

KENTUCKY BOARD OF LANDSCAPE ARCHITECTS

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November 6, 2025

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Admin. Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 201 KAR 10:030. Code of ethics.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 10:030, the Kentucky Board of Landscape Architects proposes the attached amendment to 201 KAR 10:030.

Sincerely

Morgan G. Ransdell, Board Attorney
Kentucky Board of Landscape Architects
Phone: 502-665-9600
Email: morgan.ransdell@ky.gov

BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:030. Code of ethics.

RELATES TO: KRS 323A.110

STATUTORY AUTHORITY: KRS 323A.210(2)(b)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this administrative regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.110(2) authorizes the board to discipline a licensee for unprofessional conduct. KRS 323A.210(2)(b) authorizes the board to promulgate reasonable administrative regulations consistent with KRS Chapter 323A that are necessary to carry out the provisions of KRS Chapter 323A. This administrative regulation establishes the code of ethics intended to provide guidelines for the determination of unprofessional conduct by landscape architects practicing in the state and for the protection of the public they will be serving.

Section 1. Code of Ethics.

(1) A violation of this code of ethics shall be considered unprofessional conduct pursuant to KRS 323A.110(2)~~[323A.100(2)]~~[KRS 323A.110(2)].

(2)(a) The landscape architect shall conduct the landscape architect's practice in order to protect the life, health, property, and welfare of the public and shall at all times recognize that his or her primary obligation is to protect the life, health, property, and welfare of the public in the performance of his or her professional duties.

(b) If his or her landscape architectural judgment is overruled under circumstances involving the safety, health, and welfare of the public being endangered, the landscape architect shall inform his or her employer of the possible consequences and notify another proper authority of the situation, as may be appropriate.

(3) The landscape architect shall perform his or her services only in areas of the landscape architect's competence.

(a) The landscape architect shall perform landscape architectural assignments only if qualified by education or experience in the specific technical field of professional landscape architecture involved;

(b) The landscape architect may accept an assignment requiring education or experience outside of his or her own field of competence, but only to the extent that his or her services shall be restricted to those phases of the project in which he or she is qualified. All other phases of that project shall be performed by qualified associates, consultants, or employees;

(c) The landscape architect shall not affix his or her signature or seal to any landscape architectural plan or document dealing with subject matter to which he or she lacks competence by virtue of education or experience, or to any plan or document not prepared under his or her direct supervisory control; and

(d) It shall be the responsibility of the licensee to demonstrate competence in the specific technical field in which the licensee is practicing.

(4) The landscape architect shall be completely objective and truthful in all professional reports, and shall include all relevant and pertinent information in those reports.

(5) The landscape architect shall avoid conflicts of interest:

(a) The landscape architect shall avoid all conflicts of interest with his or her employer or client and shall promptly inform his or her employer or client of any business association, interests, or circumstances which may influence his or her judgment or the quality of his or her services;

(b) The landscape architect shall not accept compensation, financial or otherwise, from more than one (1) party for services pertaining to the same project, and the circumstances shall be fully disclosed to, and agreed to, by all interested parties;

(c) The landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products;

(d) The landscape architect shall not solicit or accept financial or other valuable considerations~~[gratuities]~~, directly or indirectly, from contractors, their agents, or other parties dealing with his or her client or employer in connection with work for which he or she is responsible;

(e) If in public service as a member, advisor, contractor, or employee of a governmental body or department, the landscape architect shall not participate in considerations or actions with respect to services provided by the landscape architect or his or her organization in related private landscape architectural projects, and shall not perform private landscape architectural work in exchange for financial or other valuable considerations received from the governmental body or department~~[practices]~~;

(f) The landscape architect shall not solicit or accept a landscape architectural contract from a governmental body on which a principal or officer of his or her organization serves as a member; or

(g) The landscape architect shall not attempt to supplant another landscape architect after definite steps have been taken by a client toward the latter's employment, ~~or~~~~[and he or she shall not]~~ accept a commission for tasks for which another landscape architect has been employed, without first conclusively determining that the latter's employment has been terminated.

(6) The landscape architect shall solicit or accept work only on the basis of his or her qualifications.

(a) The landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift, or other consideration in order to secure work, exclusive of the hiring of qualified bona fide employees to perform essential tasks necessary for the completion of the project~~[securing salaried positions through employment agencies]~~.

(b) The landscape architect shall seek professional employment on the basis of qualification and competence for proper accomplishment of the work.

(c) The landscape architect shall not falsify or permit misrepresentation of the landscape architect's, or his or her associates', academic or professional qualifications. He or she shall not misrepresent or exaggerate his or her degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or the landscape architect's or their past accomplishments with the intent and purpose of enhancing his or her qualifications and his or her work.

(7) In the practice of landscape architecture, a landscape architect shall associate only with reputable persons or organizations.

(a) The landscape architect shall not knowingly associate with or permit the use of his or her name or firm in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature, or in violation of 201 KAR Chapter 10; or

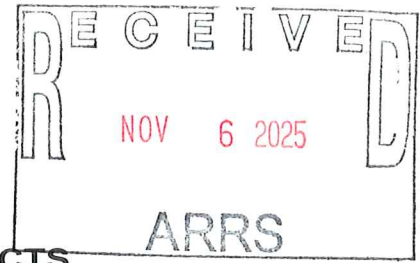
(b) If the landscape architect has knowledge or reason to believe that another person or firm may be in violation of 201 KAR Chapter 10 or KRS Chapter 323A, he or she shall present that information to the board in writing and shall cooperate with the board in furnishing any further information or assistance as may be required by the board.

(8)(a) A landscape architect who **has[as]** an active license issued by the board shall self-report any felony convictions to the board in writing, including felony convictions where a plea of nolo contendere or no contest is the basis of the conviction; **and[.]**

(b) The self-report shall be filed within thirty (30) days of the date of entry of the conviction and shall include a true and complete copy of the record of conviction and a letter of explanation.

(9)(a) A landscape architect who **has[as]** an active license issued by the board shall self-report in writing to the board if any professional or business license that is issued to the landscape architect by any agency of the Commonwealth or any other jurisdiction is subject to disciplinary action; **and[.]**

(b) The self-report shall be filed within thirty (30) days of the date of entry of the disciplinary action and shall include a true and complete copy of the disciplinary action and a letter of explanation.



KENTUCKY BOARD OF LANDSCAPE ARCHITECTS

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Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Admin. Regulation Review Subcommittee
Legislative Research Commission
083, Capitol Annex
Frankfort KY 40601

Re: 201 KAR 10:040. Applications.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 10:040, the Kentucky Board of Landscape Architects proposes the attached amendment to 201 KAR 10:040.

Sincerely

Morgan G. Ransdell, Board Attorney
Kentucky Board of Landscape Architects
Phone: 502-665-9600
Email: morgan.ransdell@ky.gov

BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:040. Applications.

RELATES TO: KRS 323A.010, 323A.040, 323A.050, 323A.060, 323A.105

STATUTORY AUTHORITY: KRS 323A.210(2)(b)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the regulation will not have a major economic impact.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.210 authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 323A. This administrative regulation establishes the procedures for the filing and processing of an application for licensure as a landscape architect.

Section 1. Application for Initial License.

(1) An applicant for a license as a landscape architect shall file a completed Application for License to Practice Professional Landscape Architecture. The application shall be submitted and signed electronically by the applicant certifying that the application and attachments, if any, are true and complete and the applicant is familiar with and agrees to abide by the provisions of KRS Chapter 323A and the administrative regulations in 201 KAR Chapter 10.

(2)

(a) An applicant shall take and pass the Landscape Architect Registration Examination (LARE).

(b) The applicant shall cause the results of the LARE to be sent to the board by the exam administrator.

(3) The application fee prescribed in 201 KAR 10:050, Section 1(3), shall accompany the application.

Section 2. Verification of Work Experience.

(1) An applicant shall cause a Verification of Work Experience form to be submitted electronically by a former or present employer. The former or present employer shall submit the form directly to the board.

(2) Military experience shall be acceptable if it has been gained in landscape architecture as defined by KRS 323A.010(3).

(3) The sale or installation of a product such as landscape materials (plants and construction) shall not be considered professional experience.

(4) A plan or sketch drawn by a person solely for the promotion or sale of that person's products shall not be considered professional experience.

Section 3. Reciprocity.

(1) An applicant who seeks a license **pursuant to[under]** KRS 323A.050(1) shall electronically submit: **(a)[(1)]** Satisfactory proof of a license in good standing in a state or country in which the applicant is licensed; and

(b)[(2)] Proof of successful completion of the LARE.

~~[(a)] [An applicant who is licensed in another state of the United States shall have passed the LARE to be considered for licensure by reciprocity.]~~

~~[(b)] [An applicant who is licensed in another country shall take and pass the LARE to be considered for licensure by reciprocity.]~~

(2) [(3)]

(a) An applicant for licensure by reciprocity who was educated in the United States shall have graduated from a school that is accredited by the Landscape Architectural Accreditation Board (LAAB).

(b) An applicant for licensure by reciprocity who was educated outside the United States shall provide documentation electronically from an educational assessment organization approved by the board that the applicant's education is equal to an accredited landscape architecture curriculum approved by the board. The applicant shall be responsible for any fee charged by the organization.

Section 4. Board Consideration of Applications for Licensure.

(1) Each applicant for reinstatement, reactivation, or initial licensure by the board shall be considered and voted on by the board.

(2) Approval of an applicant shall require a majority vote of a voting quorum of the board.

(3) The action taken by the board shall be recorded in the board minutes.

(4) A copy of the letter from the board notifying an applicant of the board's decision regarding application shall be placed in the applicant's file.

Section 5. Renewal.

(1) A licensee shall renew a license annually by July 1 by completing the online renewal form and paying the renewal fee required by 201 KAR 10:050. An active[A] license may be renewed as active, [or] inactive, or retired status. An inactive or retired license may only be renewed as an inactive or retired license. An active, inactive, or retired status license shall expire if not renewed by July 1 each year.

(2) An active[A] licensee who completes the online renewal application seeking active license status shall also complete the online [does not renew online shall renew a license annually by July 1 by completing the Annual Active Renewal Notice form or the Inactive Annual Renewal Form and paying the renewal fee required by 201 KAR 10:050. In addition, the Annual Active Renewal Notice form shall be accompanied by the] Continuing Education Approval Request and Affidavit Form (Form #CE-1) [as incorporated by reference in 201 KAR 10:080].

Section 6. Inactive License~~[Change of Status]~~.

(1) A licensee may choose to inactivate the license. To do so, the licensee shall notify the board electronically~~[in writing]~~.

(2) An inactive license **shall [must]** be renewed annually to maintain inactive license status.

(3) During the period a license is inactive, a licensee shall:

(a) Be exempt from the provisions of 201 KAR 10:080; and

(b) Not practice landscape architecture.

Section 7. Reinstatement and Reactivation.

(1) **["Reinstatement" means going from expired or suspended status to active, inactive or retired status.]**

(2) "Reactivation" means going from inactive or retired status to active status.

(3) [Prior to reinstatement of a suspended or expired license or reactivation of an inactive or retired license, a licensee shall file a completed Application for Reinstatement/Reactivation of License to Practice Professional Landscape Architecture. The application shall be submitted and signed electronically by the applicant certifying that the application and attachments, if any, are true and complete and the applicant is familiar with and agrees to abide by the provisions of KRS Chapter 323A

and the administrative regulations in 201 KAR Chapter 10.~~[complete the number of continuing education hours required for the annual renewal of the license times the number of years the license was suspended, expired, retired, or inactive.]~~

~~(2)~~~~(4)~~~~(2)~~ Prior to reinstatement of a suspended or expired license or reactivation of an inactive or retired license, the applicant shall demonstrate compliance with the continuing education requirements ***established in/set forth at*** 201 KAR 10:080, Section 10, or the testing requirement ***established in/set forth at*** KRS 323A.100(5)~~[The number of continuing education hours required by subsection (1) of this section shall not exceed twenty-four (24) hours].~~

~~(3)~~~~(5)~~~~(3)~~ The ~~application~~~~[request]~~ for reinstatement or reactivation shall be accompanied by the reinstatement or reactivation fee required by 201 KAR 10:050.

~~(4)~~~~(6)~~ The application for reinstatement or reactivation shall also be accompanied by either electronic submission of a Continuing Education Approval Request and Affidavit Form (Form #CE-1), or the results of the LARE to be sent to the board by the exam administrator.

Section 8. Retired License.

(1) A licensee who has retired from the practice of landscape architecture may request a retired license by notifying the board ~~electronically~~~~[in writing]~~.

(2) The request shall be accompanied by the renewal fee required by 201 KAR 10:050, and a retired license ***shall/must*** be renewed annually to maintain retired license status.

(3) When initially requesting retired license status, the licensee shall provide evidence of retirement, such as social security benefits or a public or private pension.

(4) During the period a license is retired, a licensee shall:

(a) Be exempt from the provisions of 201 KAR 10:080; and

(b) Not practice landscape architecture.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for License to Practice Professional Landscape Architecture", 1/2025~~[7/2023]~~;

(b) "Verification of Work Experience", 1/2025~~[7/2023]~~;

(c) "Application for Annual Active Renewal~~[Notice]~~", 1/2025~~[7/2023]~~~~;~~~~and~~

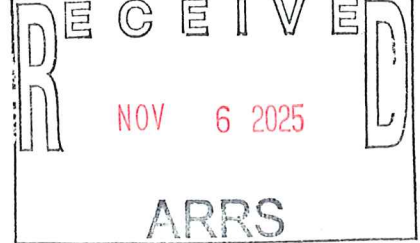
(d) "Continuing Education Approval Request and Affidavit Form (Form #CE-1)", 1/2025;

(e) "Application for Annual Inactive ~~[Annual]~~ Renewal~~[-Form]~~", 1/2025~~;~~~~[7/2023]~~

(f) "Application for Reinstatement/Reactivation of License to Practice Professional Landscape Architecture", 1/2025; and

(g) "Application for Annual Retired Renewal", 1/2025.

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083, Capitol Annex
Frankfort KY 40601

Re: 201 KAR 10:080. Continuing education.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 10:080, the Kentucky Board of Landscape Architects proposes the attached amendment to 201 KAR 10:080.

Sincerely

Morgan G. Ransdell, Board Attorney
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BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:080. Continuing education.

RELATES TO: KRS **323A.010**, 323A.100(1), 323A.210(2)(a)

STATUTORY AUTHORITY: KRS 323A.100(1), 323A.210(2)(a), (b)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the amendments to this administrative regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.100(1) requires a landscape architect to complete the approved continuing education hours established by an administrative regulation promulgated by the board. KRS 323A.210(2)(a) authorizes the board to promulgate administrative regulations to establish a program of continuing education for licensees. This administrative regulation establishes the continuing education requirements for a landscape architect.

Section 1. Definitions.

- (1) "Annually" or "continuing education year" means a twelve (12) month period from July 1 of a calendar year through June 30 of the following calendar year.
- (2) "Board" is defined by KRS 323A.010(1).
- (3) "Continuing education hour" means a minimum of fifty (50) minutes of actual instruction.
- (4) "Self-directed course" means a course of study that a licensee independently creates.
- (5) "Sponsor" means an individual, organization, association, institution, or other entity that provides educational activity for the purpose of fulfilling the continuing education requirements of this administrative regulation.
- (6) "Tour" means a review or inspection of a landscape architectural element specified in the definition of "practice of landscape architecture" established by KRS 323A.010(3).

Section 2. General Statement. Continuing education obtained by a licensee shall maintain, improve, or expand skills and knowledge obtained prior to initial licensure or develop new and relevant skills and knowledge that contribute to the health, safety, and welfare of the public.

Section 3. Continuing Education Requirements.

- (1) An active[A] licensee shall acquire twelve (12) hours of continuing education annually.
- (2) A licensee may be credited for a maximum of six (6) hours of continuing education for a tour annually.
- (3) A licensee may carry forward a maximum of twelve (12) hours of continuing education to meet the subsequent year's requirements.

Section 4. Approval of Continuing Education Programs.

- (1) The board shall:
 - (a) Approve a continuing education program that it determines:
 1. Is relevant to the practice of landscape architecture;
 2. Furthers the competence of a licensee; and

3. Contributes to the health, safety, and welfare of the public; and
- (b) Determine the number of continuing education hours allowed.

(2)

(a) Before the continuing education program is offered, a sponsor may submit a Continuing Education Preapproval Request and Affidavit (Form #CE-2) electronically, with an electronic[a] copy of the hand-out materials, ~~and~~ agenda, and a description of the topic as well as the presenter, teacher, or speaker.

(b) A sponsor shall not offer, present, or advertise a program as a continuing education program that meets the continuing education requirements for a licensee unless it has obtained the approval of the board.

(3) A licensee who completes an educational program that has not been submitted to the board for prior approval shall receive continuing education credit if:

(a) The licensee submits to the board a Continuing Education Preapproval Request and Affidavit (Form #CE-2) electronically, with an electronic[a] copy of the course materials, agenda, a description of the course, qualifications of the presenter, examination if one (1) was given; and

(b) The board determines that the program meets the requirements of a continuing education program.

(4) Self-directed courses, including those completed online, audibly, or by video, that meet the requirements of this administrative regulation shall be accepted.

(5) Continuing education credits shall be given for one-half (1/2) the number of hours, not to exceed six

(6) hours, of a tour if the licensee has submitted to the board a description of the tour and the board determines that the tour meets the requirements of a continuing education program.

Section 5.

(1) Continuing education activities may include a college or university course that is beyond the basic curriculum for a landscape architect and pertains to the practice of landscape architecture. The conversion of university credits to continuing education hours shall be:

(a) One (1) university quarter hour of credit shall equal twelve (12) continuing education hours.

(b) One (1) university semester hour of credit shall equal fifteen (15) continuing education hours.

(2)

(a) A landscape architect who presents a continuing education course shall be credited with twice the number of hours equal to the time spent teaching the course.

(b) Credit shall not be given for repeated instruction of the same course.

Section 6. Reporting of Continuing Education Activities.

(1) Upon license renewal, a licensee shall report continuing education activities online via the board website for the continuing education period ending June 30.

(2) The report of continuing education activities shall include:

(a) Name of activity;

(b) Date of activity;

(c) Location of activity; and

(d) Continuing education hours earned.

(3) The report of continuing education activities shall be made online via the~~on a~~ Continuing Education Approval Request and Affidavit Form (Form #CE-1), **incorporated by reference in 201 KAR 10:040.**

(4) A licensee shall maintain for two (2) continuing education years documentation verifying successful completion of the annual requirement.

Section 7. Verification of Continuing Education Activities.

(1) Following each renewal period, the board shall require between five (5) and fifteen (15) percent of the licensees, chosen randomly, to furnish electronic documentation of the completion of the appropriate number of continuing education hours for the previous renewal period, including hours carried forward from the previous year.

(2) Documentation of attendance and participation in a continuing education activity shall be made by electronic submission of a true and complete copy of an official document, including a:

- (a) Transcript;
- (b) Certificate of attendance;
- (c) Affidavit signed by the instructor; or
- (d) ~~[An electronic format]~~[A written] Summary of attendance and participation ***in electronic format.***

(3) If not previously approved, the board shall determine whether the continuing education program submitted is relevant to the practice of landscape architecture and furthers the competence of the licensee.

(a) If the activity qualifies as continuing education, the board shall include the number of hours earned for that activity in determining if the applicant obtained the required twelve (12) hours of continuing education.

(b) If the activity does not qualify as continuing education, the board shall deduct the number of hours claimed for that activity from the total number of hours earned by the licensee. After this calculation, if a licensee does not have the required twelve (12) hours of continuing education, the board shall send written notification to the licensee that:

- 1. The licensee did not meet the continuing education requirements because an activity listed on the applicant's form as a continuing education activity did not qualify for continuing education credit; and
- 2. The board shall suspend his or her license if the requirements of subsection (4) of this section are not met.

(4) The license of the licensee shall be suspended if the licensee fails to:

- (a) Complete the required number of continuing education hours within sixty (60) days of the notification from the board; and
- (b) Submit online to the board a completed and updated electronic Continuing Education Approval Request and Affidavit Form (Form #CE-1) within sixty-five (65) days of the notification from the board.

Section 8. Reciprocity. Credit for continuing education earned by a licensee who does not reside in Kentucky shall be granted if the licensee meets all the requirements of this administrative regulation.

Section 9. Exempt Licensee.

(1) A licensee shall be exempt from the continuing education requirements:

- (a) For the partial year period of initial licensure;
- (b) During the period of time in which the licensee has an inactive or retired license; or
- (c) If the board approves a written request for an exemption submitted electronically by the licensee in accordance with the provisions of subsection (2) of this section.

(2) A licensee may request an exemption from the continuing education requirements by submitting an electronic format~~[written]~~ document stating that the licensee was:

- (a) Employed or assigned to duty outside the United States for a period exceeding 120 consecutive days during the calendar year; or
- (b) Unable to complete the requirements because of:
 - 1. Physical disability;
 - 2. Personal illness; or

3. Illness of a family member or dependent.

Section 10. Continuing Education Required of Reinstatement or Reactivation Applicants.

(1) A licensee who has been suspended, expired, inactive or retired for a period of one (1) to five (5) years shall complete twenty-four (24) hours of continuing education hours as a condition of reinstatement or reactivation, and a licensee who has been suspended, expired, inactive or retired for a period of less than one (1) year shall complete twelve (12) hours of continuing education.

(2)(a) Pursuant to KRS 323A.100(5), a licensee seeking reinstatement or reactivation who has been suspended, expired, inactive, or retired in the Commonwealth for a period of greater than five (5) years shall be required to take and pass the LARE examination within six (6) months preceding the application for reinstatement or reactivation, unless the licensee held, within the past five (5) years, an active license in another state or in another country where the qualifications prescribed at the time of licensing were, in the opinion of the board, equal to those prescribed in the Commonwealth on the date of application.

(b) If within the past five (5) years, the licensee held an active license within another state, or in another country meeting the requirements stated in this subsection, the licensee shall complete twenty-four (24) hours of continuing education hours.

(3) The Continuing Education Approval Request and Affidavit Form (Form #CE-1) submitted by an applicant seeking reinstatement or reactivation shall identify, for each continuing education activity, the:

(a) Name of activity;

(b) Date of activity;

(c) Location of activity; and

(d) Continuing education hours earned.

(4) Documentation of attendance and participation in a continuing education activity by an applicant for reinstatement or reactivation shall be made by electronic submission of a true and complete copy of an official document, including a:

(a) Transcript;

(b) Certificate of attendance;

(c) Affidavit signed by the instructor; or

(d) An electronic summary of attendance and participation.

(5) If the continuing education activities reported by an applicant for reinstatement or reactivation were not previously approved by the board, the board shall determine whether the continuing education program submitted is relevant to the practice of landscape architecture and furthers the competence of the licensee. Continuing education hours that are not approved by the board shall not be counted in determining whether the applicant **has/as** satisfied requirements for reinstatement or reactivation.

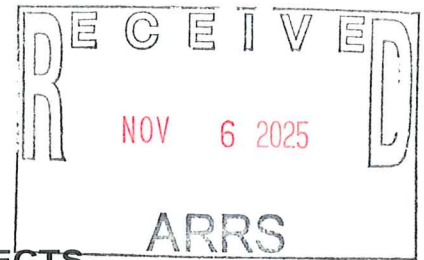
Section 11. Incorporation by Reference.

(1) "Continuing Education Preapproval Request and Affidavit Form" (Form #CE-2), 1/2025, [The following material] is incorporated by reference[:]

[(a)] ["Continuing Education Approval Request and Affidavit Form" (Form #CE-1), May 2002 edition; and]

[(b)] ["Continuing Education Preapproval Request and Affidavit Form" (Form #CE-2), May 2002 edition].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Landscape Architects, 1714 Perryville Road, Suite 200, Danville, Kentucky 40422[2365 Harrodsburg Road, B350, Lexington, Kentucky 40504], Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available[—on—the—agency's—Web—site] at [https://kbla.ky.gov/Pages/Resources.aspx\[kbla.ky.gov\]](https://kbla.ky.gov/Pages/Resources.aspx[kbla.ky.gov]).



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Re: 201 KAR 10:090. Investigation and discipline process.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 10:090, the Kentucky Board of Landscape Architects proposes the attached amendment to 201 KAR 10:090.

Sincerely

A handwritten signature in black ink that reads "Morgan Ransdell".

Morgan G. Ransdell, Board Attorney
Kentucky Board of Landscape Architects
Phone: 502-665-9600
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BOARDS AND COMMISSIONS
Board of Landscape Architects
(New Administrative Regulation)

201 KAR 10:090. Investigation and discipline process.

RELATES TO: KRS **Chapter 13B, Chapter 323A**~~[323A.110, 323A.120, 323A.210]~~

STATUTORY AUTHORITY: KRS 323A.110, 323A.120, 323A.210(2)~~[(b)]~~

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, because the regulation will not have a major economic impact.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.110 **establishes**~~[sets]~~ disciplinary standards for landscape architects, and KRS 323A.120 **establishes**~~[identifies]~~ the due process mechanism for disciplinary proceedings. KRS 323A.210(2)(a) authorizes the board to promulgate administrative regulations to carry into effect the disciplinary process for the public protection purpose stated in KRS 323A.020. This administrative regulation establishes the agency investigative and discipline process.

Section 1. Reception of Complaints; Investigations.

- (1) A complaint may be submitted by any individual, organization, or entity.
- (2) A complaint shall be in writing, and shall allege acts that may be in violation of the provisions of KRS Chapter 323A or 201 KAR Chapter 10 by the named licensee, applicant, or unlicensed individual against whom the complaint was made.
- (3) Excluding agency-initiated complaints and anonymous complaints, the complaint shall be signed by the person offering the complaint, and the board shall notify a complainant in writing of the receipt of the complaint.
- (4) If the board receives an anonymous complaint, an investigation shall be conducted if the complaint is accompanied by sufficient corroborating evidence, or if such evidence is readily available, as would allow the board to believe, based upon a totality of the circumstances, that a reasonable probability exists that the complaint is meritorious.
- (5) The chairperson of the board, the executive director, or designee shall file an agency-initiated complaint based upon information received by oral, telephone, or written communications if the facts of the complaint are found to be accurate and indicate acts that may be in violation of the provisions of KRS Chapter 323A or 201 KAR Chapter 10.
- (6) The executive director shall have the authority to direct any investigation and shall possess any and all powers possessed by the board in regard to investigations.
- (7) The executive director shall further be empowered to order the attendance of any licensee or applicant at an investigative meeting regarding any complaint or consideration of any disciplinary matter.
- (8) The failure, without good cause, of any licensee or applicant to attend an investigative meeting when requested shall be considered a violation of KRS 323A.110(9).
- (9) The executive director shall have the authority to delegate investigative functions to other agency staff.
- (10) Excluding a self-report complaint or an application that discloses a violation of KRS Chapter 323A or 201 KAR Chapter 10, if the complaint establishes a potential violation, the board shall send a copy of

the complaint to the licensee or applicant to the address of record by United States Postal Service regular mail. If the board is aware of the person's email address, it may send a copy by email as well.

(11) A written, legible, verified response shall be filed with the board within thirty (30) days of issuance of the complaint to the licensee or applicant.

(12) The failure, without good cause, of any licensee or applicant to file a written, legible, verified response when due shall be considered a violation of KRS 323A.110(9) and an admission of the allegations stated in the complaint.

(13) All preliminary information shall be treated as confidential during the investigation and shall not be disclosed to board members or to the public, except during board review of case information in closed session when making a finding of probable cause or no probable cause.

(14) If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that may influence an impartial decision by the member, that member shall not participate in the probable cause finding or the deliberations or decision-making conducted pursuant to KRS 13B.120.

(15) Each complaint shall be investigated as necessary and as promptly as possible, and presented to the board for review and a finding of probable cause or no probable cause to believe a violation of KRS Chapter 323A or 201 KAR Chapter 10 has occurred, which shall be determined on a majority vote of a quorum of the board and recorded in the minutes.

(16) If the board determines that there is no probable cause to believe a violation of KRS Chapter 323A or 201 KAR Chapter 10 has occurred, there shall not be further action unless warranted by further evidence, and the board shall notify the complaining party and the individual of the no probable cause finding.

(17) Upon a board determination that there is probable cause to believe a violation of KRS Chapter 323A or 201 KAR Chapter 10 has occurred, the board may proceed with either or both of the following options:

- (a) A notice of hearing and statement of charges may be issued pursuant to KRS 13B.050, and an administrative hearing may be scheduled pursuant to KRS Chapter 13B; or
- (b) An agreed order may be offered pursuant to Section 3 of this administrative regulation.

Section 2. Noncompliance with Final Order or Agreed Order Terms.

(1) The chairperson of the board, the executive director, or designee may investigate as needed, using any of the methods available in Section 1 of this administrative regulation, to monitor an individual's compliance with the terms of an agreed order or a final order entered by the board pursuant to KRS Chapter 13B.

(2) A written notice shall be sent by the board to any individual who has violated the terms of an agreed order or a final order entered by the board pursuant to KRS Chapter 13B by mailing a copy to the individual's address of record by United States Postal Service regular mail. If the board is aware of the person's email address, it may send a copy by email as well.

(3) The written notice issued in accordance with this section shall specify the sanctions and any other remedial action sought by the board as a consequence of the individual's noncompliance.

(4) The individual to whom the notice specified in subsection (3) of this section is sent shall file with the board, within thirty (30) days of issuance of the notice, a written, legible, verified response.

(5) The failure, without good cause, to file a written, legible, verified response when due shall be considered a violation of KRS 323A.110(9), an admission of noncompliance, and an acceptance of the sanctions and remedial actions stated in the notice specified in subsection (3) of this section. The board shall give notice of the imposition of such sanctions and remedial actions by transmitting a written

notice of final disposition to the individual or the individual's attorney of record in the same manner as provided in KRS 13B.050.

(6) Upon the receipt of a written, legible, verified response to a notice of noncompliance, the executive director shall be authorized to sign a notice of hearing and statement of charges, and shall have the option proceeding in accordance with either or both Sections 3 or 4 of this administrative regulation.

Section 3. Informal Proceedings.

(1) At any time subsequent to the issuance of a complaint to a licensee or applicant, or a notice of noncompliance pursuant to Section 2 of this administrative regulation, the executive director or designee shall have the authority and the complete discretion to negotiate with the licensee or applicant concerning proposed stipulations of fact, conclusions of law, and proposed discipline. The executive director shall also have discretion to reject any or all offers of informal dispensation and may commence informal proceedings on his or her own initiative.

(2) ~~If~~**[Whenever]** the executive director or designee believes that an appropriate proposed informal dispensation has been negotiated, he or she shall cause to be presented to the board the responding licensee or applicant's proposed stipulations of fact, conclusions of law, and a proposed order of informal dispensation signed by the licensee or applicant. The proposed order shall include a line for the signature of an officer of the board and shall become effective upon being accepted by the board, signed by an officer, and filed of record.

(3) If the board rejects an offer of informal dispensation, the parties shall not be bound by the proposed stipulations, they shall be inadmissible as evidence pursuant to KRE 408, and the matter shall continue to proceed~~[,]~~ provided~~[, however,]~~ that further informal negotiations may be conducted and subsequent offers of informal dispensation may be presented to the board. Rejection shall not be taken as a finding or determination of any kind on behalf of the board and no orders or other pleadings shall be filed of record in regard to any rejected proposal.

(4) Oral or Written Presentation. The board may allow oral or written presentation before the board in regard to any offer of informal dispensation. Oral presentations shall not be recorded and written presentations shall not be filed of record or included in the board's minutes. All oral and written presentations shall be heard and considered in closed session.

Section 4. Disciplinary Proceedings.

(1) A disciplinary proceeding shall be heard by a hearing officer, who shall be an assistant attorney general or an attorney appointed by the board in accordance with KRS 13B.030 and 13B.040.

(2) The licensee or applicant shall file with the board a written answer to the specific allegations contained in the notice of charges within twenty (20) days of receipt of the charges. An allegation not properly answered shall be deemed admitted. Failure to file an answer shall be considered a violation of KRS 323A.110(9) and may result in the issuance of a default order pursuant to KRS 13B.080(6). The hearing officer shall, for good cause, permit the late filing of an answer.

(3) The board prosecuting attorney shall be empowered to request the attendance of any licensee or applicant at an administrative hearing conducted pursuant to KRS 13B.080.

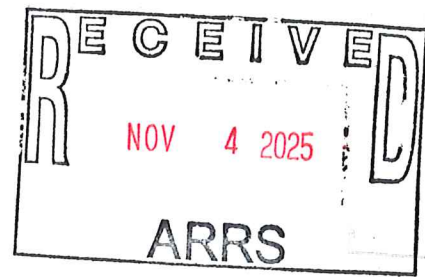
(4) The failure, without good cause, of any licensee or applicant to attend an administrative hearing when requested shall be considered a violation of KRS 323A.110(9).

(5) The hearing shall be transcribed by a court stenographer or video recorded.

(6) If a final order is issued by the board in accordance with KRS 13B.120, or if an agreed order is issued subsequent to the filing of a notice of hearing and statement of charges pursuant to KRS 13B.050, the board may impose the following actual costs as a component of the administrative fine authorized by KRS 323A.110, provided the total fine does not exceed \$10,000 per violation:

- (a) The cost of stenographic services;
 - (b) The cost of the hearing officer;
 - (c) Expert witness costs, including travel;
 - (d) Travel for other witnesses, at the rates **established in**~~**specified at**~~ 200 KAR 2:006 Sections 5-7;
 - (e) Document reproduction costs; and
 - (f) The cost of a certified copy of laboratory testing records.
- (7)** The foregoing actual costs shall be demonstrated through the provision of actual receipts or invoices.

Section 5. The executive director or designee shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.



Andy Beshear
GOVERNOR

Jacqueline Coleman
LIEUTENANT GOVERNOR

PUBLIC PROTECTION CABINET
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Kentucky Board of Speech-Language Pathology and Audiology
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November 4, 2025

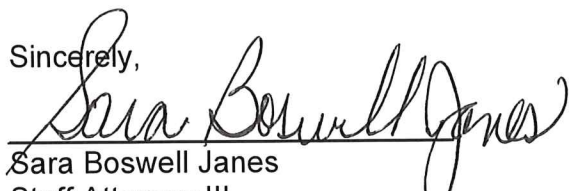
Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
c/o Emily Caudill, Regulation Compiler
Administrative Regulation Review Subcommittee
Legislative Research Commission 083
Capitol Annex
Frankfort, KY 40601

RE: 201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

Dear Co-Chairs West and Lewis:

After discussions with Administrative Regulation Review Subcommittee staff of the issues raised by 201 KAR 17:120E, the Kentucky Board of Speech-Language Pathology and Audiology proposes the attached amendment to 201 KAR 17:120E.

Sincerely,


Sara Boswell Janes
Staff Attorney III
Public Protection Cabinet
Department of Professional Licensing
Board Counsel on behalf of the Kentucky
Board of Licensed Professional Counselors
500 Mero Street
Frankfort, Kentucky 40601

Final, 10-30-2025

SUGGESTED SUBSTITUTE

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology

201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

EFFECTIVE: August 26, 2025

RELATES TO: KRS 334A.188

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS 334A.188 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Audiology and Speech-Language Pathology Interstate Compact.

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the Audiology and Speech-Language Pathology Interstate Compact Rules as of September 20[June 30], 2025[October 7, 2023].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", September 20[June 30], 2025[October 7, 2023], and as revised.

(a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;

(b) Chapter 2 – Rule on Data System Reporting Requirements, adopted September 20, 2025[April 17, 2023]; [and]

(c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted June 30, 2025; and[October 7, 2023.]

(d) Chapter 4 – Rulemaking on Fees, adopted June 30, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Speech-Language Pathology and Audiology website[Web site] at <https://slp.ky.gov/>.

(3) This material may also be obtained at:

(a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://aslpcompact.com/commission/commission-governance-documents/>.

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40601; phone (502) 782-2709 (office), fax (502) 564-4818, email Sara.Janes@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

MATERIAL INCORPORATED BY REFERENCE

At the time the agency files this staff amendment the agency needs to file one (1) copy of each of the following to include the latest rules adopted by the Audiology and Speech-Language Pathology Compact Commission:

- Chapter 2 – Rule on Data System Reporting Requirements with the September 20, 2025 Edition date
- Chapter 3 – Rule on Implementation of Criminal Background Check Requirement with the June 30, 2025 Edition Date

Audiology and Speech-Language Pathology Interstate Compact Commission

Title of Rule: Proposed Amendment to Rule on Data System Reporting Requirements

Drafted: July 10, 2025

Meeting at which the amendment will be discussed and voted on:

Saturday, September 20, 2025

or via video conference by registering here:

<https://us06web.zoom.us/join/joinurl?secret=7890&from=joinUrl>

Effective: 30 Days after Full Commission Approval

10 of the ASLP-IC

9/20/2025: Adopted by full Commission

Chapter 2: Rulemaking on Data System Reporting Requirements

Authority: Section 3: State Participation in the Compact

Section 4: Compact Privilege

Pathology Interstate Compact Commission

Section 9: Data System

Section 10: Rulemaking

2.0 Purpose: Pursuant to Section 3, Section 4, Section 8.C.6, Section 9 and Section 10, 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.

2.1 Uniform Data Set:

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

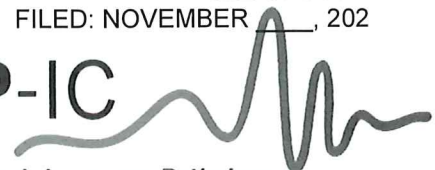
B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:

1. Identifying information – including but not limited to:
 - a. First Name;
 - b. Middle Name;
 - c. Last Name;
 - d. Suffix, if applicable;
 - e. Birth date (mm/dd/yyyy);
 - f. Personal Identifier
 - i. United States Social Security Number or
 - ii. National Provider Identifier (NPI) (as the data system will accommodate);
 - g. Home state address;
2. Licensure data – including but not limited to:
 - a. Jurisdiction of licensure;
 - b. License Type;
 - i. Audiologist or Speech Language Pathologist;
 - c. License Number;
 - d. Initial Issuance Date;
 - e. Most Recent Renewal Date;
 - f. Expiration Date;
 - i. License status;
3. Adverse Action(s) against a license or compact privilege to practice including but is not limited to:
 - a. Type of Adverse Action;
 - b. Status and change in status of Adverse Action;
 - c. Effective dates of Adverse Action;

- d. The existence of Current Significant Investigative Information;
 - e. Summary suspension and final disciplinary actions, as defined by the member state authority;
- 4. Non-confidential information related to alternative program participation including but not limited to current participation by the audiologist or speech-language pathologist in an alternative program;
 - 5. Any denial of application for licensure, and the reason(s) for denial;
 - 6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission including but not limited to a correction to a licensee's data.
- C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.
- D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.
- E. The Home State shall be responsible for verification of uniform requirements for participation as described in Section 3 and 4 of the compact.
- F. Current Significant Investigative Information pertaining to a Licensee in any Member State shall only be available to other Member States.
- G. If a member state takes adverse action, it shall notify the administrator of the data system within thirty (30) days of the date action was taken. The administrator of the data system shall notify the home state of any adverse actions by remote states.
- H. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
- I. In the event an audiologist or speech-language pathologist asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the audiologist or speech-language pathologist to provide evidence in a manner determined by the member state that substantiates such claim.
- J. Member states shall submit the data system information required above to the Commission at least one (1) time per week.
- K. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

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Audiology & Speech-Language Pathology
Interstate Compact



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 was 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>

Effective: 30 days after Full Commission Approval: July 30, 2025

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
- June 30, 2025: Amended Rule Adopted at Special Commission Meeting

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

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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 the initial (i.e., very first time) privilege to practice in one or more states under the Audiology and Speech-Language Pathology Interstate Compact.

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

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

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- 119 (a). To be able to obtain a compact privilege under the Audiology and Speech-Language Pathology
- 120 Interstate Compact, a compact privilege seeker shall submit to a criminal background check, including
- 121 fingerprint-based state and federal background checks, as required by the Compact and authorized by the
- 122 member state's laws.
- 123 1. The applicant shall provide a full set of fingerprints to the home state's designated agency for the
- 124 purpose of conducting a criminal history record check through;
- 125 2. The Federal Bureau of Investigation (FBI); and
- 126 3. The state agency responsible for retaining the criminal records in the applicant's home state.
- 127
- 128 (b). Results of the criminal background check shall be reviewed solely by the member state in accordance
- 129 with state law and shall not be shared, unless otherwise permitted under state law, with individuals, other
- 130 member states, or the Commission.
- 131 1. The member state shall use the results of the background check in determining the applicant's
- 132 eligibility for a compact privilege in accordance with Section 3, paragraph (B)(1) of the Audiology
- 133 and Speech-Language Pathology Interstate Compact statutes.
- 134 2. An applicant who does not submit to an FBI fingerprint-based criminal background check or whose
- 135 background check reveals disqualifying offenses, as determined by the home state and in
- 136 accordance with Compact statutes and rules, shall be deemed ineligible to obtain a compact
- 137 privilege.
- 138
- 139 (c). An applicant who is unable to submit to an FBI fingerprint-based criminal background check due to
- 140 legal impossibility in the home state, as defined under section 3.4 of this rule, shall be required to do the
- 141 following:
- 142 1. Attest to the non-existence of any criminal history record;
- 143 2. Submit to a state based criminal background check for review by the home state board; and
- 144 3. Submit to an FBI fingerprint-based criminal background check for review by the home state board
- 145 within 60 days of receiving notification from the state that it has become legally possible for the
- 146 state to comply with Section 3, paragraph (B)(1) to conduct FBI CBCs of any privileges obtained
- 147 under the home state license. Failure to comply with this requirement within the timeframe may
- 148 result in the removal of compact privileges to practice.
- 149
- 150 (d). An applicant who does not submit to an FBI fingerprint-based criminal background check or whose
- 151 background check reveals disqualifying offenses, as determined by the home state and in accordance with
- 152 Compact statutes and rules, shall be deemed ineligible to obtain a compact privilege or whose state or FBI
- 153 background check reveals disqualifying offenses, as determined by the home state and in accordance with
- 154 compact statutes and rules, shall be deemed ineligible to obtain or renew a compact privilege.
- 155
- 156 (e). If the home state deems any person no longer eligible to participate in the Compact, it shall report

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-
- 157 those persons to the Compact Commission as defined in the *Rule on Data System Reporting Requirements*.
158
159 (f). The requirement for a criminal background check shall apply to all compact privilege applicants.

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

Title of Rule: Rule on Data System Reporting Requirements

Drafted: February - March 2023

Meeting at which Rule was discussed and voted on: Special Commission Meeting on Monday, April 17, 2023

Effective: After Full Commission Approval

Reason for Rule: To refine terms pursuant to Section 9 and Section 10 of the ASLP-IC

History for Rule: 03/09/2023 Committee vote to forward to Executive Committee
03/16/2023 Committee vote to forward to full Commission

Chapter 2: Rulemaking on Data System Reporting Requirements

Authority: Section 8: Establishing the Audiology and Speech-Language Pathology Interstate Compact Commission

Section 9: Data

Section 10: Reporting

2.0 Purpose: Pursuant to Section 8.C.6, Section 10, 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.

2.1 Uniform Data Set:

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including but not limited to:

1. Identifying information – including but not limited to:
 - a. First Name;
 - b. Middle Name;
 - c. Last Name;
 - d. Suffix, if applicable;
 - e. Birth date (mm/dd/yyyy);
 - f. United States' Social Security Number or National Provider Identifier (NPI);
 - g. Home state address;
2. Licensure data – including but not limited to:
 - a. Jurisdiction of licensure;
 - b. Licensure:
 - i. Audiology or Speech Language Pathology;
 - c. License Number;
 - d. Initial Issuance Date;
 - e. Most Recent Renewal Date;
 - f. Expiration Date;
 - i. License status;
3. Adverse Action(s) against a licensee's compact privilege to practice including but is not limited to:
 - a. Type of Adverse Action;
 - b. Status and change in status of Adverse Action;
 - c. Effective dates of Adverse Action;
 - d. The existence of Current Significant Investigative Information;
 - e. Summary suspension or other disciplinary actions, as defined by the member state authority;
4. Non-confidential information related to alternative program participation including but not limited to current participation by the audiologist or speech-language pathologist in an alternative program;
5. Any denial of application for licensure, and the reason therefor;
6. Other information that may facilitate the administration of the compact, as determined by the rules of the Commission including but not limited to information on a licensee's data.

C. The member states shall have access, via the data system, to information including but not limited to the verification of compact privilege(s) to practice held by eligible licensees.

D. The public shall have access, via the Commission's website, to information limited to the verification of compact privilege(s) held by individuals.

E. The Home State shall be responsible for verification of uniform requirements for participation as described in Section 3 and 4 of the compact.

F. Current Significant Investigative Information pertaining to a Licensee in any Member State shall only be available to other Member States.

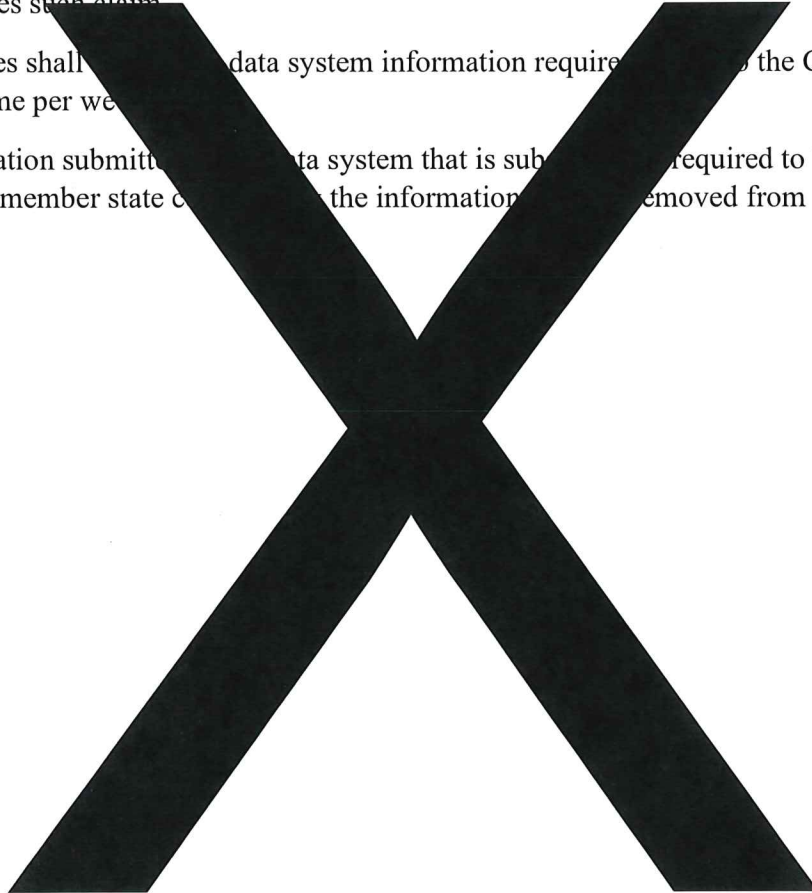
G. If a member state takes adverse action, it shall notify the administrator of the data system within thirty (30) days of the date action was taken. The administrator of the data system shall notify the home state of any adverse actions by remote states.

H. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

I. In the event an audiologist or speech-language pathologist asserts that any Coordinated Licensure Information System data is inaccurate, the burden shall be upon the audiologist or speech-language pathologist to provide evidence in a manner determined by the member state that substantiates such claim.

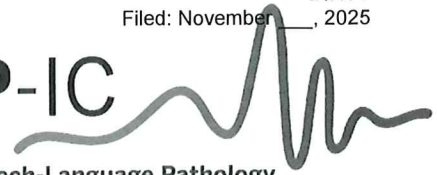
J. Member states shall submit data system information required by the Commission at least one (1) time per week.

K. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.



ASLP-IC

Audiology & Speech-Language Pathology
Interstate Compact



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

Drafted: August 10, 2023

Meeting at which Rule was adopted and voted on: ASLP-IC Annual Meeting

Saturday, October 7, 2023 – 10:00 AM

Hilton Charlotte University Place

8629 JM Keynes Drive

Charlotte, NC 28262

Teleconference Registration Link: <https://zoom.us/j/9123456789?register/tZwvc-utpi0tGtMctgmNarFNKOJ39-SsgVal#/register>

Effective: 30 days after Full Commission Approval

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

August 28, 2023: Rule adopted by 10 votes to forward to full Commission.

Chapter 3: Rulemaking on Implementation of 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: Licensing

3.0 Purpose: Pursuant to Section 3.B.1, and Section 10, a state must, or utilize procedures for obtaining the criminal history records of applicants for licensure 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

ASLP-IC

Audiology & Speech-Language Pathology
Interstate Compact

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 receive the results of the Federal Bureau of Investigation (FBI) record search on criminal background checks, as required by the Compact. Preference will be given to member states who can demonstrate that they have engaged in good faith efforts to implement the FBI Criminal Background Check requirement, but not limited to, introducing related legislation, negotiations with FBI state intelligence bureaus, etc.

Results of the criminal background check will be reviewed and used by the member state in accordance with state law.

Communication between a member board and the Interstate Compact Commission and communications between member boards regarding verification of eligibility for Speech-Language Pathologist eligibility for a license/privilege through the Compact shall 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 licenses until such member state has completed the requirements to fully implement the 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.