

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

AS PASSED

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 provide the State Board of Examiners for Speech-Language
5 Pathology and Audiology with the power to administer such compact in this state and to
6 conduct national background checks for which applicants for licensure are required to submit
7 fingerprints; to provide for definitions; to provide for conditions; to provide for eligibility;
8 to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

21 "(a) The board shall:

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

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

55 SECTION 3.

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

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

- 61 (1) Completed the academic and clinical requirements as established by rule of the
 62 board;
- 63 (2) Completed the professional experience requirement. Every applicant for licensure
 64 as a speech-language pathologist or audiologist shall demonstrate, prior to licensure,
 65 full-time or equivalent part-time professional employment, as determined by the board.
 66 The board, by rule, shall establish standards for obtaining and verifying the required
 67 professional employment experience;
- 68 (3) Passed an examination or examinations approved by the board. Each applicant for
 69 licensure as a speech-language pathologist or audiologist shall make application for
 70 examination as provided by the board;
- 71 (4) Demonstrated good moral character; ~~and~~
- 72 (5) Demonstrated recency of study through experience, continuing education, or both,
 73 as approved by the board; and
- 74 (6) Satisfactory results from a fingerprint record check report conducted by the Georgia
 75 Crime Information Center and the Federal Bureau of Investigation, as determined by the
 76 board. Application for the issuance of a license under this Code section shall constitute
 77 express consent and authorization for the board or its representative to perform a criminal
 78 background check. Each applicant who submits an application to the board for licensure
 79 agrees to provide the board with any and all information necessary to run a criminal
 80 background check, including, but not limited to, classifiable sets of fingerprints. Such
 81 applicant shall be responsible for all fees associated with the performance of such
 82 background check."

83 **SECTION 4.**

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

87 "ARTICLE 2

88 43-44-30.

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

91 43-44-31.
 92 The Audiology and Speech-Language Pathology Interstate Compact is enacted into law and
 93 entered into by the State of Georgia with any and all other states legally joining therein in
 94 the form substantially as follows:

95 'AUDIOLOGY AND SPEECH-LANGUAGE
 96 PATHOLOGY INTERSTATE COMPACT

97 SECTION 1.
 98 PURPOSE

99 (a) The purpose of this Compact is to facilitate interstate practice of audiology and
 100 speech-language pathology with the goal of improving public access to audiology and
 101 speech-language pathology services. The practice of audiology and speech-language
 102 pathology occurs in the state where the patient/client/student is located at the time of the
 103 patient/client/student encounter. The Compact preserves the regulatory authority of states
 104 to protect public health and safety through the current system of state licensure.
 105 (b) This Compact is designed to achieve the following objectives:
 106 (1) Increase public access to audiology and speech-language pathology services by
 107 providing for the mutual recognition of other member state licenses;
 108 (2) Enhance the states' ability to protect the public's health and safety;
 109 (3) Encourage the cooperation of member states in regulating multistate audiology and
 110 speech-language pathology practice;
 111 (4) Support spouses of relocating active duty military personnel;
 112 (5) Enhance the exchange of licensure, investigative and disciplinary information
 113 between member states;
 114 (6) Allow a remote state to hold a provider of services with a compact privilege in that
 115 state accountable to that state's practice standards; and
 116 (7) Allow for the use of telehealth technology to facilitate increased access to audiology
 117 and speech-language pathology services.

118 SECTION 2.
 119 DEFINITIONS

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

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

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

190 SECTION 3.

191 STATE PARTICIPATION IN THE COMPACT

192 (a) Upon the grant of the compact privilege, a license issued to an audiologist or
193 speech-language pathologist by a home state to a resident in that state shall be recognized
194 by each member state as authorizing an audiologist or speech-language pathologist to
195 practice audiology or speech-language pathology, under a privilege to practice, in the
196 member state where the licensee obtains such privilege.

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

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

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

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

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

219 (e) For an audiologist:

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

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

- 225 operated by a college or university accredited by a regional or national accrediting
 226 organization recognized by the board;
- 227 (B) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or
 228 equivalent degree, regardless of degree name, from a program that is accredited by an
 229 accrediting agency recognized by the Council for Higher Education Accreditation, or
 230 its successor, or by the United States Department of Education and operated by a
 231 college or university accredited by a regional or national accrediting organization
 232 recognized by the board; or
- 233 (C) Has graduated from an audiology program that is housed in an institution of higher
 234 education outside of the United States (a) for which the program and institution have
 235 been approved by the authorized accrediting body in the applicable country and (b) the
 236 degree program has been verified by an independent credentials review agency to be
 237 comparable to a state licensing board-approved program.
- 238 (2) Has completed a supervised clinical practicum experience from an accredited
 239 educational institution or its cooperating programs as required by the Commission;
- 240 (3) Has successfully passed a national examination approved by the Commission;
- 241 (4) Holds an active, unencumbered license;
- 242 (5) Has not been convicted or found guilty, and has not entered into an agreed
 243 disposition, of a felony related to the practice of audiology, under applicable state or
 244 federal criminal law; and
- 245 (6) Has a valid United States Social Security or National Practitioner Identification
 246 number.
- 247 (f) For a speech-language pathologist:
- 248 (1) Must meet one of the following educational requirements:
- 249 (A) Has graduated with a master's degree from a speech-language pathology program
 250 that is accredited by an organization recognized by the United States Department of
 251 Education and operated by a college or university accredited by a regional or national
 252 accrediting organization recognized by the board; or
- 253 (B) Has graduated from a speech-language pathology program that is housed in an
 254 institution of higher education outside of the United States (a) for which the program
 255 and institution have been approved by the authorized accrediting body in the applicable
 256 country and (b) the degree program has been verified by an independent credentials
 257 review agency to be comparable to a state licensing board-approved program.
- 258 (2) Has completed a supervised clinical practicum experience from an educational
 259 institution or its cooperating programs as required by the Commission;
- 260 (3) Has completed a supervised postgraduate professional experience as required by the
 261 Commission;

- 262 (4) Has successfully passed a national examination approved by the Commission;
 263 (5) Holds an active, unencumbered license;
 264 (6) Has not been convicted or found guilty, and has not entered into an agreed
 265 disposition, of a felony related to the practice of speech-language pathology, under
 266 applicable state or federal criminal law; and
 267 (7) Has a valid United States Social Security or National Practitioner Identification
 268 number.
- 269 (g) The privilege to practice is derived from the home state license.
- 270 (h) An audiologist or speech-language pathologist practicing in a member state must
 271 comply with the state practice laws of the state in which the client is located at the time
 272 service is provided. The practice of audiology and speech-language pathology shall
 273 include all audiology and speech-language pathology practice as defined by the state
 274 practice laws of the member state in which the client is located. The practice of audiology
 275 and speech-language pathology in a member state under a privilege to practice shall subject
 276 an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the
 277 courts and the laws of the member state in which the client is located at the time service is
 278 provided.
- 279 (i) Individuals not residing in a member state shall continue to be able to apply for a
 280 member state's single-state license as provided under the laws of each member state.
 281 However, the single-state license granted to these individuals shall not be recognized as
 282 granting the privilege to practice audiology or speech-language pathology in any other
 283 member state. Nothing in this Compact shall affect the requirements established by a
 284 member state for the issuance of a single-state license.
- 285 (j) Member states may charge a fee for granting a compact privilege.
- 286 (k) Member states must comply with the bylaws and rules and regulations of the
 287 Commission.

288 SECTION 4.

289 COMPACT PRIVILEGE

- 290 (a) To exercise the compact privilege under the terms and provisions of the Compact, the
 291 audiologist or speech-language pathologist shall:
- 292 (1) Hold an active license in the home state;
 293 (2) Have no encumbrance on any state license;
 294 (3) Be eligible for a compact privilege in any member state in accordance with Section 3;
 295 (4) Have not had any adverse action against any license or compact privilege within the
 296 previous 2 years from date of application;

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

- 334 (2) Two years have elapsed from the date of the adverse action.
- 335 (k) Once an encumbered license in the home state is restored to good standing, the licensee
336 must meet the requirements of Section 4A to obtain a compact privilege in any remote
337 state.
- 338 (l) Once the requirements of Section 4J have been met, the licensee must meet the
339 requirements in Section 4A to obtain a compact privilege in a remote state.

340 SECTION 5.

341 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

- 342 (a) Member states shall recognize the right of an audiologist or speech-language
343 pathologist, licensed by a home state in accordance with Section 3 and under rules
344 promulgated by the Commission, to practice audiology or speech-language pathology in
345 any member state via telehealth under a privilege to practice as provided in the Compact
346 and rules promulgated by the Commission.
- 347 (b) A licensee providing audiology or speech-language pathology services in a remote
348 state under the compact privilege shall function within the laws and regulations of the state
349 where the patient/client is located.

350 SECTION 6.

351 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

357 SECTION 7.

358 ADVERSE ACTIONS

- 359 (a) In addition to the other powers conferred by state law, a remote state shall have the
360 authority, in accordance with existing state due process law, to:
- 361 (1) Take adverse action against an audiologist's or speech-language pathologist's
362 privilege to practice within that member state.
- 363 (2) Issue subpoenas for both hearings and investigations that require the attendance and
364 testimony of witnesses as well as the production of evidence. Subpoenas issued by a

365 licensing board in a member state for the attendance and testimony of witnesses or the
366 production of evidence from another member state shall be enforced in the latter state by
367 any court of competent jurisdiction, according to the practice and procedure of that court
368 applicable to subpoenas issued in proceedings pending before it. The issuing authority
369 shall pay any witness fees, travel expenses, mileage and other fees required by the service
370 statutes of the state in which the witnesses or evidence are located.

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

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

377 (d) The home state shall complete any pending investigations of an audiologist or
378 speech-language pathologist who changes primary state of residence during the course of
379 the investigations. The home state shall also have the authority to take appropriate
380 action(s) and shall promptly report the conclusions of the investigations to the
381 administrator of the data system. The administrator of the coordinated licensure
382 information system shall promptly notify the new home state of any adverse actions.

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

386 (f) The home state may take adverse action based on the factual findings of the remote
387 state, provided that the home state follows its own procedures for taking such action.

388 (g) Joint Investigations

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

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

394 (h) If adverse action is taken by the home state against an audiologist's or speech language
395 pathologist's license, the audiologist's or speech-language pathologist's privilege to practice
396 in all other member states shall be deactivated until all encumbrances have been removed
397 from the state license. All home state disciplinary orders that impose adverse action
398 against an audiologist's or speech language pathologist's license shall include a statement
399 that the audiologist's or speech-language pathologist's privilege to practice is deactivated
400 in all member states during the pendency of the order.

401 (i) If a member state takes adverse action against a licensee, it shall promptly notify the
 402 administrator of the data system. The administrator of the data system shall promptly
 403 notify the home state and any remote states in which the licensee has a privilege to practice,
 404 of any adverse actions by the home state or remote states.

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

407 SECTION 8.

408 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE

409 PATHOLOGY COMPACT COMMISSION

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

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

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

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

419 (b) Membership, Voting and Meetings

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

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

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

428 (4) The member state board shall fill any vacancy occurring on the Commission, within
 429 90 days.

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

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

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

- 472 (17) Provide and receive information from, and cooperate with, law enforcement
 473 agencies;
- 474 (18) Establish and elect an Executive Committee; and
- 475 (19) Perform other functions as may be necessary or appropriate to achieve the purposes
 476 of this Compact consistent with the state regulation of audiology and speech-language
 477 pathology licensure and practice.
- 478 (d) The Commission shall have no authority to change or modify the laws of the member
 479 states which define the practice of audiology and speech-language pathology in the
 480 respective states.
- 481 (e) The Executive Committee
 482 The Executive Committee shall have the power to act on behalf of the Commission, within
 483 the powers of the Commission, according to the terms of this Compact:
- 484 (1) The Executive Committee shall be composed of ten (10) members:
- 485 (A) Seven (7) voting members who are elected by the Commission from the current
 486 membership of the Commission;
- 487 (B) Two (2) ex-officios, consisting of one nonvoting member from a recognized
 488 national audiology professional association and one nonvoting member from a
 489 recognized national speech-language pathology association; and
- 490 (C) One (1) ex-officio, nonvoting member from the recognized membership
 491 organization of the audiology and speech-language pathology licensing boards.
- 492 (f) The ex-officio members shall be selected by their respective organizations.
- 493 (1) The Commission may remove any member of the Executive Committee as provided
 494 in bylaws.
- 495 (2) The Executive Committee shall meet at least annually.
- 496 (3) The Executive Committee shall have the following duties and responsibilities:
- 497 (A) Recommend to the entire Commission changes to the rules or bylaws, changes to
 498 this Compact legislation, fees paid by Compact member states such as annual dues, and
 499 any commission Compact fee charged to licensees for the compact privilege;
- 500 (B) Ensure Compact administration services are appropriately provided, contractual
 501 or otherwise;
- 502 (C) Prepare and recommend the budget;
- 503 (D) Maintain financial records on behalf of the Commission;
- 504 (E) Monitor Compact compliance of member states and provide compliance reports to
 505 the Commission;
- 506 (F) Establish additional committees as necessary; and
- 507 (G) Other duties as provided in rules or bylaws.

508 (4) Meetings of the Commission or the Executive Committee

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

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

514 (A) Non-compliance of a member state with its obligations under the Compact;

515 (B) The employment, compensation, discipline or other matters, practices or
 516 procedures related to specific employees or other matters related to the Commission's
 517 internal personnel practices and procedures;

518 (C) Current, threatened, or reasonably anticipated litigation;

519 (D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
 520 estate;

521 (E) Accusing any person of a crime or formally censuring any person;

522 (F) Disclosure of trade secrets or commercial or financial information that is privileged
 523 or confidential;

524 (G) Disclosure of information of a personal nature where disclosure would constitute
 525 a clearly unwarranted invasion of personal privacy;

526 (H) Disclosure of investigative records compiled for law enforcement purposes;

527 (I) Disclosure of information related to any investigative reports prepared by or on
 528 behalf of or for use of the Commission or other committee charged with responsibility
 529 of investigation or determination of compliance issues pursuant to the Compact; or

530 (J) Matters specifically exempted from disclosure by federal or member state statute.

531 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
 532 Commission's legal counsel or designee shall certify that the meeting may be closed and
 533 shall reference each relevant exempting provision.

534 (7) The Commission shall keep minutes that fully and clearly describe all matters
 535 discussed in a meeting and shall provide a full and accurate summary of actions taken,
 536 and the reasons therefore, including a description of the views expressed. All documents
 537 considered in connection with an action shall be identified in minutes. All minutes and
 538 documents of meetings other than closed meetings shall be made available to members
 539 of the public upon request. All minutes and documents of a closed meeting shall remain
 540 under seal, subject to release by a majority vote of the Commission or order of a court of
 541 competent jurisdiction.

542 (8) Financing of the Commission

543 (A) The Commission shall pay, or provide for the payment of, the reasonable expenses
 544 of its establishment, organization, and ongoing activities.

545 (B) The Commission may accept any and all appropriate revenue sources, donations,
546 and grants of money, equipment, supplies, materials, and services.

547 (C) The Commission may levy on and collect an annual assessment from each member
548 state or impose fees on other parties to cover the cost of the operations and activities of
549 the Commission and its staff, which must be in a total amount sufficient to cover its
550 annual budget as approved each year for which revenue is not provided by other
551 sources. The aggregate annual assessment amount shall be allocated based upon a
552 formula to be determined by the Commission, which shall promulgate a rule binding
553 upon all member states.

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

557 (10) The Commission shall keep accurate accounts of all receipts and disbursements.
558 The receipts and disbursements of the Commission shall be subject to the audit and
559 accounting procedures established under its bylaws. However, all receipts and
560 disbursements of funds handled by the Commission shall be audited yearly by a certified
561 or licensed public accountant, and the report of the audit shall be included in and become
562 part of the annual report of the Commission.

563 (g) Qualified Immunity, Defense, and Indemnification

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

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

582 (3) The Commission shall indemnify and hold harmless any member, officer, executive
 583 director, employee, or representative of the Commission for the amount of any settlement
 584 or judgment obtained against that person arising out of any actual or alleged act, error or
 585 omission that occurred within the scope of Commission employment, duties, or
 586 responsibilities, or that person had a reasonable basis for believing occurred within the
 587 scope of Commission employment, duties, or responsibilities, provided that the actual or
 588 alleged act, error, or omission did not result from the intentional or willful or wanton
 589 misconduct of that person.

590 SECTION 9.

591 DATA SYSTEM

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

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

598 (1) Identifying information;

599 (2) Licensure data;

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

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

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

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

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

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

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

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

SECTION 10.

RULEMAKING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 652 (1) All persons wishing to be heard at the hearing shall notify the executive director of
653 the Commission or other designated member in writing of their desire to appear and
654 testify at the hearing not less than five (5) business days before the scheduled date of the
655 hearing.
- 656 (2) Hearings shall be conducted in a manner providing each person who wishes to
657 comment a fair and reasonable opportunity to comment orally or in writing.
- 658 (3) All hearings shall be recorded. A copy of the recording shall be made available to
659 any person upon request and at the requesting person's expense.
- 660 (4) Nothing in this section shall be construed as requiring a separate hearing on each
661 rule. Rules may be grouped for the convenience of the Commission at hearings required
662 by this section.
- 663 (i) Following the scheduled hearing date, or by the close of business on the scheduled
664 hearing date if the hearing was not held, the Commission shall consider all written and oral
665 comments received.
- 666 (j) If no written notice of intent to attend the public hearing by interested parties is
667 received, the Commission may proceed with promulgation of the proposed rule without a
668 public hearing.
- 669 (k) The Commission shall, by majority vote of all members, take final action on the
670 proposed rule and shall determine the effective date of the rule, if any, based on the
671 rulemaking record and the full text of the rule.
- 672 (l) Upon determination that an emergency exists, the Commission may consider and adopt
673 an emergency rule without prior notice, opportunity for comment, or hearing, provided that
674 the usual rulemaking procedures provided in the Compact and in this section shall be
675 retroactively applied to the rule as soon as reasonably possible, in no event later than
676 ninety (90) days after the effective date of the rule. For the purposes of this provision, an
677 emergency rule is one that must be adopted immediately in order to:
- 678 (1) Meet an imminent threat to public health, safety, or welfare;
679 (2) Prevent a loss of Commission or member state funds; or
680 (3) Meet a deadline for the promulgation of an administrative rule that is established by
681 federal law or rule.
- 682 (m) The Commission or an authorized committee of the Commission may direct revisions
683 to a previously adopted rule or amendment for purposes of correcting typographical errors,
684 errors in format, errors in consistency, or grammatical errors. Public notice of any
685 revisions shall be posted on the website of the Commission. The revision shall be subject
686 to challenge by any person for a period of thirty (30) days after posting. The revision may
687 be challenged only on grounds that the revision results in a material change to a rule. A
688 challenge shall be made in writing and delivered to the chair of the Commission prior to

689 the end of the notice period. If no challenge is made, the revision shall take effect without
 690 further action. If the revision is challenged, the revision may not take effect without the
 691 approval of the Commission.

692 SECTION 11.

693 DISPUTE RESOLUTION AND ENFORCEMENT

694 (a) Dispute Resolution

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

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

700 (b) Enforcement

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

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

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

712 SECTION 12.

713 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
 714 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE
 715 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

740

SECTION 13.

741

CONSTRUCTION AND SEVERABILITY

742 This Compact shall be liberally construed so as to effectuate the purposes thereof. The
743 provisions of this Compact shall be severable and if any phrase, clause, sentence or
744 provision of this Compact is declared to be contrary to the constitution of any member state
745 or of the United States or the applicability thereof to any government, agency, person or
746 circumstance is held invalid, the validity of the remainder of this Compact and the
747 applicability thereof to any government, agency, person or circumstance shall not be
748 affected thereby. If this Compact shall be held contrary to the constitution of any member
749 state, the Compact shall remain in full force and effect as to the remaining member states
750 and in full force and effect as to the member state affected as to all severable matters.

751 SECTION 14.

752 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

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

764 **SECTION 5.**

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