

Representative Derrin R. Owens proposes the following substitute bill:

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

INTERSTATE COMPACT

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill enacts the Audiology and Speech-Language Pathology Interstate Compact.

Highlighted Provisions:

This bill:

- ▶ enacts the Audiology and Speech-Language Pathology Interstate Compact with amendments;
- ▶ authorizes the Division of Occupational and Professional Licensing to make rules to implement the Audiology and Speech-Language Pathology Interstate Compact; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-41-2, as last amended by Laws of Utah 2017, Chapter 43

58-41-3, as last amended by Laws of Utah 1989, Chapter 207



26 ENACTS:

27 **58-41a-101**, Utah Code Annotated 1953

28 **58-41a-102**, Utah Code Annotated 1953

29 **58-41a-103**, Utah Code Annotated 1953

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **58-41-2** is amended to read:

33 **58-41-2. Definitions.**

34 In addition to the definitions in Section **58-1-102**, as used in this chapter:

35 (1) "ASHA" means the American Speech-Language-Hearing Association.

36 (2) "Association" means the Utah Speech-Language-Hearing Association.

37 (3) "Audiologist" means a person who practices audiology or who holds himself out to
38 the public directly or indirectly by any means, act, title, identification, performance, method, or
39 procedure as one who nonmedically examines, measures, tests, interprets, evaluates, assesses,
40 diagnoses, directs, instructs, treats, counsels, prescribes, and recommends for persons affected
41 by or suspected of having disorders of or conditions of hearing loss, or assists persons in
42 achieving the reception, communication, and perception of sound and determines the range,
43 nature, and degree of hearing function related to communication needs, or provides audiology
44 services and uses audio electronic equipment and provides audiology services and consultation
45 regarding noise control and hearing conservation, conducts tests and interpretation of vestibular
46 function and nystagmus, prepares ear impressions and provides ear molds, aids, accessories,
47 prescriptions, and prostheses for hearing, evaluates sound environment and equipment, and
48 calibrates instruments used in testing and supplementing auditory function. A person is
49 deemed to be an audiologist if [~~he~~] the person directly or indirectly provides or offers to
50 provide these services or functions set forth in Subsection (4) or any related function.

51 (4) "Audiology" means the application of principles, methods, and procedures, and
52 measuring, testing, examining, interpreting, diagnosing, predicting, evaluating, prescribing,
53 consulting, treating, instructing, and researching, which is related to hearing, vestibular
54 function, and the disorders of hearing, to related language and speech disorders and to aberrant
55 behavior related to hearing loss or vestibular function, for the purpose of preventing and
56 modifying disorders related to hearing loss or vestibular function, and planning, directing,

57 managing, conducting, and participating in hearing conservation, evoked potentials evaluation,
58 nonmedical tinnitus evaluation or treatment, noise control, habilitation, and rehabilitation
59 programs, including hearing aid evaluation, assistive listening device evaluation, prescription,
60 preparation, and dispensing, and auditory training and lip reading.

61 (5) "Audiology aide" means an individual who:

62 (a) meets the minimum qualifications established by the board for audiology aides.

63 Those qualifications shall be substantial but less than those established by this chapter for
64 licensing an audiologist;

65 (b) does not act independently; and

66 (c) works under the personal direction and direct supervision of a licensed audiologist
67 who accepts responsibility for the acts and performance of that audiology aide under this
68 chapter.

69 (6) "Board" means the Speech-language Pathology and Audiology Licensing Board
70 created under Section 58-41-6.

71 (7) "CCC" means the certificate of clinical competence awarded by the American
72 Speech-Language-Hearing Association.

73 (8) "CFY" means the clinical fellowship year prescribed by ASHA.

74 (9) "Disorder" means the condition of decreased, absent, or impaired auditory, speech,
75 voice, or language function.

76 (10) "Hearing aid dealer" means one who sells, repairs, and adjusts hearing aids.

77 (11) "Licensed audiologist" means any individual to whom a license has been issued
78 under this chapter or Chapter 41a, Audiology and Speech-Language Pathology Interstate
79 Compact, if ~~that~~ the license is in force and has not been suspended or revoked.

80 (12) "Licensed speech-language pathologist" means any individual licensed under this
81 chapter ~~whose~~ or Chapter 41a, Audiology and Speech-Language Pathology Interstate
82 Compact, if the license is in force and has not been suspended or revoked.

83 (13) "Person" means any individual, group, organization, partnership, or corporate
84 body, except that only an individual may be licensed under this chapter.

85 (14) "Practice of audiology" means rendering or offering to render to individuals,
86 groups, agencies, organizations, industries, or the public any performance or service in
87 audiology.

88 (15) "Practice of speech-language pathology" means rendering, prescribing, or offering
89 to render to individuals, groups, agencies, organizations, industries or the public any service in
90 speech-language pathology.

91 (16) "Prescribe" means to:

92 (a) determine, specify, and give the directions, procedures, or rules for a person to
93 follow in determining and ordering the preparation, delivery, and use of specific mechanical,
94 acoustic, or electronic aids to hearing or speech; and

95 (b) determine or designate a remedy for a person.

96 (17) "Prescription" means a written or oral order for the delivery or execution of that
97 which has been prescribed.

98 (18) "Speech-language pathologist" means:

99 (a) a person who practices speech-language pathology or who holds himself out to the
100 public by any means, or by any service or function [he] the person performs, directly or
101 indirectly, or by using the terms "speech-language pathologist," "speech-language therapist,"
102 "language disability specialist," or any variation, derivation, synonym, coinage, or whatever
103 expresses, employs, or implies these terms, names, or functions; or

104 (b) a person who performs any of the functions described in Subsection (19) or any
105 related functions.

106 (19) "Speech-language pathology" means the application of principles, methods, and
107 procedures for the examination, measurement, prevention, testing, identification, evaluation,
108 diagnosis, treatment, instruction, modification, prescription, restoration, counseling,
109 habilitation, prediction, management, and research related to the development and the disorders
110 or disabilities of human communication, speech, voice, language, cognitive communication, or
111 oral, pharyngeal, or laryngeal sensorimotor competencies, for the purpose of identifying,
112 evaluating, diagnosing, prescribing, preventing, managing, correcting, ameliorating, or
113 modifying those disorders and their effects in individuals or groups of individuals.

114 (20) "Speech-language pathology aide" means an individual who:

115 (a) meets the minimum qualifications established by the board for speech-language
116 pathology aides. Those qualifications shall be substantial but less than those established by this
117 chapter for licensing a speech-language pathologist;

118 (b) does not act independently; and

119 (c) works under the personal direction and direct supervision of a licensed
120 speech-language pathologist who accepts the responsibility for the acts and performances of
121 that speech-language pathology aide while working under this chapter.

122 (21) "Treatment" means the services of a speech-language pathologist or audiologist to
123 examine, diagnose, correct, or ameliorate speech or hearing disorders, abnormalities, behavior,
124 or their effects.

125 (22) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further
126 defined by rule includes:

127 (a) failing to maintain a level of professional practice consistent with all initial and
128 subsequent requirements by which a license is achieved or maintained under this chapter;

129 (b) utilizing substandard or inappropriate facilities or equipment;

130 (c) treating any disorder for which the licensee has not had the necessary training and
131 experience; or

132 (d) failing to comply with the requirements of Section 58-41-17.

133 Section 2. Section 58-41-3 is amended to read:

134 **58-41-3. Scope of licenses -- Practicing without license prohibited.**

135 (1) Licensing shall be granted independently either in speech-language pathology or
136 audiology. A person shall be licensed in one or both areas when ~~he~~ the person meets the
137 respective qualifications.

138 (2) ~~No~~ Except as provided in Section 58-41-4, no person may practice, represent
139 ~~himself~~ themselves to be, consult, or perform as a speech-language pathologist or audiologist
140 in this state unless ~~he~~ the person is licensed in accordance with:

141 (a) this chapter; or

142 (b) Chapter 41a, Audiology and Speech-Language Pathology Interstate Compact.

143 Section 3. Section 58-41a-101 is enacted to read:

144 **CHAPTER 41a. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**
145 **INTERSTATE COMPACT**

146 **58-41a-101. Title.**

147 This chapter is known as the "Audiology and Speech-Language Pathology Interstate
148 Compact."

149 Section 4. Section 58-41a-102 is enacted to read:

150 58-41a-102. Audiology and Speech-Language Pathology Interstate Compact.

151 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE

152 COMPACT

153 SECTION 1: PURPOSE

154 The purpose of this Compact is to facilitate interstate practice of audiology and
155 speech-language pathology with the goal of improving public access to audiology and
156 speech-language pathology services. The practice of audiology and speech-language pathology
157 occurs in the state where the patient/client/student is located at the time of the
158 patient/client/student encounter. The Compact preserves the regulatory authority of states to
159 protect public health and safety through the current system of state licensure.

160 This Compact is designed to achieve the following objectives:

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

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

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

166 4. Support spouses of relocating active duty military personnel;

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

169 6. Allow a remote state to hold a provider of services with a compact privilege in that
170 state accountable to that state's practice standards; and

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

173 SECTION 2: DEFINITIONS

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

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

179 B. "Adverse action" means any administrative, civil, equitable or criminal action
180 permitted by a state's laws which is imposed by a licensing board or other authority against an

181 audiologist or speech-language pathologist, including actions against an individual's
182 license or privilege to practice such as revocation, suspension, probation, monitoring of the
183 licensee, or restriction on the licensee's practice.

184 C. "Alternative program" means a non-disciplinary monitoring process approved by an
185 audiology or speech-language pathology licensing board to address impaired practitioners.

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

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

189 F. "Audiology and Speech-Language Pathology Compact Commission" or
190 "Commission" means the national administrative body whose membership consists of all states
191 that have enacted the Compact.

192 G. "Audiology and speech-language pathology licensing board," "audiology licensing
193 board," "speech-language pathology licensing board," or "licensing board" means the agency
194 of a state that is responsible for the licensing and regulation of audiologists and/or
195 speech-language pathologists.

196 H. "Compact privilege" means the authorization granted by a remote state to allow a
197 licensee from another member state to practice as an audiologist or speech-language
198 pathologist in the remote state under its laws and rules. The practice of audiology or
199 speech-language pathology occurs in the member state where the patient/client/student is
200 located at the time of the patient/client/student encounter.

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

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

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

212 L. "Executive Committee" means a group of directors elected or appointed to act on
213 behalf of, and within the powers granted to them by, the Commission.

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

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

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

220 P. "Member state" means a state that has enacted the Compact.

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

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

225 S. "Rule" means a regulation, principle or directive promulgated by the Commission
226 that has the force of law.

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

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

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

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

236 X. "State practice laws" means a member state's laws, rules and regulations that govern
237 the practice of audiology or speech-language pathology, define the scope of audiology or
238 speech-language pathology practice, and create the methods and grounds for imposing
239 discipline.

240 Y. "Telehealth" means the application of electronic communication or information
241 technology that meets the applicable standard of care to deliver audiology or speech-language
242 pathology services or information at a distance for assessment, intervention and/or

243 consultation.

244 SECTION 3. STATE PARTICIPATION IN THE COMPACT

245 A. A license issued to an audiologist or speech-language pathologist by a home state to
246 a resident in that state shall be recognized by each member state as authorizing an audiologist
247 or speech-language pathologist to practice audiology or speech-language pathology, under a
248 privilege to practice, in each member state.

249 B. A state must implement or utilize procedures for considering the criminal history
250 records of applicants for initial privilege to practice. These procedures shall include the
251 submission of fingerprints or other biometric-based information by applicants for the purpose
252 of obtaining an applicant's criminal history record information from the Federal Bureau of
253 Investigation and the agency responsible for retaining that state's criminal records.

254 1. A member state must fully implement a criminal background check requirement,
255 within a time frame established by rule, by receiving the results of the Federal Bureau of
256 Investigation record search on criminal background checks and use the results in making
257 licensure decisions.

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

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

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

270 E. For an audiologist:

271 1. Must meet one of the following educational requirements:

272 a. On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in
273 audiology, or equivalent degree regardless of degree name, from a program that is accredited

274 by an accrediting agency recognized by the Council for Higher Education Accreditation, or its
275 successor, or by the United States Department of Education and operated by a college or
276 university accredited by a regional or national accrediting organization recognized by the
277 board; or

278 b. On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or
279 equivalent degree, regardless of degree name, from a program that is accredited by an
280 accrediting agency recognized by the Council for Higher Education Accreditation, or its
281 successor, or by the United States Department of Education and operated by a college or
282 university accredited by a regional or national accrediting organization recognized by the
283 board; or

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

289 2. Has completed a supervised clinical practicum experience from an accredited
290 educational institution or its cooperating programs as required by the board;

291 3. Has successfully passed a national examination approved by the Commission;

292 4. Holds an active, unencumbered license;

293 5. Has not been convicted or found guilty, and has not entered into an agreed
294 disposition, of a felony related to the practice of audiology, under applicable state or federal
295 criminal law; and

296 6. Has a valid United States Social Security or National Practitioner Identification
297 number.

298 F. For a speech-language pathologist:

299 1. Must meet one of the following educational requirements:

300 a. Has graduated with a master's degree from a speech-language pathology program
301 that is accredited by an organization recognized by the United States Department of Education
302 and operated by a college or university accredited by a regional or national accrediting
303 organization recognized by the board; or

304 b. Has graduated from a speech-language pathology program that is housed in an

305 institution of higher education outside of the United States (a) for which the program and
306 institution have been approved by the authorized accrediting body in the applicable country and
307 (b) the degree program has been verified by an independent credentials review agency to be
308 comparable to a state licensing board-approved program.

309 2. Has completed a supervised clinical practicum experience from an educational
310 institution or its cooperating programs as required by the Commission;

311 3. Has completed a supervised postgraduate professional experience as required by the
312 Commission;

313 4. Has successfully passed a national examination approved by the Commission;

314 5. Holds an active, unencumbered license;

315 6. Has not been convicted or found guilty, and has not entered into an agreed
316 disposition, of a felony related to the practice of speech-language pathology, under applicable
317 state or federal criminal law; and

318 7. Has a valid United States Social Security or National Practitioner Identification
319 number.

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

321 H. An audiologist or speech-language pathologist practicing in a member state must
322 comply with the state practice laws of the state in which the client is located at the time service
323 is provided. The practice of audiology and speech-language pathology shall include all
324 audiology and speech-language pathology practice as defined by the state practice laws of the
325 member state in which the client is located. The practice of audiology and speech-language
326 pathology in a member state under a privilege to practice shall subject an audiologist or
327 speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws
328 of the member state in which the client is located at the time service is provided.

329 I. Individuals not residing in a member state shall continue to be able to apply for a
330 member state's single-state license as provided under the laws of each member state. However,
331 the single-state license granted to these individuals shall not be recognized as granting the
332 privilege to practice audiology or speech-language pathology in any other member state.
333 Nothing in this Compact shall affect the requirements established by a member state for the
334 issuance of a single-state license.

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

336 K. Member states must comply with the bylaws and rules and regulations of the
337 Commission.

338 SECTION 4. COMPACT PRIVILEGE

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

- 341 1. Hold an active license in the home state;
- 342 2. Have no encumbrance on any state license;
- 343 3. Be eligible for a compact privilege in any member state in accordance with Section 3;
- 344 4. Have not had any adverse action against any license or compact privilege within the
345 previous 2 years from date of application;
- 346 5. Notify the Commission that the licensee is seeking the compact privilege within a
347 remote state(s);
- 348 6. Pay any applicable fees, including any state fee, for the compact privilege; and
- 349 7. Report to the Commission adverse action taken by any non-member state within 30
350 days from the date the adverse action is taken.

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

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

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

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

364 F. If an audiologist or speech-language pathologist changes primary state of residence
365 by moving from a member state to a non-member state, the license issued by the prior home
366 state shall convert to a single-state license, valid only in the former home state, and the

367 compact privilege in any member state is deactivated in accordance with rules promulgated by
368 the Commission.

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

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

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

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

382 1. The home state license is no longer encumbered; and

383 2. Two years have elapsed from the date of the adverse action.

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

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

389 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

390 A. Member states shall recognize the right of an audiologist or speech-language
391 pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated
392 by the Commission, to practice audiology or speech-language pathology in any member state
393 via telehealth under a privilege to practice as provided in the Compact and rules promulgated
394 by the Commission.

395 B. A licensee providing audiology or speech-language pathology services in a remote
396 state under the compact privilege shall function within the laws and regulations of the remote
397 state.

398 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

404 SECTION 7. ADVERSE ACTIONS

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

407 1. Take adverse action against an audiologist's or speech-language pathologist's
408 privilege to practice within that member state.

409 2. Issue subpoenas for both hearings and investigations that require the attendance and
410 testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing
411 board in a member state for the attendance and testimony of witnesses or the production of
412 evidence from another member state shall be enforced in the latter state by any court of
413 competent jurisdiction, according to the practice and procedure of that court applicable to
414 subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness
415 fees, travel expenses, mileage and other fees required by the service statutes of the state in
416 which the witnesses or evidence are located.

417 3. If otherwise permitted by state law, recover from the affected audiologist or
418 speech-language pathologist the costs of investigations and disposition of cases resulting from
419 any adverse action taken against that audiologist or speech-language pathologist.

420 4. Take adverse action based on the factual findings of the remote state, provided that
421 the home state follows its own procedures for taking the adverse action.

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

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

428 D. The home state shall complete any pending investigations of an audiologist or

429 speech-language pathologist who changes primary state of residence during the course of the
430 investigations. The home state shall also have the authority to take appropriate action(s) and
431 shall promptly report the conclusions of the investigations to the administrator of the data
432 system. The administrator of the data system shall promptly notify the new home state of any
433 adverse actions.

434 E. Joint Investigations

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

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

440 F. If adverse action is taken by the home state against an audiologist's or speech
441 language pathologist's license, the audiologist's or speech-language pathologist's privilege to
442 practice in all other member states shall be deactivated until all encumbrances have been
443 removed from the state license. All home state disciplinary orders that impose adverse action
444 against an audiologist's or speech language pathologist's license shall include a statement that
445 the audiologist's or speech-language pathologist's privilege to practice is deactivated in all
446 member states during the pendency of the order.

447 G. If a member state takes adverse action against a license, it shall promptly notify the
448 administrator of the data system. The administrator of the data system shall promptly notify the
449 home state and any remote states in which the licensee has the practice privilege of any adverse
450 actions by the home state or remote states.

451 H. Nothing in this Compact shall override a member state's decision that participation
452 in an alternative program may be used in lieu of adverse action.

453 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND
454 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

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

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

458 2. Venue is proper and judicial proceedings by or against the Commission shall be
459 brought solely and exclusively in a court of competent jurisdiction where the principal office of

460 the Commission is located. The Commission may waive venue and jurisdictional defenses to
461 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

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

463 B. Membership, Voting and Meetings

464 1. Each member state shall have two (2) delegates selected by that member state's
465 licensing board. The delegates shall be current members of the licensing board. One shall be an
466 audiologist and one shall be a speech-language pathologist.

467 2. An additional five (5) delegates, who are either a public member or board
468 administrator from a state licensing board, shall be chosen by the Executive Committee from a
469 pool of nominees provided by the Commission at Large.

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

472 4. The member state board shall fill any vacancy occurring on the Commission, within
473 90 days.

474 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
475 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
476 business and affairs of the Commission.

477 6. A delegate shall vote in person or by other means as provided in the bylaws. The
478 bylaws may provide for delegates' participation in meetings by telephone or other means of
479 communication.

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

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

483 1. Establish the fiscal year of the Commission;

484 2. Establish bylaws;

485 3. Establish a Code of Ethics;

486 4. Maintain its financial records in accordance with the bylaws;

487 5. Meet and take actions as are consistent with the provisions of this Compact and the
488 bylaws;

489 6. Promulgate uniform rules to facilitate and coordinate implementation and
490 administration of this Compact. The rules shall have the force and effect of law and shall be

491 binding in all member states to the extent and in the manner provided for in the Compact;

492 7. Bring and prosecute legal proceedings or actions in the name of the Commission,
493 provided that the standing of any state audiology or speech-language pathology licensing board
494 to sue or be sued under applicable law shall not be affected;

495 8. Purchase and maintain insurance and bonds;

496 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
497 employees of a member state;

498 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant
499 individuals appropriate authority to carry out the purposes of the Compact, and to establish the
500 Commission's personnel policies and programs relating to conflicts of interest, qualifications
501 of personnel, and other related personnel matters;

502 11. Accept any and all appropriate donations and grants of money, equipment, supplies,
503 materials and services, and to receive, utilize and dispose of the same; provided that at all times
504 the Commission shall avoid any appearance of impropriety and/or conflict of interest;

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

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

510 14. Establish a budget and make expenditures;

511 15. Borrow money;

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

514 17. Provide and receive information from, and cooperate with, law enforcement
515 agencies;

516 18. Establish and elect an Executive Committee; and

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

520 D. The Commission shall have no authority to change or modify the laws of the
521 member states which define the practice of audiology and speech-language pathology in the

522 respective states.

523 E. The Executive Committee

524 The Executive Committee shall have the power to act on behalf of the Commission,
525 within the powers of the Commission, according to the terms of this Compact:

526 1. The Executive Committee shall be composed of ten (10) members:

527 a. Seven (7) voting members who are elected by the Commission from the current
528 membership of the Commission;

529 b. Two (2) ex-officios, consisting of one nonvoting member from a recognized national
530 audiology professional association and one nonvoting member from a recognized national
531 speech-language pathology association; and

532 c. One (1) ex-officio, nonvoting member from the recognized membership organization
533 of the audiology and speech-language pathology licensing boards.

534 F. The ex-officio members shall be selected by their respective organizations.

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

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

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

539 a. Recommend to the entire Commission changes to the rules or bylaws, changes to this
540 Compact legislation, fees paid by Compact member states such as annual dues, and any
541 commission Compact fee charged to licensees for the compact privilege;

542 b. Ensure Compact administration services are appropriately provided, contractual or
543 otherwise;

544 c. Prepare and recommend the budget;

545 d. Maintain financial records on behalf of the Commission;

546 e. Monitor Compact compliance of member states and provide compliance reports to
547 the Commission;

548 f. Establish additional committees as necessary; and

549 g. Other duties as provided in rules or bylaws.

550 4. Meetings of the Commission

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

553 5. The Commission or the Executive Committee or other committees of the
554 Commission may convene in a closed, non-public meeting if the Commission or Executive
555 Committee or other committees of the Commission must discuss:
556 a. Non-compliance of a member state with its obligations under the Compact;
557 b. The employment, compensation, discipline or other matters, practices or procedures
558 related to specific employees or other matters related to the Commission's internal personnel
559 practices and procedures;
560 c. Current, threatened, or reasonably anticipated litigation;
561 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
562 estate;
563 e. Accusing any person of a crime or formally censuring any person;
564 f. Disclosure of trade secrets or commercial or financial information that is privileged
565 or confidential;
566 g. Disclosure of information of a personal nature where disclosure would constitute a
567 clearly unwarranted invasion of personal privacy;
568 h. Disclosure of investigative records compiled for law enforcement purposes;
569 i. Disclosure of information related to any investigative reports prepared by or on behalf
570 of or for use of the Commission or other committee charged with responsibility of investigation
571 or determination of compliance issues pursuant to the Compact; or
572 j. Matters specifically exempted from disclosure by federal or member state statute.
573 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
574 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
575 reference each relevant exempting provision.
576 7. The Commission shall keep minutes that fully and clearly describe all matters
577 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
578 reasons therefore, including a description of the views expressed. All documents considered in
579 connection with an action shall be identified in minutes. All minutes and documents of
580 meetings, other than closed meetings, shall be made available to members of the public upon
581 request. All minutes and documents of a closed meeting shall remain under seal, subject to
582 release by a majority vote of the Commission or order of a court of competent jurisdiction.
583 8. Financing of the Commission

584 a. The Commission shall pay, or provide for the payment of, the reasonable expenses of
585 its establishment, organization, and ongoing activities.

586 b. The Commission may accept any and all appropriate revenue sources, donations, and
587 grants of money, equipment, supplies, materials, and services.

588 c. The Commission may levy on and collect an annual assessment from each member
589 state or impose fees on other parties to cover the cost of the operations and activities of the
590 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
591 as approved each year for which revenue is not provided by other sources. The aggregate
592 annual assessment amount shall be allocated based upon a formula to be determined by the
593 Commission, which shall promulgate a rule binding upon all member states.

594 9. The Commission shall not incur obligations of any kind prior to securing the funds
595 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
596 states, except by and with the authority of the member state.

597 10. The Commission shall keep accurate accounts of all receipts and disbursements.
598 The receipts and disbursements of the Commission shall be subject to the audit and accounting
599 procedures established under its bylaws. However, all receipts and disbursements of funds
600 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
601 and the report of the audit shall be included in and become part of the annual report of the
602 Commission.

603 G. Qualified Immunity, Defense, and Indemnification

604 1. The members, officers, executive director, employees and representatives of the
605 Commission shall be immune from suit and liability, either personally or in their official
606 capacity, for any claim for damage to or loss of property or personal injury or other civil
607 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
608 that the person against whom the claim is made had a reasonable basis for believing occurred
609 within the scope of Commission employment, duties or responsibilities; provided that nothing
610 in this paragraph shall be construed to protect any person from suit and/or liability for any
611 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
612 that person.

613 2. The Commission shall defend any member, officer, executive director, employee or
614 representative of the Commission in any civil action seeking to impose liability arising out of

615 any actual or alleged act, error, or omission that occurred within the scope of Commission
616 employment, duties, or responsibilities, or that the person against whom the claim is made had
617 a reasonable basis for believing occurred within the scope of Commission employment, duties,
618 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
619 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
620 omission did not result from that person's intentional or willful or wanton misconduct.

621 3. The Commission shall indemnify and hold harmless any member, officer, executive
622 director, employee, or representative of the Commission for the amount of any settlement or
623 judgment obtained against that person arising out of any actual or alleged act, error or omission
624 that occurred within the scope of Commission employment, duties, or responsibilities, or that
625 person had a reasonable basis for believing occurred within the scope of Commission
626 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
627 omission did not result from the intentional or willful or wanton misconduct of that person.

628 SECTION 9. DATA SYSTEM

629 A. The Commission shall provide for the development, maintenance, and utilization of
630 a coordinated database and reporting system containing licensure, adverse action, and
631 investigative information on all licensed individuals in member states.

632 B. Notwithstanding any other provision of state law to the contrary, a member state
633 shall submit a uniform data set to the data system on all individuals to whom this Compact is
634 applicable as required by the rules of the Commission, including:

635 1. Identifying information;

636 2. Licensure data;

637 3. Adverse actions against a license or compact privilege;

638 4. Non-confidential information related to alternative program participation;

639 5. Any denial of application for licensure, and the reason(s) for denial; and

640 6. Other information that may facilitate the administration of this Compact, as
641 determined by the rules of the Commission.

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

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

646 to a licensee in any member state shall be available to any other member state.

647 E. Member states contributing information to the data system may designate
648 information that may not be shared with the public without the express permission of the
649 contributing state.

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

653 SECTION 10. RULEMAKING

654 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
655 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
656 binding as of the date specified in each rule or amendment.

657 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
658 statute or resolution in the same manner used to adopt the Compact within 4 years of the date
659 of adoption of the rule, the rule shall have no further force and effect in any member state.

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

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

- 665 1. On the website of the Commission or other publicly accessible platform; and
666 2. On the website of each member state audiology or speech-language pathology
667 licensing board or other publicly accessible platform or the publication in which each state
668 would otherwise publish proposed rules.

669 E. The Notice of Proposed Rulemaking shall include:

- 670 1. The proposed time, date, and location of the meeting in which the rule shall be
671 considered and voted upon;
672 2. The text of the proposed rule or amendment and the reason for the proposed rule;
673 3. A request for comments on the proposed rule from any interested person; and
674 4. The manner in which interested persons may submit notice to the Commission of
675 their intention to attend the public hearing and any written comments.

676 F. Prior to the adoption of a proposed rule, the Commission shall allow persons to

677 submit written data, facts, opinions and arguments, which shall be made available to the public.

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

680 1. At least twenty-five (25) persons;

681 2. A state or federal governmental subdivision or agency; or

682 3. An association having at least twenty-five (25) members.

683 H. If a hearing is held on the proposed rule or amendment, the Commission shall
684 publish the place, time, and date of the scheduled public hearing. If the hearing is held via
685 electronic means, the Commission shall publish the mechanism for access to the electronic
686 hearing.

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

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

692 3. All hearings shall be recorded. A copy of the recording shall be made available to
693 any person upon request and at the requesting person's expense.

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

697 I. Following the scheduled hearing date, or by the close of business on the scheduled
698 hearing date if the hearing was not held, the Commission shall consider all written and oral
699 comments received.

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

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

706 L. Upon determination that an emergency exists, the Commission may consider and
707 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided

708 that the usual rulemaking procedures provided in the Compact and in this section shall be
709 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
710 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
711 rule is one that must be adopted immediately in order to:

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

716 M. The Commission or an authorized committee of the Commission may direct
717 revisions to a previously adopted rule or amendment for purposes of correcting typographical
718 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
719 revisions shall be posted on the website of the Commission. The revision shall be subject to
720 challenge by any person for a period of thirty (30) days after posting. The revision may be
721 challenged only on grounds that the revision results in a material change to a rule. A challenge
722 shall be made in writing and delivered to the chair of the Commission prior to the end of the
723 notice period. If no challenge is made, the revision shall take effect without further action. If
724 the revision is challenged, the revision may not take effect without the approval of the
725 Commission.

726 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

727 A. Dispute Resolution

728 1. Upon request by a member state, the Commission shall attempt to resolve disputes
729 related to the Compact that arise among member states and between member and non-member
730 states.

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

733 B. Enforcement

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

736 2. By majority vote, the Commission may initiate legal action in the United States
737 District Court for the District of Columbia or the federal district where the Commission has its
738 principal offices against a member state in default to enforce compliance with the provisions of

739 the Compact and its promulgated rules and bylaws. The relief sought may include both
740 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
741 member shall be awarded all costs of litigation, including reasonable attorney's fees.

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

744 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE
745 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
746 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

747 A. The Compact shall come into effect on the date on which the Compact statute is
748 enacted into law in the 10th member state. The provisions, which become effective at that time,
749 shall be limited to the powers granted to the Commission relating to assembly and the
750 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
751 necessary to the implementation and administration of the Compact.

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

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

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

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

763 D. Nothing contained in this Compact shall be construed to invalidate or prevent any
764 audiology or speech-language pathology licensure agreement or other cooperative arrangement
765 between a member state and a non-member state that does not conflict with the provisions of
766 this Compact.

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

770 SECTION 13. CONSTRUCTION AND SEVERABILITY

771 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
772 provisions of this Compact shall be severable and if any phrase, clause, sentence or provision
773 of this Compact is declared to be contrary to the constitution of any member state or of the
774 United States or the applicability thereof to any government, agency, person or circumstance is
775 held invalid, the validity of the remainder of this Compact and the applicability thereof to any
776 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
777 be held contrary to the constitution of any member state, the Compact shall remain in full force
778 and effect as to the remaining member states and in full force and effect as to the member state
779 affected as to all severable matters.

780 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

781 A. Nothing herein prevents the enforcement of any other law of a member state that is
782 not inconsistent with the Compact.

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

785 C. All lawful actions of the Commission, including all rules and bylaws promulgated by
786 the Commission, are binding upon the member states.

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

789 E. In the event any provision of the Compact exceeds the constitutional limits imposed
790 on the Legislature of any member state, the provision shall be ineffective to the extent of the
791 conflict with the constitutional provision in question in that member state.

792 Section 5. Section **58-41a-103** is enacted to read:

793 **58-41a-103. Rulemaking authority.**

794 The division may make rules in accordance with Title 63G, Chapter 3, Utah
795 Administrative Rulemaking Act, to implement Section [58-41a-102](#).