

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

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4 **Title of Rule:** Rule on Rulemaking
5 **Drafted:** January 12, 2022
6 **Effective:** May 2, 2022
7 **Amended:**
8 **History for Rule:** Introduced at public meeting on January 12, 2022
9 Adopted at public meeting on May 2, 2022

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13 **Chapter 1:** Rulemaking

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

17 Section 8: Establishment of the Audiology and Speech-Language
18 Pathology Interstate Compact Commission

19 Section 10: Rulemaking

20 **1.0 Purpose:** **Pursuant to Section 10**, the Audiology and Speech-Language Pathology
21 Interstate Compact Commission shall promulgate reasonable and lawful
22 uniform rules to facilitate and coordinate implementation and
23 administration of the Audiology and Speech-Language Pathology
24 Interstate Compact. This rule will become effective upon passage by the
25 Audiology and Speech-Language Pathology Interstate Compact
26 Commission as provided in Section 10 of the Audiology and Speech-
27 Language Pathology Interstate Compact.

28 **1.1 Definition(s):** (a) **“Commission”** means: the Audiology and Speech-Language
29 Pathology Interstate Compact Commission, which is the national
30 administrative body whose membership consists of all states that have
31 enacted the Compact.

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

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

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39 not withdrawn pursuant to Section 12 or has not been discharged pursuant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

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

45 (e) “**Rules Committee**” means: a committee that is established as a
46 standing committee to develop reasonable and lawful uniform rules for
47 consideration by the Commission and subsequent implementation by the
48 states and to review existing rules and recommend necessary changes to
49 the Commission for consideration.

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

52 **1.2 Proposed rules or amendments:** rules shall be adopted by majority vote of the Member
53 States of the Commission pursuant to the criteria set forth in Section 10 and in the following
54 manner:

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

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

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

62 (3) The Commission or an authorized committee of the Commission may direct
63 revisions to a previously adopted rule or amendment for purposes of correcting
64 typographical errors, errors in format, errors in consistency, or grammatical
65 errors. Public notice of any revisions shall be posted on the website of the
66 Commission. The revision shall be subject to challenge by any person for a period
67 of thirty (30) days after posting. The revision may be challenged only on grounds
68 that the revision results in a material change to a rule. A challenge shall be made
69 in writing and delivered to the Chair of the Commission prior to the end of the
70 notice period. If no challenge is made, the revision will take effect without further
71 action. If the revision is challenged, the revision may not take effect without the
72 approval of the Commission.

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74 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to all
75 Delegates for review and comments. Based on the comments made by the Delegates the Rules
76 Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by
77 the Commission not later than 30 days prior to the next Commission meeting.

78 **1.4 Prior to promulgation and adoption of a final rule:** In accordance with Section 10 of the
79 Compact, the Commission shall publish the text of the proposed rule or amendment prepared by
80 the Rules Committee not later than 30 days prior to the meeting at which the vote is scheduled,
81 on the official web site of the Commission and on the website of each member state licensing
82 board or other publicly accessible platform or the publication in which each state would
83 otherwise publish proposed rules. All written comments received by the Rules Committee on
84 proposed rules shall be made available to the public upon request. In addition to the text of the
85 proposed rule or amendment, the reason for the proposed rule shall be provided.

86 **1.5 The Notice of Proposed Rulemaking shall include:**

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

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

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

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

- 104 1. All persons wishing to be heard at the hearing shall notify the executive director of the
105 Commission or other designated member in writing of their desire to appear and testify at
106 the hearing not less than five (5) business days before the scheduled date of the hearing.
- 107 2. Hearings shall be conducted in a manner providing each person who wishes to comment
108 a fair and reasonable opportunity to comment orally or in writing.
- 109 3. All hearings shall be recorded. A copy of the recording shall be made available on
110 request.

111 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
112 Rules may be grouped for the convenience of the Commission at hearings required by
113 this section.

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

117 **1.7 Final adoption of rule:** The Commission shall, by majority vote of all Member States, take
118 final action on the proposed rule and shall determine the effective date of the rule, if any, based
119 on the rulemaking record and the full text of the rule.

120 1. If a majority of the legislatures of the Member States rejects a rule, by enactment of a
121 statute or resolution in the same manner used to adopt the Compact within 4 years of the
122 date of adoption of the rule, the rule shall have no further force and effect in any member
123 state.

124 2. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
125 Commission.

126 **1.8 Status of Rules upon adoption of Compact additional member states:** Any state that joins
127 the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the
128 rules as they exist on the date on which the Compact becomes law in that state. Any rule that has
129 been previously adopted by the Commission shall have the full force and effect of law on the day
130 the Compact becomes law in that state.

131 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission
132 may consider and adopt an emergency rule without prior notice, opportunity for comment, or
133 hearing, provided that the usual rulemaking procedures provided in the Compact and in this
134 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later
135 than ninety (90) days after the effective date of the rule. For the purposes of this provision, an
136 emergency rule is one that must be adopted immediately in order to:

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

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