

HOUSE BILL 391

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Audiology and Speech-Language Pathology
Interstate Compact".

SECTION 2. [NEW MATERIAL] 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 encounter. The
compact preserves the regulatory authority of states to protect

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1 public health and safety through the current system of state
2 licensure. This compact is designed to achieve the following
3 objectives:

4 A. increase public access to audiology and speech-
5 language pathology services by providing for the mutual
6 recognition of other member state licenses;

7 B. enhance the states' ability to protect the
8 public's health and safety;

9 C. encourage the cooperation of member states in
10 regulating multistate audiology and speech-language pathology
11 practice;

12 D. support spouses of relocating active duty
13 military personnel;

14 E. enhance the exchange of licensure, investigative
15 and disciplinary information among member states;

16 F. allow a remote state to hold a provider of
17 services with a compact privilege in that state accountable to
18 that state's practice standards; and

19 G. allow for the use of telehealth technology to
20 facilitate increased access to audiology and speech-language
21 pathology services.

22 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
23 Audiology and Speech-Language Pathology Interstate Compact and
24 except as otherwise provided:

25 A. "active duty military" means full-time duty

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1 status in the active uniformed service of the United States,
2 including members of the national guard and reserve on active
3 duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

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

11 C. "alternative program" means a non-disciplinary
12 monitoring process approved by an audiology and speech-language
13 pathology licensing board to address impaired practitioners;

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

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

19 F. "audiology and speech-language pathology compact
20 commission" or "commission" means the national administrative
21 body whose membership consists of all member states;

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

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1 regulation of audiologists or speech-language pathologists;

2 H. "compact privilege" means the authorization
3 granted by a remote state to allow a licensee from another
4 member state to practice as an audiologist or speech-language
5 pathologist in the remote state under the remote state's laws
6 and rules. The practice of audiology or speech-language
7 pathology occurs in the member state where the patient, client
8 or student is located at the time of the patient, client or
9 student encounter;

10 I. "current significant investigative information"
11 means investigative information that a licensing board, after
12 an inquiry or investigation that includes notification and an
13 opportunity for the audiologist or speech-language pathologist
14 to respond, if required by state law, has reason to believe is
15 not groundless and, if proved true, would indicate more than a
16 minor infraction;

17 J. "data system" means a repository of information
18 about licensees, including continuing education, examination,
19 licensure, investigative information, compact privilege and
20 adverse action;

21 K. "encumbered license" means a license in which an
22 adverse action restricts the practice of audiology and speech-
23 language pathology by the licensee, and the adverse action has
24 been reported to the national practitioner data bank;

25 L. "executive committee" means a group of directors

1 elected or appointed to act on behalf of, and within the powers
2 granted to them by, the commission;

3 M. "home state" means the member state that is the
4 licensee's primary state of residence;

5 N. "impaired practitioner" means an individual
6 whose professional practice is adversely affected by substance
7 abuse, addiction or other health-related conditions;

8 O. "licensee" means an individual who currently
9 holds an authorization from a state licensing board to practice
10 as an audiologist or speech-language pathologist;

11 P. "member state" means a state that has enacted
12 the compact;

13 Q. "privilege to practice" means a legal
14 authorization permitting the practice of audiology or speech-
15 language pathology in a remote state;

16 R. "remote state" means a member state other than
17 the home state where a licensee is exercising or seeking to
18 exercise the compact privilege;

19 S. "rule" means a regulation, principle or
20 directive promulgated by the commission that has the force of
21 law;

22 T. "single-state license" means an audiology or
23 speech-language pathology license issued by a member state that
24 authorizes practice only within the issuing state and does not
25 include a privilege to practice in any other member state;

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1 U. "speech-language pathologist" means an
2 individual who is licensed by a state to practice speech-
3 language pathology;

4 V. "speech-language pathology" means the care and
5 services provided by a licensed speech-language pathologist as
6 set forth in the member state's statutes and rules;

7 W. "state" means any state, commonwealth, district
8 or territory of the United States that regulates the practice
9 of audiology and speech-language pathology;

10 X. "state practice laws" means a member state's
11 laws, rules and regulations that govern the practice of
12 audiology or speech-language pathology, define the scope of
13 audiology or speech-language pathology practice and create the
14 methods and grounds for imposing discipline; and

15 Y. "telehealth" means the application of
16 telecommunication technology to deliver audiology or speech-
17 language pathology services at a distance for assessment,
18 intervention or consultation.

19 SECTION 4. [NEW MATERIAL] STATE PARTICIPATION IN THE
20 COMPACT.--

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

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1 practice, in each member state.

2 B. A state shall implement or utilize procedures
3 for considering the criminal history records of applicants for
4 initial privilege to practice. These procedures shall include
5 the submission of fingerprints or other biometric-based
6 information by applicants for the purpose of obtaining an
7 applicant's criminal history record information from the
8 federal bureau of investigation and the agency responsible for
9 retaining that state's criminal records and shall meet the
10 following requirements:

11 (1) a member state shall fully implement a
12 criminal background check requirement, within a time frame
13 established by rule by receiving the results of the federal
14 bureau of investigation record search on criminal background
15 checks and use the results in making licensure decision; and

16 (2) communication between a member state, the
17 commission and among member states regarding the verification
18 of eligibility for licensure through the compact shall not
19 include any information received from the federal bureau of
20 investigation relating to a federal criminal records check
21 performed by a member state under Public Law 92-544.

22 C. Upon application for a privilege to practice,
23 the licensing board in the issuing remote state shall ascertain
24 through the data system whether the applicant has ever held, or
25 is the holder of, a license issued by any other state, whether

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1 there are any encumbrances on any license or privilege to
2 practice held by the applicant and whether any adverse action
3 has been taken against any license or privilege to practice
4 held by the applicant.

5 D. Each member state shall require an applicant to
6 obtain or retain a license in the home state and meet the home
7 state's qualifications for licensure or renewal of licensure
8 and all other applicable state laws.

9 E. An audiologist seeking privilege to practice
10 shall:

11 (1) meet one of the following educational
12 requirements:

13 (a) on or before December 31, 2007, have
14 graduated with a master's degree or doctorate in audiology, or
15 equivalent degree regardless of degree name from a program that
16 is accredited by an accrediting agency recognized by the
17 council for higher education accreditation, or its successor,
18 or by the United States department of education and operated by
19 a college or university accredited by a regional or national
20 accrediting organization recognized by the licensing board;

21 (b) on or after January 1, 2008, have
22 graduated with a doctoral degree in audiology, or equivalent
23 degree, regardless of degree name, from a program that is
24 accredited by an accrediting agency recognized by the council
25 for higher education accreditation, or its successor, or by the

1 United States department of education and operated by a college
2 or university accredited by a regional or national accrediting
3 organization recognized by the board; or

4 (c) have graduated from an audiology
5 program that is housed in an institution of higher education
6 outside the United States for which: 1) the program and
7 institution have been approved by the authorized accrediting
8 body in the applicable country; and 2) the degree program has
9 been verified by an independent credentials review agency to be
10 comparable to a state licensing board-approved program;

11 (2) have completed a supervised clinical
12 practicum experience from an accredited educational institution
13 or its cooperating programs as required by the board;

14 (3) have successfully passed a national
15 examination approved by the commission;

16 (4) hold an active, unencumbered license;

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

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

23 F. A speech-language pathologist seeking privilege
24 to practice shall:

25 (1) meet one of the following educational

1 requirements:

2 (a) have graduated with a master's
3 degree from a speech-language pathology program that is
4 accredited by an organization recognized by the United States
5 department of education and operated by a college or university
6 accredited by a regional or national accrediting organization
7 recognized by the licensing board; or

8 (b) have graduated from a speech-
9 language pathology program that is housed in an institution of
10 higher education outside of the United States for which: 1)
11 the program and institution have been approved by the
12 authorized accrediting body in the applicable country; and 2)
13 the degree program has been verified by an independent
14 credentials review agency to be comparable to a state licensing
15 board-approved program;

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

19 (3) have completed a supervised post-graduate
20 professional experience as required by the commission;

21 (4) have successfully passed a national
22 examination approved by the commission;

23 (5) hold an active, unencumbered license;

24 (6) have not been convicted or found guilty,
25 and have not entered into an agreed disposition, of a felony

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1 related to the practice of speech-language pathology under
2 applicable state or federal criminal law; and

3 (7) has a valid United States social security
4 or national practitioner identification number.

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

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

20 I. Individuals not residing in a member state shall
21 continue to be able to apply for a member state's single-state
22 license as provided under the laws of each member state.
23 However, the single-state license granted to these individuals
24 shall not be recognized as granting the privilege to practice
25 audiology or speech-language pathology in any other member

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1 state. Nothing in this compact shall affect the requirements
2 established by a member state for the issuance of a single-
3 state license.

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

6 K. Member states must comply with the bylaws and
7 rules and regulations of the commission.

8 SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE.--

9 A. To exercise the compact privilege under the
10 terms and provisions of the compact, an audiologist or speech-
11 language pathologist shall:

12 (1) hold an active license in the home state;

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

14 (3) be eligible for a compact privilege in any
15 member state in accordance with Section 4 of the Audiology and
16 Speech-Language Pathology Interstate Compact;

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

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

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

24 (7) report to the commission adverse action
25 taken by any non-member state within thirty days from the date

1 the adverse action is taken.

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

5 C. Except as provided in Section 7 of the Audiology
6 and Speech-Language Pathology Interstate Compact, if an
7 audiologist or speech-language pathologist changes primary
8 state of residence by moving to another member state, the
9 audiologist or speech-language pathologist shall apply for
10 licensure in the new home state and the license issued by the
11 prior home state shall be deactivated in accordance with
12 applicable rules adopted by the commission.

13 D. An audiologist or speech-language pathologist
14 may apply for licensure in advance of a change in primary state
15 of residence.

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

21 F. If an audiologist or speech-language pathologist
22 changes a primary state of residence by moving from a member
23 state to a non-member state, the license issued by the prior
24 home state shall convert to a single-state license, valid only
25 in the former home state.

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1 G. A compact privilege is valid until the
2 expiration date of the home state license. A licensee must
3 comply with the requirements of Subsection A of this section to
4 maintain a compact privilege in a remote state.

5 H. A licensee providing audiology or speech-
6 language pathology services in a remote state under a compact
7 privilege shall function within the laws and regulations of the
8 remote state.

9 I. A licensee providing audiology or speech-
10 language pathology services in a remote state is subject to
11 that state's regulatory authority. A remote state may, in
12 accordance with due process and that state's laws, remove a
13 licensee's compact privilege in the remote state for a specific
14 period of time, impose fines or take any other necessary
15 actions to protect the health and safety of the remote state's
16 residents.

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

20 (1) the home state license is no longer
21 encumbered; and

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

24 K. Once an encumbered license in the home state is
25 restored to good standing, the licensee shall meet the

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1 requirements of Subsection A of this section to obtain a
2 compact privilege in any remote state.

3 L. Once the requirements of Subsection J of this
4 section have been met, the licensee must meet the requirements
5 in Subsection A of this section to obtain a compact privilege
6 in a remote state.

7 SECTION 6. [NEW MATERIAL] COMPACT PRIVILEGE TO PRACTICE
8 TELEHEALTH.--Member states shall recognize the right of an
9 audiologist or speech-language pathologist licensed by a home
10 state in accordance with Section 4 of the Audiology and Speech-
11 Language Pathology Interstate Compact and under rules
12 promulgated by the commission, to practice audiology or speech-
13 language pathology in any member state via telehealth under a
14 privilege to practice as provided in the compact and rules
15 promulgated by the commission.

16 SECTION 7. [NEW MATERIAL] ACTIVE DUTY MILITARY PERSONNEL
17 OR THEIR SPOUSES.--Active duty military personnel, or the
18 active duty military personnel's spouse, shall designate a home
19 state where the individual has a current license in good
20 standing. The individual may retain the home state designation
21 during the period the service member is on active duty.
22 Subsequent to designating a home state, the individual shall
23 only change the home state through application for licensure in
24 the new state.

25 SECTION 8. [NEW MATERIAL] ADVERSE ACTIONS.--

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

4 (1) take adverse action against an
5 audiologist's or speech-language pathologist's privilege to
6 practice within that member state;

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

19 (3) only the home state shall have the power
20 to take adverse action against a audiologist's or speech-
21 language pathologist's license issued by the home state.

22 B. For purposes of taking adverse action, the home
23 state shall give the same priority and effect to reported
24 conduct received from a member state as it would if the conduct
25 had occurred within the home state. In so doing, the home

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1 state shall apply its own state laws to determine appropriate
2 action.

3 C. The home state shall complete any pending
4 investigations of an audiologist or speech-language pathologist
5 who changes primary state of residence during the course of the
6 investigations. The home state shall also have the authority
7 to take appropriate action and shall promptly report the
8 conclusions of the investigations to the administrator of the
9 data system. The administrator of the data system shall
10 promptly notify the new home state of any adverse actions.

11 D. If otherwise permitted by state law, the member
12 state may recover from the affected audiologist or speech-
13 language pathologist the costs of investigations and
14 disposition of cases resulting from any adverse action taken
15 against that audiologist or speech-language pathologist.

16 E. The member state may take adverse action based
17 on the factual findings of the remote state, provided that the
18 member state follows the member state's own procedures for
19 taking the adverse action.

20 F. In addition to the authority granted to a member
21 state by its respective audiology or speech-language pathology
22 practice act or other applicable state law, any member state
23 may participate with other member states in joint
24 investigations of licensees. Member states shall share any
25 investigative, litigation or compliance materials in

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1 furtherance of any joint or individual investigation initiated
2 under the compact.

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

14 H. If a member state takes adverse action, it shall
15 promptly notify the administrator of the data system. The
16 administrator of the data system shall promptly notify the home
17 state of any adverse actions by remote states.

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

21 SECTION 9. ~~[NEW MATERIAL]~~ AUDIOLOGY AND SPEECH-LANGUAGE
22 PATHOLOGY COMPACT COMMISSION--CREATED.--

23 A. The compact member states hereby create and
24 establish a joint public agency known as "the audiology and
25 speech-language pathology compact commission", subject to the

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1 following provisions:

2 (1) the commission is an instrumentality of
3 the compact states;

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

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

13 B. Membership, voting and meetings of the
14 commission shall proceed as follows:

15 (1) each member state shall have two delegates
16 on the commission selected by that member state's licensing
17 board. The delegates shall be current members of the licensing
18 board. One delegate shall be an audiologist and one delegate
19 shall be a speech-language pathologist;

20 (2) an additional five delegates, who are
21 either public members or board administrators from a state
22 licensing board, shall be chosen at large by the executive
23 committee from a pool of nominees provided by the commission;

24 (3) any delegate may be removed or suspended
25 from the commission as provided by the law of the state from

1 which the delegate is appointed;

2 (4) the member state's licensing board shall
3 fill any vacancy of the member state's delegates that occurs on
4 the commission, within ninety days;

5 (5) each delegate shall be entitled to one
6 vote with regard to the promulgation of rules and creation of
7 bylaws and shall otherwise have an opportunity to participate
8 in the business and affairs of the commission;

9 (6) a delegate shall vote in person or by
10 other means as provided in the bylaws. The bylaws may provide
11 for delegates' participation in meetings by telephone or other
12 means of communication; and

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

16 C. The commission shall:

17 (1) establish the fiscal year of the
18 commission;

19 (2) establish bylaws;

20 (3) establish a code of ethics;

21 (4) maintain financial records in accordance
22 with the bylaws;

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

25 (6) promulgate uniform rules to facilitate and

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1 coordinate implementation and administration of this compact.
2 The rules shall have the force and effect of law and shall be
3 binding in all member states;

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

9 (8) purchase and maintain insurance and bonds;

10 (9) borrow, accept or contract for services of
11 personnel, including employees of a member state;

12 (10) hire employees, elect or appoint
13 officers, fix compensation, define duties and grant individuals
14 appropriate authority to carry out the purposes of the compact
15 and establish the commission's personnel policies and programs
16 relating to conflicts of interest, qualifications of personnel
17 and other related personnel matters;

18 (11) accept any and all appropriate donations
19 and grants of money, equipment, supplies, materials and
20 services and receive, utilize and dispose of the same; provided
21 that at all times the commission shall avoid any appearance of
22 impropriety or conflict of interest;

23 (12) lease, purchase, accept appropriate gifts
24 or donations of, or otherwise to own, hold, improve or use, any
25 property, real, personal or mixed; provided that at all times

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1 the commission shall avoid any appearance of impropriety;

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

5 (14) establish a budget and make expenditures;

6 (15) borrow money;

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

10 (17) provide and receive information from, and
11 cooperate with, law enforcement agencies;

12 (18) establish and elect an executive
13 committee; and

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

18 D. The executive committee shall have the power to
19 act on behalf of the commission according to the terms of this
20 compact and shall be composed of ten members as follows:

21 (1) seven voting members who are elected by
22 the commission from the current membership of the commission;

23 (2) two non-voting ex-officio members, one a
24 member from a recognized national audiology professional
25 association and one a member from a recognized national speech-

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1 language pathology association; and

2 (3) one non-voting ex-officio member from the
3 recognized membership organization of the audiology and speech-
4 language pathology licensing boards.

5 E. The ex-officio members of the executive
6 committee shall be selected by their respective organizations.

7 F. The commission may remove any member of the
8 executive committee as provided in the bylaws.

9 G. The executive committee shall meet at least
10 annually.

11 H. The executive committee shall have the following
12 duties and responsibilities to:

13 (1) recommend to the commission changes to the
14 rules or bylaws, changes to this compact legislation, fees paid
15 by compact member states such as annual dues and any commission
16 compact fee charged to licensees for the compact privilege;

17 (2) ensure that compact administration
18 services are appropriately provided, contractual or otherwise;

19 (3) prepare and recommend a budget;

20 (4) maintain financial records on behalf of
21 the commission;

22 (5) monitor compact compliance of member
23 states and provide compliance reports to the commission;

24 (6) establish additional committees as
25 necessary; and

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1 (7) carry out other duties as provided in the
2 rules or bylaws.

3 I. All meetings of the commission shall be open to
4 the public, and public notice of meetings shall be given in the
5 same manner as required under the rulemaking provisions in
6 Section 12 of the Audiology and Speech-Language Pathology
7 Interstate Compact.

8 J. The commission or the executive committee or
9 other committees of the commission may convene in a closed,
10 non-public meeting if the commission or executive committee or
11 other committees of the commission must discuss:

12 (1) non-compliance of a member state with its
13 obligations under the compact;

14 (2) the employment, compensation, discipline
15 or other matters, practices or procedures related to specific
16 employees or other matters related to the commission's internal
17 personnel practices and procedures;

18 (3) current, threatened or reasonably
19 anticipated litigation;

20 (4) negotiation of contracts for the purchase,
21 lease or sale of goods, services or real estate;

22 (5) accusations made of any person of a crime
23 or formal censuring of any person;

24 (6) disclosure of trade secrets or commercial
25 or financial information that is privileged or confidential;

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1 (7) disclosure of information of a personal
2 nature where disclosure would constitute a clearly unwarranted
3 invasion of personal privacy;

4 (8) disclosure of investigative records
5 compiled for law enforcement purposes;

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

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

13 K. If a meeting of the commission, executive
14 committee or other committee of the commission, or portion of a
15 meeting, is closed pursuant to Subsection J of this section,
16 the commission's legal counsel or designee shall certify that
17 the meeting may be closed and shall reference each relevant
18 exempting provision.

19 L. The commission shall keep minutes that fully and
20 clearly describe all matters discussed in a meeting and shall
21 provide a full and accurate summary of actions taken, and the
22 reasons therefore, including a description of the views
23 expressed. All documents considered in connection with an
24 action shall be identified in the minutes. All minutes and
25 documents of a closed meeting shall remain under seal, subject

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1 to release by a majority vote of the commission or order of a
2 court of competent jurisdiction.

3 M. The commission shall pay, or provide for the
4 payment of, the reasonable expenses of its establishment,
5 organization and ongoing activities. The commission may accept
6 any and all appropriate revenue sources, donations and grants
7 of money, equipment, supplies, materials and services. The
8 commission may levy on and collect an annual assessment from
9 each member state or impose fees on other parties to cover the
10 cost of the operations and activities of the commission and its
11 staff, which must be in a total amount sufficient to cover its
12 annual budget as approved each year for which revenue is not
13 provided by other sources. The aggregate annual assessment
14 amount shall be allocated based upon a formula to be determined
15 by the commission, which shall promulgate a rule binding upon
16 all member states.

17 N. The commission shall not incur obligations of
18 any kind prior to securing the funds adequate to meet the
19 obligations; nor shall the commission pledge the credit of any
20 of the member states, except by and with the authority of the
21 member state.

22 O. The commission shall keep accurate accounts of
23 all receipts and disbursements. The receipts and disbursements
24 of the commission shall be subject to the audit and accounting
25 procedures established under its bylaws. However, all receipts

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1 and disbursements of funds handled by the commission shall be
2 audited yearly by a certified or licensed public accountant,
3 and the report of the audit shall be included in and become
4 part of the annual report of the commission.

5 SECTION 10. [NEW MATERIAL] QUALIFIED IMMUNITY, DEFENSE
6 AND INDEMNIFICATION.--

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

20 B. The commission shall defend any member, officer,
21 executive director, employee or representative of the
22 commission in any civil action seeking to impose liability
23 arising out of any actual or alleged act, error or omission
24 that occurred within the scope of commission employment, duties
25 or responsibilities, or that the person against whom the claim

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1 is made had a reasonable basis for believing occurred within
2 the scope of commission employment, duties or responsibilities;
3 provided that nothing in this subsection shall be construed to
4 prohibit that person from retaining that person's own counsel;
5 and further provided that the actual or alleged act, error or
6 omission did not result from that person's intentional or
7 willful or wanton misconduct.

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

19 SECTION 11. [NEW MATERIAL] DATA SYSTEM.--

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

25 B. Notwithstanding any other provision of state law

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1 to the contrary, a member state shall submit a uniform data set
2 to the data system on all individuals to whom this compact is
3 applicable as required by the rules of the commission,
4 including:

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

16 C. Investigative information pertaining to a
17 licensee in any member state shall only be available to other
18 member states.

19 D. The commission shall promptly notify all member
20 states of any adverse action taken against a licensee or an
21 individual applying for a license. Adverse action information
22 pertaining to a licensee in any member state shall be available
23 to any other member state.

24 E. Member states contributing information to the
25 data system may designate information that may not be shared

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1 with the public without the express permission of the
2 contributing state.

3 F. Any information submitted to the data system
4 that is subsequently required to be expunged by the laws of the
5 member state contributing the information shall be removed from
6 the data system.

7 SECTION 12. [NEW MATERIAL] RULEMAKING.--

8 A. The commission shall exercise its rulemaking
9 powers pursuant to the criteria set forth in this section and
10 the rules adopted thereunder. Rules and amendments shall
11 become binding as of the date specified in each rule or
12 amendment.

13 B. If a majority of the legislatures of the member
14 states rejects a rule, by enactment of a statute or resolution
15 in the same manner used to adopt the compact within four years
16 of the date of adoption of the rule, the rule shall have no
17 further force and effect in any member state.

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

20 D. Prior to promulgation and adoption of a final
21 rule by the commission, and at least thirty days in advance of
22 the meeting at which the rule shall be considered and voted
23 upon, the commission shall file a notice of proposed
24 rulemaking:

- 25 (1) on the website of the commission or other

1 publicly accessible platform; and

2 (2) on the website of each member state's
3 audiology and speech-language pathology licensing board or
4 other publicly accessible platform or the publication in which
5 each state would otherwise publish proposed rules.

6 E. The notice of proposed rulemaking shall include:

7 (1) the proposed time, date and location of
8 the meeting in which the rule shall be considered and voted
9 upon;

10 (2) the text of the proposed rule or amendment
11 and the reason for the proposed rule;

12 (3) a request for comments on the proposed
13 rule from any interested person; and

14 (4) the manner in which interested persons may
15 submit notice to the commission of their intention to attend
16 the public hearing and any written comments.

17 F. Prior to the adoption of a proposed rule, the
18 commission shall allow persons to submit written data, facts,
19 opinions and arguments, which shall be made available to the
20 public.

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

24 (1) at least twenty-five persons;

25 (2) a state or federal governmental

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1 subdivision or agency; or

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

4 H. If a hearing is held on the proposed rule or
5 amendment, the commission shall publish the place, time and
6 date of the scheduled public hearing. If the hearing is held
7 via electronic means, the commission shall publish the
8 mechanism for access to the electronic hearing and the
9 procedure for hearings shall be conducted according to the
10 following provisions:

11 (1) all persons wishing to be heard at the
12 hearing shall notify the executive director of the commission
13 or other designated member in writing of their desire to appear
14 and testify at the hearing not less than five business days
15 before the scheduled date of the hearing;

16 (2) hearings shall be conducted in a manner
17 that provides each person who wishes to comment a fair and
18 reasonable opportunity to comment orally or in writing;

19 (3) all hearings shall be recorded and a copy
20 of the recording shall be made available on request; and

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

25 I. Following the scheduled hearing date, or by the

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1 close of business on the scheduled hearing date if the hearing
2 was not held, the commission shall consider all written and
3 oral comments received.

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

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

12 L. Upon determination that an emergency exists, the
13 commission may consider and adopt an emergency rule without
14 prior notice and an opportunity for comment or hearing;
15 provided that the usual rulemaking procedures provided in the
16 compact and in this section shall be retroactively applied to
17 the rule as soon as reasonably possible, but in no event later
18 than ninety days after the effective date of the rule. For the
19 purposes of this provision, an emergency rule is one that must
20 be adopted immediately in order to:

21 (1) meet an imminent threat to public health,
22 safety or welfare;

23 (2) prevent a loss of commission or member
24 state funds; or

25 (3) meet a deadline for the promulgation of an

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1 administrative rule that is established by federal law or rule.

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

16 SECTION 13. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION
17 AND ENFORCEMENT.--

18 A. Upon request by a member state, the commission
19 shall attempt to resolve disputes related to the compact that
20 arise among member states and between member and non-member
21 states.

22 B. The commission shall promulgate a rule providing
23 for both mediation and binding dispute resolution for disputes
24 as appropriate.

25 C. The commission, in the reasonable exercise of

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1 its discretion, shall enforce the provisions and rules of this
2 compact.

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

13 E. The remedies provided in this section shall not
14 be the exclusive remedies of the commission. The commission
15 may pursue any other remedies available under federal or state
16 law.

17 SECTION 14. [NEW MATERIAL] DATE OF IMPLEMENTATION OF THE
18 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND
19 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT.--

20 A. The compact shall come into effect on the date
21 on which the compact statute is enacted into law in the tenth
22 member state. The provisions, which become effective at that
23 time, shall be limited to the powers granted to the commission
24 relating to assembly and the promulgation of rules.

25 Thereafter, the commission shall meet and exercise rulemaking

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1 powers necessary to the implementation and administration of
2 the compact.

3 B. Any state that joins the compact subsequent to
4 the commission's initial adoption of the rules shall be subject
5 to the rules as they exist on the date on which the compact
6 becomes law in that state. Any rule that has been previously
7 adopted by the commission shall have the full force and effect
8 of law on the day the compact becomes law in that state.

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

11 D. A member state's withdrawal shall not take
12 effect until six months after enactment of the repealing
13 statute.

14 E. Withdrawal shall not affect the continuing
15 requirement of the withdrawing state's audiology and speech-
16 language pathology licensing board to comply with the
17 investigative and adverse action reporting requirements of this
18 compact prior to the effective date of withdrawal.

19 F. Nothing contained in this compact shall be
20 construed to invalidate or prevent any audiology and speech-
21 language pathology licensure agreement or other cooperative
22 arrangement between a member state and a non-member state that
23 does not conflict with the provisions of this compact.

24 G. This compact may be amended by the member
25 states. No amendment to this compact shall become effective

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1 and binding upon any member state until it is enacted into the
2 laws of all member states.

3 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND
4 SEVERABILITY.--This compact shall be liberally construed so as
5 to effectuate the purposes of the compact. The provisions of
6 this compact shall be severable, and if any phrase, clause,
7 sentence or provision of this compact is declared to be
8 contrary to the constitution of any member state or of the
9 United States or the applicability thereof to any government,
10 agency, person or circumstance is held invalid, the validity of
11 the remainder of this compact and the applicability thereof to
12 any government, agency, person or circumstance shall not be
13 affected thereby. If this compact is held contrary to the
14 constitution of any member state, the compact shall remain in
15 full force and effect as to the remaining member states and in
16 full force and effect as to the member state affected as to all
17 severable matters.

18 SECTION 16. [NEW MATERIAL] BINDING EFFECT OF COMPACT AND
19 OTHER LAWS.--

20 A. Nothing in this compact prevents the enforcement
21 of any other law of a member state that is not inconsistent
22 with the compact.

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

25 C. All lawful actions of the commission, including

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1 all rules and bylaws promulgated by the commission, are binding
2 upon the member states.

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

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

10 SECTION 17. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2023.