

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 2022  
6   **Effective:**             TBD  
7   **Amended:**  
8   **History for Rule:**    Introduced at public meeting on January 12, 2022

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11 **Chapter 1:**             Rulemaking

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

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

17                             Section 10: Rulemaking

18 **1.0 Purpose:**        **Pursuant to Section 10**, the Audiology and Speech-Language Pathology  
19                             Interstate Compact Commission shall promulgate reasonable and lawful  
20                             uniform rules to facilitate and coordinate implementation and  
21                             administration of the Audiology and Speech-Language Pathology  
22                             Interstate Compact. This rule will become effective upon passage by the  
23                             Audiology and Speech-Language Pathology Interstate Compact  
24                             Commission as provided in Section 10 of the Audiology and Speech-  
25                             Language Pathology Interstate Compact.

26 **1.1 Definition(s):**   (a) **“Commission”** means: the Audiology and Speech-Language  
27                             Pathology Interstate Compact Commission, which is the national  
28                             administrative body whose membership consists of all states that have  
29                             enacted the Compact.  
30                             (b) **“Compact”** means: Audiology and Speech-Language Pathology  
31                             Interstate Compact (ASLP-IC).  
32                             (c) **“Delegate”** means: the appointed delegate from each state as described  
33                             in Section 8 of the Compact and further rules promulgated by the  
34                             Commission pursuant to the criteria set forth in Section 10.  
35                             (d) **“Member state”** means a state a state, the District of Columbia, or

36 United States territory that has enacted this Compact legislation and which  
37 has not withdrawn pursuant to Section 12 or has not been discharged  
38 pursuant to Section 11 due to non-compliance with the provisions of  
39 Section 3.

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

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

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

51 **1.2 Proposed rules or amendments:** rules shall be adopted by majority vote of the Member  
52 States of the Commission pursuant to the criteria set forth in Section 10 and in the following  
53 manner:

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

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

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

61 (3) The Commission or an authorized committee of the Commission may direct  
62 revisions to a previously adopted rule or amendment for purposes of correcting  
63 typographical errors, errors in format, errors in consistency, or grammatical  
64 errors. Public notice of any revisions shall be posted on the website of the  
65 Commission. The revision shall be subject to challenge by any person for a period  
66 of thirty (30) days after posting. The revision may be challenged only on grounds  
67 that the revision results in a material change to a rule. A challenge shall be made  
68 in writing and delivered to the Chair of the Commission prior to the end of the  
69 notice period. If no challenge is made, the revision will take effect without further  
70 action. If the revision is challenged, the revision may not take effect without the  
71 approval of the Commission.  
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73 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to all  
74 Delegates for review and comments. Based on the comments made by the Delegates the Rules

75 Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by  
76 the Commission not later than 30 days prior to the next Commission meeting.

77 **1.4 Prior to promulgation and adoption of a final rule:** In accordance with Section 10 of the  
78 Compact, the Commission shall publish the text of the proposed rule or amendment prepared by  
79 the Rules Committee not later than 30 days prior to the meeting at which the vote is scheduled,  
80 on the official web site of the Commission and on the website of each member state licensing  
81 board or other publicly accessible platform or the publication in which each state would  
82 otherwise publish proposed rules. All written comments received by the Rules Committee on  
83 proposed rules shall be made available to the public upon request. In addition to the text of the  
84 proposed rule or amendment, the reason for the proposed rule shall be provided.

85 **1.5 The Notice of Proposed Rulemaking shall include:**

- 86 (a) The proposed time, date and location of the meeting in which the rule shall be  
87 considered and voted upon,
- 88 (b) The text of the proposed rule or amendment and the reason for the proposed rule.
- 89 (c) A request for comments on the proposed rule from any interested person; and
- 90 (d) The manner in which interested persons may submit notice to the Commission of their  
91 intention to attend the public meeting and any written comments.
- 92

93 **1.6 Public Hearings:** The Commission shall grant an opportunity for a public hearing before it  
94 adopts a rule or amendment if a hearing is requested by:

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

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

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

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

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

116 **1.7 Final adoption of rule:** The Commission shall, by majority vote of all Member States, take  
117 final action on the proposed rule and shall determine the effective date of the rule, if any, based  
118 on the rulemaking record and the full text of the rule.

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

125 **1.8 Status of Rules upon adoption of Compact additional member states:** Any state that joins  
126 the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the  
127 rules as they exist on the date on which the Compact becomes law in that state. Any rule that has  
128 been previously adopted by the Commission shall have the full force and effect of law on the day  
129 the Compact becomes law in that state.

130 **1.9 Emergency Rulemaking:** Upon determination that an emergency exists, the Commission  
131 may consider and adopt an emergency rule without prior notice, opportunity for comment, or  
132 hearing, provided that the usual rulemaking procedures provided in the Compact and in this  
133 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later  
134 than ninety (90) days after the effective date of the rule. For the purposes of this provision, an  
135 emergency rule is one that must be adopted immediately in order to:

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

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