
Draft Rule on Implementation of Criminal Background Check

Title of Rule: Rule on Implementation of Criminal Background Check

Drafted: August 10, 2023

Meeting at which Rule will be discussed and voted on: Commission Annual Meeting on Saturday, October 7, 2023 [[Link to Zoom Meeting](#)]

Public Comment: Interested persons may electronically submit written comments on the proposed rule to kbuckhout@csg.org with the subject line "ASLP-IC Commission Rule Comment" or by attending the meeting at which the rule will be discussed and voted on. Written comments on the proposed rule must be submitted by 12 p.m. ET on October 6, 2023.

Effective: 30 days after Full Commission Approval.

History for Rule: August 10, 2023: Rules Committee votes to forward to Executive Committee.

August 28, 2023: Executive Committee votes to forward to full Commission.

Chapter 3: Rulemaking on Implementing Criminal Background Checks

Authority: Section 3: State Participation in the Compact

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

Section 10: Rulemaking

3.0 Purpose: Pursuant to Section 3.B.1, and Section 10, a state must implement or utilize procedures for considering the criminal history records of applicants for 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. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background check and rule the results in making licensure decisions.

The Audiology and Speech-Language Pathology Interstate Compact Commission shall promulgate reasonable and lawful uniform rules to facilitate and coordinate implementation and administration of the Audiology and Speech-Language Pathology Interstate Compact. This rule will become effective upon passage by the Audiology and Speech-Language Pathology Interstate Compact Commission as provided in Section 10 of the Audiology and Speech-Language Pathology Interstate Compact.

3.1 Implementation of Criminal Background Check:

To avoid default, member states must have completed all required processes, requirements, and applications necessary to request the ability to receive the results of the Federal Bureau of Investigation (FBI) record search on criminal background checks, as required by the Compact. Deference will be given to member states who can demonstrate that they have engaged in good faith efforts to implement the FBI Criminal Background Check including, but not limited to, introduction of related legislation, negotiations with FBI state information bureaus, etc.

Results of the criminal background check shall be reviewed solely by the member state in accordance with state law.

Communication between a member board and the Interstate Commission and communications between member boards regarding verification of Audiologist or Speech-Language Pathologist eligibility for a license/privilege through the Compact shall not include any information received from the FBI relating to a federal criminal records check performed by a member board under Public Law 92-544.

A member state cannot participate in issuing compact privileges until such member state has completed the requirements to fully implement the FBI Criminal Background Check requirement established in Section 3.B.1 of the Compact. As used in Section 3.B.1 of the Compact, full implementation of the FBI Criminal Background Check requirement means that the member state's licensing board is using the results of the FBI record search on criminal background checks in making licensure decisions for all applicants seeking an initial privilege to practice as an Audiologist or Speech-Language Pathologist in the member state.