

1 ENGROSSED HOUSE
2 BILL NO. 2968

By: West (Josh), McDugle and
Mize of the House

3 and

4 Rader of the Senate

5
6
7 An Act relating to professions and occupations;
8 creating the Audiology and Speech-Language Pathology
9 Interstate Compact; providing purpose; defining
10 terms; providing for state participation in the
11 Compact; providing for Compact privileges; directing
12 state to recognize the practice of audiology or
13 speech-language pathology through telehealth;
14 providing authority for adverse action; providing for
15 joint investigations; establishing the Audiology and
16 Speech-Language Pathology Compact Commission;
17 providing for membership, voting, and meetings;
18 providing powers and duties of the Commission;
19 providing for an Executive Committee; providing for
20 qualified immunity, defense, and indemnification;
21 requiring the Commission to develop a database;
22 requiring notice to all member states of any adverse
23 action; providing for confidentiality of information;
24 directing the Commission to promulgate rules;
providing for notice of proposed rulemaking;
providing for oversight, dispute resolution and
enforcement; providing for date of implementation of
the Interstate Commission for Audiology and Speech-
Language Pathology practice and associated rules,
withdrawal and amendment; providing for construction
and severability; providing for binding effect of
Compact and other laws; providing for codification;
and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1575 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 The purpose of the Audiology and Speech-Language Pathology
5 Interstate Compact is to facilitate interstate practice of audiology
6 and speech-language pathology with the goal of improving public
7 access to audiology and speech-language pathology services. The
8 practice of audiology and speech-language pathology occurs in the
9 state where the patient, client, or student is located at the time
10 of the patient, client, or student encounter. The Audiology and
11 Speech-Language Pathology Interstate Compact hereby created
12 preserves the regulatory authority of states to protect public
13 health and safety through the current system of state licensure.
14 This Compact is designed to achieve the following objectives:

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

18 2. Enhance the states' ability to protect the public's health
19 and safety;

20 3. Encourage the cooperation of member states in regulating
21 multistate audiology and speech-language pathology practice;

22 4. Support spouses of relocating active duty military
23 personnel;

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1 5. Enhance the exchange of licensure, investigative and
2 disciplinary information between member states;

3 6. Allow a remote state to hold a provider of services with a
4 Compact privilege in that state accountable to that state's practice
5 standards; and

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

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1576 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 As used in the Audiology and Speech-Language Pathology
13 Interstate Compact:

14 1. "Active duty military" means full-time duty status in the
15 active uniformed service of the United States, including members of
16 the National Guard and Reserve on active duty orders pursuant to 10
17 U.S.C., Sections 1209 and 1211;

18 2. "Adverse action" means any administrative, civil, equitable
19 or criminal action permitted by a state's laws which is imposed by a
20 licensing board or other authority against an audiologist or speech-
21 language pathologist, including actions against an individual's
22 license or privilege to practice such as revocation, suspension,
23 probation, monitoring of the licensee, or restriction on the
24 licensee's practice;

1 3. "Alternative program" means a nondisciplinary monitoring
2 process approved by an audiology or speech-language pathology
3 licensing board to address impaired practitioners;

4 4. "Audiologist" means an individual who is licensed by a state
5 to practice audiology;

6 5. "Audiology" means the care and services provided by a
7 licensed audiologist as set forth in the member state's statutes and
8 rules;

9 6. "Audiology and Speech-Language Pathology Compact Commission"
10 or "Commission" means the national administrative body whose
11 membership consists of all states that have enacted the Compact;

12 7. "Audiology and speech-language pathology licensing board",
13 "audiology licensing board", "speech-language pathology licensing
14 board", or "licensing board" means the agency of a state that is
15 responsible for the licensing and regulation of audiologists and/or
16 speech-language pathologists;

17 8. "Compact privilege" means the authorization granted by a
18 remote state to allow a licensee from another member state to
19 practice as an audiologist or speech-language pathologist in the
20 remote state under its laws and rules. The practice of audiology or
21 speech-language pathology occurs in the member state where the
22 patient, client, or student is located at the time of the patient,
23 client, or student encounter;

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

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

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

15 12. "Executive Committee" means a group of directors elected or
16 appointed to act on behalf of, and within the powers granted to them
17 by, the Commission;

18 13. "Home state" means the member state that is the licensee's
19 primary state of residence;

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

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1 15. "Licensee" means an individual who currently holds an
2 authorization from the state licensing board to practice as an
3 audiologist or speech-language pathologist;

4 16. "Member state" means a state that has enacted the Compact;

5 17. "Privilege to practice" means a legal authorization
6 permitting the practice of audiology or speech-language pathology in
7 a remote state;

8 18. "Remote state" means a member state other than the home
9 state where a licensee is exercising or seeking to exercise the
10 Compact privilege;

11 19. "Rule" means a regulation, principle or directive
12 promulgated by the Commission that has the force of law;

13 20. "Single-state license" means an audiology or speech-
14 language pathology license issued by a member state that authorizes
15 practice only within the issuing state and does not include a
16 privilege to practice in any other member state;

17 21. "Speech-language pathologist" means an individual who is
18 licensed by a state to practice speech-language pathology;

19 22. "Speech-language pathology" means the care and services
20 provided by a licensed speech-language pathologist as set forth in
21 the member state's statutes and rules;

22 23. "State" means any state, commonwealth, district or
23 territory of the United States of America that regulates the
24 practice of audiology and speech-language pathology;

1 24. "State practice laws" means a member state's laws, rules
2 and regulations that govern the practice of audiology or speech-
3 language pathology, define the scope of audiology or speech-language
4 pathology practice, and create the methods and grounds for imposing
5 discipline; and

6 25. "Telehealth" means the application of telecommunication
7 technology to deliver audiology or speech-language pathology
8 services at a distance for assessment, intervention and/or
9 consultation.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1577 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

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

18 B. A state shall implement or utilize procedures for
19 considering the criminal history records of applicants for initial
20 privilege to practice. These procedures shall include the
21 submission of fingerprints or other biometric-based information by
22 applicants for the purpose of obtaining an applicant's criminal
23 history record information from the Federal Bureau of Investigation
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1 and the agency responsible for retaining that state's criminal
2 records.

3 1. A member state shall fully implement a criminal background
4 check requirement, within a time frame established by rule, by
5 receiving the results of the Federal Bureau of Investigation record
6 search on criminal background checks and use the results in making
7 licensure decisions.

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

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

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

3 E. An audiologist applicant shall:

4 1. Meet one of the following educational requirements:

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

15 b. on or after, January 1, 2008, has graduated with a
16 doctoral degree in audiology, or equivalent degree,
17 regardless of degree name, from a program that is
18 accredited by an accrediting agency recognized by the
19 Council for Higher Education Accreditation, or its
20 successor, or by the United States Department of
21 Education and operated by a college or university
22 accredited by a regional or national accrediting
23 organization recognized by the board, or

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1 c. has graduated from an audiology program that is housed
2 in an institution of higher education outside of the
3 United States:

4 (1) for which the program and institution have been
5 approved by the authorized accrediting body in
6 the applicable country, and

7 (2) for which the degree program has been verified by
8 an independent credentials review agency to be
9 comparable to a state-licensing-board-approved
10 program;

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

14 3. Have successfully passed a national examination approved by
15 the Commission;

16 4. Hold an active, unencumbered license;

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

20 6. Have a valid United States Social Security or National
21 Practitioner Identification number.

22 F. A speech-language pathologist applicant shall:

23 1. Meet one of the following educational requirements:
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- 1 a. has graduated with a master's degree from a speech-
2 language pathology program that is accredited by an
3 organization recognized by the United States
4 Department of Education and operated by a college or
5 university accredited by a regional or national
6 accrediting organization recognized by the board, or
7 b. has graduated from a speech-language pathology program
8 that is housed in an institution of higher education
9 outside of the United States:

10 (1) for which the program and institution have been
11 approved by the authorized accrediting body in
12 the applicable country, and

13 (2) for which the degree program has been verified by
14 an independent credentials review agency to be
15 comparable to a state-licensing-board-approved
16 program;

17 2. Have completed a supervised clinical practicum experience
18 from an educational institution or its cooperating programs as
19 required by the Commission;

20 3. Have completed a supervised postgraduate professional
21 experience as required by the Commission;

22 4. Have successfully passed a national examination approved by
23 the Commission;

24 5. Hold an active, unencumbered license;

1 6. Have not been convicted or found guilty, and has not entered
2 into an agreed disposition, of a felony related to the practice of
3 speech-language pathology under applicable state or federal criminal
4 law; and

5 7. Have a valid United States Social Security or National
6 Practitioner Identification number.

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

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

21 I. Individuals not residing in a member state shall continue to
22 be able to apply for a member state's single-state license as
23 provided under the laws of each member state. However, the single-
24 state license granted to these individuals shall not be recognized

1 as granting the privilege to practice audiology or speech-language
2 pathology in any other member state. Nothing in this Compact shall
3 affect the requirements established by a member state for the
4 issuance of a single-state license.

5 J. Member states may charge a fee for granting a Compact
6 privilege.

7 K. Member states shall comply with the bylaws and rules and
8 regulations of the Commission.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1578 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. To exercise the Audiology and Speech-Language Pathology
13 Interstate Compact privilege under the terms and provisions of the
14 Compact, the audiologist or speech-language pathologist shall:

15 1. Hold an active license in the home state;

16 2. Have no encumbrance on any state license;

17 3. Be eligible for a Compact privilege in any member state in
18 accordance with Section 3 of this act;

19 4. Have not had any adverse action against any license or
20 Compact privilege within the previous two (2) years from date of
21 application;

22 5. Notify the Audiology and Speech-Language Pathology Compact
23 Commission that the licensee is seeking the Compact privilege within
24 a remote state(s);

1 6. Pay any applicable fees, including any state fee, for the
2 Compact privilege; and

3 7. Report to the Commission adverse action taken by any
4 nonmember state within thirty (30) days from the date the adverse
5 action is taken.

6 B. For the purposes of the Compact privilege, an audiologist or
7 speech-language pathologist shall only hold one home state license
8 at a time.

9 C. Except as provided in Section 6 of this act, if an
10 audiologist or speech-language pathologist changes primary state of
11 residence by moving between two member states, the audiologist or
12 speech-language pathologist shall apply for licensure in the new
13 home state, and the license issued by the prior home state shall be
14 deactivated in accordance with applicable rules adopted by the
15 Commission.

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

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

23 F. If an audiologist or speech-language pathologist changes
24 primary state of residence by moving from a member state to a

1 nonmember state, the license issued by the prior home state shall
2 convert to a single-state license, valid only in the former home
3 state.

4 G. The Compact privilege is valid until the expiration date of
5 the home state license. The licensee shall comply with the
6 requirements of subsection A of this section to maintain the Compact
7 privilege in the remote state.

8 H. A licensee providing audiology or speech-language pathology
9 services in a remote state under the Compact privilege shall
10 function within the laws and regulations of the remote state.

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

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

- 21 1. The home state license is no longer encumbered; and
- 22 2. Two (2) years have elapsed from the date of the adverse
23 action.

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1 K. Once an encumbered license in the home state is restored to
2 good standing, the licensee shall meet the requirements of
3 subsection A of this section to obtain a Compact privilege in any
4 remote state.

5 L. Once the requirements of subsection J of this section have
6 been met, the licensee shall meet the requirements in subsection A
7 of this section to obtain a Compact privilege in a remote state.

8 SECTION 5. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1579 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 Member states shall recognize the right of an audiologist or
12 speech-language pathologist, licensed by a home state in accordance
13 with Section 3 of this act and under rules promulgated by the
14 Commission, to practice audiology or speech-language pathology in
15 any member state via telehealth under a privilege to practice as
16 provided in the Audiology and Speech-Language Pathology Interstate
17 Compact and rules promulgated by the Audiology and Speech-Language
18 Pathology Compact Commission.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1580 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 Active duty military personnel, or their spouse, shall designate
23 a home state where the individual has a current license in good
24 standing. The individual may retain the home state designation

1 during the period the service member is on active duty. Subsequent
2 to designating a home state, the individual shall only change his or
3 her home state through application for licensure in the new state.

4 SECTION 7. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1581 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

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

10 1. Take adverse action against an audiologist's or speech-
11 language pathologist's privilege to practice within that member
12 state; and

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

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1 Only the home state shall have the power to take adverse action
2 against an audiologist's or speech-language pathologist's license
3 issued by the home state.

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

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

17 D. If otherwise permitted by state law, the home state shall
18 recover from the affected audiologist or speech-language pathologist
19 the costs of investigations and disposition of cases resulting from
20 any adverse action taken against that audiologist or speech-language
21 pathologist.

22 E. The home state shall take adverse action based on the
23 factual findings of the remote state; provided, that the home state
24 follows its own procedures for taking the adverse action.

1 F. Joint Investigations.

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

6 2. Member states shall share any investigative, litigation, or
7 compliance materials in furtherance of any joint or individual
8 investigation initiated under the Compact.

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

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

1 I. Nothing in this Compact shall override a member state's
2 decision that participation in an alternative program may be used in
3 lieu of adverse action.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1582 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Audiology and Speech-Language Pathology Interstate
8 Compact member states hereby create and establish a joint public
9 agency known as the Audiology and Speech-Language Pathology Compact
10 Commission.

11 1. The Commission is an instrumentality of the Compact states.

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

18 3. Nothing in this Compact shall be construed to be a waiver of
19 sovereign immunity.

20 B. Membership, Voting and Meetings.

21 1. Each member state shall have two delegates selected by that
22 member state's licensing board. The delegates shall be current
23 members of the licensing board. One shall be an audiologist and one
24 shall be a speech-language pathologist.

1 2. An additional five delegates, who are either a public member
2 or board administrator from a state licensing board, shall be chosen
3 by the Executive Committee from a pool of nominees provided by the
4 Commission at large.

5 3. Any delegate may be removed or suspended from office as
6 provided by the law of the state from which the delegate is
7 appointed.

8 4. The member state board shall fill any vacancy occurring on
9 the Commission within ninety (90) days.

10 5. Each delegate shall be entitled to one vote with regard to
11 the promulgation of rules and creation of bylaws and shall otherwise
12 have an opportunity to participate in the business and affairs of
13 the Commission.

14 6. A delegate shall vote in person or by other means as
15 provided in the bylaws. The bylaws may provide for delegates'
16 participation in meetings by telephone or other means of
17 communication.

18 7. The Commission shall meet at least once during each calendar
19 year. Additional meetings shall be held as set forth in the bylaws.

20 C. The Commission shall have the following powers and duties:

- 21 1. Establish the fiscal year of the Commission;
- 22 2. Establish bylaws;
- 23 3. Establish a Code of Ethics;

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

1 Commission shall avoid any appearance of impropriety and/or conflict
2 of interest;

3 12. Lease, purchase, accept appropriate gifts or donations of,
4 or otherwise own, hold, improve or use, any property, real, personal
5 or mixed; provided, that at all times the Commission shall avoid any
6 appearance of impropriety;

7 13. Sell, convey, mortgage, pledge, lease, exchange, abandon,
8 or otherwise dispose of any property real, personal, or mixed;

9 14. Establish a budget and make expenditures;

10 15. Borrow money;

11 16. Appoint committees, including standing committees composed
12 of members, and other interested persons as may be designated in
13 this Compact and the bylaws;

14 17. Provide and receive information from, and cooperate with,
15 law enforcement agencies;

16 18. Establish and elect an Executive Committee; and

17 19. Perform other functions as may be necessary or appropriate
18 to achieve the purposes of this Compact consistent with the state
19 regulation of audiology and speech-language pathology licensure and
20 practice.

21 D. The Executive Committee shall have the power to act on
22 behalf of the Commission according to the terms of this Compact.

23 The Executive Committee shall be composed of ten (10) members:

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1 1. Seven voting members who are elected by the Commission from
2 the current membership of the Commission;

3 2. Two ex officios, consisting of one nonvoting member from a
4 recognized national audiology professional association and one
5 nonvoting member from a recognized national speech-language
6 pathology association; and

7 3. One ex officio, nonvoting member from the recognized
8 membership organization of the audiology and speech-language
9 pathology licensing boards.

10 E. The ex officio members shall be selected by their respective
11 organizations.

12 1. The Commission may remove any member of the Executive
13 Committee as provided in bylaws.

14 2. The Executive Committee shall meet at least annually.

15 3. The Executive Committee shall have the following duties and
16 responsibilities:

17 a. recommend to the entire Commission changes to the
18 rules or bylaws, changes to this Compact legislation,
19 fees paid by Compact member states such as annual
20 dues, and any Commission Compact fee charged to
21 licensees for the Compact privilege,

22 b. ensure Compact administration services are
23 appropriately provided, contractual or otherwise,

24 c. prepare and recommend the budget,

- d. maintain financial records on behalf of the Commission,
- e. monitor Compact compliance of member states and provide compliance reports to the Commission,
- f. establish additional committees as necessary, and
- g. other duties as provided in rules or bylaws.

4. Meetings of the Commission shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10 of this act.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, nonpublic meeting if the Commission or Executive Committee or other committees of the Commission shall discuss:

- a. noncompliance of a member state with its obligations under the Compact,
- b. the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures,
- c. current, threatened, or reasonably anticipated litigation,
- d. negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate,

- 1 e. accusing any person of a crime or formally censuring
2 any person,
- 3 f. disclosure of trade secrets or commercial or financial
4 information that is privileged or confidential,
- 5 g. disclosure of information of a personal nature where
6 disclosure would constitute a clearly unwarranted
7 invasion of personal privacy,
- 8 h. disclosure of investigative records compiled for law
9 enforcement purposes,
- 10 i. disclosure of information related to any investigative
11 reports prepared by or on behalf of or for use of the
12 Commission or other committee charged with
13 responsibility of investigation or determination of
14 compliance issues pursuant to the Compact, or
- 15 j. matters specifically exempted from disclosure by
16 federal or member state statute.

17 6. If a meeting, or portion of a meeting, is closed pursuant to
18 this provision, the Commission's legal counsel or designee shall
19 certify that the meeting may be closed and shall reference each
20 relevant exempting provision.

21 7. The Commission shall keep minutes that fully and clearly
22 describe all matters discussed in a meeting and shall provide a full
23 and accurate summary of actions taken, and the reasons therefor,
24 including a description of the views expressed. All documents

1 considered in connection with an action shall be identified in
2 minutes. All minutes and documents of a closed meeting shall remain
3 under seal, subject to release by a majority vote of the Commission
4 or order of a court of competent jurisdiction.

5 8. Financing of the Commission:

6 a. the Commission shall pay, or provide for the payment
7 of, the reasonable expenses of its establishment,
8 organization, and ongoing activities,

9 b. the Commission may accept any and all appropriate
10 revenue sources, donations, and grants of money,
11 equipment, supplies, materials, and services, and

12 c. the Commission may levy on and collect an annual
13 assessment from each member state or impose fees on
14 other parties to cover the cost of the operations and
15 activities of the Commission and its staff, which must
16 be in a total amount sufficient to cover its annual
17 budget as approved each year for which revenue is not
18 provided by other sources. The aggregate annual
19 assessment amount shall be allocated based upon a
20 formula to be determined by the Commission, which
21 shall promulgate a rule binding upon all member
22 states.

23 9. The Commission shall not incur obligations of any kind prior
24 to securing the funds adequate to meet the same; nor shall the

1 Commission pledge the credit of any of the member states, except by
2 and with the authority of the member state.

3 10. The Commission shall keep accurate accounts of all receipts
4 and disbursements. The receipts and disbursements of the Commission
5 shall be subject to the audit and accounting procedures established
6 under its bylaws. However, all receipts and disbursements of funds
7 handled by the Commission shall be audited yearly by a certified or
8 licensed public accountant, and the report of the audit shall be
9 included in and become part of the annual report of the Commission.

10 F. Qualified Immunity, Defense, and Indemnification:

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

23 2. The Commission shall defend any member, officer, executive
24 director, employee or representative of the Commission in any civil

1 action seeking to impose liability arising out of any actual or
2 alleged act, error, or omission that occurred within the scope of
3 Commission employment, duties, or responsibilities, or that the
4 person against whom the claim is made had a reasonable basis for
5 believing occurred, within the scope of Commission employment,
6 duties, or responsibilities; provided, that nothing herein shall be
7 construed to prohibit that person from retaining his or her own
8 counsel; and provided further, that the actual or alleged act,
9 error, or omission did not result from that person's intentional or
10 willful or wanton misconduct.

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

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1583 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24

1 A. The Audiology and Speech-Language Pathology Compact
2 Commission shall provide for the development, maintenance, and
3 utilization of a coordinated database and reporting system
4 containing licensure, adverse action, and investigative information
5 on all licensed individuals in member states.

6 B. Notwithstanding any other provision of state law to the
7 contrary, a member state shall submit a uniform dataset to the data
8 system on all individuals to whom the Audiology and Speech-Language
9 Pathology Interstate Compact is applicable as required by the rules
10 of the Commission, including:

- 11 1. Identifying information;
- 12 2. Licensure data;
- 13 3. Adverse actions against a license or Compact privilege;
- 14 4. Nonconfidential information related to alternative program
15 participation;
- 16 5. Any denial of application for licensure, and the reason(s)
17 for denial; and
- 18 6. Other information that may facilitate the administration of
19 this Compact, as determined by the rules of the Commission.

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

22 D. The Commission shall promptly notify all member states of
23 any adverse action taken against a licensee or an individual
24 applying for a license. Adverse action information pertaining to a

1 licensee in any member state shall be available to any other member
2 state.

3 E. Member states contributing information to the data system
4 may designate information that shall not be shared with the public
5 without the express permission of the contributing state.

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

9 SECTION 10. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1584 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Audiology and Speech-Language Pathology Compact
13 Commission shall exercise its rulemaking powers pursuant to the
14 criteria set forth in this section and the rules adopted thereunder.
15 Rules and amendments shall become binding as of the date specified
16 in each rule or amendment.

17 B. If a majority of the legislatures of the member states
18 rejects a rule, by enactment of a statute or resolution in the same
19 manner used to adopt the Audiology and Speech-Language Pathology
20 Interstate Compact within four (4) years of the date of adoption of
21 the rule, the rule shall have no further force and effect in any
22 member state.

23 C. Rules or amendments to the rules shall be adopted at a
24 regular or special meeting of the Commission.

1 D. Prior to promulgation and adoption of a final rule or rules
2 by the Commission, and at least thirty (30) days in advance of the
3 meeting at which the rule shall be considered and voted upon, the
4 Commission shall file a Notice of Proposed Rulemaking:

5 1. On the website of the Commission or other publicly
6 accessible platform; and

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

11 E. The Notice of Proposed Rulemaking shall include:

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

14 2. The text of the proposed rule or amendment and the reason
15 for the proposed rule;

16 3. A request for comments on the proposed rule from any
17 interested person; and

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

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

1 G. The Commission shall grant an opportunity for a public
2 hearing before it adopts a rule or amendment if a hearing is
3 requested by:

- 4 1. At least twenty-five persons;
- 5 2. A state or federal governmental subdivision or agency; or
- 6 3. An association having at least twenty-five members.

7 H. If a hearing is held on the proposed rule or amendment, the
8 Commission shall publish the place, time, and date of the scheduled
9 public hearing. If the hearing is held via electronic means, the
10 Commission shall publish the mechanism for access to the electronic
11 hearing.

12 1. All persons wishing to be heard at the hearing shall notify
13 the executive director of the Commission or other designated member
14 in writing of their desire to appear and testify at the hearing not
15 less than five (5) business days before the scheduled date of the
16 hearing.

17 2. Hearings shall be conducted in a manner providing each
18 person who wishes to comment a fair and reasonable opportunity to
19 comment orally or in writing.

20 3. All hearings shall be recorded. A copy of the recording
21 shall be made available on request.

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

1 I. Following the scheduled hearing date, or by the close of
2 business on the scheduled hearing date if the hearing was not held,
3 the Commission shall consider all written and oral comments
4 received.

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

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

12 L. Upon determination that an emergency exists, the Commission
13 may consider and adopt an emergency rule without prior notice,
14 opportunity for comment, or hearing; provided that the usual
15 rulemaking procedures provided in the Compact and in this section
16 shall be retroactively applied to the rule as soon as reasonably
17 possible, in no event later than ninety (90) days after the
18 effective date of the rule. For the purposes of this provision, an
19 emergency rule is one that shall be adopted immediately in order to:

- 20 1. Meet an imminent threat to public health, safety, or
21 welfare;
- 22 2. Prevent a loss of Commission or member state funds; or
- 23 3. Meet a deadline for the promulgation of an administrative
24 rule that is established by federal law or rule.

1 M. The Commission or an authorized committee of the Commission
2 may direct revisions to a previously adopted rule or amendment for
3 purposes of correcting typographical errors, errors in format,
4 errors in consistency, or grammatical errors. Public notice of any
5 revisions shall be posted on the website of the Commission. The
6 revision shall be subject to challenge by any person for a period of
7 thirty (30) days after posting. The revision may be challenged only
8 on grounds that the revision results in a material change to a rule.
9 A challenge shall be made in writing and delivered to the chair of
10 the Commission prior to the end of the notice period. If no
11 challenge is made, the revision shall take effect without further
12 action. If the revision is challenged, the revision may not take
13 effect without the approval of the Commission.

14 SECTION 11. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1585 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Dispute Resolution.

18 1. Upon request by a member state, the Audiology and Speech-
19 Language Pathology Compact Commission shall attempt to resolve
20 disputes related to the Audiology and Speech-Language Pathology
21 Interstate Compact that arise among member states and between member
22 and nonmember states.
23
24

1 2. The Commission shall promulgate a rule providing for both
2 mediation and binding dispute resolution for disputes as
3 appropriate.

4 B. Enforcement.

5 1. The Commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions and rules of this Compact.

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

16 3. The remedies herein shall not be the exclusive remedies of
17 the Commission. The Commission may pursue any other remedies
18 available under federal or state law.

19 SECTION 12. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1586 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The Audiology and Speech-Language Pathology Interstate
23 Compact shall come into effect on the date on which the Compact
24 statute is enacted into law in the tenth member state. The

1 provisions, which become effective at that time, shall be limited to
2 the powers granted to the Audiology and Speech-Language Pathology
3 Compact Commission relating to assembly and the promulgation of
4 rules. Thereafter, the Commission shall meet and exercise
5 rulemaking powers necessary to the implementation and administration
6 of the Compact.

7 B. Any state that joins the Compact subsequent to the
8 Commission's initial adoption of the rules shall be subject to the
9 rules as they exist on the date on which the Compact becomes law in
10 that state. Any rule that has been previously adopted by the
11 Commission shall have the full force and effect of law on the day
12 the Compact becomes law in that state.

13 C. Any member state may withdraw from this Compact by enacting
14 a statute repealing the same.

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

17 2. Withdrawal shall not affect the continuing requirement of
18 the withdrawing state's audiology or speech-language pathology
19 licensing board to comply with the investigative and adverse action
20 reporting requirements of this Compact prior to the effective date
21 of withdrawal.

22 D. Nothing contained in this Compact shall be construed to
23 invalidate or prevent any audiology or speech-language pathology
24 licensure agreement or other cooperative arrangement between a

1 member state and a nonmember state that does not conflict with the
2 provisions of this Compact.

3 E. This Compact may be amended by the member states. No
4 amendment to this Compact shall become effective and binding upon
5 any member state until it is enacted into the laws of all member
6 states.

7 SECTION 13. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1587 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

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

23

24

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1588 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Nothing herein prevents the enforcement of any other law of
5 a member state that is not inconsistent with the Audiology and
6 Speech-Language Pathology Interstate Compact.

7 B. All laws in a member state in conflict with the Compact are
8 superseded to the extent of the conflict.

9 C. All lawful actions of the Audiology and Speech-Language
10 Pathology Compact Commission, including all rules and bylaws
11 promulgated by the Commission, are binding upon the member states.

12 D. All agreements between the Commission and the member states
13 are binding in accordance with their terms.

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

19 SECTION 15. This act shall become effective November 1, 2020.
20
21
22
23
24

1 Passed the House of Representatives the 4th day of March, 2020.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2020.

6
7
8 _____
9 Presiding Officer of the Senate