any person for a period
72 of thirty (30) days after posting. The revision may be challenged only on grounds
73 that the revision results in a material change to a rule. A challenge shall be made

74 in writing and delivered to the Chair of the Commission prior to the end of the
75 notice period. If no challenge is made, the revision will take effect without further
76 action. If the revision is challenged, the revision may not take effect without the
77 approval of the Commission.
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79 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to all
80 Delegates for review and comments. Based on the comments made by the Delegates the Rules
81 Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by
82 the Commission not later than 30 days prior to the next Commission meeting.

83 **1.4 Prior to promulgation and adoption of a final rule:** In accordance with Section 10 of the
84 Compact, the Commission shall publish the text of the proposed rule or amendment prepared by
85 the Rules Committee not later than 30 days prior to the meeting at which the vote is scheduled,
86 on the official web site of the Commission and on the website of each member state licensing
87 board or other publicly accessible platform or the publication in which each state would
88 otherwise publish proposed rules. All written comments received by the Rules Committee on
89 proposed rules shall be made available to the public upon request. In addition to the text of the
90 proposed rule or amendment, the reason for the proposed rule shall be provided.

91 **1.5 The Notice of Proposed Rulemaking shall include:**

- 92 (a) The proposed time, date and location of the meeting in which the rule shall be
93 considered and voted upon,
- 94 (b) The text of the proposed rule or amendment and the reason for the proposed rule.
- 95 (c) A request for comments on the proposed rule from any interested person; and
- 96 (d) The manner in which interested persons may submit notice to the Commission of their
97 intention to attend the public meeting and any written comments.
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99 **1.6 Public Hearings:** The Commission shall grant an opportunity for a public hearing before it
100 adopts a rule or amendment if a hearing is requested by:

- 101 1. At least twenty-five (25) persons;
- 102 2. A state or federal governmental subdivision or agency; or
- 103 3. An association having at least twenty-five (25) members.

104 If no written notice of intent to attend the public hearing by interested parties is received, the
105 Commission may proceed with promulgation of the proposed rule without a public hearing.

106 If a hearing is held on the proposed rule or amendment, the Commission shall publish the place,
107 time, and date of the scheduled public hearing. If the hearing is held via electronic means, the
108 Commission shall publish the mechanism for access to the electronic hearing.

- 109 1. All persons wishing to be heard at the hearing shall notify the executive director of the
110 Commission or other designated member in writing of their desire to appear and testify at
111 the hearing not less than five (5) business days before the scheduled date of the hearing.
112 2. Hearings shall be conducted in a manner providing each person who wishes to comment
113 a fair and reasonable opportunity to comment orally or in writing.
114 3. All hearings shall be recorded. A copy of the recording shall be made available on
115 request.
116 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
117 Rules may be grouped for the convenience of the Commission at hearings required by
118 this section.

119 Following the scheduled hearing date, or by the close of business on the scheduled hearing date
120 if the hearing was not held, the Commission shall consider all written and oral comments
121 received.

122 **1.7 Final adoption of rule:** The Commission shall, by majority vote of all Member States, take
123 final action on the proposed rule and shall determine the effective date of the rule, if any, based
124 on the rulemaking record and the full text of the rule.

- 125 1. If a majority of the legislatures of the Member States rejects a rule, by enactment of a
126 statute or resolution in the same manner used to adopt the Compact within 4 years of the
127 date of adoption of the rule, the rule shall have no further force and effect in any member
128 state.
129 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
130 Commission.

131 **1.8 Status of Rules upon adoption of Compact additional member states:** Any state that joins
132 the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the
133 rules as they exist on the date on which the Compact becomes law in that state. Any rule that has
134 been previously adopted by the Commission shall have the full force and effect of law on the day
135 the Compact becomes law in that state.

136 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission
137 may consider and adopt an emergency rule without prior notice, opportunity for comment, or
138 hearing, provided that the usual rulemaking procedures provided in the Compact and in this
139 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later
140 than ninety (90) days after the effective date of the rule. For the purposes of this provision, an
141 emergency rule is one that must be adopted immediately in order to:

- 142 1. Meet an imminent threat to public health, safety, or welfare,
143 2. Prevent a loss of Commission or member state funds; or
144 3. Meet a deadline for the promulgation of an administrative rule that is established by
145 federal law or rule

146 The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this
147 Section and the rules adopted thereunder. Rules and amendments shall become binding as of the
148 date specified in each rule or amendment.

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