

By: Guillen

H.B. No. 1875

A BILL TO BE ENTITLED

AN ACT

relating to the audiology and speech-language pathology interstate compact; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 401, Occupations Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE
COMPACT

Sec. 401.551. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
INTERSTATE COMPACT. The Audiology and Speech-Language Pathology
Compact is enacted and entered into with all other jurisdictions
that legally join in the compact, which reads as follows:

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

SECTION 1. PURPOSE

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

This Compact is designed to achieve the following objectives:

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

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

6 3. Encourage the cooperation of member states in
7 regulating multistate audiology and speech-language pathology
8 practice;

9 4. Support spouses of relocating active duty military
10 personnel;

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

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

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

19 SECTION 2. DEFINITIONS

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

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

26 B. "Adverse action" means any administrative, civil,
27 equitable or criminal action permitted by a state's laws which is

1 imposed by a licensing board or other authority against an
2 audiologist or speech-language pathologist, including actions
3 against an individual's license or privilege to practice such as
4 revocation, suspension, probation, monitoring of the licensee, or
5 restriction on the licensee's practice.

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

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

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

14 F. "Audiology and Speech-Language Pathology Compact
15 Commission" or "Commission" means the national administrative body
16 whose membership consists of all states that have enacted the
17 Compact.

18 G. "Audiology and speech-language pathology licensing
19 board," "audiology licensing board," "speech-language pathology
20 licensing board," or "licensing board" means the agency of a state
21 that is responsible for the licensing and regulation of
22 audiologists and/or speech-language pathologists.

23 H. "Compact privilege" means the authorization granted by a
24 remote state to allow a licensee from another member state to
25 practice as an audiologist or speech-language pathologist in the
26 remote state under its laws and rules. The practice of audiology or
27 speech-language pathology occurs in the member state where the

1 patient/client/student is located at the time of the
2 patient/client/student encounter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 X. "State practice laws" means a member state's laws, rules
24 and regulations that govern the practice of audiology or
25 speech-language pathology, define the scope of audiology or
26 speech-language pathology practice, and create the methods and
27 grounds for imposing discipline.

1 Y. "Telehealth" means the application of telecommunication
2 technology to deliver audiology or speech-language pathology
3 services at a distance for assessment, intervention and/or
4 consultation.

5 SECTION 3. STATE PARTICIPATION IN THE COMPACT

6 A. A license issued to an audiologist or speech-language
7 pathologist by a home state to a resident in that state shall be
8 recognized by each member state as authorizing an audiologist or
9 speech-language pathologist to practice audiology or
10 speech-language pathology, under a privilege to practice, in each
11 member state.

12 B. A state must implement or utilize procedures for
13 considering the criminal history records of applicants for initial
14 privilege to practice. These procedures shall include the
15 submission of fingerprints or other biometric-based information by
16 applicants for the purpose of obtaining an applicant's criminal
17 history record information from the Federal Bureau of Investigation
18 and the agency responsible for retaining that state's criminal
19 records

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

25 2. Communication between a member state, the
26 Commission and among member states regarding the verification of
27 eligibility for licensure through the Compact shall not include any

1 information received from the Federal Bureau of Investigation
2 relating to a federal criminal records check performed by a member
3 state under Public Law 92-544.

4 C. Upon application for a privilege to practice, the
5 licensing board in the issuing remote state shall ascertain,
6 through the data system, whether the applicant has ever held, or is
7 the holder of, a license issued by any other state, whether there
8 are any encumbrances on any license or privilege to practice held by
9 the applicant, whether any adverse action has been taken against
10 any license or privilege to practice held by the applicant.

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

15 E. For an audiologist:

16 1. Must meet one of the following educational
17 requirements:

18 a. On or before, Dec. 31, 2007, has graduated
19 with a master's degree or doctorate in audiology, or equivalent
20 degree regardless of degree name, from a program that is accredited
21 by an accrediting agency recognized by the Council for Higher
22 Education Accreditation, or its successor, or by the United States
23 Department of Education and operated by a college or university
24 accredited by a regional or national accrediting organization
25 recognized by the board; or

26 b. On or after, Jan. 1, 2008, has graduated with a
27 Doctoral degree in audiology, or equivalent degree, regardless of

1 degree name, from a program that is accredited by an accrediting
2 agency recognized by the Council for Higher Education
3 Accreditation, or its successor, or by the United States Department
4 of Education and operated by a college or university accredited by a
5 regional or national accrediting organization recognized by the
6 board; or

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

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

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

19 4. Holds an active, unencumbered license;

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

24 6. Has a valid United States Social Security or
25 National Practitioner Identification number.

26 F. For a speech-language pathologist:

27 1. Must meet one of the following educational

1 requirements:

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

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

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

18 3. Has completed a supervised postgraduate
19 professional experience as required by the Commission

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

22 5. Holds an active, unencumbered license;

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

27 7. Has a valid United States Social Security or

1 National Practitioner Identification number.

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

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

16 I. Individuals not residing in a member state shall continue
17 to be able to apply for a member state's single-state license as
18 provided under the laws of each member state. However, the
19 single-state license granted to these individuals shall not be
20 recognized as granting the privilege to practice audiology or
21 speech-language pathology in any other member state. Nothing in
22 this Compact shall affect the requirements established by a member
23 state for the issuance of a single-state license.

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

26 K. Member states must comply with the bylaws and rules and
27 regulations of the Commission.

SECTION 4. COMPACT PRIVILEGE

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

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

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

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

1 Commission.

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

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

9 F. If an audiologist or speech-language pathologist changes
10 primary state of residence by moving from a member state to a
11 non-member state, the license issued by the prior home state shall
12 convert to a single-state license, valid only in the former home
13 state.

14 G. The compact privilege is valid until the expiration date
15 of the home state license. The licensee must comply with the
16 requirements of Section 4A to maintain the compact privilege in the
17 remote state.

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

21 I. A licensee providing audiology or speech-language
22 pathology services in a remote state is subject to that state's
23 regulatory authority. A remote state may, in accordance with due
24 process and that state's laws, remove a licensee's compact
25 privilege in the remote state for a specific period of time, impose
26 finances, and/or take any other necessary actions to protect the
27 health and safety of its citizens.

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

- 4 1. The home state license is no longer encumbered; and
5 2. Two years have elapsed from the date of the adverse
6 action.

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

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

13 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

20 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

21 Active duty military personnel, or their spouse, shall
22 designate a home state where the individual has a current license in
23 good standing. The individual may retain the home state
24 designation during the period the service member is on active duty.
25 Subsequent to designating a home state, the individual shall only
26 change their home state through application for licensure in the
27 new state.

SECTION 7. ADVERSE ACTIONS

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

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

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

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

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

C. The home state shall complete any pending investigations

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

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

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

17 F. Joint Investigations

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

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

26 G. If adverse action is taken by the home state against an
27 audiologist's or speech language pathologist's license, the

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

9 H. If a member state takes adverse action, it shall promptly
10 notify the administrator of the data system. The administrator of
11 the data system shall promptly notify the home state of any adverse
12 actions by remote states.

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

16 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE
17 PATHOLOGY COMPACT COMMISSION

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

21 1. The Commission is an instrumentality of the Compact
22 states.

23 2. Venue is proper and judicial proceedings by or
24 against the Commission shall be brought solely and exclusively in a
25 court of competent jurisdiction where the principal office of the
26 Commission is located. The Commission may waive venue and
27 jurisdictional defenses to the extent it adopts or consents to

1 participate in alternative dispute resolution proceedings.

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

4 B. Membership, Voting and Meetings

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

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

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

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

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

22 6. A delegate shall vote in person or by other means as
23 provided in the bylaws. The bylaws may provide for delegates'
24 participation in meetings by telephone or other means of
25 communication.

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

1 bylaws.

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

4 1. Establish the fiscal year of the Commission;

5 2. Establish bylaws;

6 3. Establish a Code of Ethics;

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

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

11 6. Promulgate uniform rules to facilitate and
12 coordinate implementation and administration of this Compact. The
13 rules shall have the force and effect of law and shall be binding in
14 all member states;

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

19 8. Purchase and maintain insurance and bonds;

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

23 10. Hire employees, elect or appoint officers, fix
24 compensation, define duties, grant individuals appropriate
25 authority to carry out the purposes of the Compact, and to establish
26 the Commission's personnel policies and programs relating to
27 conflicts of interest, qualifications of personnel, and other

1 related personnel matters;

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

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

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

14 14. Establish a budget and make expenditures;

15 15. Borrow money;

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

19 17. Provide and receive information from, and
20 cooperate with, law enforcement agencies;

21 18. Establish and elect an Executive Committee; and

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

26 D. The Executive Committee

27 The Executive Committee shall have the power to act on behalf

of the Commission according to the terms of this Compact:

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

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

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

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

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

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

2. The Executive Committee shall meet at least annually.

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

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

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

c. Prepare and recommend the budget;

1 d. Maintain financial records on behalf of the
2 Commission;

3 e. Monitor Compact compliance of member states
4 and provide compliance reports to the Commission;

5 f. Establish additional committees as necessary;
6 and

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

8 4. Meetings of the Commission

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

12 5. The Commission or the Executive Committee or other
13 committees of the Commission may convene in a closed, non-public
14 meeting if the Commission or Executive Committee or other
15 committees of the Commission must discuss:

16 a. Non-compliance of a member state with its
17 obligations under the Compact;

18 b. The employment, compensation, discipline or
19 other matters, practices or procedures related to specific
20 employees or other matters related to the Commission's internal
21 personnel practices and procedures;

22 c. Current, threatened, or reasonably
23 anticipated litigation;

24 d. Negotiation of contracts for the purchase,
25 lease, or sale of goods, services, or real estate;

26 e. Accusing any person of a crime or formally
27 censuring any person;

1 f. Disclosure of trade secrets or commercial or
2 financial information that is privileged or confidential;

3 g. Disclosure of information of a personal nature
4 where disclosure would constitute a clearly unwarranted invasion of
5 personal privacy;

6 h. Disclosure of investigative records compiled
7 for law enforcement purposes;

8 i. Disclosure of information related to any
9 investigative reports prepared by or on behalf of or for use of the
10 Commission or other committee charged with responsibility of
11 investigation or determination of compliance issues pursuant to the
12 Compact; or

13 j. Matters specifically exempted from disclosure
14 by federal or member state statute.

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

19 7. The Commission shall keep minutes that fully and
20 clearly describe all matters discussed in a meeting and shall
21 provide a full and accurate summary of actions taken, and the
22 reasons therefore, including a description of the views expressed.
23 All documents considered in connection with an action shall be
24 identified in minutes. All minutes and documents of a closed
25 meeting shall remain under seal, subject to release by a majority
26 vote of the Commission or order of a court of competent
27 jurisdiction.

1 8. Financing of the Commission

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

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

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

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

21 10. The Commission shall keep accurate accounts of all
22 receipts and disbursements. The receipts and disbursements of the
23 Commission shall be subject to the audit and accounting procedures
24 established under its bylaws. However, all receipts and
25 disbursements of funds handled by the Commission shall be audited
26 yearly by a certified or licensed public accountant, and the report
27 of the audit shall be included in and become part of the annual

1 report of the Commission.

2 F. Qualified Immunity, Defense, and Indemnification

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

15 2. The Commission shall defend any member, officer,
16 executive director, employee or representative of the Commission in
17 any civil action seeking to impose liability arising out of any
18 actual or alleged act, error, or omission that occurred within the
19 scope of Commission employment, duties, or responsibilities, or
20 that the person against whom the claim is made had a reasonable
21 basis for believing occurred within the scope of Commission
22 employment, duties, or responsibilities; provided that nothing
23 herein shall be construed to prohibit that person from retaining
24 his or her own counsel; and provided further, that the actual or
25 alleged act, error, or omission did not result from that person's
26 intentional or willful or wanton misconduct.

27 3. The Commission shall indemnify and hold harmless

1 any member, officer, executive director, employee, or
2 representative of the Commission for the amount of any settlement
3 or judgment obtained against that person arising out of any actual
4 or alleged act, error or omission that occurred within the scope of
5 Commission employment, duties, or responsibilities, or that person
6 had a reasonable basis for believing occurred within the scope of
7 Commission employment, duties, or responsibilities, provided that
8 the actual or alleged act, error, or omission did not result from
9 the intentional or willful or wanton misconduct of that person.

10 SECTION 9. DATA SYSTEM

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

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

- 20 1. Identifying information;
- 21 2. Licensure data;
- 22 3. Adverse actions against a license or compact
23 privilege;
- 24 4. Non-confidential information related to
25 alternative program participation;
- 26 5. Any denial of application for licensure, and the
27 reason(s) for denial; and

1 6. Other information that may facilitate the
2 administration of this Compact, as determined by the rules of the
3 Commission.

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

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

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

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

17 SECTION 10. RULEMAKING

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

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

27 C. Rules or amendments to the rules shall be adopted at a

1 regular or special meeting of the Commission.

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

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

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

12 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 I. Following the scheduled hearing date, or by the close of
26 business on the scheduled hearing date if the hearing was not held,
27 the Commission shall consider all written and oral comments

1 received.

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

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

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

19 1. Meet an imminent threat to public health, safety,
20 or welfare;

21 2. Prevent a loss of Commission or member state funds;

22 or

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

25 M. The Commission or an authorized committee of the
26 Commission may direct revisions to a previously adopted rule or
27 amendment for purposes of correcting typographical errors, errors

in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Dispute Resolution

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

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

B. Enforcement

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

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

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

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

8 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
9 FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND
10 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

15 SECTION 13. CONSTRUCTION AND SEVERABILITY

16 This Compact shall be liberally construed so as to effectuate
17 the purposes thereof. The provisions of this Compact shall be
18 severable and if any phrase, clause, sentence or provision of this
19 Compact is declared to be contrary to the constitution of any member
20 state or of the United States or the applicability thereof to any
21 government, agency, person or circumstance is held invalid, the
22 validity of the remainder of this Compact and the applicability
23 thereof to any government, agency, person or circumstance shall not
24 be affected thereby. If this Compact shall be held contrary to the
25 constitution of any member state, the Compact shall remain in full
26 force and effect as to the remaining member states and in full force
27 and effect as to the member state affected as to all severable

1 matters.

2 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

17 Sec. 401.552. ADMINISTRATION OF COMPACT. The department is
18 the Audiology and Speech-Language Pathology Compact administrator
19 for this state.

20 Sec. 401.553. RULES. The commission may adopt rules
21 necessary to implement this subchapter.

22 SECTION 2. This Act takes effect September 1, 2023.