

Senate Bill 306

By: Senators Seay of the 34th, Mullis of the 53rd, Burke of the 11th, Orrock of the 36th,
Butler of the 55th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 43 of the Official Code of Georgia Annotated, relating to
2 speech-language pathologists and audiologists, so as to revise licensing provisions; to enter
3 into an interstate compact known as the "Audiology and Speech-Language Pathology
4 Interstate Compact"; to authorize the State Board of Examiners for Speech-Language
5 Pathology and Audiology to administer the compact in this state; to provide for definitions;
6 to provide for conditions; to provide for eligibility; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 44 of Title 43 of the Official Code of Georgia Annotated, relating to
11 speech-language pathologists and audiologists, is amended by revising paragraph (9) of Code
12 Section 43-44-3, relating to definitions, as follows:

13 "(9) 'Licensee' means any person licensed to practice speech-language pathology,
14 audiology, or both pursuant to this chapter, ~~but~~ or any person holding a valid Audiology
15 and Speech-Language Pathology Interstate Compact privilege pursuant to Article 2 of
16 this chapter. The term 'licensee' does not include the holder of a provisional license."

17 **SECTION 2.**

18 Said chapter is further amended by revising subsection (a) of Code Section 43-44-6, relating
19 to general powers and duties of board, as follows:

20 "(a) The board shall:

- 21 (1) Have the responsibility and duty of administering and enforcing this chapter and shall
22 assist the division director in carrying out this chapter;
- 23 (2) Have the power to establish and to revise the requirements for obtaining licensure or
24 the renewal of licensure;

- 25 (3) Make all rules, not inconsistent with this chapter, that are reasonably necessary for
 26 the conduct of its duties and proceedings;
- 27 (4) Adopt rules and regulations relating to professional conduct commensurate with the
 28 policy of this chapter, including, but not limited to, regulations which establish ethical
 29 standards of practice and for other purposes. Following their adoption, such rules and
 30 regulations consistent with this chapter shall govern and control the professional conduct
 31 of every person who holds a license to practice under this chapter;
- 32 (5) Conduct hearings and keep records and minutes as are necessary to the orderly
 33 dispatch of its functions;
- 34 (6) Adopt a common seal;
- 35 (7) Register and otherwise regulate qualified speech-language pathology aides and
 36 audiology assistants. The provisions of this paragraph shall not apply to any student,
 37 intern, or trainee performing speech-language pathology or audiology services while
 38 completing the supervised clinical experience;
- 39 (8) Issue provisional licenses to speech-language pathologists during the paid clinical
 40 experience;
- 41 (9) Issue, renew, and reinstate licenses;
- 42 (10) Deny, suspend, revoke, or otherwise sanction licenses;
- 43 (11) Accept results of qualifying examinations, administer examinations, or contract with
 44 qualified testing services to conduct or supervise examinations;
- 45 (12) Establish fees; ~~and~~
- 46 (13) Establish requirements for continuing professional education of persons subject to
 47 this chapter by appropriate regulation; and
- 48 (14) Administer the Audiology and Speech-Language Pathology Interstate Compact
 49 contained in Article 2 of this chapter."

50 **SECTION 3.**

51 Said chapter is further amended by redesignating the existing provisions of said chapter as
 52 Article 1, by replacing "this chapter" with "this article" everywhere such term occurs in said
 53 redesignated article, and by adding a new article to read as follows:

54 "ARTICLE 2

55 43-44-30.

56 This article shall be known and may be cited as the 'Audiology and Speech-Language
 57 Pathology Interstate Compact Act.'

58 43-44-31.

59 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law and
 60 entered into by the State of Georgia with any and all other states legally joining therein in
 61 the form substantially as follows:

62 'AUDIOLOGY AND SPEECH-LANGUAGE
 63 PATHOLOGY INTERSTATE COMPACT'

64 SECTION 1.
 65 PURPOSE

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

72 (b) This Compact is designed to achieve the following objectives:

- 73 (1) Increase public access to audiology and speech-language pathology services by
 74 providing for the mutual recognition of other member state licenses;
 75 (2) Enhance the states' ability to protect the public's health and safety;
 76 (3) Encourage the cooperation of member states in regulating multistate audiology and
 77 speech-language pathology practice;
 78 (4) Support spouses of relocating active duty military personnel;
 79 (5) Enhance the exchange of licensure, investigative and disciplinary information
 80 between member states;
 81 (6) Allow a remote state to hold a provider of services with a compact privilege in that
 82 state accountable to that state's practice standards; and
 83 (7) Allow for the use of telehealth technology to facilitate increased access to audiology
 84 and speech-language pathology services.

85 SECTION 2.
 86 DEFINITIONS

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

- 89 (1) 'Active duty military' means full-time duty status in the active uniformed service of
90 the United States, including members of the National Guard and Reserve on active duty
91 orders pursuant to 10 U.S.C. Section 1209 and 1211.
- 92 (2) 'Adverse action' means any administrative, civil, equitable or criminal action
93 permitted by a state's laws which is imposed by a licensing board or other authority
94 against an audiologist or speech-language pathologist, including actions against an
95 individual's license or privilege to practice such as revocation, suspension, probation,
96 monitoring of the licensee, or restriction on the licensee's practice.
- 97 (3) 'Alternative program' means a non-disciplinary monitoring process approved by an
98 audiology or speech-language pathology licensing board to address impaired
99 practitioners.
- 100 (4) 'Audiologist' means an individual who is licensed by a state to practice audiology.
- 101 (5) 'Audiology' means the care and services provided by a licensed audiologist as set
102 forth in the member state's statutes and rules.
- 103 (6) 'Audiology and Speech-Language Pathology Compact Commission' or 'Commission'
104 means the national administrative body whose membership consists of all states that have
105 enacted the Compact.
- 106 (7) 'Audiology and speech-language pathology licensing board,' 'audiology licensing
107 board,' 'speech-language pathology licensing board,' or 'licensing board' means the agency
108 of a state that is responsible for the licensing and regulation of audiologists and/or
109 speech-language pathologists.
- 110 (8) 'Compact privilege' means the authorization granted by a remote state to allow a
111 licensee from another member state to practice as an audiologist or speech-language
112 pathologist in the remote state under its laws and rules. The practice of audiology or
113 speech-language pathology occurs in the member state where the patient, client, or
114 student is located at the time of the patient, client, or student encounter.
- 115 (9) 'Current significant investigative information' means investigative information that
116 a licensing board, after an inquiry or investigation that includes notification and an
117 opportunity for the audiologist or speech-language pathologist to respond, if required by
118 state law, has reason to believe is not groundless and, if proved true, would indicate more
119 than a minor infraction.
- 120 (10) 'Data system' means a repository of information about licensees, including, but not
121 limited to, continuing education, examination, licensure, investigative, compact privilege
122 and adverse action.

- 123 (11) 'Encumbered license' means a license in which an adverse action restricts the
124 practice of audiology or speech-language pathology by the licensee and said adverse
125 action has been reported to the National Practitioners Data Bank (NPDB).
- 126 (12) 'Executive Committee' means a group of directors elected or appointed to act on
127 behalf of, and within the powers granted to them by, the Commission.
- 128 (13) 'Home state' means the member state that is the licensee's primary state of residence.
- 129 (14) 'Impaired practitioner' means individuals whose professional practice is adversely
130 affected by substance abuse, addiction, or other health-related conditions.
- 131 (15) 'Licensee' means an individual who currently holds an authorization from the state
132 licensing board to practice as an audiologist or speech-language pathologist.
- 133 (16) 'Member state' means a state that has enacted the Compact.
- 134 (17) 'Privilege to practice' means a legal authorization permitting the practice of
135 audiology or speech-language pathology in a remote state.
- 136 (18) 'Remote state' means a member state other than the home state where a licensee is
137 exercising or seeking to exercise the compact privilege.
- 138 (19) 'Rule' means a regulation, principle or directive promulgated by the Commission
139 that has the force of law.
- 140 (20) 'Single-state license' means an audiology or speech-language pathology license
141 issued by a member state that authorizes practice only within the issuing state and does
142 not include a privilege to practice in any other member state.
- 143 (21) 'Speech-language pathologist' means an individual who is licensed by a state to
144 practice speech-language pathology.
- 145 (22) 'Speech-language pathology' means the care and services provided by a licensed
146 speech-language pathologist as set forth in the member state's statutes and rules.
- 147 (23) 'State' means any state, commonwealth, district or territory of the United States of
148 America that regulates the practice of audiology and speech-language pathology.
- 149 (24) 'State practice laws' means a member state's laws, rules and regulations that govern
150 the practice of audiology or speech-language pathology, define the scope of audiology
151 or speech-language pathology practice, and create the methods and grounds for imposing
152 discipline.
- 153 (25) 'Telehealth' means the application of telecommunication technology to deliver
154 audiology or speech-language pathology services at a distance for assessment,
155 intervention and/or consultation.

156 SECTION 3.

157 STATE PARTICIPATION IN THE COMPACT

158 (a) A license issued to an audiologist or speech-language pathologist by a home state to
159 a resident in that state shall be recognized by each member state as authorizing an
160 audiologist or speech-language pathologist to practice audiology or speech-language
161 pathology, under a privilege to practice, in each member state.

162 (b) A state must implement or utilize procedures for considering the criminal history
163 records of applicants for initial privilege to practice. These procedures shall include the
164 submission of fingerprints or other biometric-based information by applicants for the
165 purpose of obtaining an applicant's criminal history record information from the Federal
166 Bureau of Investigation and the agency responsible for retaining that state's criminal
167 records

168 (1) A member state must fully implement a criminal background check requirement,
169 within a time frame established by rule, by receiving the results of the Federal Bureau of
170 Investigation record search on criminal background checks and use the results in making
171 licensure decisions.

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

176 (c) Upon application for a privilege to practice, the licensing board in the issuing remote
177 state shall ascertain, through the data system, whether the applicant has ever held, or is the
178 holder of, a license issued by any other state, whether there are any encumbrances on any
179 license or privilege to practice held by the applicant, whether any adverse action has been
180 taken against any license or privilege to practice held by the applicant.

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

184 (e) For an audiologist:

185 (1) Must meet one of the following educational requirements:

186 (A) On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in
187 audiology, or equivalent degree regardless of degree name, from a program that is
188 accredited by an accrediting agency recognized by the Council for Higher Education
189 Accreditation, or its successor, or by the United States Department of Education and
190 operated by a college or university accredited by a regional or national accrediting
191 organization recognized by the board; or

192 (B) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or
193 equivalent degree, regardless of degree name, from a program that is accredited by an

194 accrediting agency recognized by the Council for Higher Education Accreditation, or its
195 successor, or by the United States Department of Education and operated by a college or
196 university accredited by a regional or national accrediting organization recognized by the
197 board; or

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

203 (2) Has completed a supervised clinical practicum experience from an accredited
204 educational institution or its cooperating programs as required by the board;

205 (3) Has successfully passed a national examination approved by the Commission;

206 (4) Holds an active, unencumbered license;

207 (5) Has not been convicted or found guilty, and has not entered into an agreed
208 disposition, of a felony related to the practice of audiology, under applicable state or
209 federal criminal law;

210 (6) Has a valid United States Social Security or National Practitioner Identification
211 number.

212 (f) For a speech-language pathologist:

213 (1) Must meet one of the following educational requirements:

214 (A) Has graduated with a master's degree from a speech-language pathology program
215 that is accredited by an organization recognized by the United States Department of
216 Education and operated by a college or university accredited by a regional or national
217 accrediting organization recognized by the board; or

218 (B) Has graduated from a speech-language pathology program that is housed in an
219 institution of higher education outside of the United States (a) for which the program
220 and institution have been approved by the authorized accrediting body in the applicable
221 country and (b) the degree program has been verified by an independent credentials
222 review agency to be comparable to a state licensing board-approved program.

223 (2) Has completed a supervised clinical practicum experience from an educational
224 institution or its cooperating programs as required by the Commission;

225 (3) Has completed a supervised postgraduate professional experience as required by the
226 Commission;

227 (4) Has successfully passed a national examination approved by the Commission;

228 (5) Holds an active, unencumbered license;

229 (6) Has not been convicted or found guilty, and has not entered into an agreed
230 disposition, of a felony related to the practice of speech-language pathology, under
231 applicable state or federal criminal law;

232 (7) Has a valid United States Social Security or National Practitioner Identification
233 number.

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

235 (h) An audiologist or speech-language pathologist practicing in a member state must
236 comply with the state practice laws of the state in which the client is located at the time
237 service is provided. The practice of audiology and speech-language pathology shall
238 include all audiology and speech-language pathology practice as defined by the state
239 practice laws of the member state in which the client is located. The practice of audiology
240 and speech-language pathology in a member state under a privilege to practice shall subject
241 an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the
242 courts and the laws of the member state in which the client is located at the time service is
243 provided.

244 (i) Individuals not residing in a member state shall continue to be able to apply for a
245 member state's single-state license as provided under the laws of each member state.
246 However, the single-state license granted to these individuals shall not be recognized as
247 granting the privilege to practice audiology or speech-language pathology in any other
248 member state. Nothing in this Compact shall affect the requirements established by a
249 member state for the issuance of a single-state license.

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

251 (k) Member states must comply with the bylaws and rules and regulations of the
252 Commission.

253 SECTION 4.

254 COMPACT PRIVILEGE

255 (a) To exercise the compact privilege under the terms and provisions of the Compact, the
256 audiologist or speech-language pathologist shall:

257 (1) Hold an active license in the home state;

258 (2) Have no encumbrance on any state license;

259 (3) Be eligible for a compact privilege in any member state in accordance with Section 3;

260 (4) Have not had any adverse action against any license or compact privilege within the
261 previous 2 years from date of application;

- 262 (5) Notify the Commission that the licensee is seeking the compact privilege within a
263 remote state(s);
- 264 (6) Pay any applicable fees, including any state fee, for the compact privilege;
- 265 (7) Report to the Commission adverse action taken by any non-member state within 30
266 days from the date the adverse action is taken.
- 267 (b) For the purposes of the compact privilege, an audiologist or speech-language
268 pathologist shall only hold one home state license at a time.
- 269 (c) Except as provided in Section 6, if an audiologist or speech-language pathologist
270 changes primary state of residence by moving between two-member states, the audiologist
271 or speech-language pathologist must apply for licensure in the new home state, and the
272 license issued by the prior home state shall be deactivated in accordance with applicable
273 rules adopted by the Commission.
- 274 (d) The audiologist or speech-language pathologist may apply for licensure in advance of
275 a change in primary state of residence.
- 276 (e) A license shall not be issued by the new home state until the audiologist or
277 speech-language pathologist provides satisfactory evidence of a change in primary state of
278 residence to the new home state and satisfies all applicable requirements to obtain a license
279 from the new home state.
- 280 (f) If an audiologist or speech-language pathologist changes primary state of residence by
281 moving from a member state to a non-member state, the license issued by the prior home
282 state shall convert to a single-state license, valid only in the former home state.
- 283 (g) The compact privilege is valid until the expiration date of the home state license. The
284 licensee must comply with the requirements of Section 4A to maintain the compact
285 privilege in the remote state.
- 286 (h) A licensee providing audiology or speech-language pathology services in a remote
287 state under the compact privilege shall function within the laws and regulations of the
288 remote state.
- 289 (i) A licensee providing audiology or speech-language pathology services in a remote state
290 is subject to that state's regulatory authority. A remote state may, in accordance with due
291 process and that state's laws, remove a licensee's compact privilege in the remote state for
292 a specific period of time, impose fines, and/or take any other necessary actions to protect
293 the health and safety of its citizens.
- 294 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in
295 any remote state until the following occur:
- 296 (1) The home state license is no longer encumbered; and
- 297 (2) Two years have elapsed from the date of the adverse action.

298 (k) Once an encumbered license in the home state is restored to good standing, the licensee
 299 must meet the requirements of Section 4A to obtain a compact privilege in any remote
 300 state.

301 (l) Once the requirements of Section 4J have been met, the licensee must meet the
 302 requirements in Section 4A to obtain a compact privilege in a remote state.

303 SECTION 5.

304 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

305 Member states shall recognize the right of an audiologist or speech-language pathologist,
 306 licensed by a home state in accordance with Section 3 and under rules promulgated by the
 307 Commission, to practice audiology or speech-language pathology in any member state via
 308 telehealth under a privilege to practice as provided in the Compact and rules promulgated
 309 by the Commission.

310 SECTION 6.

311 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

317 SECTION 7.

318 ADVERSE ACTIONS

319 (a) In addition to the other powers conferred by state law, a remote state shall have the
 320 authority, in accordance with existing state due process law, to:

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

323 (2) Issue subpoenas for both hearings and investigations that require the attendance and
 324 testimony of witnesses as well as the production of evidence. Subpoenas issued by a
 325 licensing board in a member state for the attendance and testimony of witnesses or the
 326 production of evidence from another member state shall be enforced in the latter state by
 327 any court of competent jurisdiction, according to the practice and procedure of that court

328 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall
329 pay any witness fees, travel expenses, mileage and other fees required by the service statutes
330 of the state in which the witnesses or evidence are located.

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

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

337 (c) The home state shall complete any pending investigations of an audiologist or
338 speech-language pathologist who changes primary state of residence during the course of
339 the investigations. The home state shall also have the authority to take appropriate
340 action(s) and shall promptly report the conclusions of the investigations to the
341 administrator of the data system. The administrator of the coordinated licensure
342 information system shall promptly notify the new home state of any adverse actions.

343 (d) If otherwise permitted by state law, recover from the affected audiologist or
344 speech-language pathologist the costs of investigations and disposition of cases resulting
345 from any adverse action taken against that audiologist or speech-language pathologist.

346 (e) Take adverse action based on the factual findings of the remote state, provided that the
347 home state follows its own procedures for taking the adverse action.

348 (f) Joint Investigations

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

352 (2) Member states shall share any investigative, litigation, or compliance materials in
353 furtherance of any joint or individual investigation initiated under the Compact.

354 (g) If adverse action is taken by the home state against an audiologist's or speech language
355 pathologist's license, the audiologist's or speech-language pathologist's privilege to practice
356 in all other member states shall be deactivated until all encumbrances have been removed
357 from the state license. All home state disciplinary orders that impose adverse action
358 against an audiologist's or speech language pathologist's license shall include a statement
359 that the audiologist's or speech-language pathologist's privilege to practice is deactivated
360 in all member states during the pendency of the order.

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

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

366 SECTION 8.

367 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE

368 PATHOLOGY COMPACT COMMISSION

369 (a) The Compact member states hereby create and establish a joint public agency known
 370 as the Audiology and Speech-Language Pathology Compact Commission:

371 (1) The Commission is an instrumentality of the Compact states.

372 (2) Venue is proper and judicial proceedings by or against the Commission shall be
 373 brought solely and exclusively in a court of competent jurisdiction where the principal
 374 office of the Commission is located. The Commission may waive venue and
 375 jurisdictional defenses to the extent it adopts or consents to participate in alternative
 376 dispute resolution proceedings.

377 (3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

378 (b) Membership, Voting and Meetings

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

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

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

387 (4) The member state board shall fill any vacancy occurring on the Commission, within
 388 90 days.

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

392 (6) A delegate shall vote in person or by other means as provided in the bylaws. The
 393 bylaws may provide for delegates' participation in meetings by telephone or other means
 394 of communication.

395 (7) The Commission shall meet at least once during each calendar year. Additional
 396 meetings shall be held as set forth in the bylaws.

397 (c) The Commission shall have the following powers and duties:

- 398 (1) Establish the fiscal year of the Commission;
399 (2) Establish bylaws;
400 (3) Establish a Code of Ethics;
401 (4) Maintain its financial records in accordance with the bylaws;
402 (5) Meet and take actions as are consistent with the provisions of this Compact and the
403 bylaws;
404 (6) Promulgate uniform rules to facilitate and coordinate implementation and
405 administration of this Compact. The rules shall have the force and effect of law and shall
406 be binding in all member states;
407 (7) Bring and prosecute legal proceedings or actions in the name of the Commission,
408 provided that the standing of any state audiology or speech-language pathology licensing
409 board to sue or be sued under applicable law shall not be affected;
410 (8) Purchase and maintain insurance and bonds;
411 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,
412 employees of a member state;
413 (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant
414 individuals appropriate authority to carry out the purposes of the Compact, and to
415 establish the Commission's personnel policies and programs relating to conflicts of
416 interest, qualifications of personnel, and other related personnel matters;
417 (11) Accept any and all appropriate donations and grants of money, equipment, supplies,
418 materials and services, and to receive, utilize and dispose of the same; provided that at
419 all times the Commission shall avoid any appearance of impropriety and/or conflict of
420 interest;
421 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
422 improve or use, any property, real, personal or mixed; provided that at all times the
423 Commission shall avoid any appearance of impropriety;
424 (13) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
425 any property real, personal, or mixed;
426 (14) Establish a budget and make expenditures;
427 (15) Borrow money;
428 (16) Appoint committees, including standing committees composed of members, and
429 other interested persons as may be designated in this Compact and the bylaws;
430 (17) Provide and receive information from, and cooperate with, law enforcement
431 agencies;
432 (18) Establish and elect an Executive Committee; and

433 (19) Perform other functions as may be necessary or appropriate to achieve the purposes
 434 of this Compact consistent with the state regulation of audiology and speech-language
 435 pathology licensure and practice.

436 (d) The Executive Committee

437 The Executive Committee shall have the power to act on behalf of the Commission
 438 according to the terms of this Compact:

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

440 (A) Seven (7) voting members who are elected by the Commission from the current
 441 membership of the Commission;

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

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

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

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

450 (2) The Executive Committee shall meet at least annually.

451 (3) The Executive Committee shall have the following duties and responsibilities:

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

455 (B) Ensure Compact administration services are appropriately provided, contractual
 456 or otherwise;

457 (C) Prepare and recommend the budget;

458 (D) Maintain financial records on behalf of the Commission;

459 (E) Monitor Compact compliance of member states and provide compliance reports to
 460 the Commission;

461 (F) Establish additional committees as necessary; and

462 (G) Other duties as provided in rules or bylaws.

463 (4) Meetings of the Commission

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

466 (5) The Commission or the Executive Committee or other committees of the
 467 Commission may convene in a closed, non-public meeting if the Commission or
 468 Executive Committee or other committees of the Commission must discuss:

- 469 (A) Non-compliance of a member state with its obligations under the Compact;
 470 (B) The employment, compensation, discipline or other matters, practices or
 471 procedures related to specific employees or other matters related to the Commission's
 472 internal personnel practices and procedures;
 473 (C) Current, threatened, or reasonably anticipated litigation;
 474 (D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
 475 estate;
 476 (E) Accusing any person of a crime or formally censuring any person;
 477 (F) Disclosure of trade secrets or commercial or financial information that is privileged
 478 or confidential;
 479 (G) Disclosure of information of a personal nature where disclosure would constitute
 480 a clearly unwarranted invasion of personal privacy;
 481 (H) Disclosure of investigative records compiled for law enforcement purposes;
 482 (I) Disclosure of information related to any investigative reports prepared by or on
 483 behalf of or for use of the Commission or other committee charged with responsibility
 484 of investigation or determination of compliance issues pursuant to the Compact; or
 485 (J) Matters specifically exempted from disclosure by federal or member state statute.
 486 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
 487 Commission's legal counsel or designee shall certify that the meeting may be closed and
 488 shall reference each relevant exempting provision.
 489 (7) The Commission shall keep minutes that fully and clearly describe all matters
 490 discussed in a meeting and shall provide a full and accurate summary of actions taken,
 491 and the reasons therefore, including a description of the views expressed. All documents
 492 considered in connection with an action shall be identified in minutes. All minutes and
 493 documents of a closed meeting shall remain under seal, subject to release by a majority
 494 vote of the Commission or order of a court of competent jurisdiction.
 495 (8) Financing of the Commission
 496 (A) The Commission shall pay, or provide for the payment of, the reasonable expenses
 497 of its establishment, organization, and ongoing activities.
 498 (B) The Commission may accept any and all appropriate revenue sources, donations,
 499 and grants of money, equipment, supplies, materials, and services.
 500 (C) The Commission may levy on and collect an annual assessment from each member
 501 state or impose fees on other parties to cover the cost of the operations and activities of
 502 the Commission and its staff, which must be in a total amount sufficient to cover its
 503 annual budget as approved each year for which revenue is not provided by other
 504 sources. The aggregate annual assessment amount shall be allocated based upon a

505 formula to be determined by the Commission, which shall promulgate a rule binding
506 upon all member states.

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

510 (10) The Commission shall keep accurate accounts of all receipts and disbursements.
511 The receipts and disbursements of the Commission shall be subject to the audit and
512 accounting procedures established under its bylaws. However, all receipts and
513 disbursements of funds handled by the Commission shall be audited yearly by a certified
514 or licensed public accountant, and the report of the audit shall be included in and become
515 part of the annual report of the Commission.

516 (f) Qualified Immunity, Defense, and Indemnification

517 (1) The members, officers, executive director, employees and representatives of the
518 Commission shall be immune from suit and liability, either personally or in their official
519 capacity, for any claim for damage to or loss of property or personal injury or other civil
520 liability caused by or arising out of any actual or alleged act, error or omission that
521 occurred, or that the person against whom the claim is made had a reasonable basis for
522 believing occurred within the scope of Commission employment, duties or
523 responsibilities; provided that nothing in this paragraph shall be construed to protect any
524 person from suit and/or liability for any damage, loss, injury, or liability caused by the
525 intentional or willful or wanton misconduct of that person.

526 (2) The Commission shall defend any member, officer, executive director, employee or
527 representative of the Commission in any civil action seeking to impose liability arising
528 out of any actual or alleged act, error, or omission that occurred within the scope of
529 Commission employment, duties, or responsibilities, or that the person against whom the
530 claim is made had a reasonable basis for believing occurred within the scope of
531 Commission employment, duties, or responsibilities; provided that nothing herein shall
532 be construed to prohibit that person from retaining his or her own counsel; and provided
533 further, that the actual or alleged act, error, or omission did not result from that person's
534 intentional or willful or wanton misconduct.

535 (3) The Commission shall indemnify and hold harmless any member, officer, executive
536 director, employee, or representative of the Commission for the amount of any settlement
537 or judgment obtained against that person arising out of any actual or alleged act, error or
538 omission that occurred within the scope of Commission employment, duties, or
539 responsibilities, or that person had a reasonable basis for believing occurred within the
540 scope of Commission employment, duties, or responsibilities, provided that the actual or

541 alleged act, error, or omission did not result from the intentional or willful or wanton
542 misconduct of that person.

543 SECTION 9.
544 DATA SYSTEM

545 (a) The Commission shall provide for the development, maintenance, and utilization of a
546 coordinated database and reporting system containing licensure, adverse action, and
547 investigative information on all licensed individuals in member states.

548 (b) Notwithstanding any other provision of state law to the contrary, a member state shall
549 submit a uniform data set to the data system on all individuals to whom this Compact is
550 applicable as required by the rules of the Commission, including:

551 (1) Identifying information;

552 (2) Licensure data;

553 (3) Adverse actions against a license or compact privilege;

554 (4) Non-confidential information related to alternative program participation;

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

556 (6) Other information that may facilitate the administration of this Compact, as
557 determined by the rules of the Commission.

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

560 (d) The Commission shall promptly notify all member states of any adverse action taken
561 against a licensee or an individual applying for a license. Adverse action information
562 pertaining to a licensee in any member state shall be available to any other member state.

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

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

569 SECTION 10.
570 RULEMAKING

- 571 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
572 in this Section and the rules adopted thereunder. Rules and amendments shall become
573 binding as of the date specified in each rule or amendment.
- 574 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a
575 statute or resolution in the same manner used to adopt the Compact within 4 years of the
576 date of adoption of the rule, the rule shall have no further force and effect in any member
577 state.
- 578 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the
579 Commission.
- 580 (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and at
581 least thirty (30) days in advance of the meeting at which the rule shall be considered and
582 voted upon, the Commission shall file a Notice of Proposed Rulemaking:
- 583 (1) On the website of the Commission or other publicly accessible platform; and
584 (2) On the website of each member state audiology or speech-language pathology
585 licensing board or other publicly accessible platform or the publication in which each
586 state would otherwise publish proposed rules.
- 587 (e) The Notice of Proposed Rulemaking shall include:
- 588 (1) The proposed time, date, and location of the meeting in which the rule shall be
589 considered and voted upon;
- 590 (2) The text of the proposed rule or amendment and the reason for the proposed rule;
591 (3) A request for comments on the proposed rule from any interested person; and
592 (4) The manner in which interested persons may submit notice to the Commission of
593 their intention to attend the public hearing and any written comments.
- 594 (f) Prior to the adoption of a proposed rule, the Commission shall allow persons to submit
595 written data, facts, opinions and arguments, which shall be made available to the public.
- 596 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule
597 or amendment if a hearing is requested by:
- 598 (1) At least twenty-five (25) persons;
599 (2) A state or federal governmental subdivision or agency; or
600 (3) An association having at least twenty-five (25) members.
- 601 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish
602 the place, time, and date of the scheduled public hearing. If the hearing is held via
603 electronic means, the Commission shall publish the mechanism for access to the electronic
604 hearing.
- 605 (1) All persons wishing to be heard at the hearing shall notify the executive director of
606 the Commission or other designated member in writing of their desire to appear and

607 testify at the hearing not less than five (5) business days before the scheduled date of the
608 hearing.

609 (2) Hearings shall be conducted in a manner providing each person who wishes to
610 comment a fair and reasonable opportunity to comment orally or in writing.

611 (3) All hearings shall be recorded. A copy of the recording shall be made available on
612 request.

613 (4) Nothing in this section shall be construed as requiring a separate hearing on each
614 rule. Rules may be grouped for the convenience of the Commission at hearings required
615 by this section.

616 (i) Following the scheduled hearing date, or by the close of business on the scheduled
617 hearing date if the hearing was not held, the Commission shall consider all written and oral
618 comments received.

619 (j) If no written notice of intent to attend the public hearing by interested parties is
620 received, the Commission may proceed with promulgation of the proposed rule without a
621 public hearing.

622 (k) The Commission shall, by majority vote of all members, take final action on the
623 proposed rule and shall determine the effective date of the rule, if any, based on the
624 rulemaking record and the full text of the rule.

625 (l) Upon determination that an emergency exists, the Commission may consider and adopt
626 an emergency rule without prior notice, opportunity for comment, or hearing, provided that
627 the usual rulemaking procedures provided in the Compact and in this section shall be
628 retroactively applied to the rule as soon as reasonably possible, in no event later than
629 ninety (90) days after the effective date of the rule. For the purposes of this provision, an
630 emergency rule is one that must be adopted immediately in order to:

631 (1) Meet an imminent threat to public health, safety, or welfare;
632 (2) Prevent a loss of Commission or member state funds; or
633 (3) Meet a deadline for the promulgation of an administrative rule that is established by
634 federal law or rule.

635 (m) The Commission or an authorized committee of the Commission may direct revisions
636 to a previously adopted rule or amendment for purposes of correcting typographical errors,
637 errors in format, errors in consistency, or grammatical errors. Public notice of any
638 revisions shall be posted on the website of the Commission. The revision shall be subject
639 to challenge by any person for a period of thirty (30) days after posting. The revision may
640 be challenged only on grounds that the revision results in a material change to a rule. A
641 challenge shall be made in writing and delivered to the chair of the Commission prior to
642 the end of the notice period. If no challenge is made, the revision shall take effect without

643 further action. If the revision is challenged, the revision may not take effect without the
 644 approval of the Commission.

645 SECTION 11.

646 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

647 (a) Dispute Resolution

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

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

653 (b) Enforcement

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

656 (2) By majority vote, the Commission may initiate legal action in the United States
 657 District Court for the District of Columbia or the federal district where the Commission
 658 has its principal offices against a member state in default to enforce compliance with the
 659 provisions of the Compact and its promulgated rules and bylaws. The relief sought may
 660 include both injunctive relief and damages. In the event judicial enforcement is
 661 necessary, the prevailing member shall be awarded all costs of litigation, including
 662 reasonable attorney's fees.

663 (3) The remedies herein shall not be the exclusive remedies of the Commission. The
 664 Commission may pursue any other remedies available under federal or state law.

665 SECTION 12.

666 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
 667 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE
 668 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

669 (a) The Compact shall come into effect on the date on which the Compact statute is
 670 enacted into law in the 10th member state. The provisions, which become effective at that
 671 time, shall be limited to the powers granted to the Commission relating to assembly and the
 672 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking
 673 powers necessary to the implementation and administration of the Compact.

674 (b) Any state that joins the Compact subsequent to the Commission's initial adoption of
675 the rules shall be subject to the rules as they exist on the date on which the Compact
676 becomes law in that state. Any rule that has been previously adopted by the Commission
677 shall have the full force and effect of law on the day the Compact becomes law in that state.

678 (c) Any member state may withdraw from this Compact by enacting a statute repealing the
679 same.

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

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

686 (d) Nothing contained in this Compact shall be construed to invalidate or prevent any
687 audiology or speech-language pathology licensure agreement or other cooperative
688 arrangement between a member state and a non-member state that does not conflict with
689 the provisions of this Compact.

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

693 SECTION 13.

694 CONSTRUCTION AND SEVERABILITY

695 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
696 provisions of this Compact shall be severable and if any phrase, clause, sentence or
697 provision of this Compact is declared to be contrary to the constitution of any member state
698 or of the United States or the applicability thereof to any government, agency, person or
699 circumstance is held invalid, the validity of the remainder of this Compact and the
700 applicability thereof to any government, agency, person or circumstance shall not be
701 affected thereby. If this Compact shall be held contrary to the constitution of any member
702 state, the Compact shall remain in full force and effect as to the remaining member states
703 and in full force and effect as to the member state affected as to all severable matters.

704 SECTION 14.

705 BINDING EFFECT OF COMPACT AND OTHER LAWS

706 (a) Nothing herein prevents the enforcement of any other law of a member state that is not
707 inconsistent with the Compact.

708 (b) All laws in a member state in conflict with the Compact are superseded to the extent
709 of the conflict.

710 (c) All lawful actions of the Commission, including all rules and bylaws promulgated by
711 the Commission, are binding upon the member states.

712 (d) All agreements between the Commission and the member states are binding in
713 accordance with their terms.

714 (e) In the event any provision of the Compact exceeds the constitutional limits imposed
715 on the legislature of any member state, the provision shall be ineffective to the extent of
716 the conflict with the constitutional provision in question in that member state."

717 **SECTION 4.**

718 All laws and parts of laws in conflict with this Act are repealed.