



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0838/1  
MED:skw

## 2023 ASSEMBLY BILL 208

April 20, 2023 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Committee on Health, Aging and Long-Term Care.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1     **AN ACT** *to renumber and amend* 440.03 (13) (c) and 459.24 (3m); *to amend*  
2     45.40 (1g) (a), 46.297 (2) (a), 46.298, 146.81 (1) (hm), 146.997 (1) (d) 12., 252.14  
3     (1) (ar) 8., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15,  
4     450.10 (3) (a) 11., 459.22 (2) (b), 459.24 (1) (a), 459.24 (1) (b), 459.34 (2) (intro.),  
5     459.34 (2m) (a) (intro.), 459.34 (2m) (b), 459.34 (2m) (c), 459.34 (3) and 632.895  
6     (16) (b) 1. a.; and *to create* 14.897, 440.03 (11m) (c) 2w., 440.03 (13) (c) 1. i.,  
7     459.20 (2k), 459.20 (2m), 459.20 (3v), 459.24 (3c), 459.24 (3e), 459.30 and  
8     subchapter III of chapter 459 [precedes 459.70] of the statutes; **relating to:**  
9     ratification of the Audiology and Speech-Language Pathology Interstate  
10    Compact, extending the time limit for emergency rule procedures, providing an  
11    exemption from emergency rule procedures, and granting rule-making  
12    authority.

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***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Occupational Licenses.

This bill ratifies and enters Wisconsin into the Audiology and Speech-Language Pathology Interstate Compact (compact), which allows a speech-language pathologist or audiologist licensed in one member state (licensee) to obtain a "compact privilege" to practice in a remote state without obtaining a license in that remote state. Significant provisions of the compact include the following:

1. Creation of an Audiology and Speech-Language Pathology Compact Commission (commission), which includes two members of the licensure boards of each member state. The commission oversees administration of the compact, enforces the compact, adopts bylaws, promulgates binding rules for the compact, hires employees and elects or appoints officers, establishes and elects an executive committee, and has various other powers and duties. The commission may levy and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff.

2. A process by which a licensee may obtain a compact privilege in another member state, which is also referred to in the compact as a privilege to practice. A licensee practicing in a remote state under a compact privilege is subject to that state's regulatory authority. A remote state may take action against a licensee's compact privilege in the remote state, at which point the licensee is not eligible for a compact privilege in any state until certain criteria are met. The state of the licensee's primary residence, however, has the exclusive authority to impose adverse action against a license issued by that state. Member states may charge a fee for granting a compact privilege.

3. The ability for member state licensure boards to conduct joint investigations of licensees and the ability of member states to issue subpoenas that are enforceable in other states.

4. Creation of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states. A member state must submit a uniform data set to the data system on all individuals to whom the compact is applicable.

5. Various provisions regarding resolutions of disputes between member states and between member and nonmember states.

Since the compact has already been enacted by the minimum number of states required for it to become active, the compact becomes effective in this state upon enactment of the bill. The compact provides that it may be amended upon enactment of an amendment by all member states. A state may withdraw from the compact by repealing the statute authorizing the compact, but the compact provides that a withdrawal does not take effect until six months after the effective date of that repeal.

1           **SECTION 1.** 14.897 of the statutes is created to read:

2           **14.897 Audiology and speech-language pathology licensure compact.**

3           There is created an audiology and speech-language pathology compact commission

4           as specified in s. 459.70. The delegates of the commission representing this state

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1 shall be individuals described in s. 459.70 (8) (b) 1. The commission has the powers  
2 and duties granted and imposed under s. 459.70.

3 **SECTION 2.** 45.40 (1g) (a) of the statutes is amended to read:

4 45.40 (1g) (a) "Health care provider" means an advanced practice nurse  
5 prescriber certified under s. 441.16 (2), an audiologist who is licensed under subch.  
6 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist  
7 licensed under ch. 447, an optometrist licensed under ch. 449, a physician licensed  
8 under s. 448.02, or a podiatrist licensed under s. 448.63.

9 **SECTION 3.** 46.297 (2) (a) of the statutes is amended to read:

10 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by  
11 a physician, an audiologist who is licensed under subch. II of ch. 459 or who holds a  
12 compact privilege under subch. III of ch. 459, or the department.

13 **SECTION 4.** 46.298 of the statutes is amended to read:

14 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a  
15 person who is certified as hearing impaired by the department, by a physician, by a  
16 hearing instrument specialist licensed under subch. I of ch. 459, or by an audiologist  
17 who is licensed under subch. II of ch. 459 or who holds a compact privilege under  
18 subch. III of ch. 459, the department shall issue to the person a decal or sticker for  
19 display on a motor vehicle owned or frequently operated by the person to apprise law  
20 enforcement officers of the fact that the vehicle is owned or operated by a  
21 hearing-impaired person. No charge shall be made for issuance of the decal or  
22 sticker. The department shall specify the design of the decal or sticker. The  
23 department shall designate the location on the vehicle at which the decal or sticker  
24 shall be affixed by its own adhesive.

25 **SECTION 5.** 146.81 (1) (hm) of the statutes is amended to read:

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1           146.81 (1) (hm) A speech-language pathologist or audiologist who is licensed  
2 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,  
3 or a speech and language pathologist licensed by the department of public  
4 instruction.

5           **SECTION 6.** 146.997 (1) (d) 12. of the statutes is amended to read:

6           146.997 (1) (d) 12. A speech-language pathologist or audiologist who is  
7 licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III  
8 of ch. 459, or a speech and language pathologist licensed by the department of public  
9 instruction.

10          **SECTION 7.** 252.14 (1) (ar) 8. of the statutes is amended to read:

11          252.14 (1) (ar) 8. A speech-language pathologist or audiologist who is licensed  
12 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,  
13 or a speech and language pathologist licensed by the department of public  
14 instruction.

15          **SECTION 8.** 440.03 (9) (a) (intro.) of the statutes is amended to read:

16          440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5),  
17 the department shall, biennially, determine each fee for an initial credential for  
18 which no examination is required, for a reciprocal credential, and for a credential  
19 renewal and any fees imposed under ss. 448.986 (2) ~~and~~, 448.9875 (2), and 459.71 (2)  
20 by doing all of the following:

21          **SECTION 9.** 440.03 (9) (a) 2. of the statutes is amended to read:

22          440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,  
23 adjusting for the succeeding fiscal biennium each fee for an initial credential for  
24 which an examination is not required, for a reciprocal credential, and, subject to s.  
25 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 448.986 (2)

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1 and, 448.9875 (2), and 459.71 (2), if an adjustment is necessary to reflect the  
2 approximate administrative and enforcement costs of the department that are  
3 attributable to the regulation of the particular occupation or business during the  
4 period in which the initial or reciprocal credential, credential renewal, or compact  
5 privilege is in effect and, for purposes of each fee for a credential renewal, to reflect  
6 an estimate of any additional moneys available for the department's general  
7 program operations as a result of appropriation transfers that have been or are  
8 estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress  
9 at the time of the deadline for an adjustment under this subdivision or during the  
10 fiscal biennium beginning on the July 1 immediately following the deadline for an  
11 adjustment under this subdivision.

12 **SECTION 10.** 440.03 (11m) (c) 2w. of the statutes is created to read:

13 440.03 **(11m)** (c) 2w. The coordinated database and reporting system under s.  
14 459.70 (9), if such disclosure is required under the audiology and speech-language  
15 pathology interstate compact under s. 459.70.

16 **SECTION 11.** 440.03 (13) (b) (intro.) of the statutes is amended to read:

17 440.03 **(13)** (b) (intro.) The department may investigate whether an applicant  
18 for or holder of any of the following credentials has been charged with or convicted  
19 of a crime only pursuant to rules promulgated by the department under this  
20 paragraph, including rules that establish the criteria that the department will use  
21 to determine whether an investigation under this paragraph is necessary, except as  
22 provided in par. (c) and ss. 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4.,  
23 448.987 (3) (a) 5. a. and (5) (b) 2. a., and 455.50 (3) (e) 4. and (f) 4., and 459.70 (3) (b)  
24 2.

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1           **SECTION 12.** 440.03 (13) (c) of the statutes is renumbered 440.03 (13) (c) 1.  
2 (intro.) and amended to read:

3           440.03 **(13)** (c) 1. (intro.) The department shall require an all of the following  
4 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete  
5 set of the person's fingerprints:

6           a. An applicant for a private detective license or a private security permit under  
7 s. 440.26, an.

8           b. An applicant for a juvenile martial arts instructor permit under sub. (17),  
9 an.

10           c. An applicant for a real estate appraiser certification under s. 458.06 or  
11 license under s. 458.08, an.

12           d. An applicant for a multistate license under s. 441.06 (1c) or 441.10 (1c), an.

13           e. An applicant for a compact license under s. 448.05 (2) (f), an.

14           f. An applicant for a physical therapist license under s. 448.53 or physical  
15 therapist assistant license under s. 448.535, an.

16           g. An applicant for an occupational therapist or occupational therapy assistant  
17 compact privilege under s. 448.987 (4), and an applicant for an occupational  
18 therapist or occupational therapy assistant license described in s. 448.987 (5) (b) 2.  
19 a., an

20           h. An applicant for a psychologist license under s. 455.04, and a.

21           z. A person for whom the department conducts an investigation under par. (b),  
22 to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete  
23 set of the person's fingerprints.

24           2. The department of justice may submit the fingerprint cards, and the  
25 department of justice shall submit the fingerprint cards of all applicants for a real

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1 ~~estate appraiser certification under s. 458.06 or license under s. 458.08, of all~~  
2 ~~applicants for a multistate license under s. 441.06 (1c) or 441.10 (1c), of all applicants~~  
3 ~~for a compact license under s. 448.05 (2) (f), of all applicants for a physical therapist~~  
4 ~~license under s. 448.53 or a physical therapist assistant license under s. 448.535, and~~  
5 ~~of all applicants for a psychologist license under s. 455.04~~ identified in subd. 1. c. to  
6 i., to the federal bureau of investigation for the purpose of verifying the identity of  
7 the persons fingerprinted and obtaining records of their criminal arrests and  
8 convictions.

9 3. Information obtained from the federal bureau of investigation may be shared  
10 with the department or the appropriate credentialing board, but shall otherwise be  
11 kept confidential and is not subject to disclosure under s. 19.35.

12 **SECTION 13.** 440.03 (13) (c) 1. i. of the statutes is created to read:

13 440.03 (13) (c) 1. i. An applicant for an audiologist or speech-language  
14 pathologist license or compact privilege under s. 459.24 when required pursuant to  
15 the audiology and speech-language pathology interstate compact under s. 459.70.

16 **SECTION 14.** 440.15 of the statutes is amended to read:

17 **440.15 No fingerprinting.** Except as provided under ss. 440.03 (13) (c),  
18 441.51 (5) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b)  
19 2. a., 450.071 (3) (c) 9., 450.075 (3) (c) 9., ~~and~~ 455.50 (3) (e) 4. and (f) 4., and 459.70  
20 (3) (b) 1., the department or a credentialing board may not require that an applicant  
21 for a credential or a credential holder be fingerprinted or submit fingerprints in  
22 connection with the department's or the credentialing board's credentialing.

23 **SECTION 15.** 450.10 (3) (a) 11. of the statutes is amended to read:

24 450.10 (3) (a) 11. A speech-language pathologist or audiologist who is licensed  
25 under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459,

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1 or a speech and language pathologist licensed by the department of public  
2 instruction.

3 **SECTION 16.** 459.20 (2k) of the statutes is created to read:

4 459.20 (2k) “Compact” means the audiology and speech–language pathology  
5 interstate compact.

6 **SECTION 17.** 459.20 (2m) of the statutes is created to read:

7 459.20 (2m) “Compact privilege” means a compact privilege, as defined in s.  
8 459.70 (2) (h), that is granted under the audiology and speech–language pathology  
9 interstate compact under s. 459.70 to an individual to practice in this state.

10 **SECTION 18.** 459.20 (3v) of the statutes is created to read:

11 459.20 (3v) “Single–state license” has the meaning given in s. 459.70 (2) (t).

12 **SECTION 19.** 459.22 (2) (b) of the statutes is amended to read:

13 459.22 (2) (b) Authorize a speech–language pathologist who is licensed under  
14 this subchapter or who holds a valid compact privilege to dispense or sell hearing aids  
15 without obtaining a hearing instrument specialist license under subch. I.

16 **SECTION 20.** 459.24 (1) (a) of the statutes is amended to read:

17 459.24 (1) (a) Engage in the practice of speech–language pathology or use the  
18 title “speech–language pathologist” or any similar title unless the person holds a  
19 current speech–language pathologist license granted by the examining board under  
20 sub. (2) or (6) (a) or holds a valid compact privilege.

21 **SECTION 21.** 459.24 (1) (b) of the statutes is amended to read:

22 459.24 (1) (b) Engage in the practice of audiology or use the title “audiologist,”  
23 “clinical audiologist,” or any similar title unless the person holds a current  
24 audiologist license granted by the examining board under sub. (3) or (6) (b) or holds  
25 a valid compact privilege.



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1           **SECTION 22.** 459.24 (3c) of the statutes is created to read:

2           459.24 **(3c)** TYPES OF LICENSES. (a) A license granted under sub. (2) or (3) may  
3 be either of the following:

4           1. A license that, subject to s. 459.70 (4), entitles the holder to obtain and  
5 exercise a compact privilege in other states that are parties to the compact.

6           2. A single-state license, which only entitles the holder to practice in this state.  
7 Nothing in the compact applies to the holder of a single-state license unless  
8 otherwise applicable under this subchapter.

9           (b) When applying for a license under sub. (2) or (3), an individual shall specify  
10 whether he or she is applying for a license under par. (a) 1. or 2.

11           **SECTION 23.** 459.24 (3e) of the statutes is created to read:

12           459.24 **(3e)** COMPACT PRIVILEGE. The examining board shall grant to any  
13 individual to whom all of the following apply an audiologist or speech-language  
14 pathologist, whichever is applicable, compact privilege:

15           (a) The individual holds an unencumbered home state license in another state  
16 that is a party to the compact and satisfies all other requirements under s. 459.70  
17 (4).

18           (b) The individual applies for the compact privilege in the manner prescribed  
19 by the department.

20           (c) The individual pays any fee established by the department under s. 459.71  
21 (2).

22           **SECTION 24.** 459.24 (3m) of the statutes is renumbered 459.30 (2), and 459.30  
23 (2) (intro.) and (a), as renumbered, are amended to read:

24           459.30 **(2)** FITTING AND SALE OF HEARING AIDS. (intro.) An audiologist licensed  
25 under this subchapter, an audiologist who holds a valid compact privilege, or an

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1 individual granted a permit to practice audiology under this subchapter who engages  
2 in the practice of fitting and dealing in hearing aids shall do all of the following:

3 (a) Deliver to each person supplied with a hearing aid a receipt. The receipt  
4 shall contain the signature and show the business address, license or permit title,  
5 and number of the licensee, compact privilege holder, or permittee, together with  
6 specifications as to the make and model of the hearing aid and full terms of sale  
7 clearly stated. If a hearing aid that is not new is sold, the receipt and the container  
8 must be clearly marked as “used” or “reconditioned”, whichever is applicable. The  
9 terms of the guarantee, if there is any given, shall be set out in not less than 8-point  
10 type.

11 **SECTION 25.** 459.30 of the statutes is created to read:

12 **459.30 Practice. (1) PRACTICE UNDER COMPACT.** (a) *Audiology.* An individual  
13 who holds a valid audiologist compact privilege may, subject to s. 459.71 (3), do any  
14 of the following:

15 1. Practice audiology in this state, subject to s. 459.70 (4).

16 2. Practice audiology in this state via telehealth, as defined in s. 459.70 (2) (y),  
17 subject to s. 459.70 (5).

18 (b) *Speech-language pathology.* An individual who holds a valid  
19 speech-language pathologist compact privilege may, subject to s. 459.71 (3), do any  
20 of the following:

21 1. Practice speech-language pathology in this state, subject to s. 459.70 (4).

22 2. Practice speech-language pathology in this state via telehealth, as defined  
23 in s. 459.70 (2) (y), subject to s. 459.70 (5).

24 **SECTION 26.** 459.34 (2) (intro.) of the statutes is amended to read:

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1           459.34 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the  
2           examining board may reprimand a licensee, compact privilege holder, or permittee  
3           or deny, limit, suspend, or revoke a license or permit under this subchapter or a  
4           compact privilege if it finds that the applicant, licensee, compact privilege holder, or  
5           permittee has done any of the following:

6           **SECTION 27.** 459.34 (2m) (a) (intro.) of the statutes is amended to read:

7           459.34 (2m) (a) (intro.) An individual whose license, compact privilege, or  
8           limited permit is limited by the examining board under this subchapter may  
9           continue to practice under the license, compact privilege, or permit if the individual  
10          does all of the following:

11          **SECTION 28.** 459.34 (2m) (b) of the statutes is amended to read:

12          459.34 (2m) (b) The examining board may, as a condition of removing a  
13          limitation on a license, compact privilege, or limited permit issued under this  
14          subchapter or of reinstating a license, compact privilege, or limited permit that has  
15          been suspended or revoked under this subchapter, require the license, compact  
16          privilege, or permit holder to obtain minimum results specified by the examining  
17          board on one or more physical, mental, or professional competency examinations if  
18          the examining board determines that obtaining the minimum results is related to  
19          correcting one or more of the bases upon which the limitation, suspension, or  
20          revocation was imposed.

21          **SECTION 29.** 459.34 (2m) (c) of the statutes is amended to read:

22          459.34 (2m) (c) The examining board may, as a condition of reinstating a license  
23          or compact privilege that has been suspended under this subchapter, require the  
24          license or compact privilege holder to pass an examination required for initial  
25          licensure under s. 459.26 (2).

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1           **SECTION 30.** 459.34 (3) of the statutes is amended to read:

2           459.34 (3) In addition to or in lieu of a reprimand or denial, limitation,  
3 suspension, or revocation of a license, compact privilege, or permit under sub. (2), the  
4 examining board may assess against an applicant, licensee, compact privilege  
5 holder, or permittee a forfeiture of not less than \$100 nor more than \$2,500 for each  
6 violation enumerated under sub. (2).

7           **SECTION 31.** Subchapter III of chapter 459 [precedes 459.70] of the statutes is  
8 created to read:

9   **CHAPTER 459**

10   **SUBCHAPTER III**

11   **AUDIOLOGY AND SPEECH-LANGUAGE**

12   **PATHOLOGY INTERSTATE COMPACT**

13           **459.70 Audiology and speech-language pathology interstate compact.**

14 (1) PURPOSE. (a) The purpose of this compact is to facilitate interstate practice of  
15 audiology and speech-language pathology with the goal of improving public access  
16 to audiology and speech-language pathology services. The practice of audiology and  
17 speech-language pathology occurs in the state where the patient/client/student is  
18 located at the time of the patient/client/student encounter. The compact preserves  
19 the regulatory authority of states to protect public health and safety through the  
20 current system of state licensure.

21           (b) This compact is designed to achieve all of the following objectives:

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

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

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1           3. Encourage the cooperation of member states in regulating multistate  
2 audiology and speech–language pathology practice.

3           4. Support spouses of relocating active duty military personnel.

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

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

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

10           **(2) DEFINITIONS.** As used in this compact, and except as otherwise provided, the  
11 following definitions shall apply:

12           (a) “Active duty military” means full-time duty status in the active uniformed  
13 service of the United States, including members of the National Guard and Reserve  
14 on active duty orders pursuant to 10 USC 1209 and 1211.

15           (b) “Adverse action” means any administrative, civil, equitable, or criminal  
16 action permitted by a state’s laws which is imposed by a licensing board or other  
17 authority against an audiologist or speech–language pathologist, including actions  
18 against an individual’s license or privilege to practice such as revocation, suspension,  
19 probation, monitoring of the licensee, or restriction on the licensee’s practice.

20           (c) “Alternative program” means a nondisciplinary monitoring process  
21 approved by an audiology or speech–language pathology licensing board to address  
22 impaired practitioners.

23           (d) “Audiologist” means an individual who is licensed by a state to practice  
24 audiology.

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1 (e) "Audiology" means the care and services provided by a licensed audiologist  
2 as set forth in the member state's statutes and rules.

3 (f) "Audiology and speech-language pathology compact commission" or  
4 "commission" means the national administrative body whose membership consists  
5 of all states that have enacted the compact.

6 (g) "Audiology and speech-language pathology licensing board," "audiology  
7 licensing board," "speech-language pathology licensing board," or "licensing board"  
8 means the agency of a state that is responsible for the licensing and regulation of  
9 audiologists and/or speech-language pathologists.

10 (h) "Compact privilege" means the authorization granted by a remote state to  
11 allow a licensee from another member state to practice as an audiologist or  
12 speech-language pathologist in the remote state under its laws and rules. The  
13 practice of audiology or speech-language pathology occurs in the member state  
14 where the patient/client/student is located at the time of the patient/client/student  
15 encounter.

16 (i) "Current significant investigative information" means investigative  
17 information that a licensing board, after an inquiry or investigation that includes  
18 notification and an opportunity for the audiologist or speech-language pathologist  
19 to respond, if required by state law, has reason to believe is not groundless and, if  
20 proved true, would indicate more than a minor infraction.

21 (j) "Data system" means a repository of information about licensees, including,  
22 but not limited to, continuing education, examination, licensure, investigative,  
23 compact privilege, and adverse action.

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1           (k) “Encumbered license” means a license in which an adverse action restricts  
2           the practice of audiology or speech-language pathology by the licensee and said  
3           adverse action has been reported to the National Practitioners Data Bank (NPDB).

4           (L) “Executive committee” means a group of directors elected or appointed to  
5           act on behalf of, and within the powers granted to them by, the commission.

6           (m) “Home state” means the member state that is the licensee’s primary state  
7           of residence.

8           (n) “Impaired practitioner” means individuals whose professional practice is  
9           adversely affected by substance abuse, addiction, or other health-related conditions.

10          (o) “Licensee” means an individual who currently holds an authorization from  
11          the state licensing board to practice as an audiologist or speech-language  
12          pathologist.

13          (p) “Member state” means a state that has enacted the compact.

14          (q) “Privilege to practice” means a legal authorization permitting the practice  
15          of audiology or speech-language pathology in a remote state.

16          (r) “Remote state” means a member state other than the home state where a  
17          licensee is exercising or seeking to exercise the compact privilege.

18          (s) “Rule” means a regulation, principle, or directive promulgated by the  
19          commission that has the force of law.

20          (t) “Single-state license” means an audiology or speech-language pathology  
21          license issued by a member state that authorizes practice only within the issuing  
22          state and does not include a privilege to practice in any other member state.

23          (u) “Speech-language pathologist” means an individual who is licensed by a  
24          state to practice speech-language pathology.

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1 (v) "Speech-language pathology" means the care and services provided by a  
2 licensed speech-language pathologist as set forth in the member state's statutes and  
3 rules.

4 (w) "State" means any state, commonwealth, district, or territory of the United  
5 States of America that regulates the practice of audiology and speech-language  
6 pathology.

7 (x) "State practice laws" means a member state's laws, rules, and regulations  
8 that govern the practice of audiology or speech-language pathology, define the scope  
9 of audiology or speech-language pathology practice, and create the methods and  
10 grounds for imposing discipline.

11 (y) "Telehealth" means the application of telecommunication technology to  
12 deliver audiology or speech-language pathology services at a distance for  
13 assessment, intervention, and/or consultation.

14 **(3) STATE PARTICIPATION IN THE COMPACT.** (a) A license issued to an audiologist  
15 or speech-language pathologist by a home state to a resident in that state shall be  
16 recognized by each member state as authorizing an audiologist or speech-language  
17 pathologist to practice audiology or speech-language pathology, under a privilege to  
18 practice, in each member state.

19 (b) 1. A state must implement or utilize procedures for considering the criminal  
20 history records of applicants for initial privilege to practice. These procedures shall  
21 include the submission of fingerprints or other biometric-based information by  
22 applicants for the purpose of obtaining an applicant's criminal history record  
23 information from the federal bureau of investigation and the agency responsible for  
24 retaining that state's criminal records.



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1           2. A member state must fully implement a criminal background check  
2 requirement, within a time frame established by rule, by receiving the results of the  
3 federal bureau of investigation record search on criminal background checks and use  
4 the results in making licensure decisions.

5           3. Communication between a member state, the commission, and among  
6 member states regarding the verification of eligibility for licensure through the  
7 compact shall not include any information received from the federal bureau of  
8 investigation relating to a federal criminal records check performed by a member  
9 state under P.L. 92-544.

10           (c) Upon application for a privilege to practice, the licensing board in the  
11 issuing remote state shall ascertain, through the data system, whether the applicant  
12 has ever held, or is the holder of, a license issued by any other state, whether there  
13 are any encumbrances on any license or privilege to practice held by the applicant,  
14 and whether any adverse action has been taken against any license or privilege to  
15 practice held by the applicant.

16           (d) Each member state shall require an applicant to obtain or retain a license  
17 in the home state and meet the home state's qualifications for licensure or renewal  
18 of licensure, as well as, all other applicable state laws.

19           (e) For an audiologist:

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

21           a. On or before, December 31, 2007, has graduated with a master's degree or  
22 doctorate in audiology, or equivalent degree regardless of degree name, from a  
23 program that is accredited by an accrediting agency recognized by the Council for  
24 Higher Education Accreditation, or its successor, or by the U.S. department of

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1 education and operated by a college or university accredited by a regional or national  
2 accrediting organization recognized by the board.

3 b. On or after, January 1, 2008, has graduated with a doctoral degree in  
4 audiology, or equivalent degree, regardless of degree name, from a program that is  
5 accredited by an accrediting agency recognized by the Council for Higher Education  
6 Accreditation, or its successor, or by the U.S. department of education and operated  
7 by a college or university accredited by a regional or national accrediting  
8 organization recognized by the board.

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

14 2. Has completed a supervised clinical practicum experience from an accredited  
15 educational institution or its cooperating programs as required by the commission.

16 3. Has successfully passed a national examination approved by the  
17 commission.

18 4. Holds an active, unencumbered license.

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

22 6. Has a valid U.S. social security or national practitioner identification  
23 number.

24 (f) For a speech-language pathologist:

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

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1           a. Has graduated with a master's degree from a speech-language pathology  
2 program that is accredited by an organization recognized by the U.S. department of  
3 education and operated by a college or university accredited by a regional or national  
4 accrediting organization recognized by the board.

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

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

13           3. Has completed a supervised postgraduate professional experience as  
14 required by the commission.

15           4. Has successfully passed a national examination approved by the  
16 commission.

17           5. Holds an active, unencumbered license.

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

21           7. Has a valid U.S. social security or national practitioner identification  
22 number.

23           (g) The privilege to practice is derived from the home state license.

24           (h) An audiologist or speech-language pathologist practicing in a member state  
25 must comply with the state practice laws of the state in which the client is located

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

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

15 (j) Member states may charge a fee for granting a compact privilege.

16 (k) Member states must comply with the bylaws and rules and regulations of  
17 the commission.

18 **(4) COMPACT PRIVILEGE.** (a) To exercise the compact privilege under the terms  
19 and provisions of the compact, the audiologist or speech-language pathologist shall:

20 1. Hold an active license in the home state.

21 2. Have no encumbrance on any state license.

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

24 4. Have not had any adverse action against any license or compact privilege  
25 within the previous 2 years from date of application.

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1           5. Notify the commission that the licensee is seeking the compact privilege  
2 within a remote state.

3           6. Pay any applicable fees, including any state fee, for the compact privilege.

4           7. Report to the commission adverse action taken by any nonmember state  
5 within 30 days from the date the adverse 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 at a time.

8           (c) Except as provided in sub. (6), if an audiologist or speech-language  
9 pathologist changes primary state of residence by moving between 2 member states,  
10 the audiologist or speech-language pathologist must apply for licensure in the new  
11 home state, and the license issued by the prior home state shall be deactivated in  
12 accordance with applicable rules adopted by the commission.

13           (d) The audiologist or speech-language pathologist may apply for licensure in  
14 advance of a change in primary state of residence.

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

19           (f) If an audiologist or speech-language pathologist changes primary state of  
20 residence by moving from a member state to a nonmember state, the license issued  
21 by the prior home state shall convert to a single-state license, valid only in the former  
22 home state.

23           (g) The compact privilege is valid until the expiration date of the home state  
24 license. The licensee must comply with the requirements of par. (a) to maintain the  
25 compact privilege in the remote state.

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1 (h) A licensee providing audiology or speech-language pathology services in a  
2 remote state under the compact privilege shall function within the laws and  
3 regulations of the remote state.

4 (i) A licensee providing audiology or speech-language pathology services in a  
5 remote state is subject to that state's regulatory authority. A remote state may, in  
6 accordance with due process and that state's laws, remove a licensee's compact  
7 privilege in the remote state for a specific period of time, impose fines, and/or take  
8 any other necessary actions to protect the health and safety of its citizens.

9 (j) If a home state license is encumbered, the licensee shall lose the compact  
10 privilege in any remote state until all of the following occur:

- 11 1. The home state license is no longer encumbered.
- 12 2. Two years have elapsed from the date of the adverse action.

13 (k) Once an encumbered license in the home state is restored to good standing,  
14 the licensee must meet the requirements of par. (a) to obtain a compact privilege in  
15 any remote state.

16 (L) Once the requirements of par. (j) have been met, the licensee must meet the  
17 requirements in par. (a) to obtain a compact privilege in a remote state.

18 **(5) COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.** Member states shall recognize  
19 the right of an audiologist or speech-language pathologist, licensed by a home state  
20 in accordance with sub. (3) and under rules promulgated by the commission, to  
21 practice audiology or speech-language pathology in any member state via telehealth  
22 under a privilege to practice as provided in the compact and rules promulgated by  
23 the commission.

24 **(6) ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES.** Active duty military  
25 personnel, or their spouse, shall designate a home state where the individual has a

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1 current license in good standing. The individual may retain the home state  
2 designation during the period the service member is on active duty. Subsequent to  
3 designating a home state, the individual shall only change their home state through  
4 application for licensure in the new state.

5 (7) ADVERSE ACTIONS. (a) In addition to the other powers conferred by state law,  
6 a remote state shall have the authority, in accordance with existing state due process  
7 law, to do any of the following:

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

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

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

21 (b) For purposes of taking adverse action, the home state shall give the same  
22 priority and effect to reported conduct received from a member state as it would if  
23 the conduct had occurred within the home state. In so doing, the home state shall  
24 apply its own state laws to determine appropriate action.

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1 (c) The home state shall complete any pending investigations of an audiologist  
2 or speech-language pathologist who changes primary state of residence during the  
3 course of the investigations. The home state shall also have the authority to take  
4 appropriate action and shall promptly report the conclusions of the investigations to  
5 the administrator of the data system. The administrator of the coordinated licensure  
6 information system shall promptly notify the new home state of any adverse actions.

7 (d) If otherwise permitted by state law, the member state may recover from the  
8 affected audiologist or speech-language pathologist the costs of investigations and  
9 disposition of cases resulting from any adverse action taken against that audiologist  
10 or speech-language pathologist.

11 (e) The member state may take adverse action based on the factual findings of  
12 the remote state, provided that the member state follows the member state's own  
13 procedures for taking the adverse action.

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

18 2. Member states shall share any investigative, litigation, or compliance  
19 materials in furtherance of any joint or individual investigation initiated under the  
20 compact.

21 (g) If adverse action is taken by the home state against an audiologist's or  
22 speech language pathologist's license, the audiologist's or speech-language  
23 pathologist's privilege to practice in all other member states shall be deactivated  
24 until all encumbrances have been removed from the state license. All home state  
25 disciplinary orders that impose adverse action against an audiologist's or speech



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1 language pathologist's license shall include a statement that the audiologist's or  
2 speech-language pathologist's privilege to practice is deactivated in all member  
3 states during the pendency of the order.

4 (h) If a member state takes adverse action, it shall promptly notify the  
5 administrator of the data system. The administrator of the data system shall  
6 promptly notify the home state of any adverse actions by remote states.

7 (i) Nothing in this compact shall override a member state's decision that  
8 participation in an alternative program may be used in lieu of adverse action.

9 **(8) ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT**  
10 **COMMISSION.** (a) 1. The compact member states hereby create and establish a joint  
11 public agency known as the audiology and speech-language pathology compact  
12 commission.

13 2. The commission is an instrumentality of the compact states.

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

19 4. Nothing in this compact shall be construed to be a waiver of sovereign  
20 immunity.

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

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1           2. An additional 5 delegates, who are either a public member or board  
2 administrator from a state licensing board, shall be chosen by the executive  
3 committee from a pool of nominees provided by the commission at large.

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

6           4. The member state board shall fill any vacancy occurring on the commission,  
7 within 90 days.

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

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

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

16           (c) The commission shall have the following powers and duties:

17           1. Establish the fiscal year of the commission.

18           2. Establish bylaws.

19           3. Establish a code of ethics.

20           4. Maintain its financial records in accordance with the bylaws.

21           5. Meet and take actions as are consistent with the provisions of this compact  
22 and the bylaws.

23           6. Promulgate uniform rules to facilitate and coordinate implementation and  
24 administration of this compact. The rules shall have the force and effect of law and  
25 shall be binding in all member states.

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

4           8. Purchase and maintain insurance and bonds.

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

7           10. Hire employees, elect or appoint officers, fix compensation, define duties,  
8 grant individuals appropriate authority to carry out the purposes of the compact, and  
9 to establish the commission's personnel policies and programs relating to conflicts  
10 of interest, qualifications of personnel, and other related personnel matters.

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

15           12. Lease, purchase, and accept appropriate gifts or donations of, or otherwise  
16 to own, hold, improve, or use, any property, real, personal or mixed; provided that at  
17 all times the commission shall avoid any appearance of impropriety.

18           13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
19 dispose of any property, real, personal, or mixed.

20           14. Establish a budget and make expenditures.

21           15. Borrow money.

22           16. Appoint committees, including standing committees composed of members,  
23 and other interested persons as may be designated in this compact and the bylaws.

24           17. Provide and receive information from, and cooperate with, law enforcement  
25 agencies.

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1           18. Establish and elect an executive committee.

2           19. Perform other functions as may be necessary or appropriate to achieve the  
3 purposes of this compact consistent with the state regulation of audiology and  
4 speech-language pathology licensure and practice.

5           (d) 1. The executive committee shall have the power to act on behalf of the  
6 commission according to the terms of this compact.

7           2. The executive committee shall be composed of the following 10 members:

8           a. Seven voting members who are elected by the commission from the current  
9 membership of the commission.

10          b. Two ex-officios, consisting of one nonvoting member from a recognized  
11 national audiology professional association and one nonvoting member from a  
12 recognized national speech-language pathology association.

13          c. One ex-officio, nonvoting member from the recognized membership  
14 organization of the audiology and speech-language pathology licensing boards.

15          (e) 1. The ex-officio members shall be selected by their respective  
16 organizations.

17          2. The commission may remove any member of the executive committee as  
18 provided in bylaws.

19          3. The executive committee shall meet at least annually.

20          4. The executive committee shall have the following duties and responsibilities:

21          a. Recommend to the entire commission changes to the rules or bylaws, changes  
22 to this compact legislation, fees paid by compact member states such as annual dues,  
23 and any commission compact fee charged to licensees for the compact privilege.

24          b. Ensure compact administration services are appropriately provided,  
25 contractual or otherwise.

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- 1 c. Prepare and recommend the budget.
- 2 d. Maintain financial records on behalf of the commission.
- 3 e. Monitor compact compliance of member states and provide compliance  
4 reports to the commission.
- 5 f. Establish additional committees as necessary.
- 6 g. Other duties as provided in rules or bylaws.
- 7 5. All meetings shall be open to the public, and public notice of meetings shall  
8 be given in the same manner as required under the rule-making provisions in sub.  
9 (10).
- 10 6. The commission or the executive committee or other committees of the  
11 commission may convene in a closed, nonpublic meeting if the commission or  
12 executive committee or other committees of the commission must discuss:
  - 13 a. Noncompliance of a member state with its obligations under the compact.
  - 14 b. The employment, compensation, discipline, or other matters, practices, or  
15 procedures related to specific employees or other matters related to the commission's  
16 internal personnel practices and procedures.
  - 17 c. Current, threatened, or reasonably anticipated litigation.
  - 18 d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or  
19 real estate.
  - 20 e. Accusing any person of a crime or formally censuring any person.
  - 21 f. Disclosure of trade secrets or commercial or financial information that is  
22 privileged or confidential.
  - 23 g. Disclosure of information of a personal nature where disclosure would  
24 constitute a clearly unwarranted invasion of personal privacy.
  - 25 h. Disclosure of investigative records compiled for law enforcement purposes.

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1           i. Disclosure of information related to any investigative reports prepared by or  
2 on behalf of or for use of the commission or other committee charged with  
3 responsibility of investigation or determination of compliance issues pursuant to the  
4 compact.

5           j. Matters specifically exempted from disclosure by federal or member state  
6 statute.

7           7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
8 commission's legal counsel or designee shall certify that the meeting may be closed  
9 and shall reference each relevant exempting provision.

10          8. The commission shall keep minutes that fully and clearly describe all  
11 matters discussed in a meeting and shall provide a full and accurate summary of  
12 actions taken, and the reasons therefore, including a description of the views  
13 expressed. All documents considered in connection with an action shall be identified  
14 in minutes. All minutes and documents of a closed meeting shall remain under seal,  
15 subject to release by a majority vote of the commission or order of a court of competent  
16 jurisdiction.

17          9. a. The commission shall pay, or provide for the payment of, the reasonable  
18 expenses of its establishment, organization, and ongoing activities.

19          b. The commission may accept any and all appropriate revenue sources,  
20 donations, and grants of money, equipment, supplies, materials, and services.

21          c. The commission may levy on and collect an annual assessment from each  
22 member state or impose fees on other parties to cover the cost of the operations and  
23 activities of the commission and its staff, which must be in a total amount sufficient  
24 to cover its annual budget as approved each year for which revenue is not provided  
25 by other sources. The aggregate annual assessment amount shall be allocated based

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1 upon a formula to be determined by the commission, which shall promulgate a rule  
2 binding upon all member states.

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

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

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

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

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

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

15 **(9) DATA SYSTEM.** (a) The commission shall provide for the development,  
16 maintenance, and utilization of a coordinated database and reporting system  
17 containing licensure, adverse action, and investigative information on all licensed  
18 individuals in member states.

19 (b) Notwithstanding any other provision of state law to the contrary, a member  
20 state shall submit a uniform data set to the data system on all individuals to whom  
21 this compact is applicable as required by the rules of the commission, including:

- 22 1. Identifying information.
- 23 2. Licensure data.
- 24 3. Adverse actions against a license or compact privilege.
- 25 4. Nonconfidential information related to alternative program participation.



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1           5. Any denial of application for licensure, and the reason for denial.

2           6. Other information that may facilitate the administration of this compact, as  
3 determined by the rules of the commission.

4           (c) Investigative information pertaining to a licensee in any member state shall  
5 only be available to other member states.

6           (d) The commission shall promptly notify all member states of any adverse  
7 action taken against a licensee or an individual applying for a license. Adverse action  
8 information pertaining to a licensee in any member state shall be available to any  
9 other member state.

10          (e) Member states contributing information to the data system may designate  
11 information that may not be shared with the public without the express permission  
12 of the contributing state.

13          (f) Any information submitted to the data system that is subsequently required  
14 to be expunged by the laws of the member state contributing the information shall  
15 be removed from the data system.

16          **(10) RULE MAKING.** (a) The commission shall exercise its rule-making powers  
17 pursuant to the criteria set forth in this subsection and the rules adopted thereunder.  
18 Rules and amendments shall become binding as of the date specified in each rule or  
19 amendment.

20          (b) If a majority of the legislatures of the member states rejects a rule, by  
21 enactment of a statute or resolution in the same manner used to adopt the compact  
22 within 4 years of the date of adoption of the rule, the rule shall have no further force  
23 and effect in any member state.

24          (c) Rules or amendments to the rules shall be adopted at a regular or special  
25 meeting of the commission.

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1 (d) Prior to promulgation and adoption of a final rule or rules by the  
2 commission, and at least 30 days in advance of the meeting at which the rule shall  
3 be considered and voted upon, the commission shall file a notice of proposed rule  
4 making:

5 1. On the website of the commission or other publicly accessible platform.

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

9 (e) The notice of proposed rule making shall include:

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

12 2. The text of the proposed rule or amendment and the reason for the proposed  
13 rule.

14 3. A request for comments on the proposed rule from any interested person.

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

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

21 (g) The commission shall grant an opportunity for a public hearing before it  
22 adopts a rule or amendment if a hearing is requested by any of the following:

23 1. At least 25 persons.

24 2. A state or federal government subdivision or agency.

25 3. An association having at least 25 members.

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

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

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

11 4. All hearings shall be recorded. A copy of the recording shall be made  
12 available on request.

13 5. Nothing in this subsection shall be construed as requiring a separate hearing  
14 on each rule. Rules may be grouped for the convenience of the commission at  
15 hearings required by this subsection.

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

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

22 (k) The commission shall, by majority vote of all members, take final action on  
23 the proposed rule and shall determine the effective date of the rule, if any, based on  
24 the rule-making record and the full text of the rule.

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1 (L) Upon determination that an emergency exists, the commission may  
2 consider and adopt an emergency rule without prior notice, opportunity for  
3 comment, or hearing, provided that the usual rule-making procedures provided in  
4 the compact and in this subsection shall be retroactively applied to the rule as soon  
5 as reasonably possible, in no event later than 90 days after the effective date of the  
6 rule. For the purposes of this paragraph, an emergency rule is one that must be  
7 adopted immediately in order to do any of the following:

8 1. Meet an imminent threat to public health, safety, or welfare.

9 2. Prevent a loss of commission or member state funds.

10 3. Meet a deadline for the promulgation of an administrative rule that is  
11 established by federal law or rule.

12 (m) The commission or an authorized committee of the commission may direct  
13 revisions to a previously adopted rule or amendment for purposes of correcting  
14 typographical errors, errors in format, errors in consistency, or grammatical errors.  
15 Public notice of any revisions shall be posted on the website of the commission. The  
16 revision shall be subject to challenge by any person for a period of 30 days after  
17 posting. The revision may be challenged only on grounds that the revision results  
18 in a material change to a rule. A challenge shall be made in writing and delivered  
19 to the chair of the commission prior to the end of the notice period. If no challenge  
20 is made, the revision shall take effect without further action. If the revision is  
21 challenged, the revision may not take effect without the approval of the commission.

22 **(11) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.** (a) 1. Upon request by  
23 a member state, the commission shall attempt to resolve disputes related to the  
24 compact that arise among member states and between member and nonmember  
25 states.

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

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

5           2. By majority vote, the commission may initiate legal action in the United  
6 States District Court for the District of Columbia or the federal district where the  
7 commission has its principal offices against a member state in default to enforce  
8 compliance with the provisions of the compact and its promulgated rules and bylaws.  
9 The relief sought may include both injunctive relief and damages. Notwithstanding  
10 s. 814.04 (1), in the event judicial enforcement is necessary, the prevailing member  
11 shall be awarded all costs of litigation, including reasonable attorney's fees.

12           3. The remedies herein shall not be the exclusive remedies of the commission.  
13 The commission may pursue any other remedies available under federal or state law.

14           **(12) DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND**  
15 **SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND**  
16 **AMENDMENT.** (a) The compact shall come into effect on the date on which the compact  
17 statute is enacted into law in the 10th member state. The provisions, which become  
18 effective at that time, shall be limited to the powers granted to the commission  
19 relating to assembly and the promulgation of rules. Thereafter, the commission shall  
20 meet and exercise rule-making powers necessary to the implementation and  
21 administration of the compact.

22           (b) Any state that joins the compact subsequent to the commission's initial  
23 adoption of the rules shall be subject to the rules as they exist on the date on which  
24 the compact becomes law in that state. Any rule that has been previously adopted

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1 by the commission shall have the full force and effect of law on the day the compact  
2 becomes law in that state.

3 (c) 1. Any member state may withdraw from this compact by enacting a statute  
4 repealing the same.

5 2. A member state's withdrawal shall not take effect until 6 months after  
6 enactment of the repealing statute.

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

11 (d) Nothing contained in this compact shall be construed to invalidate or  
12 prevent any audiology or speech-language pathology licensure agreement or other  
13 cooperative arrangement between a member state and a nonmember state that does  
14 not conflict with the provisions of this compact.

15 (e) This compact may be amended by the member states. No amendment to this  
16 compact shall become effective and binding upon any member state until it is enacted  
17 into the laws of all member states.

18 **(13) CONSTRUCTION AND SEVERABILITY.** This compact shall be liberally construed  
19 so as to effectuate the purposes thereof. The provisions of this compact shall be  
20 severable and if any phrase, clause, sentence, or provision of this compact is declared  
21 to be contrary to the constitution of any member state or of the United States or the  
22 applicability thereof to any government, agency, person, or circumstance is held  
23 invalid, the validity of the remainder of this compact and the applicability thereof to  
24 any government, agency, person, or circumstance shall not be affected thereby. If this  
25 compact shall be held contrary to the constitution of any member state, the compact

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1 shall remain in full force and effect as to the remaining member states and in full  
2 force and effect as to the member state affected as to all severable matters.

3 **(14) BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing herein prevents  
4 the enforcement of any other law of a member state that is not inconsistent with the  
5 compact.

6 (b) All laws in a member state in conflict with the compact are superseded to  
7 the extent of the conflict.

8 (c) All lawful actions of the commission, including all rules and bylaws  
9 promulgated by the commission, are binding upon the member states.

10 (d) All agreements between the commission and the member states are binding  
11 in accordance with their terms.

12 (e) In the event any provision of the compact exceeds the constitutional limits  
13 imposed on the legislature of any member state, the provision shall be ineffective to  
14 the extent of the conflict with the constitutional provision in question in that member  
15 state.

16 **459.71 Implementation of the audiology and speech-language**  
17 **pathology interstate compact. (1)** In this section:

18 (a) “Compact privilege” means a compact privilege, as defined in s. 459.70 (2)  
19 (h), that is granted under the audiology and speech-language pathology interstate  
20 compact under s. 459.70 to an individual to practice in this state.

21 (b) “Examining board” means the hearing and speech examining board.

22 **(2)** The department may impose a fee for an individual to receive a compact  
23 privilege as provided under s. 459.70 (3) (j).

24 **(3)** (a) An individual who holds a compact privilege shall comply with s. 440.03  
25 (13) (am).

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1 (b) Subject to s. 459.70 and any rules promulgated thereunder, ss. 440.20 to  
2 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who  
3 holds a compact privilege in the same manner that they apply to holders of licenses  
4 and permits issued under subch. II.

5 **SECTION 32.** 632.895 (16) (b) 1. a. of the statutes is amended to read:

6 632.895 (16) (b) 1. a. Coverage of the cost of hearing aids and cochlear implants  
7 that are prescribed by a physician, or by an audiologist who is licensed under subch.  
8 II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, in  
9 accordance with accepted professional medical or audiological standards, for a child  
10 covered under the policy or plan who is under 18 years of age and who is certified as  
11 deaf or hearing impaired by a physician or by an audiologist who is licensed under  
12 subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459.

13 **SECTION 33. Nonstatutory provisions.**

14 (1) The hearing and speech examining board and the department of safety and  
15 professional services may promulgate emergency rules under s. 227.24 necessary to  
16 implement this act. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules  
17 promulgated under this subsection remain in effect until September 1, 2024, or the  
18 date on which permanent rules take effect, whichever is sooner. Notwithstanding  
19 s. 227.24 (1) (a) and (3), neither the board nor the department is required to provide  
20 evidence that promulgating a rule under this subsection as an emergency rule is  
21 necessary for the preservation of the public peace, health, safety, or welfare or  
22 provide a finding of emergency for a rule promulgated under this subsection.

23 (END)