

1 SB130
2 209220-1
3 By Senator Coleman-Madison
4 RFD: Veterans and Military Affairs
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

8 SYNOPSIS: This bill would establish the Audiology and
9 Speech-Language Pathology Interstate Compact.

10 This bill would allow interstate practice by
11 licensed audiologists and speech-language
12 therapists among party states.

13 This bill would authorize regulatory
14 authorities in party states to legally recognize,
15 in a manner consistent with terms of the compact,
16 audiologists and speech-language therapists
17 licensed within those states.

18 This bill would allow a remote state to hold
19 an audiologist or speech-language therapist with
20 compact privilege to provide services in that state
21 accountable under that state's practice standards.

22 This bill would provide eligibility
23 requirements for licensed audiologists and
24 speech-language therapists to practice pursuant to
25 the compact.

26 This bill would provide for a coordinated
27 database and reporting system containing licensure,

1 adverse action, and investigative information on
2 licensees.

3 This bill would provide for investigations
4 and disciplinary actions.

5 This bill would establish the Audiology and
6 Speech-Language Pathology Compact Commission and
7 would provide for membership, powers, and duties.

8 This bill would also provide for rulemaking
9 authority of the commission, enforcement of the
10 compact, dispute resolution, and withdrawal of
11 party states.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to the practice of audiology and
18 speech-language pathology; to provide and adopt the Audiology
19 and Speech-Language Pathology Interstate Compact to allow
20 interstate practice by licensed audiologists and
21 speech-language therapists among party states; to authorize
22 regulatory authorities in party states to legally recognize,
23 in a manner consistent with terms of the compact, audiologists
24 and speech-language therapists licensed within those states;
25 to authorize regulatory authorities in party states to legally
26 recognize, in a manner consistent with terms of the compact,
27 audiologists and speech-language therapists licensed within

1 those states; to provide eligibility requirements for licensed
2 audiologists and speech-language therapists to practice
3 pursuant to the compact; to provide for a coordinated database
4 and reporting system; to provide for investigations and
5 disciplinary actions; to establish the Audiology and
6 Speech-Language Pathology Compact Commission and provide for
7 membership, powers, and duties, including rulemaking
8 authority; and to provide for enforcement of the compact,
9 dispute resolution, and withdrawal of party states.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. PURPOSE.

12 The purpose of this compact is to facilitate
13 interstate practice of audiology and speech-language pathology
14 with the goal of improving public access to audiology and
15 speech-language pathology services. The practice of audiology
16 and speech-language pathology occurs in the state where the
17 patient, client, or student is located at the time of the
18 patient, client, or student encounter. This compact preserves
19 the regulatory authority of states to protect public health
20 and safety through the current system of state licensure. This
21 compact is designed to achieve the following objectives:

22 (1) Increase public access to audiology and
23 speech-language pathology services by providing for the mutual
24 recognition of other member state licenses.

25 (2) Enhance the states' ability to protect the
26 public's health and safety.

1 (3) Encourage the cooperation of member states in
2 regulating multistate audiology and speech-language pathology
3 practice.

4 (4) Support spouses of relocating active duty
5 military personnel.

6 (5) Enhance the exchange of licensure,
7 investigative, and disciplinary information between member
8 states.

9 (6) Allow a remote state to hold a provider of
10 services with a compact privilege in that state accountable to
11 that state's practice standards.

12 (7) Allow for the use of telehealth technology to
13 facilitate increased access to audiology and speech-language
14 pathology services.

15 Section 2. DEFINITIONS.

16 As used in this compact, and except as otherwise
17 provided, the following terms have the following meanings:

18 (1) ACTIVE DUTY MILITARY. Full-time duty status in
19 the active uniformed service of the United States, including
20 members of the National Guard and Reserve on active duty
21 orders pursuant to 10 U.S.C. §§ 1209 and 1211.

22 (2) ADVERSE ACTION. Any administrative, civil,
23 equitable, or criminal action permitted by a state's laws
24 which is imposed by a licensing board or other authority
25 against an audiologist or speech-language pathologist,
26 including actions against an individual's license or privilege
27 to practice such as revocation, suspension, probation,

1 monitoring of the licensee, or restriction on the licensee's
2 practice.

3 (3) ALTERNATIVE PROGRAM. A non-disciplinary
4 monitoring process approved by an audiology or speech-language
5 pathology licensing board to address impaired practitioners.

6 (4) AUDIOLOGIST. An individual who is licensed by a
7 state to practice audiology.

8 (5) AUDIOLOGY. The care and services provided by a
9 licensed audiologist as set forth in the member state's laws
10 and rules.

11 (6) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
12 COMMISSION or COMMISSION. The national administrative body
13 whose membership consists of all states that have enacted this
14 compact.

15 (7) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
16 LICENSING BOARD, AUDIOLOGY LICENSING BOARD, SPEECH-LANGUAGE
17 PATHOLOGY LICENSING BOARD, or LICENSING BOARD. The agency of a
18 state that is responsible for the licensing and regulation of
19 audiologists or speech-language pathologists, or both, which
20 in Alabama is the Alabama Board of Examiners for
21 Speech-Language Pathology and Audiology.

22 (8) COMPACT PRIVILEGE. The authorization granted by
23 a remote state to allow a licensee from another member state
24 to practice as an audiologist or speech-language pathologist
25 in the remote state under its laws and rules. The practice of
26 audiology or speech-language pathology occurs in the member

1 state where the patient, client, or student is located at the
2 time of the patient, client, or student encounter.

3 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

4 Investigative information that a licensing board, after an
5 inquiry or investigation that includes notification and an
6 opportunity for the audiologist or speech-language pathologist
7 to respond, if required by state law, has reason to believe is
8 not groundless and, if proved true, would indicate more than a
9 minor infraction.

10 (10) DATA SYSTEM. A repository of information about

11 licensees, including, but not limited to, continuing
12 education, examination, licensure, investigative, compact
13 privilege, and adverse action.

14 (11) ENCUMBERED LICENSE. A license in which an

15 adverse action restricts the practice of audiology or
16 speech-language pathology by the licensee and the adverse
17 action has been reported to the National Practitioners Data
18 Bank (NPDB).

19 (12) EXECUTIVE COMMITTEE. A group of directors

20 elected or appointed to act on behalf of, and within the
21 powers granted to them by, the commission.

22 (13) HOME STATE. The member state that is the

23 licensee's primary state of residence.

24 (14) IMPAIRED PRACTITIONER. An individual whose

25 professional practice is adversely affected by substance
26 abuse, addiction, or other health-related conditions.

1 (15) LICENSEE. An individual who currently holds an
2 authorization from a state licensing board to practice as an
3 audiologist or speech-language pathologist.

4 (16) MEMBER STATE. A state that has enacted this
5 compact.

6 (17) PRIVILEGE TO PRACTICE. A legal authorization
7 permitting the practice of audiology or speech-language
8 pathology in a remote state.

9 (18) REMOTE STATE. A member state other than the
10 home state where a licensee is exercising or seeking to
11 exercise the compact privilege.

12 (19) RULE. A regulation, principle, or directive
13 adopted by the commission that has the force of law.

14 (20) SINGLE-STATE LICENSE. An audiology or
15 speech-language pathology license issued by a member state
16 that authorizes practice only within the issuing state and
17 does not include a privilege to practice in any other member
18 state.

19 (21) SPEECH-LANGUAGE PATHOLOGIST. An individual who
20 is licensed by a state to practice speech-language pathology.

21 (22) SPEECH-LANGUAGE PATHOLOGY. The care and
22 services provided by a licensed speech-language pathologist as
23 set forth in the member state's laws and rules.

24 (23) STATE. Any state, commonwealth, district, or
25 territory of the United States of America that regulates the
26 practice of audiology and speech-language pathology.

1 (24) STATE PRACTICE LAWS. A member state's laws,
2 rules and regulations that govern the practice of audiology or
3 speech-language pathology, define the scope of audiology or
4 speech-language pathology practice, and create the methods and
5 grounds for imposing discipline.

6 (25) TELEHEALTH. The application of
7 telecommunication, audio-visual, or other technologies that
8 meets the applicable standard of care to deliver audiology or
9 speech-language pathology services at a distance for
10 assessment, intervention, or consultation.

11 Section 3. STATE PARTICIPATION IN THE COMPACT.

12 (a) Upon the grant of the compact privilege, a
13 license issued to an audiologist or speech-language
14 pathologist by a home state to a resident in that state shall
15 be recognized by each member state as authorizing an
16 audiologist or speech-language pathologist to practice
17 audiology or speech-language pathology, under a privilege to
18 practice, in the member state where the licensee obtains this
19 privilege.

20 (b) (1) A state shall implement or use procedures for
21 considering the criminal history records of applicants for
22 initial privilege to practice. These procedures shall include
23 the submission of fingerprints or other biometric-based
24 information by applicants for the purpose of obtaining an
25 applicant's criminal history record information from the
26 Federal Bureau of Investigation and the agency responsible for
27 retaining that state's criminal records.

1 (2) A member state shall fully implement a criminal
2 background check requirement, within a time frame established
3 by rule, by receiving the results of the Federal Bureau of
4 Investigation record search on criminal background checks and
5 using the results in making licensure decisions.

6 (3) Communication between a member state, the
7 commission, and among member states regarding the verification
8 of eligibility for licensure through this compact may not
9 include any information received from the Federal Bureau of
10 Investigation relating to a federal criminal records check
11 performed by a member state under Public Law 92-544.

12 (c) Upon application for a privilege to practice,
13 the licensing board in the issuing remote state shall
14 ascertain, through the data system, whether the applicant has
15 ever held, or is the holder of, a license issued by any other
16 state, whether there are any encumbrances on any license or
17 privilege to practice held by the applicant, and whether any
18 adverse action has been taken against any license or privilege
19 to practice held by the applicant.

20 (d) Each member state shall require an applicant to
21 obtain or retain a license in the home state and meet the home
22 state's qualifications for licensure or renewal of licensure,
23 as well as, all other applicable state laws.

24 (e) An audiologist must meet all of the following
25 qualifications:

26 (1) One of the following educational requirements:

1 a. On or before, December 31, 2007, the applicant
2 graduated with a master's degree or doctorate in audiology, or
3 equivalent degree regardless of degree name, from a program
4 that is accredited by an accrediting agency recognized by the
5 Council for Higher Education Accreditation, or its successor,
6 or by the United States Department of Education and operated
7 by a college or university accredited by a regional or
8 national accrediting organization recognized by the board.

9 b. On or after, January 1, 2008, the applicant
10 graduated with a Doctoral degree in audiology, or equivalent
11 degree, regardless of degree name, from a program that is
12 accredited by an accrediting agency recognized by the Council
13 for Higher Education Accreditation, or its successor, or by
14 the United States Department of Education and operated by a
15 college or university accredited by a regional or national
16 accrediting organization recognized by the board.

17 c. The applicant graduated from an audiology program
18 that is housed in an institution of higher education outside
19 of the United States: 1. for which the program and institution
20 have been approved by the authorized accrediting body in the
21 applicable country; and 2. the degree program has been
22 verified by an independent credentials review agency to be
23 comparable to a state licensing board-approved program.

24 (2) Completed a supervised clinical practicum
25 experience from an accredited educational institution or its
26 cooperating programs as required by the commission.

1 (3) Successfully passed a national examination
2 approved by the commission.

3 (4) Holds an active, unencumbered license.

4 (5) Has not been convicted or found guilty, and has
5 not entered into an agreed disposition, of a felony related to
6 the practice of audiology under applicable state or federal
7 criminal law.

8 (6) Has a valid United States Social Security or
9 National Practitioner Identification number.

10 (f) A speech-language pathologist must meet all of
11 the following qualifications:

12 (1) One of the following educational requirements:

13 a. The applicant graduated with a master's degree
14 from a speech-language pathology program that is accredited by
15 an organization recognized by the United States Department of
16 Education and operated by a college or university accredited
17 by a regional or national accrediting organization recognized
18 by the board.

19 b. The applicant graduated from a speech-language
20 pathology program that is housed in an institution of higher
21 education outside of the United States: 1. for which the
22 program and institution have been approved by the authorized
23 accrediting body in the applicable country; and 2. the degree
24 program has been verified by an independent credentials review
25 agency to be comparable to a state licensing board-approved
26 program.

1 (2) Completed a supervised clinical practicum
2 experience from an educational institution or its cooperating
3 programs as required by the commission.

4 (3) Completed a supervised postgraduate professional
5 experience as required by the commission.

6 (4) Successfully passed a national examination
7 approved by the commission.

8 (5) Holds an active, unencumbered license.

9 (6) Has not been convicted or found guilty, and has
10 not entered into an agreed disposition, of a felony related to
11 the practice of speech-language pathology under applicable
12 state or federal criminal law.

13 (7) Has a valid United States Social Security or
14 National Practitioner Identification number.

15 (g) The privilege to practice is derived from the
16 home state license.

17 (h) An audiologist or speech-language pathologist
18 practicing in a member state shall comply with the state
19 practice laws of the state in which the client is located at
20 the time service is provided. The practice of audiology and
21 speech-language pathology shall include all audiology and
22 speech-language pathology practice as defined by the state
23 practice laws of the member state in which the client is
24 located. The practice of audiology and speech-language
25 pathology in a member state under a privilege to practice
26 shall subject an audiologist or speech-language pathologist to
27 the jurisdiction of the licensing board, the courts, and the

1 laws of the member state in which the client is located at the
2 time service is provided.

3 (i) Individuals not residing in a member state shall
4 continue to be able to apply for a member state's single-state
5 license as provided under the laws of each member state.
6 However, the single-state license granted to these individuals
7 shall not be recognized as granting the privilege to practice
8 audiology or speech-language pathology in any other member
9 state. Nothing in this compact shall affect the requirements
10 established by a member state for the issuance of a
11 single-state license.

12 (j) Member states may charge a fee for granting a
13 compact privilege.

14 (k) Member states must comply with the bylaws and
15 rules of the commission.

16 Section 4. COMPACT PRIVILEGE.

17 (a) To exercise the compact privilege under the
18 terms and provisions of this compact, the audiologist or
19 speech-language pathologist shall meet all of the following
20 requirements:

21 (1) Hold an active license in the home state.

22 (2) Have no encumbrance on any state license.

23 (3) Be eligible for a compact privilege in any
24 member state in accordance with Section 3.

25 (4) Have not had any adverse action against any
26 license or compact privilege within the previous two years
27 from the date of application.

1 (5) Notify the commission that the licensee is
2 seeking the compact privilege within a remote state or states.

3 (6) Pay any applicable fees, including any state
4 fee, for the compact privilege.

5 (7) Report to the commission adverse action taken by
6 any non-member state within 30 days from the date the adverse
7 action is taken.

8 (b) For the purposes of the compact privilege, an
9 audiologist or speech-language pathologist may only hold one
10 home state license at a time.

11 (c) Except as provided in Section 6, if an
12 audiologist or speech-language pathologist changes primary
13 state of residence by moving between two member states, the
14 audiologist or speech-language pathologist shall apply for
15 licensure in the new home state, and the license issued by the
16 prior home state shall be deactivated in accordance with
17 applicable rules adopted by the commission.

18 (d) The audiologist or speech-language pathologist
19 may apply for licensure in advance of a change in primary
20 state of residence.

21 (e) A license may not be issued by the new home
22 state until the audiologist or speech-language pathologist
23 provides satisfactory evidence of a change in primary state of
24 residence to the new home state and satisfies all applicable
25 requirements to obtain a license from the new home state.

26 (f) If an audiologist or speech-language pathologist
27 changes his or her primary state of residence by moving from a

1 member state to a non-member state, the license issued by the
2 prior home state shall convert to a single-state license,
3 valid only in the former home state, and the privilege to
4 practice in any member state is deactivated in accordance with
5 the rules adopted by the commission.

6 (g) The compact privilege is valid until the
7 expiration date of the home state license. The licensee must
8 comply with the requirements of subsection (a) to maintain the
9 compact privilege in the remote state.

10 (h) A licensee providing audiology or
11 speech-language pathology services in a remote state under the
12 compact privilege shall function within the laws and
13 regulations of the remote state.

14 (i) A licensee providing audiology or
15 speech-language pathology services in a remote state is
16 subject to that state's regulatory authority. A remote state,
17 in accordance with due process and that state's laws, may
18 remove a licensee's compact privilege in the remote state for
19 a specific period of time, impose fines, or take any other
20 necessary actions to protect the health and safety of its
21 residents.

22 (j) If a home state license is encumbered, the
23 licensee shall lose the compact privilege in any remote state
24 until both the following occur:

25 (1) The home state license is no longer encumbered.

26 (2) Two years have elapsed from the date of the
27 adverse action.

1 (k) Once an encumbered license in the home state is
2 restored to good standing, the licensee must meet the
3 requirements of subsection (a) to obtain a compact privilege
4 in any remote state.

5 Section 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.

6 (a) Member states shall recognize the right of an
7 audiologist or speech-language pathologist, licensed by a home
8 state in accordance with Section 3 and under rules adopted by
9 the commission, to practice audiology or speech-language
10 pathology in any member state through telehealth under a
11 privilege to practice as provided in this compact and rules
12 adopted by the commission.

13 (b) A licensee providing audiology or
14 speech-language pathology services in a remote state under the
15 compact privilege shall function within the laws and
16 regulations of the state where the patient, client, or student
17 is located.

18 Section 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR
19 SPOUSES.

20 A licensee who is an active duty military or his or
21 her spouse shall designate a home state where the individual
22 has a current license in good standing. The individual may
23 retain the home state designation during the period the
24 service member is on active duty. Subsequent to designating a
25 home state, the individual shall only change his or her home
26 state through application for licensure in the new state.

27 Section 7. ADVERSE ACTIONS.

1 (a) In addition to the other powers conferred by
2 state law, a remote state in accordance with existing state
3 due process law, may do either of the following:

4 (1) Take adverse action against an audiologist's or
5 speech-language pathologist's privilege to practice within
6 that member state.

7 (2) Issue subpoenas for both hearings and
8 investigations that require the attendance and testimony of
9 witnesses as well as the production of evidence. Subpoenas
10 issued by a licensing board in a member state for the
11 attendance and testimony of witnesses or the production of
12 evidence from another member state shall be enforced in the
13 latter state by any court of competent jurisdiction, according
14 to the practice and procedure of that court applicable to
15 subpoenas issued in proceedings pending before it. The issuing
16 authority shall pay any witness fees, travel expenses,
17 mileage, and other fees required by the service laws of the
18 state in which the witnesses or evidence are located.

19 (b) Only the home state may take adverse action
20 against an audiologist's or speech-language pathologist's
21 license issued by the home state.

22 (c) For purposes of taking adverse action, the home
23 state shall give the same priority and effect to reported
24 conduct received from a member state as it would if the
25 conduct had occurred within the home state. In so doing, the
26 home state shall apply its own state laws to determine
27 appropriate action.

1 (d) The home state shall complete any pending
2 investigations of an audiologist or speech-language
3 pathologist who changes his or her primary state of residence
4 during the course of the investigations. The home state may
5 also take appropriate action and shall promptly report the
6 conclusions of the investigations to the administrator of the
7 data system. The administrator of the data system shall
8 promptly notify the new home state of any adverse actions.

9 (e) If otherwise permitted by state law, the home
10 state may recover from the affected audiologist or
11 speech-language pathologist the costs of investigations and
12 disposition of cases resulting from any adverse action taken
13 against that audiologist or speech-language pathologist.

14 (f) The home state may take adverse action based on
15 the factual findings of the remote state, provided that the
16 home state follows its own procedures for taking the adverse
17 action.

18 (g) Joint Investigations.

19 (1) In addition to the authority granted to a member
20 state by its respective audiology or speech-language pathology
21 practice act or other applicable state law, any member state
22 may participate with other member states in joint
23 investigations of licensees.

24 (2) Member states shall share any investigative,
25 litigation, or compliance materials in furtherance of any
26 joint or individual investigation initiated under this
27 compact.

1 (h) If adverse action is taken by the home state
2 against an audiologist's or speech language pathologist's
3 license, the audiologist's or speech-language pathologist's
4 privilege to practice in all other member states shall be
5 suspended until all encumbrances have been removed from the
6 state license. All home state disciplinary orders that impose
7 adverse action against an audiologist's or speech language
8 pathologist's license shall include a statement that the
9 audiologist's or speech-language pathologist's privilege to
10 practice is deactivated in all member states during the
11 pendency of the order.

12 (i) If a member state takes adverse action against a
13 licensee, it shall promptly notify the administrator of the
14 data system. The administrator of the data system shall
15 promptly notify the home state and any remote states in which
16 the licensee has the privilege to practice of any adverse
17 actions by the home state or remote states.

18 (j) Nothing in this compact shall override a member
19 state's decision that participation in an alternative program
20 may be used in lieu of adverse action.

21 Section 8. ESTABLISHMENT OF THE AUDIOLOGY AND
22 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION.

23 (a) The compact member states hereby create and
24 establish a joint public agency known as the Audiology and
25 Speech-Language Pathology Compact Commission as follows:

26 (1) The commission is an instrumentality of the
27 compact states.

1 (2) Venue is proper and judicial proceedings by or
2 against the commission shall be brought solely and exclusively
3 in a court of competent jurisdiction where the principal
4 office of the commission is located. The commission may waive
5 venue and jurisdictional defenses to the extent it adopts or
6 consents to participate in alternative dispute resolution
7 proceedings.

8 (3) Nothing in this compact shall be construed to be
9 a waiver of sovereign immunity.

10 (b) Membership, Voting, and Meetings.

11 (1) Each member state shall have two delegates
12 selected by that member state's licensing board. The delegates
13 shall be current members of the licensing board. One shall be
14 an audiologist and one shall be a speech-language pathologist.

15 (2) An additional five delegates, who are either a
16 public member or board administrator from a state licensing
17 board, shall be chosen by the executive committee from a pool
18 of nominees provided by the commission-at-large.

19 (3) Any delegate may be removed or suspended from
20 office as provided by the law of the state from which the
21 delegate is appointed.

22 (4) The member state board shall fill any vacancy
23 occurring on the commission within 90 days.

24 (5) Each delegate shall be entitled to one vote with
25 regard to the adoption of rules and creation of bylaws and
26 shall otherwise have an opportunity to participate in the
27 business and affairs of the commission.

1 (6) A delegate shall vote in person or by other
2 means as provided in the bylaws. The bylaws may provide for
3 delegates' participation in meetings by telephone or other
4 means of communication.

5 (7) The commission shall meet at least once during
6 each calendar year. Additional meetings shall be held as set
7 forth in the bylaws.

8 (c) The commission may do any of the following:

9 (1) Establish the fiscal year of the commission.

10 (2) Establish bylaws.

11 (3) Establish a Code of Ethics.

12 (4) Maintain its financial records in accordance with
13 the bylaws.

14 (5) Meet and take actions as are consistent with the
15 provisions of this compact and the bylaws.

16 (6) Adopt uniform rules to facilitate and coordinate
17 implementation and administration of this compact. The rules
18 shall have the force and effect of law and shall be binding in
19 all member states to the extent and in the manner provided for
20 in this compact.

21 (7) Bring legal proceedings or prosecute actions in
22 the name of the commission, provided that the standing of any
23 state audiology or speech-language pathology licensing board
24 to sue or be sued under applicable law shall not be affected.

25 (8) Purchase and maintain insurance and bonds.

1 (9) Borrow, accept, or contract for services of
2 personnel, including, but not limited to, employees of a
3 member state.

4 (10) Hire employees, elect or appoint officers, fix
5 compensation, define duties, grant individuals appropriate
6 authority to carry out the purposes of this compact, and
7 establish the commission's personnel policies and programs
8 relating to conflicts of interest, qualifications of
9 personnel, and other related personnel matters.

10 (11) Accept any and all appropriate donations and
11 grants of money, equipment, supplies, materials, and services,
12 and receive, use, and dispose of the same; provided that at
13 all times the commission shall avoid any appearance of
14 impropriety or conflict of interest.

15 (12) Lease, purchase, accept appropriate gifts or
16 donations of, or otherwise own, hold, improve, or use any
17 property, real, personal, or mixed; provided that at all times
18 the commission shall avoid any appearance of impropriety or
19 conflict of interest.

20 (13) Sell, convey, mortgage, pledge, lease,
21 exchange, abandon, or otherwise dispose of any property, real,
22 personal, or mixed.

23 (14) Establish a budget and make expenditures.

24 (15) Borrow money.

25 (16) Appoint committees, including standing
26 committees composed of members and other interested persons
27 designated in this compact and the bylaws.

1 (17) Provide and receive information from, and
2 cooperate with, law enforcement agencies.

3 (18) Establish and elect an executive committee.

4 (19) Perform other functions necessary or
5 appropriate to achieve the purposes of this compact consistent
6 with the state regulation of audiology and speech-language
7 pathology licensure and practice.

8 (d) The commission may not change or modify the laws
9 of the member states which define the practice of audiology
10 and speech-pathology in the respective states.

11 (e) The executive committee may act on behalf of the
12 commission, within the powers of the commission, according to
13 the terms of this compact. The executive committee shall be
14 composed of 10 members as follows:

15 (1) Seven voting members who are elected by the
16 commission from the current membership of the commission.

17 (2) Two ex-officio members, consisting of one
18 nonvoting member from a recognized national audiology
19 professional association and one nonvoting member from a
20 recognized national speech-language pathology association.

21 (3) One ex-officio, nonvoting member from the
22 recognized membership organization of the audiology and
23 speech-language pathology licensing boards.

24 (f) The ex-officio members shall be selected by
25 their respective organizations.

26 (1) The commission may remove any member of the
27 executive committee as provided in bylaws.

1 (2) The executive committee shall meet at least
2 annually.

3 (3) The executive committee shall have the following
4 duties:

5 a. Recommend to the entire commission changes to the
6 rules or bylaws, changes to this compact legislation, fees
7 paid by compact member states such as annual dues, and any
8 commission compact fee charged to licensees for the compact
9 privilege.

10 b. Ensure compact administration services are
11 appropriately provided, contractual or otherwise.

12 c. Prepare and recommend the budget.

13 d. Maintain financial records on behalf of the
14 commission.

15 e. Monitor compact compliance of member states and
16 provide compliance reports to the commission.

17 f. Establish additional committees as necessary.

18 g. Perform duties as provided in rules or bylaws.

19 (4) All meetings of the commission or the executive
20 committee shall be open to the public, and public notice of
21 meetings shall be given in the same manner as required under
22 the rulemaking provisions in Section 10.

23 (5) The commission or the executive committee or
24 other committees of the commission may convene in a closed,
25 non-public meeting if the commission or executive committee or
26 other committees of the commission must discuss any of the
27 following:

1 a. Non-compliance of a member state with its
2 obligations under this compact.

3 b. The employment, compensation, discipline, or
4 other matters, practices, or procedures related to specific
5 employees or other matters related to the commission's
6 internal personnel practices and procedures.

7 c. Current, threatened, or reasonably anticipated
8 litigation.

9 d. Negotiation of contracts for the purchase, lease,
10 or sale of goods, services, or real estate.

11 e. Accusing any person of a crime or formally
12 censuring any person.

13 f. Disclosure of trade secrets or commercial or
14 financial information that is privileged or confidential.

15 g. Disclosure of information of a personal nature
16 where disclosure would constitute a clearly unwarranted
17 invasion of personal privacy.

18 h. Disclosure of investigative records compiled for
19 law enforcement purposes.

20 i. Disclosure of information related to any
21 investigative reports prepared by or on behalf of or for use
22 of the commission or other committee charged with the
23 responsibility of investigation or the determination of
24 compliance issues pursuant to this compact.

25 j. Matters specifically exempted from disclosure by
26 federal or member state law.

1 (6) If a meeting or portion of a meeting is closed
2 pursuant to this subsection, the commission's legal counsel or
3 designee shall certify that the meeting may be closed and
4 shall reference each relevant exempting provision.

5 (7) The commission shall keep minutes that fully and
6 clearly describe all matters discussed in a meeting and shall
7 provide a full and accurate summary of actions taken, and the
8 reasons therefore, including a description of the views
9 expressed. All documents considered in connection with an
10 action shall be identified in the minutes. All minutes and
11 documents of meetings, other than closed meetings, shall be
12 made available to members of the public upon request. All
13 minutes and documents of a closed meeting shall remain under
14 seal, subject to release by a majority vote of the commission
15 or order of a court of competent jurisdiction.

16 (8) Financing of the Commission.

17 a. The commission shall pay, or provide for the
18 payment of, the reasonable expenses of its establishment,
19 organization, and ongoing activities.

20 b. The commission may accept any and all appropriate
21 revenue sources, donations, and grants of money, equipment,
22 supplies, materials, and services.

23 c. The commission may levy and collect an annual
24 assessment from each member state's licensing board or impose
25 fees on parties, other than the member states, to cover the
26 cost of the operations and activities of the commission and
27 its staff, which must be in a total amount sufficient to cover

1 its annual budget as approved each year for which revenue is
2 not provided by other sources. The aggregate annual assessment
3 amount shall be allocated based upon a formula to be
4 determined by the commission, which shall adopt a rule binding
5 upon all member states.

6 (9) The commission shall not incur obligations of
7 any kind prior to securing the funds adequate to meet the
8 obligation; nor shall the commission pledge the credit of any
9 of the member states, except by and with the authority of the
10 member state.

11 (10) The commission shall keep accurate accounts of
12 all receipts and disbursements. The receipts and disbursements
13 of the commission are subject to the audit and accounting
14 procedures established under its bylaws. However, all receipts
15 and disbursements of funds handled by the commission shall be
16 audited yearly by a certified or licensed public accountant,
17 and the report of the audit shall be included in and become
18 part of the annual report of the commission.

19 (g) Qualified Immunity, Defense, and
20 Indemnification.

21 (1) The members, officers, executive director,
22 employees, and representatives of the commission shall be
23 immune from suit and liability, either personally or in their
24 official capacity, for any claim for damage to or loss of
25 property or personal injury or other civil liability caused by
26 or arising out of any actual or alleged act, error, or
27 omission that occurred, or that the person against whom the

1 claim is made had a reasonable basis for believing occurred
2 within the scope of commission employment, duties, or
3 responsibilities; provided that nothing in this subdivision
4 shall be construed to protect any person from suit or
5 liability for any damage, loss, injury, or liability caused by
6 the intentional or willful or wanton misconduct of that
7 person.

8 (2) The commission shall defend any member, officer,
9 executive director, employee, or representative of the
10 commission in any civil action seeking to impose liability
11 arising out of any actual or alleged act, error, or omission
12 that occurred within the scope of commission employment,
13 duties, or responsibilities, or that the person against whom
14 the claim is made had a reasonable basis for believing
15 occurred within the scope of commission employment, duties, or
16 responsibilities; provided that nothing in this subdivision
17 prohibits that person from retaining his or her own counsel;
18 and provided further, that the actual or alleged act, error,
19 or omission did not result from that person's intentional or
20 willful or wanton misconduct.

21 (3) The commission shall indemnify and hold harmless
22 any member, officer, executive director, employee, or
23 representative of the commission for the amount of any
24 settlement or judgment obtained against that person arising
25 out of any actual or alleged act, error, or omission that
26 occurred within the scope of commission employment, duties, or
27 responsibilities, or that person had a reasonable basis for

1 believing occurred within the scope of commission employment,
2 duties, or responsibilities, provided that the actual or
3 alleged act, error, or omission did not result from the
4 intentional or willful or wanton misconduct of that person.

5 Section 9. DATA SYSTEM.

6 (a) The commission shall provide for the
7 development, maintenance, and use of a coordinated database
8 and reporting system containing licensure, adverse action, and
9 investigative information on all licensed individuals in
10 member states.

11 (b) Notwithstanding any state law to the contrary, a
12 member state shall submit a uniform data set to the data
13 system on all individuals to whom this compact is applicable
14 as required by the rules of the commission, including all of
15 the following:

16 (1) Identifying information.

17 (2) Licensure data.

18 (3) Adverse actions against a license or compact
19 privilege.

20 (4) Non-confidential information related to
21 alternative program participation.

22 (5) Any denial of application for licensure, and the
23 reason for denial.

24 (6) Other information that may facilitate the
25 administration of this compact, as determined by the rules of
26 the commission.

1 (c) Investigative information pertaining to a
2 licensee in any member state shall only be available to other
3 member states.

4 (d) The commission shall promptly notify all member
5 states of any adverse action taken against a licensee or an
6 individual applying for a license. Adverse action information
7 pertaining to a licensee in any member state shall be
8 available to any other member state.

9 (e) Member states contributing information to the
10 data system may designate information that may not be shared
11 with the public without the express permission of the
12 contributing state.

13 (f) Any information submitted to the data system
14 that is subsequently required to be expunged by the laws of
15 the member state contributing the information shall be removed
16 from the data system.

17 Section 10. RULEMAKING.

18 (a) The commission shall exercise its rulemaking
19 powers pursuant to the criteria set forth in this section and
20 the rules adopted thereunder. Rules and amendments become
21 binding as of the date specified in each rule or amendment.

22 (b) If, within four years of the date of adoption of
23 a rule, a majority of the legislatures of the member states
24 rejects the rule by enactment of a law or resolution in the
25 same manner used to adopt this compact, the rule shall have no
26 further force and effect in any member state.

1 (c) Rules or amendments to the rules shall be
2 adopted at a regular or special meeting of the commission.

3 (d) Prior to promulgation and adoption of a final
4 rule or rules by the commission, and at least 30 days in
5 advance of the meeting at which the rule shall be considered
6 and voted upon, the commission shall file a Notice of Proposed
7 Rulemaking on the website of the commission or other publicly
8 accessible platform and on the website of each member state
9 audiology or speech-language pathology licensing board or
10 other publicly accessible platform or the publication in which
11 each state would otherwise publish proposed rules.

12 (e) The Notice of Proposed Rulemaking shall include
13 all of the following:

14 (1) The proposed time, date, and location of the
15 meeting in which the rule shall be considered and voted upon.

16 (2) The text of the proposed rule or amendment and
17 the reason for the proposed rule.

18 (3) A request for comments on the proposed rule from
19 any interested person.

20 (4) The manner in which interested persons may
21 submit notice to the commission of their intention to attend
22 the public hearing and any written comments.

23 (f) Prior to the adoption of a proposed rule, the
24 commission shall allow persons to submit written data, facts,
25 opinions, and arguments, which shall be made available to the
26 public.

1 (g) The commission shall grant an opportunity for a
2 public hearing before it adopts a rule or amendment if a
3 hearing is requested by any of the following:

4 (1) At least 25 persons.

5 (2) A state or federal governmental subdivision or
6 agency.

7 (3) An association having at least 25 members.

8 (h) If a hearing is held on the proposed rule or
9 amendment, the commission shall publish the place, time, and
10 date of the scheduled public hearing. If the hearing is held
11 by electronic means, the commission shall publish the
12 mechanism for access to the electronic hearing.

13 (1) All persons wishing to be heard at the hearing
14 shall notify the executive director of the commission or other
15 designated member in writing of their desire to appear and
16 testify at the hearing not less than five business days before
17 the scheduled date of the hearing.

18 (2) Hearings shall be conducted in a manner
19 providing each person who wishes to comment a fair and
20 reasonable opportunity to comment orally or in writing.

21 (3) All hearings shall be recorded. A copy of the
22 recording shall be made available to any person upon request,
23 at his or her own expense.

24 (4) Nothing in this section shall be construed as
25 requiring a separate hearing on each rule. Rules may be
26 grouped for the convenience of the commission at hearings
27 required by this section.

1 (i) Following the scheduled hearing date, or by the
2 close of business on the scheduled hearing date if the hearing
3 was not held, the commission shall consider all written and
4 oral comments received.

5 (j) If no written notice of intent to attend the
6 public hearing by interested parties is received, the
7 commission may proceed with promulgation of the proposed rule
8 without a public hearing.

9 (k) The commission, by majority vote of all members,
10 shall take final action on the proposed rule and shall
11 determine the effective date of the rule, if any, based on the
12 rulemaking record and the full text of the rule.

13 (l) Upon determination that an emergency exists, the
14 commission may consider and adopt an emergency rule without
15 prior notice, opportunity for comment, or hearing, provided
16 that the usual rulemaking procedures provided in this compact
17 and in this section shall be retroactively applied to the rule
18 as soon as reasonably possible, in no event later than 90 days
19 after the effective date of the rule. For the purposes of this
20 subsection, an emergency rule is one that must be adopted
21 immediately in order to fulfill any of the following:

22 (1) Meet an imminent threat to public health,
23 safety, or welfare.

24 (2) Prevent a loss of commission or member state
25 funds.

1 (3) Meet a deadline for the adoption of an
2 administrative rule that is established by federal law or
3 rule.

4 (m) The commission or an authorized committee of the
5 commission may direct revisions to a previously adopted rule
6 or amendment for purposes of correcting typographical errors,
7 errors in format, errors in consistency, or grammatical
8 errors. Public notice of any revisions shall be posted on the
9 website of the commission. The revision shall be subject to
10 challenge by any person for a period of 30 days after posting.
11 The revision may be challenged only on grounds that the
12 revision results in a material change to a rule. A challenge
13 shall be made in writing and delivered to the chair of the
14 commission prior to the end of the notice period. If no
15 challenge is made, the revision shall take effect without
16 further action. If the revision is challenged, the revision
17 may not take effect without the approval of the commission.

18 Section 11. OVERSIGHT, DISPUTE RESOLUTION, AND
19 ENFORCEMENT.

20 (a) Dispute Resolution.

21 (1) Upon request by a member state, the commission
22 shall attempt to resolve disputes related to this compact that
23 arise among member states and between member and non-member
24 states.

25 (2) The commission shall adopt a rule providing for
26 both mediation and binding dispute resolution for disputes as
27 appropriate.

1 (b) Enforcement.

2 (1) The commission, in the reasonable exercise of
3 its discretion, shall enforce the provisions and rules of this
4 compact.

5 (2) By majority vote, the commission may initiate
6 legal action in the United States District Court for the
7 District of Columbia or the federal district court where the
8 commission has its principal offices against a member state in
9 default to enforce compliance with this compact and its
10 adopted rules and bylaws. The relief sought may include both
11 injunctive relief and damages. In the event judicial
12 enforcement is necessary, the prevailing member shall be
13 awarded all costs of litigation, including reasonable
14 attorney's fees.

15 (3) The remedies described in this subsection are
16 not the exclusive remedies of the commission. The commission
17 may pursue any other remedies available under federal or state
18 law.

19 Section 12. DATE OF IMPLEMENTATION OF THE INTERSTATE
20 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
21 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

22 (a) This compact takes effect on the date on which
23 the compact statute is enacted into law in the 10th member
24 state. The provisions, which become effective at that time,
25 shall be limited to the powers granted to the commission
26 relating to assembly and the adoption of rules. Thereafter,
27 the commission shall meet and exercise rulemaking powers

1 necessary to the implementation and administration of this
2 compact.

3 (b) Any state that joins this compact subsequent to
4 the commission's initial adoption of the rules is subject to
5 the rules as they exist on the date on which this compact
6 becomes law in that state. Any rule that has been previously
7 adopted by the commission has the full force and effect of law
8 on the day this compact becomes law in that state.

9 (c) Any member state may withdraw from this compact
10 by enacting a statute repealing participation in this compact.

11 (1) A member state's withdrawal shall not take
12 effect until six months after enactment of the repealing
13 statute.

14 (2) Withdrawal shall not affect the continuing
15 requirement of the withdrawing state's audiology or
16 speech-language pathology licensing board to comply with the
17 investigative and adverse action reporting requirements of
18 this act prior to the effective date of withdrawal.

19 (d) Nothing contained in this compact shall be
20 construed to invalidate or prevent any audiology or
21 speech-language pathology licensure agreement or other
22 cooperative arrangement between a member state and a
23 non-member state that does not conflict with the provisions of
24 this compact.

25 (e) This compact may be amended by the member
26 states. No amendment to this compact shall become effective

1 and binding upon any member state until it is enacted into the
2 laws of all member states.

3 Section 13. CONSTRUCTION AND SEVERABILITY.

4 This compact shall be liberally construed so as to
5 effectuate the purposes of this compact. The provisions of
6 this compact are severable and if any phrase, clause,
7 sentence, or provision of this compact is declared to be
8 contrary to the constitution of any member state or of the
9 United States or the applicability thereof to any government,
10 agency, person, or circumstance is held invalid, the validity
11 of the remainder of this compact and the applicability thereof
12 to any government, agency, person, or circumstance shall not
13 be affected. If this compact is held contrary to the
14 constitution of any member state, this compact shall remain in
15 full force and effect as to the remaining member states and in
16 full force and effect as to the member state affected as to
17 all severable matters.

18 Section 14. BINDING EFFECT OF COMPACT AND OTHER
19 LAWS.

20 (a) Nothing in this compact prevents the enforcement
21 of any other law of a member state that is not inconsistent
22 with this compact.

23 (b) All laws in a member state in conflict with this
24 compact are superseded to the extent of the conflict.

25 (c) All lawful actions of the commission, including
26 all rules and bylaws adopted by the commission, are binding
27 upon the member states.

1 (d) All agreements between the commission and the
2 member states are binding in accordance with their terms.

3 (e) In the event any provision of this compact
4 exceeds the constitutional limits imposed on the legislature
5 of any member state, the provision shall be ineffective to the
6 extent of the conflict with the constitutional provision in
7 question in that member state.

8 Section 15. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.