

Senate Substitute for HOUSE BILL No. 2487

By Committee on Education

3-18

1 AN ACT concerning individuals with disabilities; relating to services
2 provided for individuals with disabilities; clarifying the authority of and
3 registering interpreters with the Kansas commission for the deaf and
4 hard of hearing; enacting the audiology and speech-language pathology
5 interstate compact; providing disability placards to school districts,
6 interlocal cooperatives, postsecondary educational institutions and
7 institutions under the direction of the department for aging and
8 disability services; updating references to emotional disability;
9 amending K.S.A. 72-3404, 75-4355a, 75-4355b, 75-5391, 75-5393, 75-
10 5397a and 75-5399 and K.S.A. 2019 Supp. 8-1,125 and repealing the
11 existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) Registration in accordance with this section shall
15 be required to interpret under K.S.A. 75-4355a through 75-4355d, and
16 amendments thereto, or to comply with any state or federal law or rules
17 and regulations.

18 (b) To obtain registration as an interpreter, an applicant shall submit
19 an application on a form and in a manner prescribed by the commission.
20 The commission may grant registration to any person who:

- 21 (1) Has obtained a high school diploma or its equivalent;
22 (2) is 18 years of age or older;
23 (3) has no other record of disqualifying conduct as designated by the
24 commission; and
25 (4) has obtained a certification or other appropriate credentials as
26 designated by the commission.

27 (c) (1) The commission may grant registration as an interpreter to an
28 applicant who has been duly licensed or registered as an interpreter by
29 examination under the laws of another state, territory or the District of
30 Columbia if, in the opinion of the commission, the applicant substantially
31 meets the qualifications for registration as an interpreter in this state. The
32 applicant shall provide satisfactory evidence of verification of the
33 applicant's licensure or registration from the original state of licensure or
34 registration.

35 (2) The commission may grant temporary registration to a
36 nonresident interpreter who holds a certificate or license in such person or

1 entity's state of residence. An interpreter granted a temporary registration
2 shall not interpret more than 20 separate days in a year in this state.

3 (d) (1) The commission shall charge and collect in advance fees
4 provided for in this section as fixed by the commission by rules and
5 regulations. Registrations issued under the provisions of this section shall
6 expire on the date established by rules and regulations of the commission
7 unless revoked prior to that time. The commission shall send a notice for
8 renewal of registration to every interpreter at least 60 days prior to the
9 expiration date of such person's registration.

10 (2) (A) If an interpreter fails to submit a renewal application prior to
11 the expiration date of such person's registration, such interpreter's
12 registration shall be deemed expired. A registered interpreter has a 30-day
13 grace period after a registration has expired to renew such registration
14 without a late fee. The late fee shall be set by the commission, but shall not
15 exceed \$200.

16 (B) An interpreter whose registration has expired after failing to
17 submit a renewal application may register upon payment of the late fee
18 and submitting satisfactory evidence of completion of continuing
19 education requirements established by the commission. Renewals of
20 expired registrations may include additional testing, training or education
21 as the commission deems necessary to establish the person's present ability
22 to perform the functions and responsibilities of an interpreter.

23 (3) An interpreter, as a condition for renewal of a registration, shall
24 be required to attend not less than 30 hours, biennially, of continuing
25 education units. The commission shall adopt rules and regulations
26 establishing requirements for such programs. Upon receipt of such
27 application, payment of fee and evidence of satisfactory completion of the
28 required continuing education, the commission shall verify the accuracy of
29 the application and grant renewal of the registration.

30 (4) The commission may sponsor continuing education programs and
31 establish and charge reasonable fees for such activities.

32 (e) (1) The commission may require an applicant for certification as
33 an interpreter to be fingerprinted and to submit to a state and national
34 criminal history record check. The fingerprints shall be used to identify the
35 applicant and to determine whether the applicant has a record of criminal
36 history in this state or another jurisdiction. The commission is authorized
37 to submit the fingerprints to the Kansas bureau of investigation and the
38 federal bureau of investigation for a state and national criminal history
39 record check. The commission may use the information obtained from
40 fingerprinting and the applicant's criminal history for purposes of verifying
41 the identification of the applicant and making the official determination of
42 the qualifications and fitness of the application to be issued or maintain
43 registration.

1 (2) Local and state law enforcement officers and agencies shall assist
2 the commission in taking the fingerprints of applicants for registration.
3 Local and state law enforcement officers and agencies may charge a fee as
4 reimbursement for expenses incurred in taking and processing fingerprints
5 under this section. The Kansas bureau of investigation shall release all
6 records of an applicant's adult convictions to the commission.

7 (3) The commission may fix and collect a fee for fingerprinting and
8 conducting a state and national criminal history record check of applicants
9 or registrants as may be required by the commission in an amount equal to
10 the cost of fingerprinting and the criminal history record check.

11 (f) The commission may refuse to issue, renew or reinstate a
12 registration, may condition, limit, revoke or suspend the registration of any
13 individual if the applicant or registrant:

14 (1) Has been found incompetent or negligent in the practice of
15 interpreting;

16 (2) has been convicted of a felony offense or a misdemeanor against
17 persons and has not demonstrated to the commission's satisfaction that
18 such person has been sufficiently rehabilitated to merit the public trust;

19 (3) submits an application that contains false, misleading or
20 incomplete information;

21 (4) fails or refuses to provide any information requested by the
22 commission;

23 (5) fails or refuses to pay the required fees;

24 (6) is currently listed on a child abuse registry or an adult protective
25 services registry as the result of a substantiated finding of abuse or neglect
26 by any state agency, agency of another state or the United States, territory
27 of the United States or another country, and the applicant or registrant has
28 not demonstrated to the commission's satisfaction that such person has
29 been sufficiently rehabilitated to merit the public trust; or

30 (7) has had a license, registration or certificate to practice as an
31 interpreter revoked, suspended or limited, or has been the subject of other
32 disciplinary action, or an application for a license, registration or
33 certificate denied, by the proper regulatory authority of another state,
34 territory, District of Columbia, or other country, a certified copy of the
35 record of the action of the other jurisdiction being conclusive evidence
36 thereof.

37 (g) Administrative proceedings and disciplinary actions regarding
38 interpreter registration under sections 1 through 3, and amendments
39 thereto, shall be conducted in accordance with the Kansas administrative
40 procedure act. Judicial review and civil enforcement of agency actions
41 under sections 1 through 3, and amendments thereto, shall be in
42 accordance with the Kansas judicial review act.

43 (h) In accordance with the rules and regulations filing act, the

1 executive director of the commission may adopt rules and regulations to
2 effectuate the provisions of this section. Such rules and regulations may
3 include, but not be limited to, provisions concerning:

4 (1) Fees necessary to fund the expenses and operating costs incurred
5 in the administration and enforcement of the provisions of this section;

6 (2) categories of interpreter certification and interpreter
7 endorsements, including necessary credentials or qualifications;

8 (3) a continuing education program for registered interpreters;

9 (4) a code of professional conduct;

10 (5) a supervision and mentorship program for interpreters with
11 provisional registration;

12 (6) suspension or revocation of interpreter registration; and

13 (7) any other matter deemed necessary by the executive director to
14 implement and administer the provisions of this section.

15 New Sec. 2. (a) It shall be unlawful for any person who is not
16 registered with the commission, or whose registration has been suspended
17 or revoked, to:

18 (1) Practice as an interpreter;

19 (2) hold out to the public the intention, authority or skill to interpret;

20 (3) provide video remote interpreting services; or

21 (4) use any title or abbreviation to indicate the person is a registered
22 interpreter with the commission.

23 (b) It shall be unlawful for any entity to:

24 (1) Cause or permit a person to interpret in Kansas, either in-person
25 or remotely, with knowledge that such person is not a registered
26 interpreter;

27 (2) represent that a person is a registered interpreter, when the entity
28 knows or reasonably should know that such person is not a registered
29 interpreter;

30 (3) hold out to the public, on behalf of a person, the intention, skill or
31 authority to interpret, when the entity knows or reasonably should know
32 that such person is not a registered interpreter; or

33 (4) accept payment for securing an interpreter under the provisions of
34 K.S.A. 75-4355a through 75-4355d, and amendments thereto, when the
35 person provided by the entity to interpret is not a registered interpreter.

36 (c) This section shall not apply to a person or entity if such person or
37 entity is:

38 (1) Interpreting during a religious event;

39 (2) interpreting as a volunteer without compensation after receiving
40 approval from the commission or the executive director;

41 (3) interpreting during an emergency, until the services of a registered
42 interpreter can be obtained; or

43 (4) a student who is enrolled in and pursuing a degree or credential in

1 interpreting or an interpreter training program or a provisional interpreter
2 with a supervision plan overseen by the commission, while such student or
3 provisional interpreter is under the supervision of a registered interpreter.

4 (d) When it appears to the commission that any person or entity is
5 violating the provisions of this section, the commission may bring an
6 action in the name of the state of Kansas in a court of competent
7 jurisdiction for an injunction against such violation without regard to
8 whether proceedings have been or may be instituted before the
9 commission or whether criminal proceedings have been or may be
10 instituted.

11 New Sec. 3. (a) The commission shall develop and administer a
12 program to provide guidelines for the utilization of communication
13 access services, communication access service providers, and interpreter
14 service agencies. In accordance with the rules and regulations filing act,
15 the executive director of the commission may adopt rules and regulations
16 to effectuate the provisions of this section, which may include, but not be
17 limited to, provisions concerning:

18 (1) Fees necessary to fund the expenses and operating costs incurred
19 in the administration and enforcement of the provisions of this section;

20 (2) determination of the qualifications of communication access
21 service providers;

22 (3) minimum standards of training of communication access service
23 providers;

24 (4) registration of communication access service providers and
25 interpreter service agencies;

26 (5) a code of professional conduct governing communication access
27 service providers;

28 (6) standards for equipment or technology supporting communication
29 access services;

30 (7) a system of statewide coordination of communication access
31 services; and

32 (8) any other matter that the executive director deems necessary to
33 implement and administer the provisions of this section.

34 (b) (1) The commission may require communication access service
35 providers to be fingerprinted and to submit to a state and national criminal
36 history record check. The fingerprints shall be used to identify the
37 applicant and to determine whether the applicant has a record of criminal
38 history in this state or another jurisdiction. The commission is authorized
39 to submit the fingerprints to the Kansas bureau of investigation and the
40 federal bureau of investigation for a state and national criminal history
41 record check. The commission may use the information obtained from
42 fingerprinting and the applicant's criminal history for purposes of verifying
43 the identification of any individual and in the official determination of the

1 qualifications and fitness of the individual to provide communication
2 access services.

3 (2) Local and state law enforcement officers and agencies shall assist
4 the commission in taking the fingerprints of individuals. Local and state
5 law enforcement officers and agencies may charge a fee as reimbursement
6 for expenses incurred in taking and processing fingerprints under this
7 section. The Kansas bureau of investigation shall release all records of an
8 individual's adult convictions to the commission.

9 (3) The commission may fix and collect a fee for fingerprinting and
10 conducting a state and national criminal history record check of
11 individuals pursuant to this section as may be required by the commission
12 in an amount equal to the cost of fingerprinting and the criminal history
13 record check.

14 New Sec. 4. (a) The commission shall remit all moneys received from
15 fees, charges or penalties under sections 1 through 3, and amendments
16 thereto, to the state treasurer in accordance with the provisions of K.S.A.
17 75-4215, and amendments thereto. Upon receipt of each such remittance,
18 the state treasurer shall deposit the entire amount into the state treasury to
19 the credit of the Kansas commission for the deaf and hard of hearing
20 registration fee fund.

21 (b) There is hereby created in the state treasury the commission for
22 deaf and hard of hearing registration fee fund. All moneys credited to the
23 fund shall be used to carry out the powers, duties and functions of the
24 commission. The fund shall be administered by the Kansas commission for
25 the deaf and hard of hearing. All expenditures from the fund shall be made
26 in accordance with appropriation acts upon warrants of the director of
27 accounts and reports issued pursuant to vouchers approved by the
28 executive director of the commission or the executive director's designee.

29 New Sec. 5. (a) As used in K.S.A 75-4355a through 75-4355d, and
30 amendments thereto, and sections 1 through 5, and amendments thereto:

31 (1) "Commission" means the Kansas commission for the deaf and
32 hard of hearing;

33 (2) "communication access services" includes, but is not limited to:
34 Communication access realtime translation services, notetakers, open and
35 closed captioning services, support service providers for the deaf-blind,
36 and any other effective method of making aurally delivered information
37 available to individuals who are deaf or hard of hearing;

38 (3) "communication access service provider" means an individual
39 who is trained to offer a communication access service to communicate
40 aurally delivered information to individuals who are deaf, hard of hearing
41 or have speech and language impairments;

42 (4) "executive director" means the executive director for the Kansas
43 commission for the deaf and hard of hearing;

1 (5) "interpreter" means an individual who engages in the practice of
2 interpreting;

3 (6) "interpreter service agency" means an entity that contracts with or
4 employs registered interpreters to provide interpreter services, whether in
5 person or remotely, for a fee;

6 (7) "interpreting" means the translating or transliterating of English
7 concepts to any communication modes of individuals who are deaf, hard
8 of hearing or have speech and language impairments or the translating or
9 transliterating of the communication modes of individuals who are deaf,
10 hard of hearing or have speech and language impairments to English
11 language concepts. Communication modes include, but are not limited to,
12 American sign language, English-based sign language, cued speech, oral
13 transliterating and information received tactually;

14 (8) "video remote interpreter" means an interpreter who engages in
15 the practice of video remote interpreting; and

16 (9) "video remote interpreting" means the process that allows an
17 individual who is deaf or hard of hearing to communicate with a hearing
18 individual at the same location through an interpreter displayed through
19 videoconferencing or similar technology.

20 New Sec. 6. This act shall be known and may be cited as the
21 audiology and speech-language pathology interstate compact.

22 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

23 INTERSTATE COMPACT

24 SECTION 1

25 PURPOSE

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

35 (a) Increase public access to audiology and speech-language
36 pathology services by providing for the mutual recognition of other
37 member state licenses;

38 (b) enhance the states' ability to protect the public's health and safety;

39 (c) encourage the cooperation of member states in regulating
40 multistate audiology and speech-language pathology practice;

41 (d) support spouses of relocating active duty military personnel;

42 (e) enhance the exchange of licensure, investigative and disciplinary
43 information between member states;

1 (f) allow a remote state to hold a provider of services with a compact
2 privilege in that state accountable to that state's practice standards; and

3 (g) allow for the use of telehealth technology to facilitate increased
4 access to audiology and speech-language pathology services.

5 SECTION 2

6 DEFINITIONS

7 As used in this compact, and except as otherwise provided, the
8 following definitions shall apply:

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

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

19 (c) "Alternative program" means a non-disciplinary monitoring
20 process approved by an audiology or speech-language pathology licensing
21 board to address impaired practitioners.

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

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

26 (f) "Audiology and speech-language pathology compact commission"
27 or "commission" means the national administrative body whose
28 membership consists of all states that have enacted the compact.

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

33 (h) "Compact privilege" means the authorization granted by a remote
34 state to allow a licensee from another member state to practice as an
35 audiologist or speech-language pathologist in the remote state under its
36 laws and rules. The practice of audiology or speech-language pathology
37 occurs in the member state where the patient or client or student is located
38 at the time of the patient or client or student encounter.

39 (i) "Current significant investigative information" means investigative
40 information that a licensing board, after an inquiry or investigation that
41 includes notification and an opportunity for the audiologist or speech-
42 language pathologist to respond, if required by state law, has reason to
43 believe is not groundless and, if proved true, would indicate more than a

1 minor infraction.

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

5 (k) "Encumbered license" means a license in which an adverse action
6 restricts the practice of audiology or speech-language pathology by the
7 licensee and said adverse action has been reported to the national
8 practitioners data bank, NPDB.

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

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

14 (n) "Impaired practitioner" means individuals whose professional
15 practice is adversely affected by substance abuse, addiction or other
16 health-related conditions.

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

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

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

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

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

27 (t) "Single-state license" means an audiology or speech-language
28 pathology license issued by a member state that authorizes practice only
29 within the issuing state and does not include a privilege to practice in any
30 other member state.

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

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

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

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

43 (y) "Telehealth" means the application of telecommunication

1 technology to deliver audiology or speech-language pathology services at
2 a distance for assessment, intervention and consultation.

3 SECTION 3

4 STATE PARTICIPATION IN THE COMPACT

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

10 (b) A state shall implement or utilize procedures for considering the
11 criminal history records of applicants for initial privilege to practice. These
12 procedures shall include the submission of fingerprints or other biometric-
13 based information by applicants for the purpose of obtaining an applicant's
14 criminal history record information from the federal bureau of
15 investigation and the agency responsible for retaining that state's criminal
16 records.

17 (1) A member state shall fully implement a criminal background
18 check requirement, within a time frame established by rule, by receiving
19 the results of the federal bureau of investigation record search on criminal
20 background checks and use the results in making licensure decisions.

21 (2) Communication between a member state, the commission and
22 among member states regarding the verification of eligibility for licensure
23 through the compact shall not include any information received from the
24 federal bureau of investigation relating to a federal criminal records check
25 performed by a member state under public law 92-544.

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

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

36 (e) An audiologist shall:

37 (1) Meet one of the following educational requirements:

38 (A) On or before December 31, 2007, have graduated with a master's
39 degree or doctorate in audiology or equivalent degree, regardless of degree
40 name, from a program that is accredited by an accrediting agency
41 recognized by the council for higher education accreditation, or its
42 successor, or by the United States department of education and operated by
43 a college or university accredited by a regional or national accrediting

1 organization recognized by the licensing board;

2 (B) on or after January 1, 2008, have graduated with a doctoral
3 degree in audiology or equivalent degree regardless of degree name from a
4 program that is accredited by an accrediting agency recognized by the
5 council for higher education accreditation, or its successor, or by the
6 United States department of education and operated by a college or
7 university accredited by a regional or national accrediting organization
8 recognized by the licensing board; or

9 (C) have graduated from an audiology program that is housed in an
10 institution of higher education outside of the United States for which: (i)
11 The program and institution have been approved by the authorized
12 accrediting body in the applicable country; and (ii) the degree program has
13 been verified by an independent credentials review agency to be
14 comparable to a state licensing board-approved program;

15 (2) have completed a supervised clinical practicum experience from
16 an accredited educational institution or its cooperating programs as
17 required by the licensing board;

18 (3) have successfully passed a national examination approved by the
19 commission;

20 (4) hold an active, unencumbered license;

21 (5) have not been convicted or found guilty, and have not entered into
22 an agreed disposition, of a felony related to the practice of audiology,
23 under applicable state or federal criminal law; and

24 (6) have a valid United States social security or national practitioner
25 identification number.

26 (f) A speech-language pathologist shall:

27 (1) Meet one of the following educational requirements:

28 (A) Have graduated with a master's degree from a speech-language
29 pathology program that is accredited by an organization recognized by the
30 United States department of education and operated by a college or
31 university accredited by a regional or national accrediting organization
32 recognized by the licensing board;

33 (B) have graduated from a speech-language pathology program that is
34 housed in an institution of higher education outside of the United States
35 for which: (i) The program and institution have been approved by the
36 authorized accrediting body in the applicable country; and (ii) the degree
37 program has been verified by an independent credentials review agency to
38 be comparable to a state licensing board-approved program; or

39 (C) have completed a supervised clinical practicum experience from
40 an educational institution or its cooperating programs as required by the
41 commission;

42 (2) have completed a supervised postgraduate professional experience
43 as required by the commission;

1 (3) have successfully passed a national examination approved by the
2 commission;

3 (4) hold an active, unencumbered license;

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

7 (6) have a valid United States social security or national practitioner
8 identification number.

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

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

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

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

28 (k) Member states shall comply with the bylaws and rules and
29 regulations of the commission.

30 SECTION 4

31 COMPACT PRIVILEGE

32 (a) To exercise the compact privilege under the terms and provisions
33 of the compact, the audiologist or speech-language pathologist shall:

34 (1) Hold an active license in the home state;

35 (2) have no encumbrance on any state license;

36 (3) be eligible for a compact privilege in any member state in
37 accordance with section 3;

38 (4) have not had any adverse action against any license or compact
39 privilege within the previous two years from date of application;

40 (5) notify the commission that the licensee is seeking the compact
41 privilege within a remote state;

42 (6) pay any applicable fees, including any state fee, for the compact
43 privilege; and

1 (7) report to the commission any adverse action taken by a non-
2 member state within 30 days from the date the adverse action is taken.

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

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

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

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

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

24 (g) The compact privilege is valid until the expiration date of the
25 home state license. The licensee shall comply with the requirements of
26 section 4(a) to maintain the compact privilege in the remote state.

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

30 (i) A licensee providing audiology or speech-language pathology
31 services in a remote state is subject to that state's regulatory authority. A
32 remote state may, in accordance with due process and that state's laws,
33 remove a licensee's compact privilege in the remote state for a specific
34 period of time, impose fines or take any other necessary actions to protect
35 the health and safety of its citizens.

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

38 (1) The home state license is no longer encumbered; and

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

40 (k) Once an encumbered license in the home state is restored to good
41 standing, the licensee shall be required to meet the requirements of section
42 4(a) to obtain a compact privilege in any remote state.

43 (l) Once the requirements of section 4(j) have been met, the licensee

1 shall be required to meet the requirements in section 4(a) to obtain a
2 compact privilege in a remote state.

3 SECTION 5

4 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

5 Member states shall recognize the right of an audiologist or speech-
6 language pathologist, licensed by a home state in accordance with section
7 3 and under rules promulgated by the commission, to practice audiology or
8 speech-language pathology in any member state via telehealth under a
9 privilege to practice as provided in the compact and rules promulgated by
10 the commission.

11 SECTION 6

12 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

19 SECTION 7

20 ADVERSE ACTIONS

21 (a) In addition to the other powers conferred by state law, a remote
22 state shall have the authority, in accordance with existing state due process
23 law, to:

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

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

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

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

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

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

12 (e) The home state may take adverse action based on the factual
13 findings of the remote state, provided that the home state follows its own
14 procedures for taking the adverse action.

15 (f) *Joint Investigations.*

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

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

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

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

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

38 SECTION 8

39 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH- 40 LANGUAGE PATHOLOGY COMPACT COMMISSION

41 (a) The compact member states hereby create and establish a joint
42 public agency known as the audiology and speech-language pathology
43 compact commission.

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

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

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

10 (b) Membership, voting and meetings:

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

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

19 (3) any delegate may be removed or suspended from office as
20 provided by the law of the state from which the delegate is appointed; and

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

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

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

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

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

32 (1) Establish the fiscal year of the commission;

33 (2) establish bylaws;

34 (3) establish a code of ethics;

35 (4) maintain its financial records in accordance with the bylaws;

36 (5) meet and take actions as are consistent with the provisions of this
37 compact and the bylaws;

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

41 (7) bring and prosecute legal proceedings or actions in the name of
42 the commission, provided that the standing of any state audiology or
43 speech-language pathology licensing board to sue or be sued under

- 1 applicable law shall not be affected;
- 2 (8) purchase and maintain insurance and bonds;
- 3 (9) borrow, accept or contract for services of personnel, including, but
4 not limited to, employees of a member state;
- 5 (10) hire employees, elect or appoint officers, fix compensation,
6 define duties, grant individuals appropriate authority to carry out the
7 purposes of the compact and establish the commission's personnel policies
8 and programs relating to conflicts of interest, qualifications of personnel
9 and other related personnel matters;
- 10 (11) accept any and all appropriate donations and grants of money,
11 equipment, supplies, materials and services, and to receive, utilize and
12 dispose of the same, provided that at all times the commission shall avoid
13 any appearance of impropriety and conflict of interest;
- 14 (12) lease, purchase, accept appropriate gifts or donations of, or
15 otherwise to own, hold, improve or use, any property, real, personal or
16 mixed, provided that at all times the commission shall avoid any
17 appearance of impropriety;
- 18 (13) sell, convey, mortgage, pledge, lease, exchange, abandon or
19 otherwise dispose of any property, real, personal or mixed;
- 20 (14) establish a budget and make expenditures;
- 21 (15) borrow money;
- 22 (16) appoint committees, including standing committees composed of
23 members and other interested persons as may be designated in this
24 compact and the bylaws;
- 25 (17) provide and receive information from, and cooperate with, law
26 enforcement agencies;
- 27 (18) establish and elect an executive committee; and
- 28 (19) perform other functions as may be necessary or appropriate to
29 achieve the purposes of this compact consistent with the state regulation of
30 audiology and speech-language pathology licensure and practice.
- 31 (d) *Executive committee.*
- 32 (1) The executive committee shall have the power to act on behalf of
33 the commission according to the terms of this compact.
- 34 (2) The executive committee shall be composed of 10 members:
- 35 (A) Seven voting members who are elected by the commission from
36 the current membership of the commission;
- 37 (B) two ex-officio members, consisting of one nonvoting member
38 from a recognized national audiology professional association and one
39 nonvoting member from a recognized national speech-language pathology
40 association; and
- 41 (C) one ex-officio, nonvoting member from the recognized
42 membership organization of the audiology and speech-language pathology
43 licensing boards.

1 (e) The ex-officio members shall be selected by their respective
2 organizations.

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

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

6 (3) The executive committee shall have the following duties and
7 responsibilities:

8 (A) Recommend to the entire commission changes to the rules or
9 bylaws, changes to this compact legislation, fees paid by compact member
10 states such as annual dues and any commission compact fee charged to
11 licensees for the compact privilege;

12 (B) ensure compact administration services are appropriately
13 provided, contractual or otherwise;

14 (C) prepare and recommend the budget;

15 (D) maintain financial records on behalf of the commission;

16 (E) monitor compact compliance of member states and provide
17 compliance reports to the commission;

18 (F) establish additional committees as necessary; and

19 (G) other duties as provided in rules or bylaws.

20 (4) *Meetings of the commission.* All meetings shall be open to the
21 public, and public notice of meetings shall be given in the same manner as
22 required under the rulemaking provisions in section 10.

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

27 (A) Non-compliance of a member state with its obligations under the
28 compact;

29 (B) the employment, compensation, discipline or other matters,
30 practices or procedures related to specific employees or other matters
31 related to the commission's internal personnel practices and procedures;

32 (C) current, threatened or reasonably anticipated litigation;

33 (D) negotiation of contracts for the purchase, lease or sale of goods,
34 services or real estate;

35 (E) accusing any person of a crime or formally censuring any person;

36 (F) disclosure of trade secrets or commercial or financial information
37 that is privileged or confidential;

38 (G) disclosure of information of a personal nature where disclosure
39 would constitute a clearly unwarranted invasion of personal privacy;

40 (H) disclosure of investigative records compiled for law enforcement
41 purposes;

42 (I) disclosure of information related to any investigative reports
43 prepared by or on behalf of or for use of the commission or other

1 committee charged with responsibility of investigation or determination of
2 compliance issues pursuant to the compact; or

3 (J) matters specifically exempted from disclosure by federal or
4 member state statute.

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

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

16 (8) *Financing of the commission.*

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

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

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

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

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

42 (f) *Qualified immunity, defense and indemnification.*

43 (1) The members, officers, executive director, employees and

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

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

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

31 SECTION 9

32 DATA SYSTEM

33 (a) The commission shall provide for the development, maintenance
34 and utilization of a coordinated database and reporting system containing
35 licensure, adverse action and investigative information on all licensed
36 individuals in member states.

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

- 41 (1) Identifying information;
- 42 (2) licensure data;
- 43 (3) adverse actions against a license or compact privilege;

1 (4) non-confidential information related to alternative program
2 participation;

3 (5) any denial of application for licensure, and the reason for denial;
4 and

5 (6) other information that may facilitate the administration of this
6 compact, as determined by the rules of the commission.

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

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

13 (e) Member states contributing information to the data system may
14 designate information that may not be shared with the public without the
15 express permission of the contributing state.

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

19 SECTION 10

20 RULEMAKING

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

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

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

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

35 (1) On the website of the commission or other publicly accessible
36 platform; and

37 (2) on the website of each member state audiology or speech-
38 language pathology licensing board or other publicly accessible platform
39 or the publication in which each state would otherwise publish proposed
40 rules.

41 (e) The notice of proposed rulemaking shall include:

42 (1) The proposed time, date and location of the meeting in which the
43 rule shall be considered and voted upon;

- 1 (2) the text of the proposed rule or amendment and the reason for the
2 proposed rule;
- 3 (3) a request for comments on the proposed rule from any interested
4 person; and
- 5 (4) the manner in which interested persons may submit notice to the
6 commission of their intention to attend the public hearing and any written
7 comments.
- 8 (f) Prior to the adoption of a proposed rule, the commission shall
9 allow persons to submit written data, facts, opinions and arguments, which
10 shall be made available to the public.
- 11 (g) The commission shall grant an opportunity for a public hearing
12 before it adopts a rule or amendment if a hearing is requested by:
- 13 (1) At least 25 persons;
- 14 (2) a state or federal governmental subdivision or agency; or
- 15 (3) an association having at least 25 members.
- 16 (h) If a hearing is held on the proposed rule or amendment, the
17 commission shall publish the place, time and date of the scheduled public
18 hearing. If the hearing is held via electronic means, the commission shall
19 publish the mechanism for access to the electronic hearing.
- 20 (1) All persons wishing to be heard at the hearing shall notify the
21 executive director of the commission or other designated member in
22 writing of their desire to appear and testify at the hearing not less than five
23 business days before the scheduled date of the hearing.
- 24 (2) Hearings shall be conducted in a manner providing each person
25 who wishes to comment a fair and reasonable opportunity to comment
26 orally or in writing.
- 27 (3) All hearings shall be recorded. A copy of the recording shall be
28 made available on request.
- 29 (4) Nothing in this section shall be construed as requiring a separate
30 hearing on each rule. Rules may be grouped for the convenience of the
31 commission at hearings required by this section.
- 32 (i) Following the scheduled hearing date, or by the close of business
33 on the scheduled hearing date if the hearing was not held, the commission
34 shall consider all written and oral comments received.
- 35 (j) If no written notice of intent to attend the public hearing by
36 interested parties is received, the commission may proceed with
37 promulgation of the proposed rule without a public hearing.
- 38 (k) The commission shall, by majority vote of all members, take final
39 action on the proposed rule and shall determine the effective date of the
40 rule, if any, based on the rulemaking record and the full text of the rule.
- 41 (l) Upon determination that an emergency exists, the commission
42 may consider and adopt an emergency rule without prior notice,
43 opportunity for comment or hearing, provided that the usual rulemaking

1 procedures provided in the compact and in this section shall be
2 retroactively applied to the rule as soon as reasonably possible, in no event
3 later than 90 days after the effective date of the rule. For the purposes of
4 this provision, an emergency rule is one that must be adopted immediately
5 in order to:

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

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

22 SECTION 11

23 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

24 (a) *Dispute Resolution.*

25 (1) Upon request by a member state, the commission shall attempt to
26 resolve disputes related to the compact that arise among member states and
27 between member and non-member states.

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

30 (b) *Enforcement.*

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

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

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

1 contrary to the constitution of any member state, the compact shall remain
2 in full force and effect as to the remaining member states and in full force
3 and effect as to the member state affected as to all severable matters.

4 SECTION 14

5 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

19 Sec. 7. K.S.A. 2019 Supp. 8-1,125 is hereby amended to read as
20 follows: 8-1,125. (a) Any Kansas resident who submits satisfactory proof
21 to the director of vehicles, on a form provided by the director, that such
22 person is a person with a disability or is responsible for the transportation
23 of a person with a disability shall be issued a special license plate or a
24 permanent placard for any motor vehicle owned by such person or shall be
25 issued a temporary placard. Satisfactory proof of disability, condition or
26 impairment shall include a statement from a person licensed to practice the
27 healing arts in any state, a licensed optometrist, an advanced practice
28 registered nurse licensed under K.S.A. 65-1131, and amendments thereto,
29 a licensed physician assistant or a Christian Science practitioner listed in
30 the Christian Science journal certifying that such person is a person with a
31 disability. The placard shall be suspended immediately below the rear view
32 mirror of any motor vehicle used for the transportation of a person with a
33 disability so as to be maximally visible from outside the vehicle. In
34 addition to the special license plate or permanent placard, the director of
35 vehicles shall issue to the person with a disability an individual
36 identification card which must be carried by the person with a disability
37 when the motor vehicle being operated by or used for the transportation of
38 such person is parked in accordance with the provisions of K.S.A. 8-1,126,
39 and amendments thereto. In addition to the temporary placard, a person
40 issued such temporary placard shall carry the state or county receipt
41 showing the name of the person who is issued such temporary placard. A
42 person submitting satisfactory proof that such person's disability, condition
43 or impairment is permanent in nature, and upon such person's request and

1 payment of the fees prescribed in subsection (b), shall be issued an
2 individual identification card and: (1) A permanent placard; (2) a
3 permanent placard and a special license plate; or (3) a permanent placard
4 and a wheelchair emblem decal to be affixed to a distinctive license plate.
5 Upon proper request, one additional permanent placard shall be issued to
6 the applicant who has not requested and received a special license plate.
7 Upon proper request, one additional temporary placard shall be issued to
8 the applicant certified as temporarily disabled. Temporary placards shall
9 have an expiration date of not longer than six months from the date of
10 issuance. The special license plates, decals and placards shall display the
11 international symbol of access to the physically disabled.

12 (b) Special license plates issued pursuant to this section shall be
13 issued for the same period of time as other license plates are issued or for
14 the remainder of such period if an existing license plate is to be exchanged
15 for the special license plate. There shall be no fee for such special license
16 plates in addition to the regular registration fee. No person shall be issued
17 more than one special license plate, except that agencies or businesses
18 which provide transportation for persons with a disability as a service, may
19 obtain additional special license plates for vehicles which are utilized in
20 the provision of that service. Special license plates may be personalized
21 license plates subject to the provisions of K.S.A. 8-132, and amendments
22 thereto, including the payment of the additional fee.

23 (c) Placards and individual identification cards issued pursuant to this
24 section shall be valid as long as the person or a person responsible for the
25 transportation of a person with a disability is eligible for a special license
26 plate or permanent placard. The secretary of revenue shall promulgate the
27 rules and regulations necessary to remain compliant with 23 C.F.R. §
28 1235.4.

29 (d) The color of the permanent placard shall be white on a blue
30 background and the temporary placard shall be white on a red background.

31 (e) In addition to such other information contained on individual
32 identification cards, cards shall have the date of birth and the sex of the
33 person to whom the card is issued.

34 (f) Permanent placards and individual identification cards shall be
35 returned to the department of revenue upon the death of the person with a
36 disability. Temporary placards shall be returned to the department of
37 revenue upon the expiration of the placard or upon the death of the person
38 with a disability. Special license plates shall be returned to the county
39 treasurer to be exchanged for another license plate upon the death of the
40 person with a disability. The individual identification cards issued with the
41 special license plates shall be returned to the department of revenue upon
42 the death of the person with a disability.

43 (g) (1) *The director of vehicles shall issue a permanent placard to*

1 any school district, interlocal cooperative or postsecondary educational
2 institution upon application to the director. Such placard shall only be
3 used when transporting a pupil who otherwise qualifies pursuant to this
4 section for a placard or license plate.

5 (2) As used in this subsection, "postsecondary educational
6 institution" means any: (A) Public university; (B) municipal university;
7 (C) community college; (D) technical college; or (E) private
8 postsecondary educational institution with its primary location in Kansas
9 and that is accredited by and in good standing with the higher learning
10 commission.

11 (h) The director of vehicles shall issue a permanent placard to any
12 institution under the direction of the secretary of the Kansas department
13 for aging and disability services upon application to the director. Such
14 placard shall only be used when transporting a patient who otherwise
15 qualifies pursuant to this section for a placard or license plate.

16 (i) Violation of subsection (f) is an unclassified misdemeanor
17 punishable by a fine of not more than \$50.

18 Sec. 8. K.S.A. 72-3404 is hereby amended to read as follows: 72-
19 3404. As used in this act:

20 (a) "School district" means any public school district.

21 (b) "Board" means the board of education of any school district.

22 (c) "State board" means the state board of education.

23 (d) "Department" means the state department of education.

24 (e) "State institution" means any institution under the jurisdiction of a
25 state agency.

26 (f) "State agency" means the Kansas department for children and
27 families, the Kansas department for aging and disability services, the
28 department of corrections and the juvenile justice authority.

29 (g) "Exceptional children" means persons who are children with
30 disabilities or gifted children and are school age, to be determined in
31 accordance with rules and regulations adopted by the state board, which
32 age may differ from the ages of children required to attend school under
33 the provisions of K.S.A. 72-3120, and amendments thereto.

34 (h) "Gifted children" means exceptional children who are determined
35 to be within the gifted category of exceptionality as such category is
36 defined by the state board.

37 (i) "Special education" means specially designed instruction provided
38 at no cost to parents to meet the unique needs of an exceptional child,
39 including:

40 (1) Instruction conducted in the classroom, in the home, in hospitals
41 and institutions, and in other settings; and

42 (2) instruction in physical education.

43 (j) "Special teacher" means a person, employed by or under contract

1 with a school district or a state institution to provide special education or
2 related services, who is: (1) Qualified to provide special education or
3 related services to exceptional children as determined pursuant to
4 standards established by the state board; or (2) qualified to assist in the
5 provision of special education or related services to exceptional children as
6 determined pursuant to standards established by the state board.

7 (k) "State plan" means the state plan for special education and related
8 services authorized by this act.

9 (l) "Agency" means boards and the state agencies.

10 (m) "Parent" means: (1) A natural parent; (2) an adoptive parent; (3) a
11 person acting as parent; (4) a legal guardian; (5) an education advocate; or
12 (6) a foster parent, if the foster parent has been appointed the education
13 advocate of an exceptional child.

14 (n) "Person acting as parent" means a person such as a grandparent,
15 stepparent or other relative with whom a child lives or a person other than
16 a parent who is legally responsible for the welfare of a child.

17 (o) "Education advocate" means a person appointed by the state board
18 in accordance with the provisions of K.S.A. 2019 Supp. 38-2218, and
19 amendments thereto. A person appointed as an education advocate for a
20 child shall not be: (1) An employee of the agency which is required by law
21 to provide special education or related services for the child; (2) an
22 employee of the state board, the department, or any agency which is
23 directly involved in providing educational services for the child; or (3) any
24 person having a professional or personal interest which would conflict
25 with the interests of the child.

26 (p) "Free appropriate public education" means special education and
27 related services that: (1) Are provided at public expense, under public
28 supervision and direction, and without charge; (2) meet the standards of
29 the state board; (3) include an appropriate preschool, elementary, or
30 secondary school education; and (4) are provided in conformity with an
31 individualized education program.

32 (q) "Federal law" means the individuals with disabilities education
33 act, as amended.

34 (r) "Individualized education program" or "IEP" means a written
35 statement for each exceptional child that is developed, reviewed, and
36 revised in accordance with the provisions of K.S.A. 72-3429, and
37 amendments thereto.

38 (s) (1) "Related services" means transportation, and such
39 developmental, corrective, and other supportive services, including
40 speech-language pathology and audiology services, interpreting services,
41 psychological services, physical and occupational therapy, recreation,
42 including therapeutic recreation, social work services, school nurse
43 services designed to enable a child with a disability to receive a free

1 appropriate public education as described in the child's IEP, counseling
2 services, including rehabilitation counseling, orientation and mobility
3 services, and medical services, except that such medical services shall be
4 for diagnostic and evaluation purposes only, as may be required to assist
5 an exceptional child to benefit from special education, and includes the
6 early identification and assessment of disabling conditions in children.

7 (2) "Related services" shall not mean any medical device that is
8 surgically implanted or the replacement of any such device.

9 (t) "Supplementary aids and services" means aids, services, and other
10 supports that are provided in regular education classes or other education-
11 related settings to enable children with disabilities to be educated with
12 nondisabled children to the maximum extent appropriate.

13 (u) "Individualized education program team" or "IEP team" means a
14 group of individuals composed of: (1) The parents of a child; (2) at least
15 one regular education teacher of the child, if the child is, or may be,
16 participating in the regular education environment; (3) at least one special
17 education teacher or, where appropriate, at least one special education
18 provider of the child; (4) a representative of the agency directly involved
19 in providing educational services for the child who: (A) Is qualified to
20 provide, or supervise the provision of, specially designed instruction to
21 meet the unique needs of exceptional children; (B) is knowledgeable about
22 the general curriculum; and (C) is knowledgeable about the availability of
23 resources of the agency; (5) an individual who can interpret the
24 instructional implications of evaluation results; (6) at the discretion of the
25 parent or the agency, other individuals who have knowledge or special
26 expertise regarding the child, including related services personnel as
27 appropriate; and (7) whenever appropriate, the child.

28 (v) "Evaluation" means a multisourced and multidisciplinary
29 examination, conducted in accordance with the provisions of K.S.A. 72-
30 3428, and amendments thereto, to determine whether a child is an
31 exceptional child.

32 (w) "Independent educational evaluation" means an examination
33 which is obtained by the parent of an exceptional child and performed by
34 an individual or group of individuals who meet state and local standards to
35 conduct such an examination.

36 (x) "Elementary school" means any nonprofit institutional day or
37 residential school that offers instruction in any or all of the grades
38 kindergarten through nine.

39 (y) "Secondary school" means any nonprofit institutional day or
40 residential school that offers instruction in any or all of the grades nine
41 through 12.

42 (z) "Children with disabilities" means: (1) Children with intellectual
43 disability, hearing impairments including deafness, speech or language

1 impairments, visual impairments including blindness, emotional
2 ~~disturbance~~ disability, orthopedic impairments, autism, traumatic brain
3 injury, other health impairments, or specific learning disabilities and who,
4 by reason thereof, need special education and related services; and (2)
5 children experiencing one or more developmental delays and, by reason
6 thereof, need special education and related services if such children are
7 ages three through nine.

8 (aa) "Substantial change in placement" means the movement of an
9 exceptional child, for more than 25% of the child's school day, from a less
10 restrictive environment to a more restrictive environment or from a more
11 restrictive environment to a less restrictive environment.

12 (bb) "Material change in services" means an increase or decrease of
13 25% or more of the duration or frequency of a special education service, a
14 related service or a supplementary aid or a service specified on the IEP of
15 an exceptional child.

16 (cc) "Developmental delay" means such a deviation from average
17 development in one or more of the following developmental areas, as
18 determined by appropriate diagnostic instruments and procedures, as
19 indicates that special education and related services are required: (1)
20 Physical; (2) cognitive; (3) adaptive behavior; (4) communication; or (5)
21 social or emotional development.

22 (dd) "Homeless children" means "homeless children and youths" as
23 defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C.
24 § 11434a.

25 (ee) "Limited English proficient" means an individual who meets the
26 qualifications specified in section 9101 of the federal elementary and
27 secondary education act of 1965, as amended.

28 Sec. 9. K.S.A. 75-4355a is hereby amended to read as follows: 75-
29 4355a. ~~A qualified~~ *An interpreter registered with the Kansas commission*
30 *for the deaf and hard of hearing* shall be secured for any person who is
31 deaf, hard of hearing or speech impaired in any grand jury, court or jury
32 proceeding whether such person is a plaintiff, defendant, juror or witness
33 in such action, and the interpreter shall interpret throughout the actual trial
34 and during the time that the jury is sequestered or engaged in its
35 deliberations.

36 Sec. 10. K.S.A. 75-4355b is hereby amended to read as follows: 75-
37 4355b. (a) All interpreters for the deaf, hard of hearing and ~~speech~~
38 ~~impaired individuals that have speech and language impairments~~, secured
39 under the provisions of K.S.A. 75-4355a through 75-4355d, *and*
40 *amendments thereto, or in compliance with any state or federal law or*
41 *rules and regulations*, shall be ~~certified by or~~ registered with the Kansas
42 commission for the deaf and hard of hearing or an agency designated by
43 the commission. The chairperson of the governmental committee or

1 commission, ~~or~~ the head of the *governmental* agency or other entity, or the
2 court is responsible for assuring the procurement of the interpreter.

3 (b) The commission shall recommend reasonable fees for the services
4 of the interpreter. At no time shall the fees for interpreter services be
5 assessed against the person who is deaf, hard of hearing or ~~speech-~~
6 ~~impaired~~ *has speech and language impairments*.

7 (c) No person shall serve as an interpreter if such interpreter is
8 married to that person, related to that person or is otherwise interested in
9 the outcome of the proceeding. Exceptions can be made in extreme
10 conditions, subject to the approval of the commission.

11 (d) No person shall serve as an interpreter pursuant to K.S.A. 75-
12 4355a through 75-4355d, *and amendments thereto*, unless the commission
13 makes the determination that the person is qualified to interpret. The
14 commission may designate the executive director of the commission or a
15 local agency to make such determination and approval under the
16 provisions of K.S.A. 75-4355a through 75-4355d, *and amendments*
17 *thereto*. A person is qualified to interpret if such person is able to interpret
18 effectively, accurately and impartially, both receptively and expressively,
19 using any necessary specialized vocabulary.

20 (e) If preferred by the deaf, hard of hearing or speech impaired person
21 and if feasible, other ~~modes of communication, such as notetakers, open-~~
22 ~~captioning equipment, assistive listening devices~~ *access services* or other
23 technology may be used in place of an interpreter.

24 Sec. 11. K.S.A. 75-5391 is hereby amended to read as follows: 75-
25 5391. (a) There is hereby established within the Kansas department for
26 children and families the Kansas commission for the deaf and hard of
27 hearing. The commission shall:

28 (1) Advocate services affecting the deaf and hard of hearing in the
29 areas of public services, health care, educational, vocational and
30 employment opportunity;

31 (2) act as a bureau of information for the deaf and hard of hearing to
32 state agencies and public institutions providing general health and mental
33 health care, employment, vocational, and educational services, and to local
34 agencies and programs;

35 (3) collect facts and statistics and other special studies of conditions
36 affecting the health and welfare of the deaf and hard of hearing in this
37 state;

38 (4) provide for a mutual exchange of ideas and information on the
39 national, state and local levels;

40 (5) provide public education ~~of prenatal and postnatal warning signs~~
41 ~~of conditions which may lead to deafness or hearing impairment in the~~
42 ~~fetus or newborn child:~~ *(A) Regarding best practices in language*
43 *acquisition development in deaf and hard of hearing children and aural*

1 *rehabilitation options; and (B) to promote the eradication of ignorance*
2 *and discrimination toward deaf and hard of hearing people in schools and*
3 *employment;*

4 (6) encourage and assist local governments in the development of
5 programs for the deaf and hard of hearing;

6 (7) cooperate with public and private agencies and units of local, state
7 and federal governments in promoting coordination in programs for the
8 deaf and hard of hearing;

9 (8) provide for the social, emotional, educational and vocational
10 needs of the deaf and hard of hearing and their families;

11 (9) serve as an advisory board to the governor *and the legislature* on
12 the needs of the deaf and hard of hearing by preparing an annual report
13 which reviews the status of all state services to the deaf and hard of
14 hearing within Kansas, and to recommend priorities ~~to the governor~~ for the
15 development and coordination of services to the deaf and hard of hearing;

16 (10) make recommendations for needed improvements, and serve as
17 an advisory board in regard to new legislation affecting the deaf and hard
18 of hearing.

19 (b) *The commission may:*

20 (1) *Develop and oversee programs concerning interpreters,*
21 *interpreter service agencies, and communication access services;*

22 (2) *become a member of or affiliate with any professional*
23 *organization related to the powers, duties and functions of the*
24 *commission; and*

25 (3) *undertake any and all other acts as may be necessary for the*
26 *performance of the commission's powers, duties and functions in the*
27 *administration of K.S.A. 75-4355a through 75-4355d, and amendments*
28 *thereto, and sections 1 through 5, and amendments thereto.*

29 (c) Except as otherwise provided by this act, all budgeting,
30 purchasing and related management functions of the Kansas commission
31 for the deaf and hard of hearing shall be administered ~~under the direction~~
32 ~~and supervision of~~ by the secretary for children and families. Within the
33 limitations of available appropriations, the secretary for children and
34 families shall provide additional clerical and other assistance as may be
35 required for the commission. *The Kansas commission for the deaf and*
36 *hard of hearing shall report directly to the deputy secretary or secretary.*

37 Sec. 12. K.S.A. 75-5393 is hereby amended to read as follows: 75-
38 5393. (a) The Kansas commission for the deaf and hard of hearing shall
39 employ an executive director and shall fix the duties, responsibilities and
40 qualifications thereof. The executive director shall be a full-time employee
41 of the commission who shall be in the unclassified service under the
42 Kansas civil service act and shall receive an annual salary to be fixed by
43 the commission, *which shall be comparable to the salaries of executive*

1 *directors of other commissions.* The executive director shall receive actual
2 and necessary expenses incurred while in the discharge of official duties.

3 (b) The executive director, with the advice and consent of the
4 commission shall:

5 (1) Within the limitations of available appropriations, plan and
6 oversee the establishment of service centers for the deaf and hard of
7 hearing in areas where the commission deems they are needed and in
8 concurrence with the secretary for children and families and in
9 consultation with local boards of directors of community service centers
10 and local groups promoting or providing services to the deaf or hard of
11 hearing, or both;

12 (2) promote accessibility of all governmental services to deaf and
13 hard of hearing citizens in Kansas including those deaf and hard of hearing
14 persons with multiple disabilities;

15 (3) identify agencies, both public and private which provide
16 community services, evaluate the extent to which they make services
17 available to deaf and hard of hearing people and their families, and
18 cooperate with the agencies in coordinating and extending these services;

19 (4) provide for the mutual exchange of ideas and information on
20 services for deaf and hard of hearing people between federal, state and
21 local governmental agencies and private organizations and individuals;

22 (5) survey the needs of the deaf and hard of hearing population in
23 Kansas and assist the commission in the preparation of its report to the
24 governor;

25 (6) maintain a listing of persons qualified in various types of
26 interpreting and ~~aural rehabilitation~~ *communication access services* for the
27 deaf and make this information available to local, state, federal and private
28 organizations and to individuals;

29 (7) promote the training of interpreters for the deaf and hard of
30 hearing;

31 (8) serve as an advocate for the rights of deaf and hard of hearing
32 people and perform such other duties as may be required by law;

33 (9) provide interpreter services for the deaf and hard of hearing to be
34 funded from ~~user~~ *fees collected pursuant to K.S.A. 75-5397a, and*
35 *amendments thereto;*

36 (10) provide a telecommunication message relay service for the deaf
37 and hard of hearing;

38 (11) provide for a program of ~~regulation and certification~~ *registration*
39 *of interpreters; and*

40 (12) *provide for a program of statewide coordination for*
41 *communication access services and service providers; and*

42 (13) employ such persons as may be needed from time to time, in the
43 judgment of the executive director, to carry out the director's

1 responsibilities under paragraphs (9), (10) ~~and, (11) of this subsection and~~
2 (12). Such employees shall be in the unclassified civil service and shall
3 receive an annual salary to be fixed by the commission.

4 (c) In selecting an executive director, the commission shall select an
5 individual who is fluent in the American sign language of the deaf and
6 shall give consideration and priority to qualified applicants who are deaf or
7 hard of hearing. *The commission shall supervise and evaluate the*
8 *executive director.*

9 Sec. 13. K.S.A. 75-5397a is hereby amended to read as follows: 75-
10 5397a. (a) The Kansas commission for the deaf and hard of hearing may
11 fix, charge and collect reasonable fees for providing interpreter services,
12 interpreter ~~certification~~ *registration, communication access services* and
13 sign language instruction.

14 (b) The secretary for children and families shall remit all moneys
15 received by the commission for ~~such~~ *providing interpreter services,*
16 *communication access services and sign language instruction* to the state
17 treasurer in accordance with the provisions of K.S.A. 75-4215, and
18 amendments thereto. Upon receipt of each such remittance, the state
19 treasurer shall deposit the entire amount in the state treasury to the credit
20 of the Kansas department for children and families enterprise fund.

21 Sec. 14. K.S.A. 75-5399 is hereby amended to read as follows: 75-
22 5399. When used in this act:

23 (a) "Individuals with disabilities" means individuals with intellectual
24 disability, hearing impairments including deafness, speech or language
25 impairments, visual impairments including blindness, serious emotional
26 ~~disturbance~~ *disability*, orthopedic impairments, autism, traumatic brain
27 injury, other health impairments or specific learning disabilities.

28 (b) "Transition services" means a coordinated set of activities for a
29 student, designed within an outcome-oriented process, ~~which~~ *that*
30 promotes movement from school to post-school activities, including post-
31 secondary education, vocational training, integrated employment
32 (including supported employment), continuing and adult education, adult
33 services, independent living or community participation. The coordinated
34 set of activities shall be based upon the individual student's needs, taking
35 into account the student's preferences and interests, and shall include
36 instruction, community experiences, the development of employment and
37 other post-school adult living objectives and, when appropriate,
38 acquisition of daily living skills and functional vocational evaluation.

39 (c) "Transition planning services" means rehabilitation counseling,
40 information and referral to community services for students age 16 and
41 older in secondary special education programs.

42 (d) "Local education authority" means the special education interlocal
43 or cooperative or school district responsible for the local special education

1 program.

2 (e) "Special education program" means services that are provided
3 pursuant to public law 94-142 (the education of all handicapped children's
4 act) as implemented in Kansas through K.S.A. 72-3403 et seq., and
5 amendments thereto, and public law 101-476 (the individuals with
6 disabilities education act).

7 (f) "Secretary" means the secretary for children and families or the
8 designee of the secretary.

9 (g) "Local transition council" means a representative group of
10 persons with disabilities and their families, school personnel, adult service
11 agency personnel and members of the general public such as employers
12 which develops an annual plan to improve secondary special education,
13 transition and transition planning services.

14 Sec. 15. K.S.A. 72-3404, 75-4355a, 75-4355b, 75-5391, 75-5393, 75-
15 5397a and 75-5399 and K.S.A. 2019 Supp. 8-1,125 are hereby repealed.

16 Sec. 16. This act shall take effect and be in force from and after its
17 publication in the statute book.