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

Title of Rule: Rule on Implementation of Criminal Background Check Requirement

Original Rule Drafted: August 10, 2023

Amended Rule Drafted: March 13, 2025

Meeting at which Amended Rule will be discussed and voted on:
ASLP-IC Special Full Commission Meeting
June 30, 2025 via virtual teleconference (Zoom)
Meeting Link: https://us06web.zoom.us/j/88319496998?pwd=o5zp8y4ABCKjqidFh6FwPmlv74DBbu.1

Public Comment: Interested persons may electronically submit written comments on the proposed rule to info@aslpcompact.com 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 5 p.m. ET on Friday, June 27, 2025.

Effective: 30 days after Full Commission Approval.

History for Rule:
August 10, 2023: Rules Committee voted to forward Original Rule to Executive Committee
August 28, 2023: Executive Committee voted to forward Original Rule to Full Commission
September 7, 2023: Original Rule posted to Commission Website
October 7, 2023: Original Rule adopted by Full Commission
Nov.6, 2023: Original Rule becomes effective
March 13, 2025: Amended Rule introduced at Rules Committee Meeting
April 10, 2025: Rules Committee voted to forward Amended Rule to Executive Committee
May 19, 2025: Executive Committee voted to forward Amended Rule to Full Commission
May 28, 2025: Amended Rule posted to Commission Website

Chapter 3: Rulemaking on Implementing Criminal Background Checks

Authority: Section 3: State Participation in the Compact

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Section 8: Establishment of the Audiology and Speech-Language Pathology Interstate Compact Commission
Section 10: Rulemaking

3.0 Definitions "Initial Privilege to Practice" means the eligibility of an audiologist or speech-language pathologist to become authorized to practice in all member states upon the consideration of criminal history records which were used for purposes of making a licensure decision by the home state / and confirmation of an unencumbered home state license / issuing an unencumbered license by the home state and the issuance of an unencumbered home state license in a state which is a member of the compact.

3.1 Purpose: **Pursuant to Section 3.B.1, and Section 10**, a Home state must implement or utilize procedures for considering the criminal history records of applicants licensed within that Home State prior to applying for ~~initial privilege to practice.~~ the initial (i.e., very first time) privilege to practice in one or more states under the Audiology and Speech-Language Pathology Interstate Compact. ~~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.~~

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~~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.~~

3.1 Requirements for Member States Implementing Criminal Background Checks:

(a) The Home state must implement or utilize procedures for considering the criminal history records of applicants licensed within their Home state who are applying for their initial, e.g., very first time, privilege to practice in one or more states under the Audiology and Speech-Language Pathology Interstate Compact.

(b) 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:

(1) The Federal Bureau of Investigation (FBI); and

(2) The agency responsible for retaining their Home state's criminal records, as authorized by the member Home state's laws.

(c) Results of the criminal background check shall be reviewed solely by the member state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states, or the Commission.

(d) The member state shall use the results of the background check in determining the applicant's eligibility for a compact privilege in accordance with Section 3, paragraphs (B) and (B)(1) of the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC) statutes.

(e) The home state shall report all persons not eligible to participate in the Audiology and Speech-Language Pathology Interstate Compact to the Commission.

3.2 Timeframe for Member States To Apply for Criminal Background Check

In accordance with Section 3, paragraph (B)(1), a member state must submit an ORI application within

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sixty (60) days of the member state's effective date of the ASLP-IC in that state or within sixty (60) days of the effective date of this rule, whichever comes first.

3.3 Timeframe For Member States to Implement Criminal Background Checks and Exceptions

In accordance with Section 3, paragraph (B)(1), a member state must fully implement a criminal background check as demonstrated by receiving the results of criminal history record information from the FBI and the agency responsible for retaining their Home state's criminal records, as authorized by the member Home state's laws, within thirty (30) days of the member state's approval of their ORI application.

The ASLP-IC Executive Committee has the discretion to grant member states additional time to fully implement a criminal background check based on the member state demonstrating their due diligence to implement a criminal background check or demonstrating a legal impossibility to implement a criminal background check.

3.4 Legal Impossibility For States Meeting the Criminal Background Check Requirement

Due to the legal impossibility of a member state's ability to comply with the FBI CBC requirement as outlined in Section 3, paragraph (B)(1) of the ASLP-IC and the resulting prevention of the Compact to become operational in the member state, the member state who does not already require a FBI CBC may also issue and accept privileges from applicants that have not yet had a member state board reviewed FBI CBC under the following conditions:

a. The Member State board can provide evidence to the Executive Committee that it has attempted and been refused the assignment of an ORI number for the purpose of receiving and reviewing CBCs of those interested in compact participation; and

b. The licensee who is applying for entry into the Compact meets all other statutory requirements and has attested to the fact they have no FBI Criminal Background History and acknowledges and accepts that they may be subject to an FBI CBC once their member state has the ability to perform an FBI CBC (or at the compact applicant's first renewal cycle after their home state has been given the permission to conduct FBI CBCs); and

c. The Member State Board agrees to immediately reapply for an ORI number upon a change of position by the FBI, or passage of the SHARE Act, whichever comes first, and provides evidence to the Executive Committee of same and requires all new license applicants to undergo an FBI CBC if they apply for the Compact.

3.5 Criminal Background Check Requirements for Compact Privilege Applicants

(a). To be able to obtain a compact privilege under the Audiology and Speech-Language Pathology Interstate Compact, a compact privilege seeker shall submit to a criminal background check, including fingerprint-based state and federal background checks, as required by the Compact and authorized by the member state's laws.

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1. The applicant shall provide a full set of fingerprints to the home state's designated agency for the purpose of conducting a criminal history record check through;
2. The Federal Bureau of Investigation (FBI); and
3. The state agency responsible for retaining the criminal records in the applicant's home state.

(b). Results of the criminal background check shall be reviewed solely by the member state in accordance with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other member states, or the Commission.

1. The member state shall use the results of the background check in determining the applicant's eligibility for a compact privilege in accordance with Section 3, paragraph (B)(1) of the Audiology and Speech-Language Pathology Interstate Compact statutes.
2. An applicant who does not submit to an FBI fingerprint-based criminal background check or whose background check reveals disqualifying offenses, as determined by the home state and in accordance with Compact statutes and rules, shall be deemed ineligible to obtain a compact privilege.

(c). An applicant who is unable to submit to an FBI fingerprint-based criminal background check due to legal impossibility in the home state, as defined under section 3.4 of this rule, shall be required to do the following:

1. Attest to the non-existence of any criminal history record;
2. Submit to a state based criminal background check for review by the home state board; and
3. Submit to an FBI fingerprint-based criminal background check for review by the home state board within 60 days of receiving notification from the state that it has become legally possible for the state to comply with Section 3, paragraph (B)(1) to conduct FBI CBCs of any privileges obtained under the home state license. Failure to comply with this requirement withing the timeframe may result in the removal of compact privileges to practice.

(d). An applicant who does not submit to an FBI fingerprint-based criminal background check or whose background check reveals disqualifying offenses, as determined by the home state and in accordance with Compact statutes and rules, shall be deemed ineligible to obtain a compact privilege or whose state or FBI background check reveals disqualifying offenses, as determined by the home state and in accordance with compact statutes and rules, shall be deemed ineligible to obtain or renew a compact privilege.

(e). If the home state deems any person no longer eligible to participate in the Compact, it shall report those persons to the Compact Commission as defined in the *Rule on Data System Reporting Requirements*.

(f). The requirement for a criminal background check shall apply to all compact privilege applicants.

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