



January 21, 2022

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## SENATE BILL No. 36

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DIGEST OF SB 36 (Updated January 19, 2022 3:02 pm - DI 140)

**Citations Affected:** IC 25-35.6; IC 34-30.

**Synopsis:** Audiology and speech-language pathology compact. Adopts the audiology and speech-language pathology interstate compact. Establishes requirements regarding: (1) speech-language pathology assistants; and (2) the supervision of speech-language pathology support personnel. Requires the speech-language pathology and audiology board to adopt rules not later than June 30, 2023. Makes conforming amendments.

**Effective:** July 1, 2022.

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**Kruse, Rogers, Raatz, Tomes,  
Ford J.D., Yoder**

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January 4, 2022, read first time and referred to Committee on Education and Career Development.  
January 20, 2022, reported favorably — Do Pass.

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SB 36—LS 6313/DI 147





January 21, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 BILL No. 36

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

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

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

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

11 SECTION 2. IC 25-35.6-1-4, AS AMENDED BY P.L.216-2021,  
12 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2022]: Sec. 4. Nothing in this article shall be construed as  
14 preventing or restricting the following:

15 (1) A physician or surgeon from engaging in the practice of  
16 medicine in this state, or a person under the supervision and  
17 control of a physician or surgeon from conducting hearing testing,

SB 36—LS 6313/DI 147



- 1 provided such a person is not called an audiologist.  
2 (2) Any hearing aid dealer from:  
3 (A) engaging in the testing of hearing and other practices and  
4 procedures necessary for the business for which the dealer is  
5 registered in this state under IC 25-20-1; and  
6 (B) using the title hearing aid specialist or any similar title or  
7 description of service.  
8 (3) Any person licensed or registered in this state by any other law  
9 from engaging in the profession or occupation for which the  
10 person is licensed or registered.  
11 (4) A person employed as a speech-language pathologist or  
12 audiologist by the government of the United States, if such person  
13 performs speech-language pathology or audiology services solely  
14 within the confines or under the jurisdiction of the governmental  
15 organization by which the person is employed. However, such  
16 person may, without obtaining a license under this article, consult  
17 with or disseminate the person's research findings and other  
18 scientific information to speech-language pathologists and  
19 audiologists outside the jurisdiction of the organization by which  
20 the person is employed. Such person may also offer instruction  
21 and lectures to the public without being licensed under this  
22 article. Such person may additionally elect to be subject to this  
23 article.  
24 (5) The activities and services of persons pursuing a course of  
25 study leading to a degree in speech-language pathology or  
26 audiology at a postsecondary educational institution, if:  
27 (A) such activities and services constitute a part of a  
28 supervised course of study;  
29 (B) such person is designated speech-language pathology or  
30 audiology intern, speech-language pathology or audiology  
31 trainee, or by other such titles clearly indicating the training  
32 status appropriate to the person's level of training; and  
33 (C) the person works only under the supervision of a  
34 speech-language pathologist or audiologist licensed under this  
35 article.  
36 (6) The activities and services of persons fulfilling the clinical  
37 experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this  
38 chapter, if such activities and services constitute a part of the  
39 experience required for that section's fulfillment.  
40 (7) The performance of pure tone air conduction testing by an  
41 industrial audiometric technician, as defined by federal law, who  
42 is working in an industrial hearing conservation program directed



1 by a physician or an audiologist.

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

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

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

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

24 SECTION 3. IC 25-35.6-2-2, AS AMENDED BY P.L.212-2005,  
25 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2022]: Sec. 2. (a) The board:

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

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

41 (c) The board shall conduct the hearings and keep the records and  
42 minutes necessary for the orderly dispatch of its functions. The board



1 shall have notice provided to the appropriate persons in a manner it  
 2 considers appropriate of the times and places of all hearings authorized  
 3 by this subsection. Approval by a majority of a quorum of the board is  
 4 required for any action to be taken in actions for revocation or  
 5 suspension of a license issued under this article.

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

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

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

17 SECTION 4. IC 25-35.6-3-8.5 IS ADDED TO THE INDIANA  
 18 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2022]: **Sec. 8.5. (a) As used in this section,**  
 20 **"supervisor" has the meaning set forth in 880 IAC 1-2.1-1(9).**

21 **(b) Notwithstanding any other law under this article or rule**  
 22 **adopted by the board, a speech-language pathology assistant may**  
 23 **do the following:**

- 24 **(1) Independently participate in parent conferences and case**  
 25 **conferences if the speech-language pathology assistant's**  
 26 **supervisor expressly consents to the speech-language**  
 27 **pathology assistant's independent participation.**
- 28 **(2) Help write a treatment plan for review by the**  
 29 **speech-language pathology assistant's supervisor if asked to**  
 30 **do so by the speech-language pathology assistant's supervisor.**
- 31 **(3) Sign formal documents, including treatment plans,**  
 32 **reimbursement forms, and reports, if asked to do so by the**  
 33 **speech-language pathology assistant's supervisor.**
- 34 **(4) Communicate with a client, family member of the client,**  
 35 **or other persons, as applicable, regarding any aspect of the**  
 36 **client's status or service. A speech-language pathology**  
 37 **assistant may communicate as described in this subdivision**  
 38 **without the consent of the speech-language pathology**  
 39 **assistant's supervisor.**
- 40 **(5) Counsel or consult with a client, family members of the**  
 41 **client, or other persons, as applicable, regarding the client's**  
 42 **status or service.**



1           (c) The following apply to a supervisor of speech-language  
2 pathology support personnel when speech-language pathology  
3 personnel assist in providing treatment:

4           (1) Notwithstanding 880 IAC 1-2.1-9(b)(1), a supervisor of a  
5 speech-language pathology aide shall:

6           (A) be physically present within the same building as the  
7 speech-language pathology aide when direct client care is  
8 provided; and

9           (B) alternate supervision days and times to ensure that all  
10 clients receive direct treatment from the supervisor.

11           (2) Notwithstanding 880 IAC 1-2.1-9(b)(2), a supervisor of a  
12 speech-language pathology associate shall provide direct  
13 supervision a minimum of ten percent (10%) of the time each  
14 week that the speech-language pathology associate has direct  
15 contact with clients. A supervisor of a speech-language  
16 pathology associate shall alternate supervision days and times  
17 to ensure that all clients receive direct treatment from the  
18 supervisor a minimum of three (3) times each quarter. A  
19 speech-language pathology associate may not perform tasks  
20 when a supervisor cannot be reached by:

21           (A) personal contact;

22           (B) telephone;

23           (C) pager; or

24           (D) other immediate means.

25           (3) Notwithstanding 880 IAC 1-2.1-9(b)(3), a supervisor of a  
26 speech-language pathology assistant shall provide direct  
27 supervision a minimum of ten percent (10%) of the time each  
28 week that the speech-language pathology assistant has direct  
29 contact with clients. A supervisor of a speech-language  
30 pathology assistant shall alternate days and times to ensure  
31 that all clients receive direct treatment from the supervisor a  
32 minimum of three (3) times each quarter. A speech-language  
33 pathology assistant may not perform tasks when a supervisor  
34 cannot be reached by:

35           (A) personal contact;

36           (B) telephone;

37           (C) pager; or

38           (D) other immediate means.

39           (d) Any provisions in 880 IAC 1-2.1 that are not affected by this  
40 section remain in effect unless otherwise amended or repealed by  
41 the board.

42           (e) The board shall, not later than June 30, 2023, adopt rules to



1 **implement this section.**

2 **(f) This section expires July 1, 2023.**

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

6 **Chapter 5. Audiology and Speech-Language Pathology**  
7 **Interstate Compact**

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

18 **(1) Increase public access to audiology and speech-language**  
19 **pathology services by providing for the mutual recognition of**  
20 **other member state licenses.**

21 **(2) Enhance the states' ability to protect the public's health**  
22 **and safety.**

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

25 **(4) Support spouses of relocating active duty military**  
26 **personnel.**

27 **(5) Enhance the exchange of licensure, investigative, and**  
28 **disciplinary information between member states.**

29 **(6) Allow a remote state to hold a provider of services with a**  
30 **compact privilege in that state accountable to that state's**  
31 **practice standards.**

32 **(7) Allow for the use of telehealth technology to facilitate**  
33 **increased access to audiology and speech-language pathology**  
34 **services.**

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

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





- 1 (2) "Adverse action" means any administrative, civil,  
2 equitable, or criminal action permitted by a state's laws which  
3 is imposed by a licensing board or other authority against an  
4 audiologist or speech-language pathologist, including actions  
5 against an individual's license or privilege to practice, such as  
6 revocation, suspension, probation, monitoring of the licensee,  
7 or restriction on the licensee's practice.
- 8 (3) "Alternative program" means a nondisciplinary  
9 monitoring process approved by an audiology or  
10 speech-language pathology licensing board to address  
11 impaired practitioners.
- 12 (4) "Audiologist" means an individual who is licensed by a  
13 state to practice audiology.
- 14 (5) "Audiology" means the care and services provided by a  
15 licensed audiologist as set forth in the member state's statutes  
16 and rules.
- 17 (6) "Audiology and speech-language pathology licensing  
18 board", "audiology licensing board", "speech-language  
19 pathology licensing board", or "licensing board" means the  
20 agency of a state that is responsible for the licensing and  
21 regulation of audiologists, speech-language pathologists, or  
22 both.
- 23 (7) "Commission" means the Audiology and  
24 Speech-Language Pathology Compact Commission, the  
25 national administrative body whose membership consists of  
26 all states that have enacted the compact, that is established  
27 under section 8 of this chapter.
- 28 (8) "Compact privilege" means the authorization granted by  
29 a remote state to allow a licensee from another member state  
30 to practice as an audiologist or speech-language pathologist in  
31 the remote state under its laws and rules. The practice of  
32 audiology or speech-language pathology occurs in the member  
33 state where the patient/client/student is located at the time of  
34 the patient/client/student encounter.
- 35 (9) "Data system" means a repository of information about  
36 licensees, including, but not limited to, continuing education,  
37 examination, licensure, investigative, compact privilege, and  
38 adverse action.
- 39 (10) "Encumbered license" means a license in which an  
40 adverse action restricts the practice of audiology or  
41 speech-language pathology by the licensee and said adverse  
42 action has been reported to the National Practitioner Data



- 1           **Bank (NPDB).**  
2           **(11) "Executive committee" means a group of directors**  
3           **elected or appointed to act on behalf of, and within the powers**  
4           **granted to them by, the commission.**  
5           **(12) "Home state" means the member state that is the**  
6           **licensee's primary state of residence.**  
7           **(13) "Impaired practitioner" means an individual whose**  
8           **professional practice is adversely affected by substance abuse,**  
9           **addiction, or other health related conditions.**  
10          **(14) "Investigative information" means investigative**  
11          **information that a licensing board, after an inquiry or**  
12          **investigation that includes notification and an opportunity for**  
13          **the audiologist or speech-language pathologist to respond, if**  
14          **required by state law, has reason to believe is not groundless**  
15          **and, if proved true, would indicate more than a minor**  
16          **infraction.**  
17          **(15) "Licensee" means an individual who currently holds an**  
18          **authorization from the state licensing board to practice as an**  
19          **audiologist or speech-language pathologist.**  
20          **(16) "Member state" means a state that has enacted the**  
21          **compact.**  
22          **(17) "Privilege to practice" means a legal authorization**  
23          **permitting the practice of audiology or speech-language**  
24          **pathology in a remote state.**  
25          **(18) "Remote state" means a member state other than the**  
26          **home state where a licensee is exercising or seeking to exercise**  
27          **the compact privilege.**  
28          **(19) "Rule" means a regulation, principle, or directive**  
29          **promulgated by the commission that has the force of law.**  
30          **(20) "Single-state license" means an audiology or**  
31          **speech-language pathology license issued by a member state**  
32          **that authorizes practice only within the issuing state and does**  
33          **not include a privilege to practice in any other member state.**  
34          **(21) "Speech-language pathologist" means an individual who**  
35          **is licensed by a state to practice speech-language pathology.**  
36          **(22) "Speech-language pathology" means the care and**  
37          **services provided by a licensed speech-language pathologist**  
38          **as set forth in the member state's statutes and rules.**  
39          **(23) "State" means any state, commonwealth, district, or**  
40          **territory of the United States of America that regulates the**  
41          **practice of audiology and speech-language pathology.**  
42          **(24) "State practice laws" means a member state's laws, rules,**



1 and regulations that govern the practice of audiology or  
 2 speech-language pathology, define the scope of audiology or  
 3 speech-language pathology practice, and create the methods  
 4 and grounds for imposing discipline.

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

8 (A) Assessment.

9 (B) Intervention.

10 (C) Consultation.

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

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

25 (1) A member state must fully implement a criminal  
 26 background check requirement, within a time frame  
 27 established by rule, by receiving the results of the Federal  
 28 Bureau of Investigation record search on criminal  
 29 background checks and use the results in making licensure  
 30 decisions.

31 (2) Communication between a member state, the commission,  
 32 and among member states regarding the verification of  
 33 eligibility for licensure through the compact shall not include  
 34 any information received from the Federal Bureau of  
 35 Investigation relating to a federal criminal records check  
 36 performed by a member state under federal Public Law  
 37 92-544.

38 (c) Upon application for a privilege to practice, the licensing  
 39 board in the issuing remote state shall ascertain, through the data  
 40 system, whether the applicant has ever held, or is the holder of, a  
 41 license issued by any other state, whether there are any  
 42 encumbrances on any license or privilege to practice held by the



1 applicant, and whether any adverse action has been taken against  
2 any license or privilege to practice held by the applicant.

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

7 (e) An audiologist must meet the following requirements:

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

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

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

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

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

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

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

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

42 (4) Holds an active, unencumbered license.



- 1           **(5) Has not been convicted or found guilty, and has not**
- 2           **entered into an agreed disposition, of a felony related to the**
- 3           **practice of audiology, under applicable state or federal**
- 4           **criminal law.**
- 5           **(6) Has a valid United States Social Security or National**
- 6           **Practitioner Identification number.**
- 7           **(f) A speech-language pathologist must meet the following**
- 8           **requirements:**
- 9           **(1) Must meet one (1) of the following educational**
- 10           **requirements:**
- 11           **(A) Has graduated with a master's degree from a**
- 12           **speech-language pathology program that is accredited by**
- 13           **an organization recognized by the United States**
- 14           **Department of Education and operated by a college or**
- 15           **university accredited by a regional or national accrediting**
- 16           **organization recognized by the board.**
- 17           **(B) Has graduated from a speech-language pathology**
- 18           **program that is housed in an institution of higher**
- 19           **education outside of the United States:**
- 20           **(i) for which the program and institution have been**
- 21           **approved by the authorized accrediting body in the**
- 22           **applicable country; and**
- 23           **(ii) the degree program of which has been verified by an**
- 24           **independent credentials review agency to be comparable**
- 25           **to a state licensing board approved program.**
- 26           **(2) Has completed a supervised clinical practicum experience**
- 27           **from an educational institution or its cooperating programs**
- 28           **as required by the commission.**
- 29           **(3) Has completed a supervised postgraduate professional**
- 30           **experience as required by the commission.**
- 31           **(4) Has successfully passed a national examination approved**
- 32           **by the commission.**
- 33           **(5) Holds an active, unencumbered license.**
- 34           **(6) Has not been convicted or found guilty, and has not**
- 35           **entered into an agreed disposition, of a felony related to the**
- 36           **practice of speech-language pathology, under applicable state**
- 37           **or federal criminal law.**
- 38           **(7) Has a valid United States Social Security or National**
- 39           **Practitioner Identification number.**
- 40           **(g) The privilege to practice is derived from the home state**
- 41           **license.**
- 42           **(h) An audiologist or speech-language pathologist practicing in**



1 a member state must comply with the state practice laws of the  
 2 state in which the client is located at the time service is provided.  
 3 The practice of audiology and speech-language pathology shall  
 4 include all audiology and speech-language pathology practice as  
 5 defined by the state practice laws of the member state in which the  
 6 client is located. The practice of audiology and speech-language  
 7 pathology in a member state under a privilege to practice shall  
 8 subject an audiologist or speech-language pathologist to the  
 9 jurisdiction of the licensing board, the courts, and the laws of the  
 10 member state in which the client is located at the time service is  
 11 provided.

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

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

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

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

- 27 (1) Hold an active license in the home state.
- 28 (2) Have no encumbrance on any state license.
- 29 (3) Be eligible for a compact privilege in any member state in  
 30 accordance with section 3 of this chapter.
- 31 (4) Have not had any adverse action against any license or  
 32 compact privilege within the previous two (2) years from date  
 33 of application.
- 34 (5) Notify the commission that the licensee is seeking the  
 35 compact privilege within one (1) or more remote states.
- 36 (6) Pay any applicable fees, including any state fee, for the  
 37 compact privilege.
- 38 (7) Report to the commission adverse action taken by any  
 39 nonmember state within thirty (30) days from the date the  
 40 adverse action is taken.

41 (b) For the purposes of the compact privilege, an audiologist or  
 42 speech-language pathologist shall only hold one (1) home state



1 license at a time.

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

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

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

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

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

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

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

32 (1) Remove a licensee's compact privilege in the remote state  
33 for a specific period of time.

34 (2) Impose fines.

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

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

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

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

42 (k) Once an encumbered license in the home state is restored to



1 good standing, the licensee must meet the requirements of  
2 subsection (a) to obtain a compact privilege in any remote state.

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

6 Sec. 5. (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 of this chapter and under rules  
9 promulgated by the commission, to practice audiology or  
10 speech-language pathology in any member state via telehealth  
11 under a privilege to practice as provided in the compact and rules  
12 promulgated by the commission.

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

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

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

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

29 (2) Issue subpoenas for both hearings and investigations that  
30 require the attendance and testimony of witnesses as well as  
31 the production of evidence. Subpoenas issued by a licensing  
32 board in a member state for the attendance and testimony of  
33 witnesses or the production of evidence from another member  
34 state shall be enforced in the latter state by any court of  
35 competent jurisdiction, according to the practice and  
36 procedure of that court applicable to subpoenas issued in  
37 proceedings pending before it. The issuing authority shall pay  
38 any witness fees, travel expenses, mileage, and other fees  
39 required by the service statutes of the state in which the  
40 witnesses or evidence are located.

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





1 issued by the home state.

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

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

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

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

24 (f) The following apply to joint investigations:

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

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

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



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

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

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

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

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

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

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

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

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

32           **(3) Any delegate may be removed or suspended from office as**  
 33 **provided by the law of the state from which the delegate is**  
 34 **appointed.**

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

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

41           **(6) A delegate shall vote in person or by other means as**  
 42 **provided in the bylaws. The bylaws may provide for**



- 1 delegates' participation in meetings by telephone or other  
2 means of communication.
- 3 (7) The commission shall meet at least once during each  
4 calendar year. Additional meetings shall be held as set forth  
5 in the bylaws.
- 6 (c) The commission shall have the following powers and duties:
- 7 (1) Establish the fiscal year of the commission.
- 8 (2) Establish bylaws.
- 9 (3) Establish a code of ethics.
- 10 (4) Maintain its financial records in accordance with the  
11 bylaws.
- 12 (5) Meet and take actions as are consistent with the provisions  
13 of this compact and the bylaws.
- 14 (6) Promulgate uniform rules to facilitate and coordinate  
15 implementation and administration of this compact. The rules  
16 shall have the force and effect of law and shall be binding in  
17 all member states.
- 18 (7) Bring and prosecute legal proceedings or actions in the  
19 name of the commission, provided that the standing of any  
20 state audiology or speech-language pathology licensing board  
21 to sue or be sued under applicable law shall not be affected.
- 22 (8) Purchase and maintain insurance and bonds.
- 23 (9) Borrow, accept, or contract for services of personnel,  
24 including, but not limited to, employees of a member state.
- 25 (10) Hire employees, elect or appoint officers, fix  
26 compensation, define duties, grant individuals appropriate  
27 authority to carry out the purposes of the compact, and  
28 establish the commission's personnel policies and programs  
29 relating to conflicts of interest, qualifications of personnel,  
30 and other related personnel matters.
- 31 (11) Accept any and all appropriate donations and grants of  
32 money, equipment, supplies, materials, and services, and  
33 receive, utilize, and dispose of the same, provided that at all  
34 times the commission shall avoid any appearance of  
35 impropriety, conflict of interest, or both.
- 36 (12) Lease, purchase, accept appropriate gifts or donations of,  
37 or otherwise own, hold, improve, or use any property, real,  
38 personal, or mixed, provided that at all times the commission  
39 shall avoid any appearance of impropriety.
- 40 (13) Sell, convey, mortgage, pledge, lease, exchange, abandon,  
41 or otherwise dispose of any property real, personal, or mixed.
- 42 (14) Establish a budget and make expenditures.



- 1           **(15) Borrow money.**
- 2           **(16) Appoint committees, including standing committees**
- 3           **composed of members, and other interested persons as may be**
- 4           **designated in this compact and the bylaws.**
- 5           **(17) Provide and receive information from, and cooperate**
- 6           **with, law enforcement agencies.**
- 7           **(18) Establish and elect an executive committee.**
- 8           **(19) Perform other functions as may be necessary or**
- 9           **appropriate to achieve the purposes of this compact consistent**
- 10          **with the state regulation of audiology and speech-language**
- 11          **pathology licensure and practice.**
- 12          **(d) The commission does not have authority to change or modify**
- 13          **the laws of the member states that define the practice of audiology**
- 14          **and speech-language pathology in the respective member states.**
- 15          **(e) The executive committee shall have the power to act on**
- 16          **behalf of the commission according to the terms of this compact.**
- 17          **The executive committee shall be composed of ten (10) members as**
- 18          **follows:**
- 19               **(1) Seven (7) voting members who are elected by the**
- 20               **commission from the current membership of the commission.**
- 21               **(2) Two (2) ex-officios, consisting of one (1) nonvoting**
- 22               **member from a recognized national audiology professional**
- 23               **association and one (1) nonvoting member from a recognized**
- 24               **national speech-language pathology association.**
- 25               **(3) One (1) ex-officio, nonvoting member from the recognized**
- 26               **membership organization of the audiology and**
- 27               **speech-language pathology licensing boards.**
- 28          **(f) The ex-officio members of the executive committee shall be**
- 29          **selected by their respective organizations.**
- 30          **(g) The commission may remove any member of the executive**
- 31          **committee as provided in bylaws.**
- 32          **(h) The executive committee shall meet at least annually.**
- 33          **(i) The executive committee shall have the following duties and**
- 34          **responsibilities:**
- 35               **(1) Recommend to the entire commission changes to the rules**
- 36               **or bylaws, changes to this compact legislation, fees paid by**
- 37               **compact member states such as annual dues, and any**
- 38               **commission compact fee charged to licensees for the compact**
- 39               **privilege.**
- 40               **(2) Ensure compact administration services are appropriately**
- 41               **provided, contractual or otherwise.**
- 42               **(3) Prepare and recommend the budget.**



- 1           **(4) Maintain financial records on behalf of the commission.**
- 2           **(5) Monitor compact compliance of member states and**
- 3           **provide compliance reports to the commission.**
- 4           **(6) Establish additional committees as necessary.**
- 5           **(7) Other duties as provided in rules or bylaws.**
- 6           **(j) All meetings of the commission shall be open to the public,**
- 7           **and public notice of meetings shall be given in the same manner as**
- 8           **required under the rulemaking provisions in section 10 of this**
- 9           **chapter.**
- 10          **(k) The commission, the executive committee, or other**
- 11          **committees of the commission may convene in a closed, nonpublic**
- 12          **meeting if the commission or executive committee or other**
- 13          **committees of the commission must discuss:**
- 14               **(1) noncompliance of a member state with its obligations**
- 15               **under the compact;**
- 16               **(2) the employment, compensation, discipline, or other**
- 17               **matters, practices, or procedures related to specific employees**
- 18               **or other matters related to the commission's internal**
- 19               **personnel practices and procedures;**
- 20               **(3) current, threatened, or reasonably anticipated litigation;**
- 21               **(4) negotiation of contracts for the purchase, lease, or sale of**
- 22               **goods, services, or real estate;**
- 23               **(5) accusing any person of a crime or formally censuring any**
- 24               **person;**
- 25               **(6) disclosure of trade secrets or commercial or financial**
- 26               **information that is privileged or confidential;**
- 27               **(7) disclosure of information of a personal nature where**
- 28               **disclosure would constitute a clearly unwarranted invasion of**
- 29               **personal privacy;**
- 30               **(8) disclosure of investigative records compiled for law**
- 31               **enforcement purposes;**
- 32               **(9) disclosure of information related to any investigative**
- 33               **reports prepared by or on behalf of or for use of the**
- 34               **commission or other committee charged with responsibility of**
- 35               **investigation or determination of compliance issues pursuant**
- 36               **to the compact; or**
- 37               **(10) matters specifically exempted from disclosure by federal**
- 38               **or member state statute.**
- 39          **If a meeting, or portion of a meeting, is closed pursuant to this**
- 40          **provision, the commission's legal counsel or designee shall certify**
- 41          **that the meeting may be closed and shall reference each relevant**
- 42          **exempting provision.**



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

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

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

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

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

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

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

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



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

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

27 (3) The commission shall indemnify and hold harmless any  
28 member, officer, executive director, employee, or  
29 representative of the commission for the amount of any  
30 settlement or judgment obtained against that person arising  
31 out of any actual or alleged act, error, or omission that  
32 occurred within the scope of commission employment, duties,  
33 or responsibilities, or that the person had a reasonable basis  
34 for believing occurred within the scope of commission  
35 employment, duties, or responsibilities, provided that the  
36 actual or alleged act, error, or omission did not result from  
37 the intentional or willful or wanton misconduct of that person.

38 Sec. 9. (a) The commission shall provide for the development,  
39 maintenance, and utilization of a coordinated data base and  
40 reporting system containing licensure, adverse action, and  
41 investigative information on all licensed individuals in member  
42 states.



1           **(b) Notwithstanding any other provision of state law to the**  
 2 **contrary, a member state shall submit a uniform data set to the**  
 3 **data system on all individuals to whom this compact is applicable**  
 4 **as required by the rules of the commission, including:**

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

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

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

21           **(e) Member states contributing information to the data system**  
 22 **may designate information that may not be shared with the public**  
 23 **without the express permission of the contributing state.**

24           **(f) Any information submitted to the data system that is**  
 25 **subsequently required to be expunged by the laws of the member**  
 26 **state contributing the information shall be removed from the data**  
 27 **system.**

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

32           **(b) If a majority of the legislatures of the member states rejects**  
 33 **a rule, by enactment of a statute or resolution in the same manner**  
 34 **used to adopt the compact, within four (4) years of the date of**  
 35 **adoption of the rule, the rule shall have no further force and effect**  
 36 **in any member state.**

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

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





- 1 (1) on the Internet web site of the commission or other  
 2 publicly accessible platform; and  
 3 (2) on the Internet web site of each member state audiology or  
 4 speech-language pathology licensing board or other publicly  
 5 accessible platform or the publication in which each state  
 6 would otherwise publish proposed rules.
- 7 (e) The notice of proposed rulemaking shall include:  
 8 (1) the proposed time, date, and location of the meeting in  
 9 which the rule shall be considered and voted upon;  
 10 (2) the text of the proposed rule or amendment and the reason  
 11 for the proposed rule;  
 12 (3) a request for comments on the proposed rule from any  
 13 interested person; and  
 14 (4) the manner in which interested persons may submit notice  
 15 to the commission of their intention to attend the public  
 16 hearing and any written comments.
- 17 (f) Prior to the adoption of a proposed rule, the commission  
 18 shall allow persons to submit written data, facts, opinions, and  
 19 arguments, which shall be made available to the public.
- 20 (g) The commission shall grant an opportunity for a public  
 21 hearing before it adopts a rule or amendment if a hearing is  
 22 requested by:  
 23 (1) at least twenty-five (25) persons;  
 24 (2) a state or federal governmental subdivision or agency; or  
 25 (3) an association having at least twenty-five (25) members.
- 26 (h) If a hearing is held on the proposed rule or amendment, the  
 27 commission shall publish the place, time, and date of the scheduled  
 28 public hearing. If the hearing is held via electronic means, the  
 29 commission shall publish the mechanism for access to the  
 30 electronic hearing. The following requirements apply to the  
 31 hearing:  
 32 (1) All persons wishing to be heard at the hearing shall notify  
 33 the executive director of the commission or other designated  
 34 member in writing of their desire to appear and testify at the  
 35 hearing not less than five (5) business days before the  
 36 scheduled date of the hearing.  
 37 (2) Hearings shall be conducted in a manner providing each  
 38 person who wishes to comment a fair and reasonable  
 39 opportunity to comment orally or in writing.  
 40 (3) All hearings shall be recorded. A copy of the recording  
 41 shall be made available to any person upon request and at the  
 42 requesting person's expense.



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

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

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

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

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

25           **(1) meet an imminent threat to public health, safety, or**  
26           **welfare;**

27           **(2) prevent a loss of commission or member state funds; or**

28           **(3) meet a deadline for the promulgation of an administrative**  
29           **rule that is established by federal law or rule.**

30           **(m) The commission or an authorized committee of the**  
31           **commission may direct revisions to a previously adopted rule or**  
32           **amendment for purposes of correcting typographical errors, errors**  
33           **in format, errors in consistency, or grammatical errors. Public**  
34           **notice of any revisions shall be posted on the Internet web site of**  
35           **the commission. The revision shall be subject to challenge by any**  
36           **person for a period of thirty (30) days after posting. The revision**  
37           **may be challenged only on grounds that the revision results in a**  
38           **material change to a rule. A challenge shall be made in writing and**  
39           **delivered to the chair of the commission prior to the end of the**  
40           **notice period. If no challenge is made, the revision shall take effect**  
41           **without further action. If the revision is challenged, the revision**  
42           **may not take effect without the approval of the commission.**



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

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

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

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

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

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

29           **(b)** Any state that joins the compact subsequent to the  
 30 commission's initial adoption of the rules shall be subject to the  
 31 rules as they exist on the date on which the compact becomes law  
 32 in that state. Any rule that has been previously adopted by the  
 33 commission shall have the full force and effect of law on the day the  
 34 compact becomes law in that state.

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

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

40           **(2)** Withdrawal shall not affect the continuing requirement of  
 41 the withdrawing state's audiology or speech-language  
 42 pathology licensing board to comply with the investigative



1           and adverse action reporting requirements of this act prior to  
2           the effective date of withdrawal.

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

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

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

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

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

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

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

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

39          SECTION 6. IC 34-30-2-101.7 IS ADDED TO THE INDIANA  
40          CODE AS A NEW SECTION TO READ AS FOLLOWS  
41          [EFFECTIVE JULY 1, 2022]: **Sec. 101.7. IC 25-35.6-5-8 (Concerning**  
42          **members, officers, executive director, employees, and**



1 **representatives of the audiology and speech-language pathology**  
2 **compact commission).**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 36 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 0

