

House Bill 956

By: Representatives Belton of the 112<sup>th</sup>, Newton of the 123<sup>rd</sup>, Nix of the 69<sup>th</sup>, Williams of the 168<sup>th</sup>, and Prince of the 127<sup>th</sup>

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  
3 provide for national background checks by the submission of fingerprints to the Federal  
4 Bureau of Investigation through the Georgia Crime Information Center; to enter into an  
5 interstate compact known as the "Audiology and Speech-Language Pathology Interstate  
6 Compact"; to authorize the State Board of Examiners for Speech-Language Pathology and  
7 Audiology to administer the compact in this state; to provide for definitions; to provide for  
8 conditions; to provide for eligibility; to provide for related matters; to repeal conflicting laws;  
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

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

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

19 style="text-align:center">**SECTION 2.**

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

22 "(a) The board shall:

23 (1) Have the responsibility and duty of administering and enforcing this chapter and shall  
24 assist the division director in carrying out this chapter;

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

56 **SECTION 3.**

57 Said chapter is further amended by revising subsection (a) of Code Section 43-44-8, relating  
 58 to requirements for licensure, continuing validity of licenses, and renewal of licenses, as  
 59 follows:

60 "(a) To be eligible for licensure by the board as a speech-language pathologist or as an  
61 audiologist, the applicant shall have:

62 (1) Completed the academic and clinical requirements as established by rule of the  
63 board;

64 (2) Completed the professional experience requirement. Every applicant for licensure  
65 as a speech-language pathologist or audiologist shall demonstrate, prior to licensure,  
66 full-time or equivalent part-time professional employment, as determined by the board.  
67 The board, by rule, shall establish standards for obtaining and verifying the required  
68 professional employment experience;

69 (3) Passed an examination or examinations approved by the board. Each applicant for  
70 licensure as a speech-language pathologist or audiologist shall make application for  
71 examination as provided by the board;

72 (4) Demonstrated good moral character; ~~and~~

73 (5) Demonstrated recency of study through experience, continuing education, or both,  
74 as approved by the board; and

75 (6) Received satisfactory results from a fingerprint record check report conducted by the  
76 Georgia Crime Information Center and the Federal Bureau of Investigation, as  
77 determined by the board. Application for the issuance of a license under this Code  
78 section shall constitute express consent and authorization for the board or its  
79 representative to perform a criminal background check. Each applicant who submits an  
80 application to the board for licensure agrees to provide the board with any and all  
81 information necessary to run a criminal background check, including, but not limited to,  
82 classifiable sets of fingerprints. Such applicant shall be responsible for all fees associated  
83 with the performance of such background check."

84 **SECTION 4.**

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

88 "ARTICLE 2

89 43-44-30.

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

92 43-44-31.

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

96 'AUDIOLOGY AND SPEECH-LANGUAGE  
 97 PATHOLOGY INTERSTATE COMPACT

98 SECTION 1.  
 99 PURPOSE

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

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

- 107 (1) Increase public access to audiology and speech-language pathology services by  
 108 providing for the mutual recognition of other member state licenses;  
 109 (2) Enhance the states' ability to protect the public's health and safety;  
 110 (3) Encourage the cooperation of member states in regulating multistate audiology and  
 111 speech-language pathology practice;  
 112 (4) Support spouses of relocating active duty military personnel;  
 113 (5) Enhance the exchange of licensure, investigative and disciplinary information  
 114 between member states;  
 115 (6) Allow a remote state to hold a provider of services with a compact privilege in that  
 116 state accountable to that state's practice standards; and  
 117 (7) Allow for the use of telehealth technology to facilitate increased access to audiology  
 118 and speech-language pathology services.

119 SECTION 2.  
 120 DEFINITIONS

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

- 123 (1) 'Active duty military' means full-time duty status in the active uniformed service of  
124 the United States, including members of the National Guard and Reserve on active duty  
125 orders pursuant to 10 U.S.C. Section 1209 and 1211.
- 126 (2) 'Adverse action' means any administrative, civil, equitable or criminal action  
127 permitted by a state's laws which is imposed by a licensing board or other authority  
128 against an audiologist or speech-language pathologist, including actions against an  
129 individual's license or privilege to practice such as revocation, suspension, probation,  
130 monitoring of the licensee, or restriction on the licensee's practice.
- 131 (3) 'Alternative program' means a non-disciplinary monitoring process approved by an  
132 audiology or speech-language pathology licensing board to address impaired  
133 practitioners.
- 134 (4) 'Audiologist' means an individual who is licensed by a state to practice audiology.
- 135 (5) 'Audiology' means the care and services provided by a licensed audiologist as set  
136 forth in the member state's statutes and rules.
- 137 (6) 'Audiology and Speech-Language Pathology Compact Commission' or 'Commission'  
138 means the national administrative body whose membership consists of all states that have  
139 enacted the Compact.
- 140 (7) 'Audiology and speech-language pathology licensing board,' 'audiology licensing  
141 board,' 'speech-language pathology licensing board,' or 'licensing board' means the agency  
142 of a state that is responsible for the licensing and regulation of audiologists and/or  
143 speech-language pathologists.
- 144 (8) 'Compact privilege' means the authorization granted by a remote state to allow a  
145 licensee from another member state to practice as an audiologist or speech-language  
146 pathologist in the remote state under its laws and rules. The practice of audiology or  
147 speech-language pathology occurs in the member state where the patient, client, or  
148 student is located at the time of the patient, client, or student encounter.
- 149 (9) 'Current significant investigative information' means investigative information that  
150 a licensing board, after an inquiry or investigation that includes notification and an  
151 opportunity for the audiologist or speech-language pathologist to respond, if required by  
152 state law, has reason to believe is not groundless and, if proved true, would indicate more  
153 than a minor infraction.
- 154 (10) 'Data system' means a repository of information about licensees, including, but not  
155 limited to, continuing education, examination, licensure, investigative, compact privilege  
156 and adverse action.

- 157 (11) 'Encumbered license' means a license in which an adverse action restricts the  
158 practice of audiology or speech-language pathology by the licensee and said adverse  
159 action has been reported to the National Practitioners Data Bank (NPDB).
- 160 (12) 'Executive Committee' means a group of directors elected or appointed to act on  
161 behalf of, and within the powers granted to them by, the Commission.
- 162 (13) 'Home state' means the member state that is the licensee's primary state of residence.
- 163 (14) 'Impaired practitioner' means individuals whose professional practice is adversely  
164 affected by substance abuse, addiction, or other health-related conditions.
- 165 (15) 'Licensee' means an individual who currently holds an authorization from the state  
166 licensing board to practice as an audiologist or speech-language pathologist.
- 167 (16) 'Member state' means a state that has enacted the Compact.
- 168 (17) 'Privilege to practice' means a legal authorization permitting the practice of  
169 audiology or speech-language pathology in a remote state.
- 170 (18) 'Remote state' means a member state other than the home state where a licensee is  
171 exercising or seeking to exercise the compact privilege.
- 172 (19) 'Rule' means a regulation, principle or directive promulgated by the Commission  
173 that has the force of law.
- 174 (20) 'Single-state license' means an audiology or speech-language pathology license  
175 issued by a member state that authorizes practice only within the issuing state and does  
176 not include a privilege to practice in any other member state.
- 177 (21) 'Speech-language pathologist' means an individual who is licensed by a state to  
178 practice speech-language pathology.
- 179 (22) 'Speech-language pathology' means the care and services provided by a licensed  
180 speech-language pathologist as set forth in the member state's statutes and rules.
- 181 (23) 'State' means any state, commonwealth, district or territory of the United States of  
182 America that regulates the practice of audiology and speech-language pathology.
- 183 (24) 'State practice laws' means a member state's laws, rules and regulations that govern  
184 the practice of audiology or speech-language pathology, define the scope of audiology  
185 or speech-language pathology practice, and create the methods and grounds for imposing  
186 discipline.
- 187 (25) 'Telehealth' means the application of telecommunication technology to deliver  
188 audiology or speech-language pathology services at a distance for assessment,  
189 intervention and/or consultation.

SECTION 3.

STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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

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

218 (e) For an audiologist:

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

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

226 (B) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or  
227 equivalent degree, regardless of degree name, from a program that is accredited by an  
228 accrediting agency recognized by the Council for Higher Education Accreditation, or its  
229 successor, or by the United States Department of Education and operated by a college or  
230 university accredited by a regional or national accrediting organization recognized by the  
231 board; or

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

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

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

240 (4) Holds an active, unencumbered license;

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

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

246 (f) For a speech-language pathologist:

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

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

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

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

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

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

262 (5) Holds an active, unencumbered license;

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

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

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

269 (h) An audiologist or speech-language pathologist practicing in a member state must  
270 comply with the state practice laws of the state in which the client is located at the time  
271 service is provided. The practice of audiology and speech-language pathology shall  
272 include all audiology and speech-language pathology practice as defined by the state  
273 practice laws of the member state in which the client is located. The practice of audiology  
274 and speech-language pathology in a member state under a privilege to practice shall subject  
275 an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the  
276 courts and the laws of the member state in which the client is located at the time service is  
277 provided.

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

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

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

#### 287 SECTION 4.

#### 288 COMPACT PRIVILEGE

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

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

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

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

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

- 296 (5) Notify the Commission that the licensee is seeking the compact privilege within a  
297 remote state(s);
- 298 (6) Pay any applicable fees, including any state fee, for the compact privilege;
- 299 (7) Report to the Commission adverse action taken by any non-member state within 30  
300 days from the date the adverse action is taken.
- 301 (b) For the purposes of the compact privilege, an audiologist or speech-language  
302 pathologist shall only hold one home state license at a time.
- 303 (c) Except as provided in Section 6, if an audiologist or speech-language pathologist  
304 changes primary state of residence by moving between two-member states, the audiologist  
305 or speech-language pathologist must apply for licensure in the new home state, and the  
306 license issued by the prior home state shall be deactivated in accordance with applicable  
307 rules adopted by the Commission.
- 308 (d) The audiologist or speech-language pathologist may apply for licensure in advance of  
309 a change in primary state of residence.
- 310 (e) A license shall not be issued by the new home state until the audiologist or  
311 speech-language pathologist provides satisfactory evidence of a change in primary state of  
312 residence to the new home state and satisfies all applicable requirements to obtain a license  
313 from the new home state.
- 314 (f) If an audiologist or speech-language pathologist changes primary state of residence by  
315 moving from a member state to a non-member state, the license issued by the prior home  
316 state shall convert to a single-state license, valid only in the former home state.
- 317 (g) The compact privilege is valid until the expiration date of the home state license. The  
318 licensee must comply with the requirements of Section 4A to maintain the compact  
319 privilege in the remote state.
- 320 (h) A licensee providing audiology or speech-language pathology services in a remote  
321 state under the compact privilege shall function within the laws and regulations of the  
322 remote state.
- 323 (i) A licensee providing audiology or speech-language pathology services in a remote state  
324 is subject to that state's regulatory authority. A remote state may, in accordance with due  
325 process and that state's laws, remove a licensee's compact privilege in the remote state for  
326 a specific period of time, impose fines, and/or take any other necessary actions to protect  
327 the health and safety of its citizens.
- 328 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in  
329 any remote state until the following occur:
- 330 (1) The home state license is no longer encumbered; and  
331 (2) Two years have elapsed from the date of the adverse action.

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

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

337 SECTION 5.

338 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

344 SECTION 6.

345 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

351 SECTION 7.

352 ADVERSE ACTIONS

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

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

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

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

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

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

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

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

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

382 (f) Joint Investigations

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

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

388 (g) If adverse action is taken by the home state against an audiologist's or speech language  
389 pathologist's license, the audiologist's or speech-language pathologist's privilege to practice  
390 in all other member states shall be deactivated until all encumbrances have been removed  
391 from the state license. All home state disciplinary orders that impose adverse action  
392 against an audiologist's or speech language pathologist's license shall include a statement  
393 that the audiologist's or speech-language pathologist's privilege to practice is deactivated  
394 in all member states during the pendency of the order.

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

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

400 SECTION 8.

401 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE

402 PATHOLOGY COMPACT COMMISSION

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

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

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

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

412 (b) Membership, Voting and Meetings

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

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

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

421 (4) The member state board shall fill any vacancy occurring on the Commission, within  
 422 90 days.

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

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

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

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

- 432 (1) Establish the fiscal year of the Commission;  
433 (2) Establish bylaws;  
434 (3) Establish a Code of Ethics;  
435 (4) Maintain its financial records in accordance with the bylaws;  
436 (5) Meet and take actions as are consistent with the provisions of this Compact and the  
437 bylaws;  
438 (6) Promulgate uniform rules to facilitate and coordinate implementation and  
439 administration of this Compact. The rules shall have the force and effect of law and shall  
440 be binding in all member states;  
441 (7) Bring and prosecute legal proceedings or actions in the name of the Commission,  
442 provided that the standing of any state audiology or speech-language pathology licensing  
443 board to sue or be sued under applicable law shall not be affected;  
444 (8) Purchase and maintain insurance and bonds;  
445 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,  
446 employees of a member state;  
447 (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant  
448 individuals appropriate authority to carry out the purposes of the Compact, and to  
449 establish the Commission's personnel policies and programs relating to conflicts of  
450 interest, qualifications of personnel, and other related personnel matters;  
451 (11) Accept any and all appropriate donations and grants of money, equipment, supplies,  
452 materials and services, and to receive, utilize and dispose of the same; provided that at  
453 all times the Commission shall avoid any appearance of impropriety and/or conflict of  
454 interest;  
455 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
456 improve or use, any property, real, personal or mixed; provided that at all times the  
457 Commission shall avoid any appearance of impropriety;  
458 (13) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of  
459 any property real, personal, or mixed;  
460 (14) Establish a budget and make expenditures;  
461 (15) Borrow money;  
462 (16) Appoint committees, including standing committees composed of members, and  
463 other interested persons as may be designated in this Compact and the bylaws;  
464 (17) Provide and receive information from, and cooperate with, law enforcement  
465 agencies;  
466 (18) Establish and elect an Executive Committee; and

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

470 (d) The Executive Committee

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

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

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

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

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

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

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

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

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

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

489 (B) Ensure Compact administration services are appropriately provided, contractual  
 490 or otherwise;

491 (C) Prepare and recommend the budget;

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

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

495 (F) Establish additional committees as necessary; and

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

497 (4) Meetings of the Commission

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

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

- 503 (A) Non-compliance of a member state with its obligations under the Compact;  
 504 (B) The employment, compensation, discipline or other matters, practices or  
 505 procedures related to specific employees or other matters related to the Commission's  
 506 internal personnel practices and procedures;  
 507 (C) Current, threatened, or reasonably anticipated litigation;  
 508 (D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
 509 estate;  
 510 (E) Accusing any person of a crime or formally censuring any person;  
 511 (F) Disclosure of trade secrets or commercial or financial information that is privileged  
 512 or confidential;  
 513 (G) Disclosure of information of a personal nature where disclosure would constitute  
 514 a clearly unwarranted invasion of personal privacy;  
 515 (H) Disclosure of investigative records compiled for law enforcement purposes;  
 516 (I) Disclosure of information related to any investigative reports prepared by or on  
 517 behalf of or for use of the Commission or other committee charged with responsibility  
 518 of investigation or determination of compliance issues pursuant to the Compact; or  
 519 (J) Matters specifically exempted from disclosure by federal or member state statute.  
 520 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the  
 521 Commission's legal counsel or designee shall certify that the meeting may be closed and  
 522 shall reference each relevant exempting provision.  
 523 (7) The Commission shall keep minutes that fully and clearly describe all matters  
 524 discussed in a meeting and shall provide a full and accurate summary of actions taken,  
 525 and the reasons therefore, including a description of the views expressed. All documents  
 526 considered in connection with an action shall be identified in minutes. All minutes and  
 527 documents of a closed meeting shall remain under seal, subject to release by a majority  
 528 vote of the Commission or order of a court of competent jurisdiction.  
 529 (8) Financing of the Commission  
 530 (A) The Commission shall pay, or provide for the payment of, the reasonable expenses  
 531 of its establishment, organization, and ongoing activities.  
 532 (B) The Commission may accept any and all appropriate revenue sources, donations,  
 533 and grants of money, equipment, supplies, materials, and services.  
 534 (C) The Commission may levy on and collect an annual assessment from each member  
 535 state or impose fees on other parties to cover the cost of the operations and activities of  
 536 the Commission and its staff, which must be in a total amount sufficient to cover its  
 537 annual budget as approved each year for which revenue is not provided by other  
 538 sources. The aggregate annual assessment amount shall be allocated based upon a

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

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

544 (10) The Commission shall keep accurate accounts of all receipts and disbursements.  
545 The receipts and disbursements of the Commission shall be subject to the audit and  
546 accounting procedures established under its bylaws. However, all receipts and  
547 disbursements of funds handled by the Commission shall be audited yearly by a certified  
548 or licensed public accountant, and the report of the audit shall be included in and become  
549 part of the annual report of the Commission.

550 (f) Qualified Immunity, Defense, and Indemnification

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

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

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

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

577 SECTION 9.  
 578 DATA SYSTEM

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

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

585 (1) Identifying information;

586 (2) Licensure data;

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

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

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

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

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

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

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

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

603 SECTION 10.  
 604 RULEMAKING

605 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth  
 606 in this Section and the rules adopted thereunder. Rules and amendments shall become  
 607 binding as of the date specified in each rule or amendment.

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

612 (c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the  
613 Commission.

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

617 (1) On the website of the Commission or other publicly accessible platform; and

618 (2) On the website of each member state audiology or speech-language pathology  
619 licensing board or other publicly accessible platform or the publication in which each  
620 state would otherwise publish proposed rules.

621 (e) The Notice of Proposed Rulemaking shall include:

622 (1) The proposed time, date, and location of the meeting in which the rule shall be  
623 considered and voted upon;

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

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

626 (4) The manner in which interested persons may submit notice to the Commission of  
627 their intention to attend the public hearing and any written comments.

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

630 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule  
631 or amendment if a hearing is requested by:

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

633 (2) A state or federal governmental subdivision or agency; or

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

635 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish  
636 the place, time, and date of the scheduled public hearing. If the hearing is held via  
637 electronic means, the Commission shall publish the mechanism for access to the electronic  
638 hearing.

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

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

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

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

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

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

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

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

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

669 (m) The Commission or an authorized committee of the Commission may direct revisions  
670 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
671 errors in format, errors in consistency, or grammatical errors. Public notice of any  
672 revisions shall be posted on the website of the Commission. The revision shall be subject  
673 to challenge by any person for a period of thirty (30) days after posting. The revision may  
674 be challenged only on grounds that the revision results in a material change to a rule. A  
675 challenge shall be made in writing and delivered to the chair of the Commission prior to  
676 the end of the notice period. If no challenge is made, the revision shall take effect without  
677 further action. If the revision is challenged, the revision may not take effect without the  
678 approval of the Commission.

679

SECTION 11.

680

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT681 (a) Dispute Resolution

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

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

687 (b) Enforcement

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

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

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

699

SECTION 12.

700

DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR

701

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE

702

AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

727 SECTION 13.

728 CONSTRUCTION AND SEVERABILITY

729 This Compact shall be liberally construed so as to effectuate the purposes thereof. The  
 730 provisions of this Compact shall be severable and if any phrase, clause, sentence or  
 731 provision of this Compact is declared to be contrary to the constitution of any member state  
 732 or of the United States or the applicability thereof to any government, agency, person or  
 733 circumstance is held invalid, the validity of the remainder of this Compact and the  
 734 applicability thereof to any government, agency, person or circumstance shall not be  
 735 affected thereby. If this Compact shall be held contrary to the constitution of any member  
 736 state, the Compact shall remain in full force and effect as to the remaining member states  
 737 and in full force and effect as to the member state affected as to all severable matters.

738 SECTION 14.

739 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

- 744 (c) All lawful actions of the Commission, including all rules and bylaws promulgated by  
745 the Commission, are binding upon the member states.
- 746 (d) All agreements between the Commission and the member states are binding in  
747 accordance with their terms.
- 748 (e) In the event any provision of the Compact exceeds the constitutional limits imposed  
749 on the legislature of any member state, the provision shall be ineffective to the extent of  
750 the conflict with the constitutional provision in question in that member state."

751

**SECTION 5.**

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