

House Bill 34 (COMMITTEE SUBSTITUTE)

By: Representatives Belton of the 112th, Hawkins of the 27th, Corbett of the 174th, Hitchens of the 161st, Blackmon of the 146th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 43 of the Official Code of Georgia Annotated, relating to
2 speech-language pathologists and audiologists, so as to revise licensing provisions; to enter
3 into an interstate compact known as the "Audiology and Speech-Language Pathology
4 Interstate Compact"; to 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:

10 **SECTION 1.**

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

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

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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."

18 **SECTION 2.**

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

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 to perform a criminal background check.
78 Each applicant who submits an application to the board for licensure agrees to provide
79 the board with any and all information necessary to run a criminal background check,
80 including, but not limited to, classifiable sets of fingerprints. Such applicant shall be
81 responsible for all fees associated with the performance of such background check."

82 **SECTION 4.**

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

86 "ARTICLE 2

87 43-44-30.

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

90 43-44-31.

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

94 'AUDIOLOGY AND SPEECH-LANGUAGE
95 PATHOLOGY INTERSTATE COMPACT

96 SECTION 1.
97 PURPOSE

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

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

105 (1) Increase public access to audiology and speech-language pathology services by
106 providing for the mutual recognition of other member state licenses;

107 (2) Enhance the states' ability to protect the public's health and safety;

108 (3) Encourage the cooperation of member states in regulating multistate audiology and
109 speech-language pathology practice;

110 (4) Support spouses of relocating active duty military personnel;

111 (5) Enhance the exchange of licensure, investigative and disciplinary information
112 between member states;

- 113 (6) Allow a remote state to hold a provider of services with a compact privilege in that
114 state accountable to that state's practice standards; and
115 (7) Allow for the use of telehealth technology to facilitate increased access to audiology
116 and speech-language pathology services.

117 SECTION 2.

118 DEFINITIONS

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

121 (1) 'Active duty military' means full-time duty status in the active uniformed service of
122 the United States, including members of the National Guard and Reserve on active duty
123 orders pursuant to 10 U.S.C. Section 1209 and 1211.

124 (2) 'Adverse action' means any administrative, civil, equitable or criminal action
125 permitted by a state's laws which is imposed by a licensing board or other authority
126 against an audiologist or speech-language pathologist, including actions against an
127 individual's license or privilege to practice such as revocation, suspension, probation,
128 monitoring of the licensee, or restriction on the licensee's practice.

129 (3) 'Alternative program' means a non-disciplinary monitoring process approved by an
130 audiology or speech-language pathology licensing board to address impaired
131 practitioners.

132 (4) 'Audiologist' means an individual who is licensed by a state to practice audiology.

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

135 (6) 'Audiology and Speech-Language Pathology Compact Commission' or 'Commission'
136 means the national administrative body whose membership consists of all states that have
137 enacted the Compact.

138 (7) 'Audiology and speech-language pathology licensing board,' 'audiology licensing
139 board,' 'speech-language pathology licensing board,' or 'licensing board' means the agency
140 of a state that is responsible for the licensing and regulation of audiologists and/or
141 speech-language pathologists.

142 (8) 'Compact privilege' means the authorization granted by a remote state to allow a
143 licensee from another member state to practice as an audiologist or speech-language
144 pathologist in the remote state under its laws and rules. The practice of audiology or
145 speech-language pathology occurs in the member state where the patient, client, or
146 student is located at the time of the patient, client, or student encounter.

147 (9) 'Current significant investigative information' means investigative information that
148 a licensing board, after an inquiry or investigation that includes notification and an
149 opportunity for the audiologist or speech-language pathologist to respond, if required by
150 state law, has reason to believe is not groundless and, if proved true, would indicate more
151 than a minor infraction.

152 (10) 'Data system' means a repository of information about licensees, including, but not
153 limited to, continuing education, examination, licensure, investigative, compact privilege
154 and adverse action.

155 (11) 'Encumbered license' means a license in which an adverse action restricts the
156 practice of audiology or speech-language pathology by the licensee and said adverse
157 action has been reported to the National Practitioners Data Bank (NPDB).

158 (12) 'Executive Committee' means a group of directors elected or appointed to act on
159 behalf of, and within the powers granted to them by, the Commission.

160 (13) 'Home state' means the member state that is the licensee's primary state of residence.

161 (14) 'Impaired practitioner' means individuals whose professional practice is adversely
162 affected by substance abuse, addiction, or other health-related conditions.

163 (15) 'Licensee' means an individual who currently holds an authorization from the state
164 licensing board to practice as an audiologist or speech-language pathologist.

- 165 (16) 'Member state' means a state that has enacted the Compact.
- 166 (17) 'Privilege to practice' means a legal authorization permitting the practice of
167 audiology or speech-language pathology in a remote state.
- 168 (18) 'Remote state' means a member state other than the home state where a licensee is
169 exercising or seeking to exercise the compact privilege.
- 170 (19) 'Rule' means a regulation, principle or directive promulgated by the Commission
171 that has the force of law.
- 172 (20) 'Single-state license' means an audiology or speech-language pathology license
173 issued by a member state that authorizes practice only within the issuing state and does
174 not include a privilege to practice in any other member state.
- 175 (21) 'Speech-language pathologist' means an individual who is licensed by a state to
176 practice speech-language pathology.
- 177 (22) 'Speech-language pathology' means the care and services provided by a licensed
178 speech-language pathologist as set forth in the member state's statutes and rules.
- 179 (23) 'State' means any state, commonwealth, district or territory of the United States of
180 America that regulates the practice of audiology and speech-language pathology.
- 181 (24) 'State practice laws' means a member state's laws, rules and regulations that govern
182 the practice of audiology or speech-language pathology, define the scope of audiology
183 or speech-language pathology practice, and create the methods and grounds for imposing
184 discipline.
- 185 (25) 'Telehealth' means the application of telecommunication, audio-visual or other
186 technologies that meets the applicable standard of care to deliver audiology or
187 speech-language pathology services at a distance for assessment, intervention and/or
188 consultation.

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;

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
229 its successor, or by the United States Department of Education and operated by a
230 college or university accredited by a regional or national accrediting organization
231 recognized by the 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 Commission;

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; and
- 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; and
- 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; and
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 and the
317 privilege to practice in any member state is deactivated in accordance with the rules
318 promulgated by the Commission.

319 (g) The compact privilege is valid until the expiration date of the home state license. The
320 licensee must comply with the requirements of Section 4A to maintain the compact
321 privilege in the remote state.

322 (h) A licensee providing audiology or speech-language pathology services in a remote
323 state under the compact privilege shall function within the laws and regulations of the
324 remote state.

325 (i) A licensee providing audiology or speech-language pathology services in a remote state
326 is subject to that state's regulatory authority. A remote state may, in accordance with due
327 process and that state's laws, remove a licensee's compact privilege in the remote state for
328 a specific period of time, impose fines, and/or take any other necessary actions to protect
329 the health and safety of its citizens.

330 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in
331 any remote state until the following occur:

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

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

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

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

339 SECTION 5.

340 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

341 (a) Member states shall recognize the right of an audiologist or speech-language
342 pathologist, licensed by a home state in accordance with Section 3 and under rules
343 promulgated by the Commission, to practice audiology or speech-language pathology in

344 any member state via telehealth under a privilege to practice as provided in the Compact
345 and rules promulgated by the Commission.

346 (b) A licensee providing audiology or speech-language pathology services in a remote
347 state under the compact privilege shall function within the laws and regulations of the state
348 where the patient/client is located.

349 SECTION 6.

350 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

356 SECTION 7.

357 ADVERSE ACTIONS

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

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

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

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

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

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

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

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

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

387 (g) Joint Investigations

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

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

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

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

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

406 SECTION 8.

407 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE

408 PATHOLOGY COMPACT COMMISSION

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

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

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

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

418 (b) Membership, Voting and Meetings

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

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

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

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

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

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

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

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

438 (1) Establish the fiscal year of the Commission;

439 (2) Establish bylaws;

440 (3) Establish a Code of Ethics;

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

442 (5) Meet and take actions as are consistent with the provisions of this Compact and the
443 bylaws;

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

471 (17) Provide and receive information from, and cooperate with, law enforcement
472 agencies;

473 (18) Establish and elect an Executive Committee; and

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

477 (d) The Commission shall have no authority to change or modify the laws of the member
478 states which define the practice of audiology and speech-language pathology in the
479 respective states.

480 (e) The Executive Committee

481 The Executive Committee shall have the power to act on behalf of the Commission, within
482 the powers of the Commission, according to the terms of this Compact:

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

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

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

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

491 (f) The ex-officio members shall be selected by their respective organizations.

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

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

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

- 496 (A) Recommend to the entire Commission changes to the rules or bylaws, changes to
497 this Compact legislation, fees paid by Compact member states such as annual dues, and
498 any commission Compact fee charged to licensees for the compact privilege;
499 (B) Ensure Compact administration services are appropriately provided, contractual
500 or otherwise;
501 (C) Prepare and recommend the budget;
502 (D) Maintain financial records on behalf of the Commission;
503 (E) Monitor Compact compliance of member states and provide compliance reports to
504 the Commission;
505 (F) Establish additional committees as necessary; and
506 (G) Other duties as provided in rules or bylaws.
- 507 (4) Meetings of the Commission or the Executive Committee
508 All meetings shall be open to the public, and public notice of meetings shall be given in
509 the same manner as required under the rulemaking provisions in Section 10.
- 510 (5) The Commission or the Executive Committee or other committees of the
511 Commission may convene in a closed, non-public meeting if the Commission or
512 Executive Committee or other committees of the Commission must discuss:
- 513 (A) Non-compliance of a member state with its obligations under the Compact;
514 (B) The employment, compensation, discipline or other matters, practices or
515 procedures related to specific employees or other matters related to the Commission's
516 internal personnel practices and procedures;
517 (C) Current, threatened, or reasonably anticipated litigation;
518 (D) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
519 estate;
520 (E) Accusing any person of a crime or formally censuring any person;
521 (F) Disclosure of trade secrets or commercial or financial information that is privileged
522 or confidential;

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

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

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

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

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

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

541 (8) Financing of the Commission

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

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

546 (C) The Commission may levy on and collect an annual assessment from each member
547 state or impose fees on other parties to cover the cost of the operations and activities of
548 the Commission and its staff, which must be in a total amount sufficient to cover its
549 annual budget as approved each year for which revenue is not provided by other

550 sources. The aggregate annual assessment amount shall be allocated based upon a
551 formula to be determined by the Commission, which shall promulgate a rule binding
552 upon all member states.

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

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

562 (g) Qualified Immunity, Defense, and Indemnification

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

572 (2) The Commission shall defend any member, officer, executive director, employee or
573 representative of the Commission in any civil action seeking to impose liability arising
574 out of any actual or alleged act, error, or omission that occurred within the scope of
575 Commission employment, duties, or responsibilities, or that the person against whom the
576 claim is made had a reasonable basis for believing occurred within the scope of

577 Commission employment, duties, or responsibilities; provided that nothing herein shall
578 be construed to prohibit that person from retaining his or her own counsel; and provided
579 further, that the actual or alleged act, error, or omission did not result from that person's
580 intentional or willful or wanton misconduct.

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

589 SECTION 9.

590 DATA SYSTEM

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

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

597 (1) Identifying information;

598 (2) Licensure data;

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

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

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

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

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

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

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

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

615 SECTION 10.

616 RULEMAKING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

651 (1) All persons wishing to be heard at the hearing shall notify the executive director of
652 the Commission or other designated member in writing of their desire to appear and

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

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

657 (3) All hearings shall be recorded. A copy of the recording shall be made available to
658 any person upon request and at the requesting person's expense.

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

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

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

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

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

677 (1) Meet an imminent threat to public health, safety, or welfare;

678 (2) Prevent a loss of Commission or member state funds; or

679 (3) Meet a deadline for the promulgation of an administrative rule that is established by
680 federal law or rule.

681 (m) The Commission or an authorized committee of the Commission may direct revisions
682 to a previously adopted rule or amendment for purposes of correcting typographical errors,
683 errors in format, errors in consistency, or grammatical errors. Public notice of any
684 revisions shall be posted on the website of the Commission. The revision shall be subject
685 to challenge by any person for a period of thirty (30) days after posting. The revision may
686 be challenged only on grounds that the revision results in a material change to a rule. A
687 challenge shall be made in writing and delivered to the chair of the Commission prior to
688 the end of the notice period. If no challenge is made, the revision shall take effect without
689 further action. If the revision is challenged, the revision may not take effect without the
690 approval of the Commission.

691 SECTION 11.

692 DISPUTE RESOLUTION AND ENFORCEMENT

693 (a) Dispute Resolution

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

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

699 (b) Enforcement

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

702 (2) By majority vote, the Commission may initiate legal action in the United States
703 District Court for the District of Columbia or the federal district where the Commission

704 has its principal offices against a member state in default to enforce compliance with the
705 provisions of the Compact and its promulgated rules and bylaws. The relief sought may
706 include both injunctive relief and damages. In the event judicial enforcement is
707 necessary, the prevailing member shall be awarded all costs of litigation, including
708 reasonable attorney's fees.

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

711 SECTION 12.

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

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

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

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

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

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

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

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

739 SECTION 13.

740 CONSTRUCTION AND SEVERABILITY

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

750

SECTION 14.

751

BINDING EFFECT OF COMPACT AND OTHER LAWS752 (a) Nothing herein prevents the enforcement of any other law of a member state that is not753 inconsistent with the Compact.754 (b) All laws in a member state in conflict with the Compact are superseded to the extent755 of the conflict.756 (c) All lawful actions of the Commission, including all rules and bylaws promulgated by757 the Commission, are binding upon the member states.758 (d) All agreements between the Commission and the member states are binding in759 accordance with their terms.760 (e) In the event any provision of the Compact exceeds the constitutional limits imposed761 on the legislature of any member state, the provision shall be ineffective to the extent of762 the conflict with the constitutional provision in question in that member state."

763

SECTION 5.

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