

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 5

AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 25-0.5-11-1, AS ADDED BY P.L.3-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in IC 25-1-9 and **IC 25-1-21**, "board" means any of the entities described in this chapter.

SECTION 2. IC 25-1-21 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 21. Reciprocity for Health Care Professionals

Sec. 1. (a) This chapter does not apply to any of the following licenses:

- (1) Any type of social work license issued under IC 25-23.6-5.**
- (2) Any type of marriage and family therapist license issued under IC 25-23.6-8.**
- (3) Any type of mental health counselor license issued under IC 25-23.6-8.5.**
- (4) Any type of addiction counselor or clinical addiction counselor license issued under IC 25-23.6-10.5.**
- (5) Any type of respiratory care practitioner license issued under IC 25-34.5.**

(b) This chapter does not prohibit an applicant from proceeding under other licensure, certification, registration, or permit



requirements established by a board or another law.

Sec. 2. As used in this chapter, "board" means any of the entities described in IC 25-0.5-11.

Sec. 3. As used in this chapter, "jurisdiction" means the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 4. As used in this chapter, "license" means an unlimited license regulating the occupation in question.

Sec. 4.5. As used in this chapter, "provisional license or provisional certificate" means a temporary license or certificate issued under this chapter that allows the holder to practice the occupation that was applied for and at the same practice level until the license or certificate expires under section 7(c) of this chapter.

Sec. 5. Notwithstanding any other law, subject to section 11 of this chapter, a board shall issue a license or certificate to an applicant to allow the individual to practice the applicant's occupation in Indiana if, upon application to the board, the applicant satisfies the following conditions:

(1) Holds a current license or certificate from another state or jurisdiction; and

(A) that state's or jurisdiction's requirements for a license or certificate are substantially equivalent to or exceed the requirements for a license or certificate of the board from which the applicant is seeking licensure or certification; or
(B) when the person was licensed or certified by another state:

(i) there were minimum education requirements in the other state;

(ii) if there were applicable work experience and clinical supervision requirements in effect, the person met those requirements in order to be licensed or certified in that state; and

(iii) if required by the other state, the person previously passed an examination required for the license or certification.

(2) Has not committed any act in any state or jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that occupation in Indiana at the time the act was committed.

(3) Does not have a complaint or an investigation pending



before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.

(4) Is in good standing and has not been disciplined by the agency that has authority to issue the license or certification.

(5) If a law regulating the applicant's occupation requires the board to administer an examination on the relevant laws of Indiana, the board may require the applicant to take and pass an examination specific to the laws of Indiana.

(6) Pays any fees required by the board for which the applicant is seeking licensure or certification.

Sec. 6. If a national criminal history background check (as defined in IC 25-1-1.1-4) is required under IC 25-1-1.1-4 for the occupation for which the applicant seeks a license or certificate, not more than five (5) business days after the:

(1) professional licensing agency received the individual's application for a license or certificate under this chapter; and

(2) individual has paid any fees required by the board for which the applicant is seeking licensure or certification;

the professional licensing agency shall notify the applicant that the applicant is eligible to submit a national criminal history background check to the professional licensing agency.

Sec. 7. (a) Notwithstanding any other law, an applicant for a license or certificate is entitled to a provisional license or provisional certificate in the occupation applied for and at the same practice level as determined by the board, without an examination, if all of the following conditions are met:

(1) The individual submits a signed affidavit affirming, under the penalties for perjury, the following:

(A) The individual is in good standing in all states and jurisdictions in which the individual holds a license or certificate for the occupation applied for.

(B) The individual has not had a license revoked and has not voluntarily surrendered a license in another state or jurisdiction while under investigation for unprofessional conduct.

(C) The individual has not had discipline imposed by the regulating agency for the occupation in another state or jurisdiction.

(D) The individual does not have a complaint or an investigation pending before the regulating agency in another state or jurisdiction that relates to unprofessional conduct.



(2) The individual does not have a disqualifying criminal history, as determined by the board, if a national criminal history background check (as defined in IC 25-1-1.1-4) is required under IC 25-1-1.1-4 for the occupation for which the applicant seeks a license or certificate.

(3) The individual submits verification that the individual is currently licensed or certified in at least one (1) other state or jurisdiction in the occupation applied for.

(4) The individual has submitted an application for a license or certificate under this chapter with the board and has paid any application fee.

(b) An applicant who has met the requirements in subsection (a) shall be issued a provisional license or provisional certificate not more than thirty (30) days after the requirements are met.

(c) A provisional license or provisional certificate expires on the earlier of the following:

(1) Three hundred sixty-five (365) days after it is issued.

(2) The date on which the board approves and issues the individual a license or certificate for the occupation.

(3) The date on which the board denies the individual's application for a license or certificate for the occupation.

(d) In addition to any other penalties for perjury, an individual who violates this section commits a Class A infraction.

(e) If the board discovers that any of the information submitted under this section is false, the board may immediately revoke the individual's provisional license or provisional certificate.

(f) This section does not apply to a license or certificate that is established by or recognized through an interstate compact, a reciprocity agreement, or a comity agreement that is established by a board or a law.

(g) The board shall make a final decision on a license or certificate application before the expiration of a provisional license or provisional certificate issued under this section.

Sec. 8. A nonresident who is issued a license or certificate under this chapter is entitled to the same rights and subject to the same obligations as required of a resident who is issued a license or certificate by a board.

Sec. 9. Notwithstanding any other law, if a board has a pending application for initial licensure or certification that requires final approval by the board, the board shall meet not more than thirty-one (31) days after the application is ready for approval.

Sec. 10. A board may adopt rules under IC 4-22-2 necessary to



implement this chapter.

Sec. 11. Beginning July 1, 2026, the medical licensing board of Indiana may not issue a license under this chapter to an applicant seeking a license as a physician under IC 25-22.5.

SECTION 3. IC 25-23.6-5-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.1. (a) Except as provided in subsection (b), a graduate program is considered to have emphasized direct clinical patient or clinic health care services if the graduate program meets the following requirements:

- (1) Required coursework in clinical social work and related areas such as psychiatric social work, medical social work, social case work, case management, psychotherapy, group therapy, and any other coursework accepted by the board.
- (2) Required a supervised field placement that was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.
- (3) Required completion of ~~twenty-four (24)~~ semester hours or ~~thirty-seven (37)~~ quarter hours of clinically oriented services courses in the theory and research of human behavior and social environment and practice methods. However, if the graduate degree was obtained before October 1, 1990, and the applicant submitted an application under section 3 of this chapter (before its repeal) before July 1, 1999, ~~twenty-one (21)~~ semester hours or ~~thirty-one (31)~~ quarter hours in clinically oriented services are required. Not more than six (6) semester hours or nine (9) quarter hours of the clinically oriented services courses may be from independent study coursework.

If the applicant's transcript does not clearly identify the content of the coursework, the applicant shall submit a syllabus, a course catalog description, or other documentation that describes the coursework.

(b) An applicant who graduated from a graduate program that did not emphasize direct patient or client services may complete the clinical curriculum requirement by returning to a graduate program allowed under section 2(1)(B) of this chapter to complete the education requirements.

(c) Coursework that was taken at a baccalaureate level does not meet the requirements under this section unless an official of the graduate program certifies that the specific course, which a student enrolled in the same graduate program was ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level.

SECTION 4. IC 25-23.6-5-10.5, AS ADDED BY P.L.192-2017,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.5. The board shall issue a license to an individual to be a bachelor's degree social worker, social worker, or clinical social worker, **not more than thirty (30) days after the application is filed and completed**, if the individual:

- (1) has a valid license or certificate to practice from another state or jurisdiction;
- (2) has passed an examination substantially equivalent to the level for which licensure is being requested;
- (3) does not have a pending disciplinary proceeding in another state; and
- (4) pays a fee.

SECTION 5. IC 25-23.6-8-2.5, AS AMENDED BY P.L.49-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:

- (1) Except as provided in subsection (b), ~~complete twenty-seven (27) semester hours or forty-one (41) quarter hours~~ of graduate course work that must include graduate level course credits with material in at least the following content areas:
 - (A) Theoretical foundations of marriage and family therapy.
 - (B) Major models of marriage and family therapy.
 - (C) Individual development.
 - (D) Family development and family relationships.
 - (E) Clinical problems.
 - (F) Collaboration with other disciplines.
 - (G) Sexuality.
 - (H) Gender and sexual orientation.
 - (I) Issues of ethnicity, race, socioeconomic status, and culture.
 - (J) Therapy techniques.
 - (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course. ~~if the applicant can prove that the course work was devoted to each content area:~~

- (2) ~~Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours~~ **Graduate course work** in the following areas:
 - (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent



course approved by the board.

(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:

(A) The applicant provided five hundred (500) hours of marriage and family therapy services, including at least four hundred (400) face to face client contact hours, of which at least two hundred (200) hours must be relational, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.

(B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under clauses (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

(b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

(1) Thesis or dissertation work.

(2) Practicums, internships, or fieldwork.

SECTION 6. IC 25-23.6-8-9.5, AS ADDED BY P.L.225-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. The board shall issue a license to an individual to be a marriage and family therapist, **not more than thirty (30) days after the application is filed and completed**, if the individual:

(1) has a valid license or certificate to practice from another state or jurisdiction;

(2) has passed an examination substantially equivalent to the level for which licensure is being requested;

(3) does not have a pending disciplinary proceeding in another state; and



(4) pays a fee.

SECTION 7. IC 25-23.6-8.5-3, AS AMENDED BY P.L.160-2018, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. An applicant as a mental health counselor under section 1 of this chapter or a mental health counselor associate under section 1.5 of this chapter must complete the following educational requirements:

(1) ~~Complete sixty (60) semester hours~~ of Graduate course work in counseling that must include either a master's degree ~~that required not less than forty-eight (48) semester hours~~ or a doctor's degree in counseling. The graduate course work must include the following content areas:

- (A) Human growth and development.
- (B) Social and cultural foundations of counseling.
- (C) Helping relationship, including counseling theory and practice.
- (D) Group dynamics, processes, counseling, and consultation.
- (E) Lifestyle and career development.
- (F) Assessment and appraisal of individuals.
- (G) Research and program evaluation.
- (H) Professional orientation and ethics.
- (I) Foundations of mental health counseling.
- (J) Contextual dimensions of mental health counseling.
- (K) Knowledge and skills for the practice of mental health counseling and psychotherapy.
- (L) Clinical instruction.

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of seven hundred (700) clock hours consisting of one (1) practicum of one hundred (100) hours, and one (1) internship of six hundred (600) hours with at least sixty-six (66) hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

SECTION 8. IC 25-23.6-8.5-9.5, AS ADDED BY P.L.225-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



UPON PASSAGE]: Sec. 9.5. The board shall issue a license to an individual to be a mental health counselor, **not more than thirty (30) days after the application is filed and completed**, if the individual:

- (1) has a valid license or certificate to practice from another state or jurisdiction;
- (2) has passed an examination substantially equivalent to the level for which licensure is being requested;
- (3) does not have a pending disciplinary proceeding in another state; and
- (4) pays a fee.

SECTION 9. IC 25-23.6-10.5-5, AS AMENDED BY P.L.49-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. (a) An applicant under section 1 of this chapter must complete the following educational requirements:

- (1) ~~Forty (40) semester hours or sixty (60) quarter hours~~ of Course work from an eligible postsecondary educational institution that includes the following content areas:
 - (A) Addictions theory.
 - (B) Psychoactive drugs.
 - (C) Addictions counseling skills.
 - (D) Theories of personality.
 - (E) Developmental psychology.
 - (F) Abnormal psychology.
 - (G) Group work.
 - (H) Cultural competency.
 - (I) Ethics and professional development.
 - (J) Family education.
 - (K) Areas of content as approved by the board.
- (2) At least one (1) supervised practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide at least three hundred fifty (350) hours of addiction counseling services.

(b) The content areas under subsection (a)(1) may be combined into any one (1) college level course. ~~if the applicant can prove that the course work was devoted to each content area listed in subsection (a)(1).~~

SECTION 10. IC 25-23.6-10.5-6, AS AMENDED BY P.L.207-2021, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) An applicant under section 2 of this chapter must complete the following educational requirements:

- (1) ~~Twenty-seven (27) semester hours or forty-one (41) quarter~~



~~hours of~~ Graduate course work that must include graduate level course credits with material in at least the following content areas:

- (A) Addiction counseling theories and techniques.
- (B) Psychopharmacology.
- (C) Psychopathology.
- (D) Clinical appraisal and assessment.
- (E) Theory and practice of group addiction counseling.
- (F) Counseling addicted family systems.
- (G) Multicultural counseling.
- (H) Research methods in addictions.
- (I) Areas of content as approved by the board.

(2) ~~At least one (1) graduate level course of two (2) semester hours or three (3) quarter hours~~ **Graduate course work** in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of addiction counseling and therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide seven hundred (700) hours of clinical addiction counseling services and that must include the following:

- (A) Two hundred eighty (280) face to face client contact hours of addiction counseling services under the supervision of a qualified supervisor, as determined by the board.
- (B) Thirty-five (35) hours of supervision from a qualified supervisor, as determined by the board.

However, an applicant who has completed a clinical practicum, an internship, or field experience to obtain another license under this article is not required to complete the clinical addiction counseling services hours required under this subdivision.

(4) Any qualifications established by the board under subsection (c).

(b) The content areas under subsection (a)(1) may be combined into any one (1) graduate level course. ~~if the applicant can prove that the course work was devoted to each content area:~~

(c) The board shall adopt rules to establish any additional educational or clinical qualifications as specified by the Council for Accreditation of Counseling and Related Educational Programs or a successor organization.

SECTION 11. IC 25-23.6-10.5-9.5, AS ADDED BY P.L.225-2017,



SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. The board shall issue a license to an individual to be a licensed addiction counselor or licensed clinical addiction counselor, **not more than thirty (30) days after the application is filed and completed**, if the individual:

- (1) has a valid license or certificate to practice from another state or jurisdiction;
- (2) has passed an examination substantially equivalent to the level for which licensure is being requested;
- (3) does not have a pending disciplinary proceeding in another state; and
- (4) pays a fee.

SECTION 12. IC 25-34.5-2-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) The committee ~~may~~ **shall** issue a temporary permit to a person to practice respiratory care or to profess to be a respiratory care practitioner, **not more than thirty (30) days after the application is filed and completed**, if the person pays a fee and:

- (1) has:
 - (A) a valid license or certificate to practice from another state; and
 - (B) applied for a license from the committee;
- (2) is practicing in a state that does not license or certify respiratory care practitioners but is credentialed by a national respiratory care practitioner association approved by the committee, and the person has applied for a license from the committee; or
- (3) has:
 - (A) been approved by the committee to take the next examination; and
 - (B) graduated from a school or program approved by the committee.
- (b) A temporary permit expires the earlier of:
 - (1) the date the person holding the permit is issued a license under this article; or
 - (2) the date the committee disapproves the person's license application.
- (c) The committee may renew a temporary permit if the person holding the permit was scheduled to take the next examination and:
 - (1) did not take the examination; and
 - (2) shows good cause for not taking the examination.
- (d) A permit renewed under subsection (c) expires on the date the



person holding the permit receives the results from the next examination given after the permit was issued.

SECTION 13. IC 25-34.5-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The committee ~~may~~ **shall** issue a license by endorsement, **not more than thirty (30) days after the application is filed and completed**, to a person who:

- (1) presents satisfactory evidence to the committee that the person holds:
 - (A) a license or certification to practice respiratory care in:
 - (i) another state; or
 - (ii) a jurisdiction of Canada; or
 - (B) credentials issued by a national respiratory care practitioner organization approved by the committee;
- (2) meets the requirements of section 8 of this chapter; and
- (3) pays a fee determined by the board after consideration of a recommendation of the committee.

(b) If the applicant presents satisfactory evidence that the applicant has actively engaged in the practice of respiratory care that included actual patient care:

- (1) in another jurisdiction;
- (2) under the supervision of a physician licensed in that jurisdiction; and
- (3) for at least ten (10) of the previous fifteen (15) years preceding the date of application;

the committee may waive the education requirements under subsection (a)(2) and section 8(b) of this chapter if the committee determines that the applicant has sufficient knowledge and experience.

SECTION 14. IC 25-35.6-1-3, AS AMENDED BY P.L.216-2021, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Licensure shall be granted either in speech-language pathology or audiology independently. A person may be licensed in both areas if the person meets the respective qualifications.

(b) Except as provided in sections 5.5 and 6.5 of this chapter **and IC 25-35.6-5**, no person shall practice or represent himself **or herself** as a speech-language pathologist or audiologist in this state unless the person is licensed in accordance with the provisions of this article.

SECTION 15. IC 25-35.6-1-4, AS AMENDED BY P.L.216-2021, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. Nothing in this article shall be construed as preventing or restricting the following:



- (1) A physician or surgeon from engaging in the practice of medicine in this state, or a person under the supervision and control of a physician or surgeon from conducting hearing testing, provided such a person is not called an audiologist.
- (2) Any hearing aid dealer from:
 - (A) engaging in the testing of hearing and other practices and procedures necessary for the business for which the dealer is registered in this state under IC 25-20-1; and
 - (B) using the title hearing aid specialist or any similar title or description of service.
- (3) Any person licensed or registered in this state by any other law from engaging in the profession or occupation for which the person is licensed or registered.
- (4) A person employed as a speech-language pathologist or audiologist by the government of the United States, if such person performs speech-language pathology or audiology services solely within the confines or under the jurisdiction of the governmental organization by which the person is employed. However, such person may, without obtaining a license under this article, consult with or disseminate the person's research findings and other scientific information to speech-language pathologists and audiologists outside the jurisdiction of the organization by which the person is employed. Such person may also offer instruction and lectures to the public without being licensed under this article. Such person may additionally elect to be subject to this article.
- (5) The activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a postsecondary educational institution, if:
 - (A) such activities and services constitute a part of a supervised course of study;
 - (B) such person is designated speech-language pathology or audiology intern, speech-language pathology or audiology trainee, or by other such titles clearly indicating the training status appropriate to the person's level of training; and
 - (C) the person works only under the supervision of a speech-language pathologist or audiologist licensed under this article.
- (6) The activities and services of persons fulfilling the clinical experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this chapter, if such activities and services constitute a part of the experience required for that section's fulfillment.



(7) The performance of pure tone air conduction testing by an industrial audiometric technician, as defined by federal law, who is working in an industrial hearing conservation program directed by a physician or an audiologist.

(8) The performance of speech-language pathology or audiology services in this state by any person not a resident of this state who is not licensed under this article, if such services are performed:

(A) under IC 25-35.6-5; or

(B) for no more than five (5) days in any calendar year and in cooperation with a speech-language pathologist or audiologist licensed under this article, and if such person meets the qualifications and requirements for application for licensure described in sections section 5(1) and 5(2) or 6(1) and 6(2) of this chapter.

However, a person not a resident of this state who is not licensed under this article **or practicing under IC 25-35.6-5**, but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by section 5 or 6 of this chapter or who is the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language or hearing, may offer speech-language pathology or audiology services in this state for no more than one hundred eighty (180) days in any calendar year, if such services are performed in cooperation with a speech-language pathologist or audiologist licensed under this article.

SECTION 16. IC 25-35.6-1-5.5, AS ADDED BY P.L.216-2021, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. **(a)** An individual may practice speech-language pathology in Indiana under a license to practice speech-language pathology issued by a state that has entered into a reciprocity agreement with the board under which an individual licensed to practice speech-language pathology in Indiana is authorized to practice speech-language pathology in the other state under the individual's Indiana speech-language pathology license.

(b) Before January 1, 2023, the board shall initiate and make every effort to enter into a reciprocity agreement with another state that:

(1) is contiguous to Indiana; and

(2) is not a member of an interstate compact with Indiana concerning speech-language pathology;

that would allow an individual licensed to practice speech-language



pathology in Indiana or the other state to practice in the other state under the individual's speech-language pathology license.

SECTION 17. IC 25-35.6-1-6.5, AS ADDED BY P.L.216-2021, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) An individual may practice audiology in Indiana under a license to practice audiology issued by a state that has entered into a reciprocity agreement with the board under which an individual licensed to practice audiology in Indiana is authorized to practice audiology in the other state under the individual's Indiana audiology license.

(b) Before January 1, 2023, the board shall initiate and make every effort to enter into a reciprocity agreement with another state that:

- (1) is contiguous to Indiana; and**
- (2) is not a member of an interstate compact with Indiana concerning audiology;**

that would allow an individual licensed to practice audiology in Indiana or the other state to practice in the other state under the individual's audiology license.

SECTION 18. IC 25-35.6-2-2, AS AMENDED BY P.L.212-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The board:

- (1) shall administer, coordinate, and enforce this article;
- (2) shall evaluate the qualifications and supervise the examinations of applicants for licensure under this article;
- (3) may issue subpoenas, examine witnesses, and administer oaths; and
- (4) shall, at its discretion, investigate allegations of practices violating this article, subject to IC 25-1-7.

(b) The board shall adopt rules under IC 4-22-2 relating to professional conduct commensurate with the policy of this article, including rules that establish standards for the competent practice of speech-language pathology and audiology. ~~Following their adoption;~~ **Except as provided in IC 25-35.6-5-14,** the rules govern and control the professional conduct of every person who holds a license to practice speech-language pathology or audiology in this state.

(c) The board shall conduct the hearings and keep the records and minutes necessary for the orderly dispatch of its functions. The board shall have notice provided to the appropriate persons in a manner it considers appropriate of the times and places of all hearings authorized by this subsection. Approval by a majority of a quorum of the board is required for any action to be taken in actions for revocation or



suspension of a license issued under this article.

(d) The board may adopt rules under IC 4-22-2 to:

- (1) administer or enforce this article;
- (2) register persons in the process of fulfilling the clinical experience required for a license under this article;
- (3) establish fees in accordance with IC 25-1-8-2; and
- (4) register speech-language pathology assistants, associates, and aides and establish rules governing the duties of assistants, associates, and aides.

(e) The conferral or enumeration of specific powers elsewhere in this article shall not be construed as a limitation of the general functions conferred by this section.

SECTION 19. IC 25-35.6-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 5. Audiology and Speech-Language Pathology Interstate Compact

Sec. 1. The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

- (1) Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses.**
- (2) Enhance the states' ability to protect the public's health and safety.**
- (3) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice.**
- (4) Support spouses of relocating active duty military personnel.**
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.**
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.**
- (7) Allow for the use of telehealth technology to facilitate**



increased access to audiology and speech-language pathology services.

Sec. 2. As used in this compact, and except as otherwise provided, the following definitions shall apply throughout this chapter:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. Chapter 1211.

(2) "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice, such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

(3) "Alternative program" means a nondisciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

(4) "Audiologist" means an individual who is licensed by a state to practice audiology.

(5) "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

(6) "Audiology and speech-language pathology licensing board", "audiology licensing board", "speech-language pathology licensing board", or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists, speech-language pathologists, or both.

(7) "Commission" means the Audiology and Speech-Language Pathology Compact Commission, the national administrative body whose membership consists of all states that have enacted the compact, that is established under section 8 of this chapter.

(8) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member



state where the patient/client/student is located at the time of the patient/client/student encounter.

(9) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege, and adverse action.

(10) "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioner Data Bank (NPDB).

(11) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(12) "Home state" means the member state that is the licensee's primary state of residence.

(13) "Impaired practitioner" means an individual whose professional practice is adversely affected by substance abuse, addiction, or other health related conditions.

(14) "Investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(15) "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

(16) "Member state" means a state that has enacted the compact.

(17) "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

(18) "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(19) "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

(20) "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does



not include a privilege to practice in any other member state.

(21) "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

(22) "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

(23) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

(24) "State practice laws" means a member state's laws, rules, and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

(25) "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for any of the following:

(A) Assessment.

(B) Intervention.

(C) Consultation.

Sec. 3. (a) A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

(b) A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. The following apply to the criminal history records:

(1) 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 checks and use the results in making licensure decisions.

(2) Communication between a member state, the commission, and among member states regarding the verification of



eligibility for licensure through the compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under federal Public Law 92-544.

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

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

(e) An audiologist must meet the following requirements:

(1) Must meet one (1) of the following educational requirements:

(A) On or before December 31, 2007, has graduated with a master's degree or doctorate in audiology or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(B) On or after January 1, 2008, has graduated with a doctoral degree in audiology or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(C) Has graduated from an audiology program that is housed in an institution of higher education outside of the United States:

(i) for which the program and institution have been approved by the authorized accrediting body in the



applicable country; and

(ii) the degree program of which has been verified by an independent credentials review agency to be comparable to a state licensing board approved program.

(2) Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission.

(3) Has successfully passed a national examination approved by the commission.

(4) Holds an active, unencumbered license.

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

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

(f) A speech-language pathologist must meet the following requirements:

(1) Must meet one (1) of the following educational requirements:

(A) Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board.

(B) Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States:

(i) for which the program and institution have been approved by the authorized accrediting body in the applicable country; and

(ii) the degree program of which has been verified by an independent credentials review agency to be comparable to a state licensing board approved program.

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

(3) Has completed a supervised postgraduate professional experience as required by the commission.

(4) Has successfully passed a national examination approved by the commission.



(5) Holds an active, unencumbered license.

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

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

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

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

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

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

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

Sec. 4. (a) To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall do the following:

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

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any member state in accordance with section 3 of this chapter.

(4) Have not had any adverse action against any license or compact privilege within the previous two (2) years from date



of application.

(5) Notify the commission that the licensee is seeking the compact privilege within one (1) or more remote states.

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

(7) Report to the commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.

(b) For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one (1) home state license at a time.

(c) Except as provided in section 6 of this chapter, if an audiologist or speech-language pathologist changes primary state of residence by moving between two (2) member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the commission.

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

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

(f) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license issued by the prior home state shall convert to a single state license, valid only in the former home state.

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

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

(i) A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, take any of the following actions:

(1) Remove a licensee's compact privilege in the remote state



for a specific period of time.

(2) Impose fines.

(3) Take any other necessary actions to protect the health and safety of its citizens.

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

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

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

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

(l) Once the requirements of subsection (j) are met, the licensee must meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

Sec. 5. (a) Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with section 3 of this chapter and under rules promulgated by the commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

(b) A licensee providing audiology or speech-language pathology services in a remote state under the compact shall function within the laws and regulations of the remote state.

Sec. 6. Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

Sec. 7. (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do the following:

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

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of



witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

Only the home state shall have the power to take adverse action against an audiologist's or speech-language pathologist's license issued by the home state.

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

(c) The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also have the authority to take any appropriate actions and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

(d) If otherwise permitted by state law, a member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

(e) A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

(f) The following apply to joint investigations:

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

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



(g) If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

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

Sec. 8. (a) The compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission. The following apply to the commission:

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

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

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

(b) The following apply to the membership, voting, and meetings of the commission:

(1) Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One (1) shall be an audiologist and one (1) shall be a speech-language pathologist.

(2) An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the executive committee from a pool of nominees provided by the commission at large.

(3) Any delegate may be removed or suspended from office as



provided by the law of the state from which the delegate is appointed.

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

(5) Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

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

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

(c) The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Establish a code of ethics.

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

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

(6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

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

(8) Purchase and maintain insurance and bonds.

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

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

(11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and



receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety, conflict of interest, or both.

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

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

(14) Establish a budget and make expenditures.

(15) Borrow money.

(16) Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this compact and the bylaws.

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

(18) Establish and elect an executive committee.

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

(d) The commission does not have authority to change or modify the laws of the member states that define the practice of audiology and speech-language pathology in the respective member states.

(e) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The executive committee shall be composed of ten (10) members as follows:

(1) Seven (7) voting members who are elected by the commission from the current membership of the commission.

(2) Two (2) ex-officios, consisting of one (1) nonvoting member from a recognized national audiology professional association and one (1) nonvoting member from a recognized national speech-language pathology association.

(3) One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

(f) The ex-officio members of the executive committee shall be selected by their respective organizations.

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

(h) The executive committee shall meet at least annually.



(i) The executive committee shall have the following duties and responsibilities:

- (1) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.
- (2) Ensure compact administration services are appropriately provided, contractual or otherwise.
- (3) Prepare and recommend the budget.
- (4) Maintain financial records on behalf of the commission.
- (5) Monitor compact compliance of member states and provide compliance reports to the commission.
- (6) Establish additional committees as necessary.
- (7) Other duties as provided in rules or bylaws.

(j) All meetings of the commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in section 10 of this chapter.

(k) The commission, the executive committee, or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

- (1) noncompliance of a member state with its obligations under the compact;
- (2) the employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
- (3) current, threatened, or reasonably anticipated litigation;
- (4) negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
- (5) accusing any person of a crime or formally censuring any person;
- (6) disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- (7) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (8) disclosure of investigative records compiled for law enforcement purposes;
- (9) disclosure of information related to any investigative



reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(10) matters specifically exempted from disclosure by federal or member state statute.

If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(l) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of meetings other than closed meetings shall be made available to members of the public upon request and at the requesting person's expense. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(m) The following apply concerning the financing of the commission:

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(n) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.



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

(p) Concerning issues of qualified immunity, defense, and indemnification the following apply:

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to protect any person from suit, liability, or both, for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties,



or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

Sec. 9. (a) The commission shall provide for the development, maintenance, and utilization of a coordinated data base 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:

- (1)** identifying information;
- (2)** licensure data;
- (3)** adverse actions against a license or compact privilege;
- (4)** nonconfidential information related to alternative program participation;
- (5)** any denial of application for licensure, and the reason or reasons for denial; and
- (6)** other information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

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

(e) 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.

(f) 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.

Sec. 10. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects



a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, within four (4) years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

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

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:

- (1) on the Internet web site of the commission or other publicly accessible platform; and
- (2) on the Internet web site of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include:

- (1) the proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;
- (2) the text of the proposed rule or amendment and the reason for the proposed rule;
- (3) a request for comments on the proposed rule from any interested person; and
- (4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

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

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) at least twenty-five (25) persons;
- (2) a state or federal governmental subdivision or agency; or
- (3) an association having at least twenty-five (25) members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. The following requirements apply to the hearing:

- (1) All persons wishing to be heard at the hearing shall notify



the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

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

(3) All hearings shall be recorded. A copy of the recording shall be made available to any person upon request and at the requesting person's expense.

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

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

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

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

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

- (1) meet an imminent threat to public health, safety, or welfare;
- (2) prevent a loss of commission or member state funds; or
- (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors



in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Internet web site of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Sec. 11. (a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(b) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

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

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

(e) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Sec. 12. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the



commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same. The following apply to the withdrawal of a member state:

(1) A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

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

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

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Sec. 13. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Sec. 14. (a) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

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

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



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

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

SECTION 20. IC 34-30-2-101.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 101.7. IC 25-35.6-5-8 (Concerning members, officers, executive director, employees, and representatives of the audiology and speech-language pathology compact commission).**

SECTION 21. **An emergency is declared for this act.**



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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