

2020 Regular Session

SENATE BILL NO. 98

BY SENATOR PEACOCK

SPEECH/PATH/AUDIO. Provides for the Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC). (gov sig)

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. 37:2661, 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. 37:2661, is hereby enacted to read as follows:

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

INTERSTATE COMPACT**§2661. 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 PRACTICE TELEHEALTH**

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

19 **SECTION 6. ACTIVE DUTY MILITARY PERSONNEL**

20 **OR THEIR SPOUSES**

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

26 **SECTION 7. ADVERSE ACTIONS**

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

29 (1) Take adverse action against an audiologist's or speech-language

1 pathologist's privilege to practice within that member state.

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

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

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

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

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

29 E. Take adverse action based on the factual findings of the remote state,

1 provided that the home state follows its own procedures for taking the adverse
2 action.

3 F. Joint Investigations

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

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

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

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

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

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

26 A. The compact member states hereby create and establish a joint public
27 agency known as the Audiology and Speech-Language Pathology Compact
28 Commission:

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

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

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

8 **B. Membership, Voting, and Meetings**

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

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

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

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

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

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

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

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

- 1 (1) Establish the fiscal year of the commission.
- 2 (2) Establish bylaws.
- 3 (3) Establish a code of ethics.
- 4 (4) Maintain its financial records in accordance with the bylaws.
- 5 (5) Meet and take actions as are consistent with the provisions of this
6 compact and the bylaws.
- 7 (6) Promulgate uniform rules to facilitate and coordinate implementation
8 and administration of this compact. The rules shall have the force and effect of
9 law and shall be binding in all member states.
- 10 (7) Bring and prosecute legal proceedings or actions in the name of the
11 commission, provided that the standing of any state audiology or
12 speech-language pathology licensing board to sue or be sued under applicable
13 law shall not be affected.
- 14 (8) Purchase and maintain insurance and bonds.
- 15 (9) Borrow, accept, or contract for services of personnel, including but
16 not limited to employees of a member state.
- 17 (10) Hire employees, elect or appoint officers, fix compensation, define
18 duties, grant individuals appropriate authority to carry out the purposes of the
19 compact, and to establish the commission's personnel policies and programs
20 relating to conflicts of interest, qualifications of personnel, and other related
21 personnel matters.
- 22 (11) Accept any and all appropriate donations and grants of money,
23 equipment, supplies, materials and services, and to receive, utilize, and dispose
24 of the same; provided that at all times the commission shall avoid any
25 appearance of impropriety or conflict of interest.
- 26 (12) Lease, purchase, accept appropriate gifts or donations of, or
27 otherwise to own, hold, improve or use, any property, real, personal or mixed,
28 provided that at all times the commission shall avoid any appearance of
29 impropriety.

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

3 (14) Establish a budget and make expenditures.

4 (15) Borrow money.

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

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

10 (18) Establish and elect an executive committee.

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

14 D. The Executive Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **(4) Meetings of the Commission**

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

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

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

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

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

28 **(d) Negotiation of contracts for the purchase, lease, or sale of goods,**
29 **services, or real estate.**

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

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

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

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

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

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

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

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

24 (8) Financing of the Commission

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

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

29 (c) The commission may levy on and collect an annual assessment from

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

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

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

19 F. Qualified Immunity, Defense, and Indemnification

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

1 **(2) The commission shall defend any member, officer, executive director,**
2 **employee, or representative of the commission in any civil action seeking to**
3 **impose liability arising out of any actual or alleged act, error or omission that**
4 **occurred within the scope of commission employment, duties, or responsibilities,**
5 **or 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 herein shall be construed to prohibit that**
8 **person from retaining his or her own counsel; and provided further, that the**
9 **actual or alleged act, error or omission did not result from that person's**
10 **intentional or willful or wanton misconduct.**

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

20 **SECTION 9. DATA SYSTEM**

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

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

29 **(1) Identifying information.**

1 **(2) Licensure data.**

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

3 **(4) Nonconfidential information related to alternative program**
4 **participation.**

5 **(5) Any denial of application for licensure and the reason or reasons for**
6 **denial.**

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

9 **C. Investigative information pertaining to a licensee in any member state**
10 **shall only be available to other member states.**

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

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

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

21 **SECTION 10. RULEMAKING**

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

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

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

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

7 (1) On the website of the commission or other publicly accessible
8 platform.

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

12 E. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

27 (1) At least twenty-five persons.

28 (2) A state or federal governmental subdivision or agency.

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

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

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

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

12 (3) All hearings shall be recorded. A copy of the recording shall be made
13 available on request.

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

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

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

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

26 L. Upon determination that an emergency exists, the commission may
27 consider and adopt an emergency rule without prior notice, opportunity for
28 comment, or hearing, provided that the usual rulemaking procedures provided
29 in the compact and in this section shall be retroactively applied to the rule as

1 soon as reasonably possible, in no event later than ninety days after the effective
2 date of the rule. For the purposes of this provision, an emergency rule is one
3 that must be adopted immediately in order to:

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

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

6 (3) Meet a deadline for the promulgation of an administrative rule that
7 is established by federal law or rule.

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

19 **SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

20 **A. Dispute Resolution**

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

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

26 **B. Enforcement**

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

29 (2) By majority vote, the commission may initiate legal action in the

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

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

10 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE
11 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE
12 PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
13 AND AMENDMENT

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

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

25 C. Any member state may withdraw from this compact by enacting a
26 statute repealing the same.

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

29 (2) Withdrawal shall not affect the continuing requirement of the

1 withdrawing state's audiology or speech-language pathology licensing board to
2 comply with the investigative and adverse action reporting requirements of this
3 act prior to the effective date of withdrawal.

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

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

11 SECTION 13. CONSTRUCTION AND SEVERABILITY

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

23 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

26 B. All laws in a member state in conflict with the compact are superseded
27 to the extent of the conflict.

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

compact states.

Proposed law provides for construction and severability.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 37:2661)