

2020 Second Extraordinary Session

SENATE BILL NO. 34

BY SENATOR PEACOCK

SPEECH/PATH/AUDIO. Provides for the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC). (7/1/21) (Item #37)

1 AN ACT

2 To enact Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:2678.1, relative to the Audiology and Speech-Language
4 Pathology Interstate Compact; to provide for the model language required to
5 participate in the compact; to provide for the effectiveness of the compact upon
6 adoption by ten member states; to provide for the definitions, powers, duties, and
7 functions of the compact; to designate Chapter 34 of Title 37 of the Louisiana
8 Revised Statutes of 1950, comprised of R.S. 37:2650 through 2666, "PART I.
9 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; to provide for
10 an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. The provisions of Chapter 34 of Title 37 of the Louisiana Revised Statutes
13 of 1950, comprised of R.S. 37:2650 through 2666, are hereby designated "PART I.
14 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS".

15 Section 2. Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 37:2678.1, is hereby enacted to read as follows:

17 **PART II. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

INTERSTATE COMPACT§2678.1. Audiology and Speech-Language Interstate Compact; adoption

The Audiology and Speech-Language Pathology Interstate Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

The purpose of this compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient, client, or student is located at the time of the patient, client, or student's encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

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

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

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

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

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

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

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

SECTION 2. DEFINITIONS

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

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

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

11 C. "Alternative program" means a nondisciplinary monitoring process
12 approved by an audiology or speech-language pathology licensing board to
13 address impaired practitioners.

14 D. "Audiologist" means an individual who is licensed by a state to
15 practice audiology.

16 E. "Audiology" means the care and services provided by a licensed
17 audiologist as set forth in the member state's statutes and rules.

18 F. "Audiology and Speech-Language Pathology Compact Commission"
19 or "Commission" means the national administrative body whose membership
20 consists of all states that have enacted the compact.

21 G. "Audiology and speech-language pathology licensing board,"
22 "audiology licensing board," "speech-language pathology licensing board," or
23 "licensing board" means the agency of a state that is responsible for the
24 licensing and regulation of audiologists or speech-language pathologists.

25 H. "Compact privilege" means the authorization granted by a remote
26 state to allow a licensee from another member state to practice as an audiologist
27 or speech-language pathologist in the remote state under its laws and rules. The
28 practice of audiology or speech-language pathology occurs in the member state
29 where the patient, client, or student is located at the time of the patient, client,

1 or student's encounter.

2 I. "Current significant investigative information" means investigative
3 information that a licensing board, after an inquiry or investigation that
4 includes notification and an opportunity for the audiologist or speech-language
5 pathologist to respond, if required by state law, has reason to believe is not
6 groundless and, if proved true, would indicate more than a minor infraction.

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

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

14 L. "Executive Committee" means a group of directors elected or
15 appointed to act on behalf of, and within the powers granted to them by, the
16 commission.

17 M. "Home state" means the member state that is the licensee's primary
18 state of residence.

19 N. "Impaired practitioner" means individuals whose professional
20 practice is adversely affected by substance abuse, addiction, or other
21 health-related conditions.

22 O. "Licensee" means an individual who currently holds an authorization
23 from the state licensing board to practice as an audiologist or speech-language
24 pathologist.

25 P. "Member state" means a state that has enacted the compact.

26 Q. "Privilege to practice" means a legal authorization permitting the
27 practice of audiology or speech-language pathology in a remote state.

28 R. "Remote state" means a member state other than the home state
29 where a licensee is exercising or seeking to exercise the compact privilege.

1 **S. "Rule" means a regulation, principle, or directive promulgated by the**
2 **commission that has the force of law.**

3 **T. "Single-state license" means an audiology or speech-language**
4 **pathology license issued by a member state that authorizes practice only within**
5 **the issuing state and does not include a privilege to practice in any other**
6 **member state.**

7 **U. "Speech-language pathologist" means an individual who is licensed**
8 **by a state to practice speech-language pathology.**

9 **V. "Speech-language pathology" means the care and services provided**
10 **by a licensed speech-language pathologist as set forth in the member state's**
11 **statutes and rules.**

12 **W. "State" means any state, commonwealth, district, or territory of the**
13 **United States of America that regulates the practice of audiology and**
14 **speech-language pathology.**

15 **X. "State practice laws" means a member state's laws, rules, and**
16 **regulations that govern the practice of audiology or speech-language pathology,**
17 **define the scope of audiology or speech-language pathology practice, and create**
18 **the methods and grounds for imposing discipline.**

19 **Y. "Telehealth" means the application of telecommunication technology**
20 **to deliver audiology or speech-language pathology services at a distance for**
21 **assessment, intervention, or consultation.**

22 **SECTION 3. STATE PARTICIPATION IN THE COMPACT**

23 **A. A license issued to an audiologist or speech-language pathologist by**
24 **a home state to a resident in that state shall be recognized by each member state**
25 **as authorizing an audiologist or speech-language pathologist to practice**
26 **audiology or speech-language pathology, under a privilege to practice, in each**
27 **member state.**

28 **B. A state must implement or utilize procedures for considering the**
29 **criminal history records of applicants for initial privilege to practice. These**

1 procedures shall include the submission of fingerprints or other
2 biometric-based information by applicants for the purpose of obtaining an
3 applicant's criminal history record information from the Federal Bureau of
4 Investigation and the agency responsible for retaining that state's criminal
5 records.

6 (1) A member state must fully implement a criminal background check
7 requirement, within a timeframe established by rule, by receiving the results of
8 the Federal Bureau of Investigation record search on criminal background
9 checks and use the results in making licensure decisions.

10 (2) Communication between a member state, the Commission, and
11 among member states regarding the verification of eligibility for licensure
12 through the Compact shall not include any information received from the
13 Federal Bureau of Investigation relating to a federal criminal records check
14 performed by a member state under Public Law 92-544.

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

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

24 E. For an audiologist:

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

26 (a) On or before December 31, 2007, has graduated with a master's
27 degree or doctorate in audiology, or equivalent degree regardless of degree
28 name, from a program that is accredited by an accrediting agency recognized
29 by the Council for Higher Education Accreditation, or its successor, or by the

1 United States Department of Education and operated by a college or university
2 accredited by a regional or national accrediting organization recognized by the
3 board.

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

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

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

19 (3) Has successfully passed a national examination approved by the
20 Commission.

21 (4) Holds an active, unencumbered license.

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

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

27 F. For a speech-language pathologist:

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

29 (a) Has graduated with a master's degree from a speech-language

1 pathology program that is accredited by an organization recognized by the
2 United States Department of Education and operated by a college or university
3 accredited by a regional or national accrediting organization recognized by the
4 board.

5 (b) Has graduated from a speech-language pathology program that is
6 housed in an institution of higher education outside of the United States (a) for
7 which the program and institution have been approved by the authorized
8 accrediting body in the applicable country and (b) the degree program has been
9 verified by an independent credentials review agency to be comparable to a
10 state licensing board-approved program.

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

14 (3) Has completed a supervised postgraduate professional experience as
15 required by the Commission.

16 (4) Has successfully passed a national examination approved by the
17 Commission.

18 (5) Holds an active, unencumbered license.

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

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

24 G. The privilege to practice is derived from the home state license.

25 H. An audiologist or speech-language pathologist practicing in a member
26 state must comply with the state practice laws of the state in which the client is
27 located at the time service is provided. The practice of audiology and
28 speech-language pathology shall include all audiology and speech-language
29 pathology practice as defined by the state practice laws of the member state in

1 which the client is located. The practice of audiology and speech-language
2 pathology in a member state under a privilege to practice shall subject an
3 audiologist or speech-language pathologist to the jurisdiction of the licensing
4 board, the courts, and the laws of the member state in which the client is located
5 at the time service is provided.

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

13 J. Member states may charge a fee for granting a compact privilege.

14 K. Member states must comply with the bylaws and rules and
15 regulations of the commission.

16 SECTION 4. COMPACT PRIVILEGE

17 A. To exercise the compact privilege under the terms and provisions of
18 the compact, the audiologist or speech-language pathologist shall:

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

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

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

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

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

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

29 (7) Report to the commission adverse action taken by any nonmember

1 state within thirty days from the date the adverse action is taken.

2 B. For the purposes of the compact privilege, an audiologist or
3 speech-language pathologist shall only hold one home state license at a time.

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

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

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

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

19 G. The compact privilege is valid until the expiration date of the home
20 state license. The licensee must comply with the requirements of Section 4A to
21 maintain the compact privilege in the remote state.

22 H. A licensee providing audiology or speech-language pathology services
23 in a remote state under the compact privilege shall function within the laws and
24 regulations of the remote state.

25 I. A licensee providing audiology or speech-language pathology services
26 in a remote state is subject to that state's regulatory authority. A remote state
27 may, in accordance with due process and that state's laws, remove a licensee's
28 compact privilege in the remote state for a specific period of time, impose fines,
29 and take any other necessary actions to protect the health and safety of its

1 citizens.

2 J. If a home state license is encumbered, the licensee shall lose the
3 compact privilege in any remote state until the following occur:

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

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

6 K. Once an encumbered license in the home state is restored to good
7 standing, the licensee must meet the requirements of Section 4A to obtain a
8 compact privilege in any remote state.

9 L. Once the requirements of Section 4J have been met, the licensee must
10 meet the requirements in Section 4A to obtain a compact privilege in a remote
11 state.

12 SECTION 5. COMPACT PRIVILEGE TO
13 PRACTICE TELEHEALTH

14 Member states shall recognize the right of an audiologist or
15 speech-language pathologist, licensed by a home state in accordance with
16 Section 3 and under rules promulgated by the commission, to practice audiology
17 or speech-language pathology in any member state via telehealth under a
18 privilege to practice as provided in the compact and rules promulgated by the
19 commission.

20 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL
21 OR THEIR SPOUSES

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

27 SECTION 7. ADVERSE ACTIONS

28 A. In addition to the other powers conferred by state law, a remote state
29 shall have the authority, in accordance with existing state due process law, to:

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

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

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

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

19 **C. The home state shall complete any pending investigations of an**
20 **audiologist or speech-language pathologist who changes primary state of**
21 **residence during the course of the investigations. The home state shall also have**
22 **the authority to take appropriate action or actions and shall promptly report**
23 **the conclusions of the investigations to the administrator of the data system. The**
24 **administrator of the coordinated licensure information system shall promptly**
25 **notify the new home state of any adverse actions.**

26 **D. If otherwise permitted by state law, recover from the affected**
27 **audiologist or speech-language pathologist the costs of investigations and**
28 **disposition of cases resulting from any adverse action taken against that**
29 **audiologist or speech-language pathologist.**

1 E. Take adverse action based on the factual findings of the remote state,
2 provided that the home state follows its own procedures for taking the adverse
3 action.

4 F. Joint Investigations:

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

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

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

20 H. If a member state takes adverse action, it shall promptly notify the
21 administrator of the data system. The administrator of the data system shall
22 promptly notify the home state of any adverse actions by remote states.

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

25 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY
26 AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

27 A. The compact member states hereby create and establish a joint public
28 agency known as the Audiology and Speech-Language Pathology Compact
29 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 competent
4 jurisdiction where the principal office of the commission is located. The
5 commission may waive venue and jurisdictional defenses to the extent it adopts
6 or consents to participate in alternative dispute resolution proceedings.

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

9 B. Membership, Voting, and Meetings:

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

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

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

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

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

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

28 (7) The commission shall meet at least once during each calendar year.

29 Additional meetings shall be held as set forth in the bylaws.

1 **C. The commission shall have the following powers and duties:**

2 **(1) Establish the fiscal year of the commission.**

3 **(2) Establish bylaws.**

4 **(3) Establish a code of ethics.**

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

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

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

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

15 **(8) Purchase and maintain insurance and bonds.**

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

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

23 **(11) Accept any and all appropriate donations and grants of money,**
24 **equipment, supplies, materials and services, and to receive, utilize, and dispose**
25 **of the same; provided that at all times the commission shall avoid any**
26 **appearance of impropriety or conflict of interest.**

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

1 impropriety.

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

4 (14) Establish a budget and make expenditures.

5 (15) Borrow money.

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

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

11 (18) Establish and elect an executive committee.

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

15 D. The Executive Committee:

16 The executive committee shall have the power to act on behalf of the
17 commission according to the terms of this compact.

18 (1) The executive committee shall be composed of ten members:

19 (a) Seven voting members who are elected by the commission from the
20 current membership of the commission.

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

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

26 E. The ex-officio members shall be selected by their respective
27 organizations.

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

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

2 **(3) The executive committee shall have the following duties and**
3 **responsibilities:**

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

8 **(b) Ensure compact administration services are appropriately provided,**
9 **contractual or otherwise.**

10 **(c) Prepare and recommend the budget.**

11 **(d) Maintain financial records on behalf of the Commission.**

12 **(e) Monitor compact compliance of member states and provide**
13 **compliance reports to the commission.**

14 **(f) Establish additional committees as necessary.**

15 **(g) Other duties as provided in rules or bylaws.**

16 **(4) Meetings of the Commission:**

17 **All meetings shall be open to the public, and public notice of meetings**
18 **shall be given in the same manner as required under the rulemaking provisions**
19 **in Section 10.**

20 **(5) The commission or the executive committee or other committees of**
21 **the commission may convene in a closed, nonpublic meeting if the commission**
22 **or executive committee or other committees of the commission must discuss:**

23 **(a) Noncompliance of a member state with its obligations under the**
24 **compact.**

25 **(b) The employment, compensation, discipline or other matters, practices**
26 **or procedures related to specific employees, or other matters related to the**
27 **commission's internal personnel practices and procedures.**

28 **(c) Current, threatened, or reasonably anticipated litigation.**

29 **(d) Negotiation of contracts for the purchase, lease, or sale of goods,**

1 services, or real estate.

2 (e) Accusing any person of a crime or formally censuring any person.

3 (f) Disclosure of trade secrets or commercial or financial information
4 that is privileged or confidential.

5 (g) Disclosure of information of a personal nature where disclosure
6 would constitute a clearly unwarranted invasion of personal privacy.

7 (h) Disclosure of investigative records compiled for law enforcement
8 purposes.

9 (i) Disclosure of information related to any investigative reports
10 prepared by or on behalf of or for use of the commission or other committee
11 charged with responsibility of investigation or determination of compliance
12 issues pursuant to the compact.

13 (j) Matters specifically exempted from disclosure by federal or member
14 state statute.

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

18 (7) The commission shall keep minutes that fully and clearly describe all
19 matters discussed in a meeting and shall provide a full and accurate summary
20 of actions taken, and the reasons therefore, including a description of the views
21 expressed. All documents considered in connection with an action shall be
22 identified in the minutes. All minutes and documents of a closed meeting shall
23 remain under seal, subject to release by a majority vote of the commission or
24 order of a court of competent jurisdiction.

25 (8) Financing of the Commission:

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

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

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

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

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

20 F. Qualified Immunity, Defense, and Indemnification:

21 (1) The members, officers, executive director, employees, and
22 representatives of the commission shall be immune from suit and liability, either
23 personally or in their official capacity, for any claim for damage to or loss of
24 property or personal injury or other civil liability caused by or arising out of
25 any actual or alleged act, error or omission that occurred, or that the person
26 against whom the claim is made had a reasonable basis for believing occurred
27 within the scope of commission employment, duties, or responsibilities;
28 provided that nothing in this paragraph shall be construed to protect any
29 person from suit or liability for any damage, loss, injury, or liability caused by

1 the intentional and/or willful or wanton misconduct or gross negligence of that
2 person.

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

13 (3) The commission shall indemnify and hold harmless any member,
14 officer, executive director, employee, or representative of the commission for
15 the amount of any settlement or judgment obtained against that person arising
16 out of any actual or alleged act, error or omission that occurred within the scope
17 of commission employment, duties, or responsibilities, or that person had a
18 reasonable basis for believing occurred within the scope of commission
19 employment, duties, or responsibilities, provided that the actual or alleged act,
20 error or omission did not result from the gross negligence or intentional or
21 willful or wanton misconduct of that person.

22 SECTION 9. DATA SYSTEM

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

27 B. Notwithstanding any other provision of state law to the contrary, a
28 member state shall submit a uniform data set to the data system on all
29 individuals to whom this compact is applicable as required by the rules of the

1 commission including:

2 (1) Identifying information.

3 (2) Licensure data.

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

5 (4) Nonconfidential information related to alternative program
6 participation.

7 (5) Any denial of application for licensure and the reason or reasons for
8 denial.

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

11 C. Investigative information pertaining to a licensee in any member state
12 shall only be available to other member states.

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

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

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

23 SECTION 10. RULEMAKING

24 A. The commission shall exercise its rulemaking powers pursuant to the
25 criteria set forth in this Section and the rules adopted thereunder. Rules and
26 amendments shall become binding as of the date specified in each rule or
27 amendment.

28 B. If a majority of the legislatures of the member states rejects a rule, by
29 enactment of a statute or resolution in the same manner used to adopt the

1 compact within four years of the date of adoption of the rule, the rule shall have
2 no further force and effect in any member state.

3 C. Rules or amendments to the rules shall be adopted at a regular or
4 special meeting of the commission.

5 D. Prior to promulgation and adoption of a final rule or rules by the
6 commission, and at least thirty days in advance of the meeting at which the rule
7 shall be considered and voted upon, the commission shall file a notice of
8 proposed rulemaking:

9 (1) On the website of the commission or other publicly accessible
10 platform.

11 (2) On the website of each member state's audiology or speech-language
12 pathology licensing board or other publicly accessible platform or the
13 publication in which each state would otherwise publish proposed rules.

14 E. The notice of proposed rulemaking shall include:

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

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

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

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

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

27 G. The commission shall grant an opportunity for a public hearing
28 before it adopts a rule or amendment if a hearing is requested by:

29 (1) At least twenty-five persons.

1 **(2) A state or federal governmental subdivision or agency.**

2 **(3) An association having at least twenty-five members.**

3 **H. If a hearing is held on the proposed rule or amendment, the**
4 **commission shall publish the place, time, and date of the scheduled public**
5 **hearing. If the hearing is held via electronic means, the commission shall**
6 **publish the mechanism for access to the electronic hearing.**

7 **(1) All persons wishing to be heard at the hearing shall notify the**
8 **executive director of the commission or other designated member in writing of**
9 **their desire to appear and testify at the hearing not less than five business days**
10 **before the scheduled date of the hearing.**

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

14 **(3) All hearings shall be recorded. A copy of the recording shall be made**
15 **available on request.**

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

19 **I. Following the scheduled hearing date, or by the close of business on the**
20 **scheduled hearing date if the hearing was not held, the commission shall**
21 **consider all written and oral comments received.**

22 **J. If no written notice of intent to attend the public hearing by interested**
23 **parties is received, the commission may proceed with promulgation of the**
24 **proposed rule without a public hearing.**

25 **K. The commission shall, by majority vote of all members, take final**
26 **action on the proposed rule and shall determine the effective date of the rule,**
27 **if any, based on the rulemaking record and the full text of the rule.**

28 **L. Upon determination that an emergency exists, the commission may**
29 **consider and adopt an emergency rule without prior notice, opportunity for**

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

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

21 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION,

22 AND ENFORCEMENT

23 A. Dispute Resolution:

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

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

29 B. Enforcement:

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

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

10 **(3) The remedies herein shall not be the exclusive remedies of the**
11 **commission. The commission may pursue any other remedies available under**
12 **federal or state law.**

13 **SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE**
14 **COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE**
15 **PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,**
16 **AND AMENDMENT**

17 **A. The compact shall come into effect on the date on which the compact**
18 **statute is enacted into law in the tenth member state. The provisions, which**
19 **become effective at that time, shall be limited to the powers granted to the**
20 **commission relating to assembly and the promulgation of rules. Thereafter, the**
21 **commission shall meet and exercise rulemaking powers necessary to the**
22 **implementation and administration of the compact.**

23 **B. Any state that joins the compact subsequent to the commission's**
24 **initial adoption of the rules shall be subject to the rules as they exist on the date**
25 **on which the compact becomes law in that state. Any rule that has been**
26 **previously adopted by the commission shall have the full force and effect of law**
27 **on the day the compact becomes law in that state.**

28 **C. Any member state may withdraw from this compact by enacting a**
29 **statute repealing the same.**

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

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

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

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

14 SECTION 13. CONSTRUCTION AND SEVERABILITY

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

26 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

27 A. Nothing herein prevents the enforcement of any other law of a
28 member state that is not inconsistent with the compact.

29 B. All laws in a member state in conflict with the compact are superseded

1 **to the extent of the conflict.**

2 **C. All lawful actions of the commission, including all rules and bylaws**
 3 **promulgated by the commission, are binding upon the member states.**

4 **D. All agreements between the commission and the member states are**
 5 **binding in accordance with their terms.**

6 **E. In the event any provision of the compact exceeds the constitutional**
 7 **limits imposed on the legislature of any member state, the provision shall be**
 8 **ineffective to the extent of the conflict with the constitutional provision in**
 9 **question in that member state.**

10 Section 3. This Act shall become effective on July 1, 2021.

The original instrument was prepared by Beth O'Quin. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

DIGEST

SB 34 Engrossed

2020 Second Extraordinary Session

Peacock

Proposed law enacts the Audiology and Speech-Language Pathology Interstate Compact to take effect once adopted in 10 member states. Proposed law allows Louisiana to join a multistate compact which allows audiologists and speech-language pathologists to obtain multistate license privileges to practice in participating compact states, to decrease redundancies in the consideration and issuance of audiologist and speech-language pathologist licensure, and to provide opportunity for interstate practice by audiologists and speech-language pathologists who meet the uniform licensure requirements.

Proposed law provides that the compact facilitates the interstate practice of audiology and speech-language pathology to assist in improving public access to audiology and speech-language pathology services.

Proposed law provides that the compact encourages the multistate regulation of audiology and speech-language pathology practice, enhances exchange of licensure, investigative and disciplinary information among its members, allows for use of telehealth technology to facilitate increased access to audiology and speech-language pathology services, supports spouses of relocating active duty military personnel, and allows a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.

Proposed law provides that active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing and that the individual may retain the home state designation during the period the service member is on active duty. Proposed law provides that subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

Proposed law provides for the establishment of a joint agency known as the Audiology and Speech-Language Pathology Commission and membership by representatives from compact states.

Proposed law provides for construction and severability.

Effective July 1, 2021.

(Adds R.S. 37:2678.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to
the original bill

1. Adds gross negligence as an exception to the limitation of liability.