

1 pathology services. The practice of audiology and speech-
2 language pathology occurs in the state where the patient is
3 located at the time of the patient encounter. The compact
4 preserves the regulatory authority of states to protect public
5 health and safety through the current system of state licensure.
6 This compact is designed to achieve the following objectives:

- 7 (1) Increase public access to audiology and speech-
8 language pathology services by providing for the
9 mutual recognition of other member state licenses;
- 10 (2) Enhance the ability of states to protect the public's
11 health and safety;
- 12 (3) Encourage the cooperation of member states in
13 regulating multistate audiology and speech-language
14 pathology practice;
- 15 (4) Support spouses of relocating active duty military
16 personnel;
- 17 (5) Enhance the exchange of licensure, investigative, and
18 disciplinary information among member states;
- 19 (6) Allow a remote state to hold a provider of services
20 with a compact privilege in that state accountable to
21 the practice standards of that state; and



S.B. NO. 317

1 (D) "Audiologist" means an individual who is licensed by a
2 state to practice audiology.

3 (E) "Audiology" means the care and services provided by a
4 licensed audiologist as set forth in the member state's statutes
5 and rules.

6 (F) "Audiology and Speech-Language Pathology Compact
7 Commission" or "Commission" means the national administrative
8 body established under section 8 whose membership consists of
9 all states that have enacted the compact.

10 (G) "Audiology and speech-language pathology licensing
11 board", "audiology licensing board", "speech-language pathology
12 licensing board", or "licensing board" means the agency of a
13 state that is responsible for the licensing and regulation of
14 audiologists or speech-language pathologists.

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



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

8 (J) "Data system" means a repository of information about
9 licensees established under section 9, including, but not
10 limited to, continuing education, examination, licensure,
11 investigative, compact privilege, and adverse action.

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

16 (L) "Executive committee" means a group of directors
17 elected or appointed to act on behalf of, and within the powers
18 granted to them by, the commission.

19 (M) "Home state" means the member state that is the
20 licensee's primary state of residence.



1 (N) "Impaired practitioner" means an individual whose
2 professional practice is adversely affected by substance abuse,
3 addiction, or other health-related conditions.

4 (O) "Licensee" means an individual who currently holds an
5 authorization from the state licensing board to practice as an
6 audiologist or speech-language pathologist.

7 (P) "Member state" means a state that has enacted the
8 compact.

9 (Q) "Privilege to practice" means a legal authorization
10 authorizing the practice of audiology or speech-language
11 pathology in a remote state.

12 (R) "Remote state" means a member state other than the
13 home state where a licensee is exercising or seeking to exercise
14 the compact privilege.

15 (S) "Rule" means a regulation, principle, or directive
16 adopted by the commission that has the force of law.

17 (T) "Single-state license" means an audiology or speech-
18 language pathology license issued by a member state that
19 authorizes practice only within the issuing state and does not
20 include a privilege to practice in any other member state.



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

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

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

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

14 (Y) "Telehealth" means the application of
15 telecommunication, audio-visual, or other information
16 technologies that meets the applicable standard of care to
17 deliver audiology or speech-language pathology services or
18 information at a distance for assessment, intervention, or
19 consultation.

20 **Section 3. State Participation in the Compact**



1 (A) A license issued to an audiologist or speech-language
2 pathologist by a home state to a resident in that state shall be
3 recognized by each member state as authorizing an audiologist or
4 a speech-language pathologist to practice audiology or speech-
5 language pathology, under a privilege to practice, in each
6 member state where the licensee obtains such a privilege.

7 (B) (1) A state must implement or use procedures for
8 considering the criminal history records of applicants
9 for initial privilege to practice. These procedures
10 shall include the submission of fingerprints or other
11 biometric-based information by applicants for the
12 purpose of obtaining an applicant's criminal history
13 record information from the Federal Bureau of
14 Investigation and the agency responsible for retaining
15 that state's criminal records.

16 (2) A member state must fully implement a criminal
17 background check requirement, within a time frame
18 established by rule, by receiving the results of the
19 Federal Bureau of Investigation record search on
20 criminal background checks and use the results in
21 making licensure decisions.



1 (3) Communication between a member state and the
2 commission, and among member states regarding the
3 verification of eligibility for licensure through the
4 compact may not include any information received from
5 the Federal Bureau of Investigation relating to a
6 federal criminal records check performed by a member
7 state under Public Law 92-544.

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

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

20 (E) An audiologist must:

21 (1) Meet one of the following educational requirements:



S.B. NO. 317

1 (I) On or before, December 31, 2007, have graduated
2 with a master's degree or doctorate in audiology,
3 or equivalent degree regardless of degree name,
4 from a program that is accredited by an
5 accrediting agency recognized by the Council for
6 Higher Education Accreditation, or its successor,
7 or by the United States Department of Education
8 and operated by a college or university
9 accredited by a regional or national accrediting
10 organization recognized by a state licensing
11 board;

12 (II) On or after, January 1, 2008, have graduated with
13 a doctoral degree in audiology, or equivalent
14 degree, regardless of degree name, from a program
15 that is accredited by an accrediting agency
16 recognized by the Council for Higher Education
17 Accreditation, or its successor, or by the United
18 States Department of Education and operated by a
19 college or university accredited by a regional or
20 national accrediting organization recognized by a
21 state licensing board; or



- 1 (III) Have graduated from an audiology program that is
2 housed in an institution of higher education
3 outside the United States:
- 4 (1) For which the program and institution have
5 been approved by the authorized accrediting
6 body in the applicable country; and
- 7 (2) Whose degree program has been verified by an
8 independent credentials review agency to be
9 comparable to a state licensing board-
10 approved program.
- 11 (2) Have completed a supervised clinical practicum
12 experience from an accredited educational institution
13 or its cooperating programs as required by the
14 commission;
- 15 (3) Have successfully passed a national examination
16 approved by the commission;
- 17 (4) Hold an active, unencumbered license;
- 18 (5) Have not been convicted or found guilty of, and have
19 not entered into an agreed disposition regarding, a
20 felony related to the practice of audiology, under
21 applicable state or federal criminal law; and



S.B. NO. 317

- 1 (6) Have a valid United States Social Security or National
2 Practitioner Identification number.
- 3 (F) A speech-language pathologist must:
- 4 (1) Meet one of the following educational requirements:
- 5 (I) Have graduated with a master's degree from a
6 speech-language pathology program that is
7 accredited by an organization recognized by the
8 United States Department of Education and
9 operated by a college or university accredited by
10 a regional or national accrediting organization
11 recognized by a licensing board; or
- 12 (II) Have graduated from a speech-language pathology
13 program that is housed in an institution of
14 higher education outside of the United States:
- 15 (1) For which the program and institution have
16 been approved by the authorized accrediting
17 body in the applicable country; and
- 18 (2) Whose degree program has been verified by an
19 independent credentials review agency to be
20 comparable to a state licensing board-
21 approved program;



S.B. NO. 317

- 1 (2) Have completed a supervised clinical practicum
2 experience from an educational institution or its
3 cooperating programs as required by the commission;
- 4 (3) Have completed a supervised postgraduate professional
5 experience as required by the commission;
- 6 (4) Have successfully passed a national examination
7 approved by the commission;
- 8 (5) Hold an active, unencumbered license;
- 9 (6) Have not been convicted or found guilty of, and have
10 not entered into an agreed disposition regarding, a
11 felony related to the practice of speech-language
12 pathology, under applicable state or federal criminal
13 law; and
- 14 (7) Have a valid United States Social Security or National
15 Practitioner Identification number.
- 16 (G) The privilege to practice is derived from the home
17 state license.
- 18 (H) An audiologist or speech-language pathologist
19 practicing in a member state must comply with the state practice
20 laws of the state in which the patient is located at the time
21 service is provided. The practice of audiology and speech-



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

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

18 (J) Member states may charge a fee for granting a compact
19 privilege.

20 (K) Member states must comply with the bylaws and rules
21 and regulations of the commission.



1 **Section 4. Compact Privilege**

2 (A) To exercise the compact privilege under the terms and
3 provisions of the compact, the audiologist or speech-language
4 pathologist shall:

- 5 (1) Hold an active license in the home state;
- 6 (2) Have no encumbrance on any state license;
- 7 (3) Be eligible for a compact privilege in any member
8 state in accordance with section 3;
- 9 (4) Have not had any adverse action against any license or
10 compact privilege within the previous 2 years from
11 date of application;
- 12 (5) Notify the commission that the licensee is seeking the
13 compact privilege within a remote state;
- 14 (6) Pay any applicable fees, including any state fee, for
15 the compact privilege; and
- 16 (7) Report to the commission adverse action taken by any
17 nonmember state within 30 days from the date the
18 adverse action is taken.

19 (B) For the purposes of the compact privilege, an
20 audiologist or speech-language pathologist may hold only one
21 home state license at a time.



1 (C) Except as provided in section 6, if an audiologist or
2 speech-language pathologist changes primary state of residence
3 by moving between two member states, the audiologist or speech-
4 language pathologist must apply for licensure in the new home
5 state, and the license issued by the prior home state shall be
6 deactivated in accordance with applicable rules adopted by the
7 commission.

8 (D) The audiologist or speech-language pathologist may
9 apply for licensure in advance of a change in primary state of
10 residence.

11 (E) A license may not be issued by the new home state
12 until the audiologist or speech-language pathologist provides
13 satisfactory evidence of a change in primary state of residence
14 to the new home state and satisfies all applicable requirements
15 to obtain a license from the new home state.

16 (F) If an audiologist or speech-language pathologist
17 changes primary state of residence by moving from a member state
18 to a nonmember state, the license issued by the prior home state
19 shall convert to a single-state license, valid only in the
20 former home state, and the compact privilege in any member state



1 is deactivated in accordance with rules adopted by the
2 commission.

3 (G) The compact privilege is valid until the expiration
4 date of the home state license. The licensee must comply with
5 the requirements of subsection (A) of this section to maintain
6 the compact privilege in the remote state.

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

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

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

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



1 (2) 2 years have elapsed from the date of the adverse
2 action.

3 (K) Once an encumbered license in the home state is
4 restored to good standing, the licensee must meet the
5 requirements of subsection (A) of this section to obtain a
6 compact privilege in any remote state.

7 (L) Once the requirements of subsection (J) of this
8 section have been met, the licensee must meet the requirements
9 in subsection (A) of this section to obtain a compact privilege
10 in a remote state.

11 **Section 5. Compact Privilege to Practice Telehealth**

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

19 (B) A licensee providing audiology or speech-language
20 pathology services in a remote state under the compact privilege



1 shall function within the laws and regulations of the remote
2 state.

3 **Section 6. Active Duty Military Personnel or their Spouses**

4 Active duty military personnel, or their spouses, shall
5 designate a home state where the individual has a current
6 license in good standing. The individual may retain the home
7 state designation during the period the service member is on
8 active duty. Subsequent to designating a home state, the
9 individual shall change the home state of the individual only
10 through application for licensure in the new state.

11 **Section 7. Adverse Actions**

12 (A) (1) In addition to the other powers conferred by state
13 law, a remote state shall have the authority, in
14 accordance with existing state due process law, to:

15 (I) Take adverse action against an audiologist's or
16 speech-language pathologist's privilege to
17 practice within that member state; and

18 (II) Issue subpoenas for both hearings and
19 investigations that require the attendance and
20 testimony of witnesses as well as the production
21 of evidence.



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

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

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



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

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

14 (E) The member state may take adverse action based on the
15 factual findings of the remote state, provided that the member
16 state follows its own procedures for taking the adverse action.

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



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

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

16 (H) If a member state takes adverse action against a
17 licensee, it shall promptly notify the administrator of the data
18 system. The administrator of the data system shall promptly
19 notify the home state, and any remote state in which the
20 licensee has a privilege to practice, of any adverse actions by
21 the home state or remote states.



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

4 **Section 8. Establishment of the Audiology and Speech-Language**
5 **Pathology Compact Commission**

6 (A) (1) The compact member states hereby create and establish
7 a joint public agency known as the Audiology and
8 Speech-Language Pathology Compact Commission.

9 (2) The commission is an instrumentality of the compact
10 states.

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

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

20 (B) (1) Each member state shall have two delegates selected by
21 the licensing board of that member state. The



1 delegates shall be current members of the licensing
2 board. One shall be an audiologist and one shall be a
3 speech-language pathologist.

4 (2) An additional five delegates, who are either public
5 members or board administrators from state licensing
6 boards, shall be chosen by the executive committee
7 from a pool of nominees provided by the commission at
8 large.

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

12 (4) The member state board shall fill any vacancy
13 occurring on the commission, within 90 days.

14 (5) Each delegate shall be entitled to one vote with
15 regard to the promulgation of rules and creation of
16 bylaws and shall otherwise have an opportunity to
17 participate in the business and affairs of the
18 commission.

19 (6) A delegate shall vote in person or by other means as
20 provided in the bylaws. The bylaws may provide for



1 the participation of the delegates in meetings by
2 telephone or other means of communication.

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

6 (C) The commission shall have the following powers and
7 duties:

8 (1) Establish the fiscal year of the commission;

9 (2) Establish bylaws;

10 (3) Establish a code of ethics;

11 (4) Maintain its financial records in accordance with the
12 bylaws;

13 (5) Meet and take actions as are consistent with the
14 provisions of this compact and the bylaws;

15 (6) Promulgate uniform rules to facilitate and coordinate
16 implementation and administration of this compact that
17 shall have the force and effect of law and shall be
18 binding in all member states to the extent and manner
19 provided for in this compact;

20 (7) Bring and prosecute legal proceedings or actions in
21 the name of the commission, provided that the standing



- 1 of any state audiology or speech-language pathology
2 licensing board to sue or be sued under applicable law
3 shall not be affected;
- 4 (8) Purchase and maintain insurance and bonds;
- 5 (9) Borrow, accept, or contract for services of personnel,
6 including, but not limited to, employees of a member
7 state;
- 8 (10) Hire employees, elect or appoint officers, fix
9 compensation, define duties, grant individuals
10 appropriate authority to carry out the purposes of the
11 compact, and establish the commission's personnel
12 policies and programs relating to conflicts of
13 interest, qualifications of personnel, and other
14 related personnel matters;
- 15 (11) Accept any and all appropriate donations and grants of
16 money, equipment, supplies, materials, and services,
17 and receive, utilize, and dispose of the same,
18 provided that at all times the commission shall avoid
19 any appearance of impropriety or conflict of interest;
- 20 (12) Lease, purchase, accept appropriate gifts or donations
21 of, or otherwise own, hold, improve, or use, any



- 1 property, real, personal, or mixed, provided that at
2 all times the commission shall avoid any appearance of
3 impropriety;
- 4 (13) Sell, convey, mortgage, pledge, lease, exchange,
5 abandon, or otherwise dispose of any property, real,
6 personal, or mixed;
- 7 (14) Establish a budget and make expenditures;
- 8 (15) Borrow money;
- 9 (16) Appoint committees, including standing committees
10 composed of members and other interested persons as
11 may be designated in this compact and the bylaws;
- 12 (17) Provide and receive information from, and cooperate
13 with, law enforcement agencies;
- 14 (18) Establish and elect an executive committee; and
- 15 (19) Perform other functions as may be necessary or
16 appropriate to achieve the purposes of this compact
17 consistent with state regulation of audiology and
18 speech-language pathology licensure and practice.
- 19 (D) The commission has no authority to change or modify
20 the laws of the member states which define the practice of
21 audiology or speech-language pathology in the respective states.



- 1 (E) (1) The executive committee shall have the power to act on
2 behalf of the commission, within the powers of the
3 commission, according to the terms of this compact.
- 4 (2) The executive committee shall be composed of the
5 following members:
- 6 (I) Seven voting members who are elected by the
7 commission from the current membership of the
8 commission;
- 9 (II) Two ex officio members, consisting of one
10 nonvoting member from a recognized national
11 audiology professional association and one
12 nonvoting member from a recognized national
13 speech-language pathology association; and
- 14 (III) One ex officio, nonvoting member from the
15 recognized membership organization of the
16 audiology or speech-language pathology licensing
17 boards.
- 18 (3) The ex officio members shall be selected by their
19 respective organizations.
- 20 (F) (1) The commission may remove any member of the executive
21 committee as provided in the bylaws.



- 1 (2) The executive committee shall meet at least annually.
- 2 (3) The executive committee shall have the following
- 3 duties and responsibilities:
- 4 (I) Recommend to the entire commission changes to the
- 5 rules or bylaws, changes to this compact
- 6 legislation, fees paid by compact member states
- 7 such as annual dues, and any commission compact
- 8 fee charged to licensees for the compact
- 9 privilege;
- 10 (II) Ensure compact administration services are
- 11 appropriately provided, contractual or otherwise;
- 12 (III) Prepare and recommend the budget;
- 13 (IV) Maintain financial records on behalf of the
- 14 commission;
- 15 (V) Monitor compact compliance of member states and
- 16 provide compliance reports to the commission;
- 17 (VI) Establish additional committees as necessary; and
- 18 (VII) Other duties as provided in rules or bylaws.
- 19 (4) All meetings shall be open to the public, and public
- 20 notice of meetings shall be given in the same manner



1 as required under the rulemaking provisions in section
2 10.

3 (5) The commission, the executive committee, or other
4 committees of the commission may convene in a closed,
5 nonpublic meeting if the commission or executive
6 committee or other committees of the commission must
7 discuss:

8 (I) Noncompliance of a member state with its
9 obligations under the compact;

10 (II) The employment, compensation, discipline or other
11 matters, practices or procedures related to
12 specific employees, or other matters related to
13 the commission's internal personnel practices and
14 procedures;

15 (III) Current, threatened, or reasonably anticipated
16 litigation;

17 (IV) Negotiation of contracts for the purchase, lease,
18 or sale of goods, services, or real estate;

19 (V) Accusing any person of a crime or formally
20 censuring any person;



- 1 (VI) Disclosure of trade secrets or commercial or
2 financial information that is privileged or
3 confidential;
- 4 (VII) Disclosure of information of a personal nature
5 where disclosure would constitute a clearly
6 unwarranted invasion of personal privacy;
- 7 (VIII) Disclosure of investigative records compiled for
8 law enforcement purposes;
- 9 (IX) Disclosure of information related to any
10 investigative reports prepared by or on behalf of
11 or for use of the commission or other committee
12 charged with responsibility of investigation or
13 determination of compliance issues pursuant to
14 the compact; or
- 15 (X) Matters specifically exempted from disclosure by
16 federal or member state statute.
- 17 (6) If a meeting, or portion of a meeting, is closed in
18 accordance with this provision, the commission's legal
19 counsel or designee shall certify that the meeting may
20 be closed and shall reference each relevant exempting
21 provision.



- 1 (7) The commission shall keep minutes that fully and
2 clearly describe all matters discussed in a meeting
3 and shall provide a full and accurate summary of
4 actions taken, and the reasons therefore, including a
5 description of the views expressed. All documents
6 considered in connection with an action shall be
7 identified in minutes. All minutes and documents of a
8 closed meeting shall remain under seal, subject to
9 release by a majority vote of the commission or order
10 of a court of competent jurisdiction. All minutes and
11 documents of meetings other than a closed meeting
12 shall be made available to members of the public upon
13 request at the requesting person's expense.
- 14 (8) (I) The commission shall pay, or provide for the
15 payment of, the reasonable expenses of its
16 establishment, organization, and ongoing
17 activities.
- 18 (II) The commission may accept any and all appropriate
19 revenue sources, donations, and grants of money,
20 equipment, supplies, materials, and services.



- 1 (III) The commission may levy on and collect an annual
2 assessment from each member state or impose fees
3 on other parties to cover the cost of the
4 operations and activities of the commission and
5 its staff, which must be in a total amount
6 sufficient to cover its annual budget as approved
7 each year for which revenue is not provided by
8 other sources. The aggregate annual assessment
9 amount shall be allocated based on a formula to
10 be determined by the commission, which shall
11 promulgate a rule binding on all member states.
- 12 (9) The commission may not incur obligations of any kind
13 prior to securing the funds adequate to meet the same,
14 nor shall the commission pledge the credit of any of
15 the member states, except by and with the authority of
16 the member state.
- 17 (10) The commission shall keep accurate accounts of all
18 receipts and disbursements. The receipts and
19 disbursements of the commission shall be subject to
20 the audit and accounting procedures established under
21 its bylaws. However, all receipts and disbursements



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

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

20 (2) The commission shall defend any member, officer,
21 executive director, employee, or representative of the



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

- 14 (3) The commission shall indemnify and hold harmless any
15 member, officer, executive director, employee, or
16 representative of the commission for the amount of any
17 settlement or judgment obtained against that person
18 arising out of any actual or alleged act, error, or
19 omission that occurred within the scope of commission
20 employment, duties, or responsibilities, or that
21 person had a reasonable basis for believing occurred



1 (4) Nonconfidential information related to alternative
2 program participation;

3 (5) Any denial of application for licensure, and the
4 reason for denial; and

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

8 (C) Investigative information pertaining to a licensee in
9 any member state may be available only to other member states.

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

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

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



1 which each state would otherwise publish proposed
2 rules.

3 (E) The notice of proposed rulemaking shall include:

4 (1) The proposed time, date, and location of the meeting
5 during which the rule shall be considered and voted
6 on;

7 (2) The text of the proposed rule or amendment and the
8 reason for the proposed rule;

9 (3) A request for comments on the proposed rule from any
10 interested person; and

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

14 (F) Prior to the adoption of a proposed rule, the
15 commission shall allow persons to submit written data, facts,
16 opinions, and arguments, which shall be made available to the
17 public.

18 (G) The commission shall grant an opportunity for a public
19 hearing before it adopts a rule or amendment if a hearing is
20 requested by:

21 (1) At least 25 persons;



S.B. NO. 317

- 1 (2) A state or federal governmental subdivision or agency;
2 or
3 (3) An association having at least 25 members.
- 4 (H) (1) If a hearing is held on the proposed rule or
5 amendment, the commission shall publish the place,
6 time, and date of the scheduled public hearing. If
7 the hearing is held via electronic means, the
8 commission shall publish the mechanism for accessing
9 the electronic hearing.
- 10 (2) All persons wishing to be heard at the hearing shall
11 notify the executive director of the commission or
12 other designated member in writing of their desire to
13 appear and testify at the hearing not less than 5
14 business days before the scheduled date of the
15 hearing.
- 16 (3) Hearings shall be conducted in a manner providing each
17 person who wishes to comment a fair and reasonable
18 opportunity to comment orally or in writing.
- 19 (4) All hearings shall be recorded. A copy of the
20 recording shall be made available to any person on
21 request and at the requesting person's expense.



1 (5) Nothing in this subsection shall be construed as
2 requiring a separate hearing on each rule. Rules may
3 be grouped for the convenience of the commission at
4 hearings required by this subsection.

5 (I) Following the scheduled hearing date, or by the close
6 of business on the scheduled hearing date if the hearing was not
7 held, the commission shall consider all written and oral
8 comments received.

9 (J) If no written notice of intent to attend the public
10 hearing by interested parties is received, the commission may
11 proceed with promulgation of the proposed rule without a public
12 hearing.

13 (K) The commission shall, by majority vote of all members,
14 take final action on the proposed rule and shall determine the
15 effective date of the rule, if any, based on the rulemaking
16 record and the full text of the rule.

17 (L) On determination that an emergency exists, the
18 commission may consider and adopt an emergency rule without
19 prior notice, opportunity for comment, or hearing, provided that
20 the usual rulemaking procedures provided in the compact and in
21 this section shall be retroactively applied to the rule as soon



S.B. NO. 317

1 as reasonably possible, in no event later than 90 days after the
2 effective date of the rule. For the purposes of this provision,
3 an emergency rule is one that must be adopted immediately in
4 order to:

- 5 (1) Meet an imminent threat to public health, safety, or
6 welfare;
- 7 (2) Prevent a loss of commission or member state funds; or
- 8 (3) Meet a deadline for the promulgation of an
9 administrative rule that is established by federal law
10 or rule.

11 (M) The commission or an authorized committee of the
12 commission may direct revisions to a previously adopted rule or
13 amendment for purposes of correcting typographical errors,
14 errors in format, errors in consistency, or grammatical errors.
15 Public notice of any revisions shall be posted on the website of
16 the commission. The revision shall be subject to challenge by
17 any person for a period of 30 days after posting. The revision
18 may be challenged only on grounds that the revision results in a
19 material change to a rule. A challenge shall be made in writing
20 and delivered to the chair of the commission prior to the end of
21 the notice period. If no challenge is made, the revision shall



1 take effect without further action. If the revision is
2 challenged, the revision may not take effect without the
3 approval of the commission.

4 **Section 11. Oversight, Dispute Resolution, and Enforcement**

5 (A) (1) On request by a member state, the commission shall
6 attempt to resolve disputes related to the compact
7 that arise among member states and between member and
8 nonmember states.

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

12 (B) (1) The commission, in the reasonable exercise of its
13 discretion, shall enforce the provisions and rules of
14 this compact.

15 (2) By majority vote, the commission may initiate legal
16 action in the United States District Court for the
17 District of Columbia or the federal district where the
18 commission has its principal offices against a member
19 state in default to enforce compliance with the
20 provisions of the compact and its promulgated rules
21 and bylaws. The relief sought may include both



1 injunctive relief and damages. In the event judicial
2 enforcement is necessary, the prevailing member shall
3 be awarded all costs of litigation, including
4 reasonable attorney's fees.

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

9 **Section 12. Date of Implementation of the Audiology and Speech-**
10 **Language Pathology Interstate Compact and Associated Rules,**
11 **Withdrawal, and Amendment**

12 (A) The compact shall come into effect on the date on
13 which the compact statute is enacted into law in the 10th member
14 state. The provisions, which become effective at that time,
15 shall be limited to the powers granted to the commission
16 relating to assembly and the promulgation of rules. Thereafter,
17 the commission shall meet and exercise rulemaking powers
18 necessary to the implementation and administration of the
19 compact.

20 (B) Any state that joins the compact subsequent to the
21 initial adoption of the rules by the commission shall be subject



1 to the rules as they exist on the date on which the compact
2 becomes law in that state. Any rule that has been previously
3 adopted by the commission shall have the full force and effect
4 of law on the day the compact becomes law in that state.

5 (C) (1) Any member state may withdraw from this compact by
6 enacting a statute repealing the same.

7 (2) A member state's withdrawal shall not take effect
8 until 6 months after enactment of the repealing
9 statute.

10 (3) Withdrawal shall not affect the continuing requirement
11 of the withdrawing state's audiology or speech-
12 language pathology licensing board to comply with the
13 investigative and adverse action reporting
14 requirements of this act prior to the effective date
15 of withdrawal.

16 (D) Nothing contained in this compact shall be construed
17 to invalidate or prevent any audiology or speech-language
18 pathology licensure agreement or other cooperative arrangement
19 between a member state and a nonmember state that does not
20 conflict with the provisions of this compact.



1 (E) This compact may be amended by the member states. No
2 amendment to this compact shall become effective and binding on
3 any member state until it is enacted into the laws of all member
4 states.

5 **Section 13. Construction and Severability**

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

20 **Section 14. Binding Effect of Compact and Other Laws**



S.B. NO. 317

1 (A) Nothing herein prevents the enforcement of any other
2 law of a member state that is not inconsistent with the compact.

3 (B) All laws in a member state in conflict with the
4 compact are superseded to the extent of the conflict.

5 (C) All lawful actions of the commission, including all
6 rules and bylaws promulgated by the commission, are binding on
7 the member states.

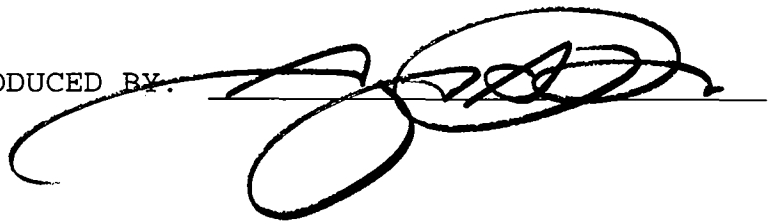
8 (D) All agreements between the commission and the member
9 states are binding in accordance with their terms.

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

15 SECTION 2. This Act shall take effect upon its approval.

16

INTRODUCED BY: _____

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and loops around itself.

S.B. NO. 317

Report Title:

Audiology and Speech-Language Pathology Interstate Compact;
Licensure; Privilege to Practice

Description:

Establishes provisions relating to the Audiology and Speech-Language Pathology Interstate Compact to facilitate interstate practice of audiology and speech-language pathology.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

