

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 978

101ST GENERAL ASSEMBLY

4719S.02C

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 345.015 and 345.050, RSMo, and to enact in lieu thereof five new sections relating to audiology and speech-language pathology.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 345.015 and 345.050, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be  
3 known as sections 345.015, 345.022, 345.050, 345.052, and  
4 345.085, to read as follows:

345.015. As used in sections 345.010 to 345.080, the  
2 following terms mean:

3 (1) "Audiologist", a person who is licensed as an  
4 audiologist pursuant to sections 345.010 to 345.080 to  
5 practice audiology;

6 (2) "Audiology aide", a person who is registered as an  
7 audiology aide by the board, who does not act independently  
8 but works under the direction and supervision of a licensed  
9 audiologist. Such person assists the audiologist with  
10 activities which require an understanding of audiology but  
11 do not require formal training in the relevant academics.  
12 To be eligible for registration by the board, each applicant  
13 shall submit a registration fee and:

14 (a) Be at least eighteen years of age;

15 (b) Furnish evidence of the person's educational  
16 qualifications which shall be at a minimum:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17           a. Certification of graduation from an accredited high  
18 school or its equivalent; and

19           b. On-the-job training;

20           (c) Be employed in a setting in which direct and  
21 indirect supervision are provided on a regular and  
22 systematic basis by a licensed audiologist.

23 However, the aide shall not administer or interpret hearing  
24 screening or diagnostic tests, fit or dispense hearing  
25 instruments, make ear impressions, make diagnostic  
26 statements, determine case selection, present written  
27 reports to anyone other than the supervisor without the  
28 signature of the supervisor, make referrals to other  
29 professionals or agencies, use a title other than audiology  
30 aide, develop or modify treatment plans, discharge clients  
31 from treatment or terminate treatment, disclose clinical  
32 information, either orally or in writing, to anyone other  
33 than the supervising audiologist, or perform any procedure  
34 for which he or she is not qualified, has not been  
35 adequately trained or both;

36           (3) "Board", the state board of registration for the  
37 healing arts;

38           (4) **"Clinical fellowship", the supervised professional**  
39 **employment period following completion of the academic and**  
40 **practicum requirements of an accredited training program**  
41 **under this chapter;**

42           (5) "Commission", the advisory commission for speech-  
43 language pathologists and audiologists;

44           [(5)] (6) "Hearing instrument" or "hearing aid", any  
45 wearable device or instrument designed for or offered for  
46 the purpose of aiding or compensating for impaired human  
47 hearing and any parts, attachments or accessories, including

48 ear molds, but excluding batteries, cords, receivers and  
49 repairs;

50 [(6)] (7) "Person", any individual, organization, or  
51 corporate body, except that only individuals may be licensed  
52 pursuant to sections 345.010 to 345.080;

53 [(7)] (8) "Practice of audiology":

54 (a) The application of accepted audiologic principles,  
55 methods and procedures for the measurement, testing,  
56 interpretation, appraisal and prediction related to  
57 disorders of the auditory system, balance system or related  
58 structures and systems;

59 (b) Provides consultation or counseling to the  
60 patient, client, student, their family or interested parties;

61 (c) Provides academic, social and medical referrals  
62 when appropriate;

63 (d) Provides for establishing goals, implementing  
64 strategies, methods and techniques, for habilitation,  
65 rehabilitation or aural rehabilitation, related to disorders  
66 of the auditory system, balance system or related structures  
67 and systems;

68 (e) Provides for involvement in related research,  
69 teaching or public education;

70 (f) Provides for rendering of services or participates  
71 in the planning, directing or conducting of programs which  
72 are designed to modify audition, communicative, balance or  
73 cognitive disorder, which may involve speech and language or  
74 education issues;

75 (g) Provides and interprets behavioral and  
76 neurophysiologic measurements of auditory balance, cognitive  
77 processing and related functions, including intraoperative  
78 monitoring;

79           (h) Provides involvement in any tasks, procedures,  
80 acts or practices that are necessary for evaluation of  
81 audition, hearing, training in the use of amplification or  
82 assistive listening devices;

83           (i) Provides selection, assessment, fitting,  
84 programming, and dispensing of hearing instruments,  
85 assistive listening devices, and other amplification systems;

86           (j) Provides for taking impressions of the ear, making  
87 custom ear molds, ear plugs, swim molds and industrial noise  
88 protectors;

89           (k) Provides assessment of external ear and cerumen  
90 management;

91           (l) Provides advising, fitting, mapping assessment of  
92 implantable devices such as cochlear or auditory brain stem  
93 devices;

94           (m) Provides information in noise control and hearing  
95 conservation including education, equipment selection,  
96 equipment calibration, site evaluation and employee  
97 evaluation;

98           (n) Provides performing basic speech-language  
99 screening test;

100           (o) Provides involvement in social aspects of  
101 communication, including challenging behavior and  
102 ineffective social skills, lack of communication  
103 opportunities;

104           (p) Provides support and training of family members  
105 and other communication partners for the individual with  
106 auditory balance, cognitive and communication disorders;

107           (q) Provides aural rehabilitation and related services  
108 to individuals with hearing loss and their families;

109           (r) Evaluates, collaborates and manages audition  
110 problems in the assessment of the central auditory

111 processing disorders and providing intervention for  
112 individuals with central auditory processing disorders;

113 (s) Develops and manages academic and clinical  
114 problems in communication sciences and disorders;

115 (t) Conducts, disseminates and applies research in  
116 communication sciences and disorders;

117 [(8)] (9) "Practice of speech-language pathology":

118 (a) Provides screening, identification, assessment,  
119 diagnosis, treatment, intervention, including but not  
120 limited to prevention, restoration, amelioration and  
121 compensation, and follow-up services for disorders of:

122 a. Speech: articulation, fluency, voice, including  
123 respiration, phonation and resonance;

124 b. Language, involving the parameters of phonology,  
125 morphology, syntax, semantics and pragmatic; and including  
126 disorders of receptive and expressive communication in oral,  
127 written, graphic and manual modalities;

128 c. Oral, pharyngeal, cervical esophageal and related  
129 functions, such as dysphagia, including disorders of  
130 swallowing and oral functions for feeding; orofacial  
131 myofunctional disorders;

132 d. Cognitive aspects of communication, including  
133 communication disability and other functional disabilities  
134 associated with cognitive impairment;

135 e. Social aspects of communication, including  
136 challenging behavior, ineffective social skills, lack of  
137 communication opportunities;

138 (b) Provides consultation and counseling and makes  
139 referrals when appropriate;

140 (c) Trains and supports family members and other  
141 communication partners of individuals with speech, voice,  
142 language, communication and swallowing disabilities;

143           (d) Develops and establishes effective augmentative  
144 and alternative communication techniques and strategies,  
145 including selecting, prescribing and dispensing of  
146 augmentative aids and devices; and the training of  
147 individuals, their families and other communication partners  
148 in their use;

149           (e) Selects, fits and establishes effective use of  
150 appropriate prosthetic/adaptive devices for speaking and  
151 swallowing, such as tracheoesophageal valves,  
152 electrolarynges, or speaking valves;

153           (f) Uses instrumental technology to diagnose and treat  
154 disorders of communication and swallowing, such as  
155 videofluoroscopy, nasendoscopy, ultrasonography and  
156 stroboscopy;

157           (g) Provides aural rehabilitative and related  
158 counseling services to individuals with hearing loss and to  
159 their families;

160           (h) Collaborates in the assessment of central auditory  
161 processing disorders in cases in which there is evidence of  
162 speech, language or other cognitive communication disorders;  
163 provides intervention for individuals with central auditory  
164 processing disorders;

165           (i) Conducts pure-tone air conduction hearing  
166 screening and screening tympanometry for the purpose of the  
167 initial identification or referral;

168           (j) Enhances speech and language proficiency and  
169 communication effectiveness, including but not limited to  
170 accent reduction, collaboration with teachers of English as  
171 a second language and improvement of voice, performance and  
172 singing;

173           (k) Trains and supervises support personnel;

174 (l) Develops and manages academic and clinical  
175 programs in communication sciences and disorders;

176 (m) Conducts, disseminates and applies research in  
177 communication sciences and disorders;

178 (n) Measures outcomes of treatment and conducts  
179 continuous evaluation of the effectiveness of practices and  
180 programs to improve and maintain quality of services;

181 [(9)] (10) "Speech-language pathologist", a person who  
182 is licensed as a speech-language pathologist pursuant to  
183 sections 345.010 to 345.080; who engages in the practice of  
184 speech-language pathology as defined in sections 345.010 to  
185 345.080;

186 [(10)] (11) "Speech-language pathology aide", a person  
187 who is registered as a speech-language aide by the board,  
188 who does not act independently but works under the direction  
189 and supervision of a licensed speech-language pathologist.  
190 Such person assists the speech-language pathologist with  
191 activities which require an understanding of speech-language  
192 pathology but do not require formal training in the relevant  
193 academics. To be eligible for registration by the board,  
194 each applicant shall submit a registration fee and:

195 (a) Be at least eighteen years of age;

196 (b) Furnish evidence of the person's educational  
197 qualifications which shall be at a minimum:

198 a. Certification of graduation from an accredited high  
199 school or its equivalent; and

200 b. On-the-job training;

201 (c) Be employed in a setting in which direct and  
202 indirect supervision is provided on a regular and systematic  
203 basis by a licensed speech-language pathologist.

204 However, the aide shall not administer or interpret hearing  
205 screening or diagnostic tests, fit or dispense hearing  
206 instruments, make ear impressions, make diagnostic  
207 statements, determine case selection, present written  
208 reports to anyone other than the supervisor without the  
209 signature of the supervisor, make referrals to other  
210 professionals or agencies, use a title other than speech-  
211 language pathology aide, develop or modify treatment plans,  
212 discharge clients from treatment or terminate treatment,  
213 disclose clinical information, either orally or in writing,  
214 to anyone other than the supervising speech-language  
215 pathologist, or perform any procedure for which he or she is  
216 not qualified, has not been adequately trained or both;

217 [(11)] (12) "Speech-language pathology assistant", a  
218 person who is registered as a speech-language pathology  
219 assistant by the board, who does not act independently but  
220 works under the direction and supervision of a licensed  
221 speech-language pathologist practicing for at least one year  
222 or speech-language pathologist practicing under subdivision  
223 (1) or (6) of subsection 1 of section 345.025 for at least  
224 one year and whose activities require both academic and  
225 practical training in the field of speech-language pathology  
226 although less training than those established by sections  
227 345.010 to 345.080 as necessary for licensing as a speech-  
228 language pathologist. To be eligible for registration by  
229 the board, each applicant shall submit the registration fee,  
230 supervising speech-language pathologist information if  
231 employment is confirmed, if not such information shall be  
232 provided after registration, and furnish evidence of the  
233 person's educational qualifications which meet the following:

234 (a) Hold a bachelor's level degree from an institution  
235 accredited or approved by a regional accrediting body

236 recognized by the United States Department of Education or  
237 its equivalent; and

238 (b) Submit official transcripts from one or more  
239 accredited colleges or universities presenting evidence of  
240 the completion of bachelor's level course work and  
241 requirements in the field of speech-language pathology as  
242 established by the board through rules and regulations;

243 (c) Submit proof of completion of the number and type  
244 of clinical hours as established by the board through rules  
245 and regulations.

**345.022. 1. Any person in the person's clinical  
2 fellowship shall hold a provisional license to practice  
3 speech-language pathology or audiology. The board may issue  
4 a provisional license to an applicant who:**

5 (1) Has met the requirements for practicum and  
6 academic requirements from an accredited training program  
7 under this chapter;

8 (2) Submits an application to the board on a form  
9 prescribed by the board. Such form shall include a plan for  
10 the content and supervision of the clinical fellowship, as  
11 well as evidence of good moral and ethical character; and

12 (3) Submits to the board an application fee, as set by  
13 the board, for the provisional license.

14 2. A provisional license is effective for one year and  
15 may be extended for an additional twelve months only for  
16 purposes of completing the postgraduate clinical experience  
17 portion of the clinical fellowship; provided, that the  
18 applicant has passed the national examination and shall hold  
19 a master's degree from an approved training program in his  
20 or her area of application.

21           3.   **Within twelve months of issuance of the provisional**  
22 **license, the applicant shall pass an examination promulgated**  
23 **or approved by the board.**

24           4.   **Within twelve months of issuance of a provisional**  
25 **license, the applicant shall complete the requirements for**  
26 **the master's or doctoral degree from a program accredited by**  
27 **the Council on Academic Accreditation of the American Speech-**  
28 **Language-Hearing Association or other accrediting agency**  
29 **approved by the board in the area in which licensure is**  
30 **sought.**

          345.050.   **[1.]** To be eligible for licensure by the  
2 board by examination, each applicant shall submit the  
3 application fee and shall furnish evidence of such person's  
4 current competence and shall:

5           (1) Hold a master's or a doctoral degree from a  
6 program that was awarded "accreditation candidate" status or  
7 is accredited by the Council on Academic Accreditation of  
8 the American Speech-Language-Hearing Association or other  
9 accrediting agency approved by the board in the area in  
10 which licensure is sought;

11           (2) Submit official transcripts from one or more  
12 accredited colleges or universities presenting evidence of  
13 the completion of course work and clinical practicum  
14 requirements equivalent to that required by the Council on  
15 Academic Accreditation of the American Speech-Language-  
16 Hearing Association or other accrediting agency approved by  
17 the board; **[and]**

18           (3) **Present written evidence of completion of a**  
19 **clinical fellowship from supervisors. The experience**  
20 **required by this subdivision shall follow the completion of**  
21 **the requirements of subdivisions (1) and (2) of this**  
22 **subsection. This period of employment shall be under the**

23 direct supervision of a person who is licensed by the state  
24 of Missouri in the profession in which the applicant seeks  
25 to be licensed. Persons applying with an audiology clinical  
26 doctoral degree are exempt from this provision; and

27 (4) Pass an examination promulgated or approved by the  
28 board. The board shall determine the subject and scope of  
29 the examinations.

30 [2. To be eligible for licensure by the board without  
31 examination, each applicant shall make application on forms  
32 prescribed by the board, submit the application fee, submit  
33 an activity statement and meet one of the following  
34 requirements:

35 (1) The board shall issue a license to any speech-  
36 language pathologist or audiologist who is licensed in  
37 another country and who has had no violations, suspension or  
38 revocations of a license to practice speech-language  
39 pathology or audiology in any jurisdiction; provided that,  
40 such person is licensed in a country whose requirements are  
41 substantially equal to, or greater than, Missouri at the  
42 time the applicant applies for licensure; or

43 (2) Hold the certificate of clinical competence issued  
44 by the American Speech-Language-Hearing Association in the  
45 area in which licensure is sought.]

345.052. 1. For purposes of this section, the  
2 following terms mean:

3 (1) "Board", the Missouri board of registration for  
4 the healing arts;

5 (2) "Commission", the advisory commission for speech-  
6 language pathologists and audiologists;

7 (3) "License", a license, certificate, registration,  
8 permit, accreditation, or military occupational specialty

9 that enables a person to legally practice an occupation or  
10 profession in a particular jurisdiction;

11 (4) "Military", the Armed Forces of the United States  
12 including the Air Force, Army, Coast Guard, Marine Corps,  
13 Navy, Space Force, National Guard, and any other military  
14 branch that is designated by Congress as part of the Armed  
15 Forces of the United States, and all reserve components and  
16 auxiliaries. Such term also includes the military reserves  
17 and militia of the United States territory or state;

18 (5) "Nonresident military spouse", a nonresident  
19 spouse of an active duty member of the Armed Forces of the  
20 United States who has been transferred or is scheduled to be  
21 transferred to an adjacent state and is or will be domiciled  
22 in the state of Missouri, or has moved to the state of  
23 Missouri on a permanent change-of-station basis;

24 (6) "Resident military spouse", a spouse of an active  
25 duty member of the Armed Forces of the United States who has  
26 been transferred or is scheduled to be transferred to the  
27 state of Missouri, who is domiciled in the state of  
28 Missouri, or who has Missouri as his or her home of record.

29 2. Any person who holds a valid current speech  
30 language pathologist or audiologist license issued by  
31 another state, a branch or unit of the military, a territory  
32 of the United States, or the District of Columbia, and who  
33 has been licensed for at least one year in the such other  
34 jurisdiction, may submit an application for a speech  
35 language pathologist or audiologist license in Missouri  
36 along with proof of current licensure and proof of licensure  
37 for at least one year in the other jurisdiction, to the  
38 board.

39 3. The board shall:

40           (1) Within six months of receiving an application  
41 described in subsection 2 of this section, waive any  
42 examination, educational, or experience requirements for  
43 licensure in this state for the applicant if it determines  
44 that there were minimum education requirements and, if  
45 applicable, work experience and clinical supervision  
46 requirements in effect and the other state verifies that the  
47 person met those requirements in order to be licensed or  
48 certified in that state. The board may require an applicant  
49 to take and pass an examination specific to the laws of this  
50 state; or

51           (2) Within thirty days of receiving an application  
52 describe in subsection 2 of this section from a nonresident  
53 military spouse or a resident military spouse, waive any  
54 examination, educational, or experience requirements for  
55 licensure in this state for the applicant and issue such  
56 applicant a license under this section if such applicant  
57 otherwise meets the requirements of this section.

58           4. (1) The board shall not waive any examination,  
59 educational, or experience requirements for any applicant  
60 who has had his or her license revoked by a board outside  
61 the state; who is currently under investigation, who has a  
62 complaint pending, or who is currently under disciplinary  
63 action, except as provided in subdivision (2) of this  
64 subsection, with a board outside the state; who does not  
65 hold a license in good standing with a board outside the  
66 state; who has a criminal record that would disqualify him  
67 or her for licensure in Missouri; or who does not hold a  
68 valid current license in the other jurisdiction on the date  
69 the board receives his or her application under this section.

70           (2) If another jurisdiction has taken disciplinary  
71 action against an applicant, the board shall determine if

72 the cause for the action was corrected and the matter  
73 resolved. If the matter has not been resolved by that  
74 jurisdiction, the board may deny a license until the matter  
75 is resolved.

76 5. Nothing in this section shall prohibit the board  
77 from denying a license to an applicant under this section  
78 for any reason described in section 345.065.

79 6. Any person who is licensed under the provisions of  
80 this section shall be subject to the board's jurisdiction  
81 and all rules and regulations pertaining to the practice as  
82 a speech language pathologist or audiologist in this state.

83 7. This section shall not be construed to waive any  
84 requirement for an applicant to pay any fees.

#### 345.085. SECTION 1. PURPOSE

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

11 This Compact is designed to achieve the following  
12 objectives:

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

16 2. Enhance the states' ability to protect the public's  
17 health and safety;

18           3. Encourage the cooperation of member states in  
19 regulating multistate audiology and speech-language  
20 pathology practice;

21           4. Support spouses of relocating active duty military  
22 personnel;

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

25           6. Allow a remote state to hold a provider of services  
26 with a compact privilege in that state accountable to that  
27 state's practice standards; and

28           7. Allow for the use of telehealth technology to  
29 facilitate increased access to audiology and speech-language  
30 pathology services.

31           SECTION 2. DEFINITIONS

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

34           A. "Active duty military" means full-time duty status  
35 in the active uniformed service of the United States,  
36 including members of the National Guard and Reserve on  
37 active duty orders pursuant to 10 U.S.C. Chapter 1209 and  
38 1211.

39           B. "Adverse action" means any administrative, civil,  
40 equitable or criminal action permitted by a state's laws  
41 which is imposed by a licensing board or other authority  
42 against an audiologist or speech-language pathologist,  
43 including actions against an individual's license or  
44 privilege to practice such as revocation, suspension,  
45 probation, monitoring of the licensee, or restriction on the  
46 licensee's practice.

47           C. "Alternative program" means a non-disciplinary  
48 monitoring process approved by an audiology or speech-

49 language pathology licensing board to address impaired  
50 practitioners.

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

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

56 F. "Audiology and Speech-Language Pathology Compact  
57 Commission" or "Commission" means the national  
58 administrative body whose membership consists of all states  
59 that have enacted the Compact.

60 G. "Audiology and speech-language pathology licensing  
61 board," "audiology licensing board," "speech-language  
62 pathology licensing board," or "licensing board" means the  
63 agency of a state that is responsible for the licensing and  
64 regulation of audiologists and/or speech-language  
65 pathologists.

66 H. "Compact privilege" means the authorization granted  
67 by a remote state to allow a licensee from another member  
68 state to practice as an audiologist or speech-language  
69 pathologist in the remote state under its laws and rules.  
70 The practice of audiology or speech-language pathology  
71 occurs in the member state where the patient/client/student  
72 is located at the time of the patient/client/student  
73 encounter.

74 I. "Current significant investigative information"  
75 means investigative information that a licensing board,  
76 after an inquiry or investigation that includes notification  
77 and an opportunity for the audiologist or speech-language  
78 pathologist to respond, if required by state law, has reason  
79 to believe is not groundless and, if proved true, would  
80 indicate more than a minor infraction.

81 J. "Data system" means a repository of information  
82 about licensees, including, but not limited to, continuing  
83 education, examination, licensure, investigative, compact  
84 privilege and adverse action.

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

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

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

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

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

101 P. "Member state" means a state that has enacted the  
102 Compact.

103 Q. "Privilege to practice" means a legal authorization  
104 permitting the practice of audiology or speech-language  
105 pathology in a remote state.

106 R. "Remote state" means a member state other than the  
107 home state where a licensee is exercising or seeking to  
108 exercise the compact privilege.

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

111 T. "Single-state license" means an audiology or speech-  
112 language pathology license issued by a member state that

113 authorizes practice only within the issuing state and does  
114 not include a privilege to practice in any other member  
115 state.

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

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

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

125 X. "State practice laws" means a member state's laws,  
126 rules and regulations that govern the practice of audiology  
127 or speech-language pathology, define the scope of audiology  
128 or speech-language pathology practice, and create the  
129 methods and grounds for imposing discipline.

130 Y. "Telehealth" means the application of  
131 telecommunication technology to deliver audiology or speech-  
132 language pathology services at a distance for assessment,  
133 intervention and/or consultation.

### 134 SECTION 3. STATE PARTICIPATION IN THE COMPACT

135 A. A license issued to an audiologist or speech-  
136 language pathologist by a home state to a resident in that  
137 state shall be recognized by each member state as  
138 authorizing an audiologist or speech-language pathologist to  
139 practice audiology or speech-language pathology, under a  
140 privilege to practice, in each member state.

141 B. A state must implement or utilize procedures for  
142 considering the criminal history records of applicants for  
143 initial privilege to practice. These procedures shall  
144 include the submission of fingerprints or other biometric-

145 based information by applicants for the purpose of obtaining  
146 an applicant's criminal history record information from the  
147 Federal Bureau of Investigation and the agency responsible  
148 for retaining that state's criminal records.

149 1. A member state must fully implement a criminal  
150 background check requirement, within a time frame  
151 established by rule, by receiving the results of the Federal  
152 Bureau of Investigation record search on criminal background  
153 checks and use the results in making licensure decisions.

154 2. Communication between a member state, the  
155 Commission and among member states regarding the  
156 verification of eligibility for licensure through the  
157 Compact shall not include any information received from the  
158 Federal Bureau of Investigation relating to a federal  
159 criminal records check performed by a member state under  
160 Public Law 92-544.

161 C. Upon application for a privilege to practice, the  
162 licensing board in the issuing remote state shall ascertain,  
163 through the data system, whether the applicant has ever  
164 held, or is the holder of, a license issued by any other  
165 state, whether there are any encumbrances on any license or  
166 privilege to practice held by the applicant, whether any  
167 adverse action has been taken against any license or  
168 privilege to practice held by the applicant.

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

173 E. For an audiologist:

174 1. Must meet one of the following educational  
175 requirements:

176           a. On or before, Dec. 31, 2007, has graduated with a  
177 master's degree or doctorate in audiology, or equivalent  
178 degree regardless of degree name, from a program that is  
179 accredited by an accrediting agency recognized by the  
180 Council for Higher Education Accreditation, or its  
181 successor, or by the United States Department of Education  
182 and operated by a college or university accredited by a  
183 regional or national accrediting organization recognized by  
184 the board; or

185           b. On or after, Jan. 1, 2008, has graduated with a  
186 Doctoral degree in audiology, or equivalent degree,  
187 regardless of degree name, from a program that is accredited  
188 by an accrediting agency recognized by the Council for  
189 Higher Education Accreditation, or its successor, or by the  
190 United States Department of Education and operated by a  
191 college or university accredited by a regional or national  
192 accrediting organization recognized by the board; or

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

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

203           3. Has successfully passed a national examination  
204 approved by the Commission;

205           4. Holds an active, unencumbered license;

206           5. Has not been convicted or found guilty, and has not  
207 entered into an agreed disposition, of a felony related to

208 the practice of audiology, under applicable state or federal  
209 criminal law;

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

212 F. For a speech-language pathologist:

213 1. Must meet one of the following educational  
214 requirements:

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

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

229 2. Has completed a supervised clinical practicum  
230 experience from an educational institution or its  
231 cooperating programs as required by the Commission;

232 3. Has completed a supervised postgraduate  
233 professional experience as required by the Commission;

234 4. Has successfully passed a national examination  
235 approved by the Commission;

236 5. Holds an active, unencumbered license;

237 6. Has not been convicted or found guilty, and has not  
238 entered into an agreed disposition, of a felony related to

239 the practice of speech-language pathology, under applicable  
240 state or federal criminal law;

241 7. Has a valid United States Social Security or  
242 National Practitioner Identification number.

243 G. The privilege to practice is derived from the home  
244 state license.

245 H. An audiologist or speech-language pathologist  
246 practicing in a member state must comply with the state  
247 practice laws of the state in which the client is located at  
248 the time service is provided. The practice of audiology and  
249 speech-language pathology shall include all audiology and  
250 speech-language pathology practice as defined by the state  
251 practice laws of the member state in which the client is  
252 located. The practice of audiology and speech-language  
253 pathology in a member state under a privilege to practice  
254 shall subject an audiologist or speech-language pathologist  
255 to the jurisdiction of the licensing board, the courts and  
256 the laws of the member state in which the client is located  
257 at the time service is provided.

258 I. Individuals not residing in a member state shall  
259 continue to be able to apply for a member state's single-  
260 state license as provided under the laws of each member  
261 state. However, the single-state license granted to these  
262 individuals shall not be recognized as granting the  
263 privilege to practice audiology or speech-language pathology  
264 in any other member state. Nothing in this Compact shall  
265 affect the requirements established by a member state for  
266 the issuance of a single-state license.

267 J. Member states may charge a fee for granting a  
268 compact privilege.

269 K. Member states must comply with the bylaws and rules  
270 and regulations of the Commission.

271 SECTION 4. COMPACT PRIVILEGE

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

275 1. Hold an active license in the home state;

276 2. Have no encumbrance on any state license;

277 3. Be eligible for a compact privilege in any member  
278 state in accordance with Section 3;

279 4. Have not had any adverse action against any license  
280 or compact privilege within the previous 2 years from date  
281 of application;

282 5. Notify the Commission that the licensee is seeking  
283 the compact privilege within a remote state(s);

284 6. Pay any applicable fees, including any state fee,  
285 for the compact privilege;

286 7. Report to the Commission adverse action taken by  
287 any non-member state within 30 days from the date the  
288 adverse action is taken.

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

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

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

302           E. A license shall not be issued by the new home state  
303 until the audiologist or speech-language pathologist  
304 provides satisfactory evidence of a change in primary state  
305 of residence to the new home state and satisfies all  
306 applicable requirements to obtain a license from the new  
307 home state.

308           F. If an audiologist or speech-language pathologist  
309 changes primary state of residence by moving from a member  
310 state to a non-member state, the license issued by the prior  
311 home state shall convert to a single-state license, valid  
312 only in the former home state.

313           G. The compact privilege is valid until the expiration  
314 date of the home state license. The licensee must comply  
315 with the requirements of Section 4A to maintain the compact  
316 privilege in the remote state.

317           H. A licensee providing audiology or speech-language  
318 pathology services in a remote state under the compact  
319 privilege shall function within the laws and regulations of  
320 the remote state.

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

329           J. If a home state license is encumbered, the licensee  
330 shall lose the compact privilege in any remote state until  
331 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  
334 action.

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

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

342           SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

350           SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR  
351 SPOUSES

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

359           SECTION 7. ADVERSE ACTIONS

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

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

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

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

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

388           C. The home state shall complete any pending  
389 investigations of an audiologist or speech-language  
390 pathologist who changes primary state of residence during  
391 the course of the investigations. The home state shall also  
392 have the authority to take appropriate action(s) and shall  
393 promptly report the conclusions of the investigations to the  
394 administrator of the data system. The administrator of the

395 coordinated licensure information system shall promptly  
396 notify the new home state of any adverse actions.

397 D. If otherwise permitted by state law, the member  
398 state may recover from the affected audiologist or speech-  
399 language pathologist the costs of investigations and  
400 disposition of cases resulting from any adverse action taken  
401 against that audiologist or speech-language pathologist.

402 E. The member state may take adverse action based on  
403 the factual findings of the remote state, provided that the  
404 member state follows the member state's own procedures for  
405 taking the adverse action.

406 F. Joint Investigations:

407 1. In addition to the authority granted to a member  
408 state by its respective audiology or speech-language  
409 pathology practice act or other applicable state law, any  
410 member state may participate with other member states in  
411 joint investigations of licensees.

412 2. Member states shall share any investigative,  
413 litigation, or compliance materials in furtherance of any  
414 joint or individual investigation initiated under the  
415 Compact.

416 G. If adverse action is taken by the home state  
417 against an audiologist's or speech-language pathologist's  
418 license, the audiologist's or speech-language pathologist's  
419 privilege to practice in all other member states shall be  
420 deactivated until all encumbrances have been removed from  
421 the state license. All home state disciplinary orders that  
422 impose adverse action against an audiologist's or speech-  
423 language pathologist's license shall include a statement  
424 that the audiologist's or speech-language pathologist's  
425 privilege to practice is deactivated in all member states  
426 during the pendency of the order.

427 H. If a member state takes adverse action, it shall  
428 promptly notify the administrator of the data system. The  
429 administrator of the data system shall promptly notify the  
430 home state of any adverse actions by remote states.

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

434 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-  
435 LANGUAGE PATHOLOGY COMPACT COMMISSION

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

439 1. The Commission is an instrumentality of the Compact  
440 states.

441 2. Venue is proper and judicial proceedings by or  
442 against the Commission shall be brought solely and  
443 exclusively in a court of competent jurisdiction where the  
444 principal office of the Commission is located. The  
445 Commission may waive venue and jurisdictional defenses to  
446 the extent it adopts or consents to participate in  
447 alternative dispute resolution proceedings.

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

450 B. Membership, Voting and Meetings:

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

456 2. An additional five (5) delegates, who are either a  
457 public member or board administrator from a state licensing

458 board, shall be chosen by the Executive Committee from a  
459 pool of nominees provided by the Commission at Large.

460 3. Any delegate may be removed or suspended from  
461 office as provided by the law of the state from which the  
462 delegate is appointed.

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

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

469 6. A delegate shall vote in person or by other means  
470 as provided in the bylaws. The bylaws may provide for  
471 delegates' participation in meetings by telephone or other  
472 means of communication.

473 7. The Commission shall meet at least once during each  
474 calendar year. Additional meetings shall be held as set  
475 forth in the bylaws.

476 C. The Commission shall have the following powers and  
477 duties:

478 1. Establish the fiscal year of the Commission;

479 2. Establish bylaws;

480 3. Establish a Code of Ethics;

481 4. Maintain its financial records in accordance with  
482 the bylaws;

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

485 6. Promulgate uniform rules to facilitate and  
486 coordinate implementation and administration of this  
487 Compact. The rules shall have the force and effect of law  
488 and shall be binding in all member states;

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

494           8. Purchase and maintain insurance and bonds;

495           9. Borrow, accept, or contract for services of  
496 personnel, including, but not limited to, employees of a  
497 member state;

498           10. Hire employees, elect or appoint officers, fix  
499 compensation, define duties, grant individuals appropriate  
500 authority to carry out the purposes of the Compact, and to  
501 establish the Commission's personnel policies and programs  
502 relating to conflicts of interest, qualifications of  
503 personnel, and other related personnel matters;

504           11. Accept any and all appropriate donations and  
505 grants of money, equipment, supplies, materials and  
506 services, and to receive, utilize and dispose of the same;  
507 provided that at all times the Commission shall avoid any  
508 appearance of impropriety and/or conflict of interest;

509           12. Lease, purchase, accept appropriate gifts or  
510 donations of, or otherwise to own, hold, improve or use, any  
511 property, real, personal or mixed; provided that at all  
512 times the Commission shall avoid any appearance of  
513 impropriety;

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

517           14. Establish a budget and make expenditures;

518           15. Borrow money;

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

522           17. Provide and receive information from, and  
523 cooperate with, law enforcement agencies;

524           18. Establish and elect an Executive Committee; and

525           19. Perform other functions as may be necessary or  
526 appropriate to achieve the purposes of this Compact  
527 consistent with the state regulation of audiology and speech-  
528 language pathology licensure and practice.

529           D. The Executive Committee

530           The Executive Committee shall have the power to act on  
531 behalf of the Commission according to the terms of this  
532 Compact:

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

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

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

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

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

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

548           2. The Executive Committee shall meet at least  
549 annually.

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

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

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

559           c. Prepare and recommend the budget;

560           d. Maintain financial records on behalf of the  
561 Commission;

562           e. Monitor Compact compliance of member states and  
563 provide compliance reports to the Commission;

564           f. Establish additional committees as necessary; and

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

566           4. Meetings of the Commission

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

570           5. The Commission or the Executive Committee or other  
571 committees of the Commission may convene in a closed, non-  
572 public meeting if the Commission or Executive Committee or  
573 other committees of the Commission must discuss:

574           a. Non-compliance of a member state with its  
575 obligations under the Compact;

576           b. The employment, compensation, discipline or other  
577 matters, practices or procedures related to specific  
578 employees or other matters related to the Commission's  
579 internal personnel practices and procedures;

580           c. Current, threatened, or reasonably anticipated  
581 litigation;

- 582           d. Negotiation of contracts for the purchase, lease,  
583 or sale of goods, services, or real estate;
- 584           e. Accusing any person of a crime or formally  
585 censuring any person;
- 586           f. Disclosure of trade secrets or commercial or  
587 financial information that is privileged or confidential;
- 588           g. Disclosure of information of a personal nature  
589 where disclosure would constitute a clearly unwarranted  
590 invasion of personal privacy;
- 591           h. Disclosure of investigative records compiled for  
592 law enforcement purposes;
- 593           i. Disclosure of information related to any  
594 investigative reports prepared by or on behalf of or for use  
595 of the Commission or other committee charged with  
596 responsibility of investigation or determination of  
597 compliance issues pursuant to the Compact; or
- 598           j. Matters specifically exempted from disclosure by  
599 federal or member state statute.
- 600           6. If a meeting, or portion of a meeting, is closed  
601 pursuant to this provision, the Commission's legal counsel  
602 or designee shall certify that the meeting may be closed and  
603 shall reference each relevant exempting provision.
- 604           7. The Commission shall keep minutes that fully and  
605 clearly describe all matters discussed in a meeting and  
606 shall provide a full and accurate summary of actions taken,  
607 and the reasons therefore, including a description of the  
608 views expressed. All documents considered in connection  
609 with an action shall be identified in minutes. All minutes  
610 and documents of a closed meeting shall remain under seal,  
611 subject to release by a majority vote of the Commission or  
612 order of a court of competent jurisdiction.
- 613           8. Financing of the Commission:

614           a. The Commission shall pay, or provide for the  
615 payment of, the reasonable expenses of its establishment,  
616 organization, and ongoing activities.

617           b. The Commission may accept any and all appropriate  
618 revenue sources, donations, and grants of money, equipment,  
619 supplies, materials, and services.

620           c. The Commission may levy on and collect an annual  
621 assessment from each member state or impose fees on other  
622 parties to cover the cost of the operations and activities  
623 of the Commission and its staff, which must be in a total  
624 amount sufficient to cover its annual budget as approved  
625 each year for which revenue is not provided by other  
626 sources. The aggregate annual assessment amount shall be  
627 allocated based upon a formula to be determined by the  
628 Commission, which shall promulgate a rule binding upon all  
629 member states.

630           9. The Commission shall not incur obligations of any  
631 kind prior to securing the funds adequate to meet the same;  
632 nor shall the Commission pledge the credit of any of the  
633 member states, except by and with the authority of the  
634 member state.

635           10. The Commission shall keep accurate accounts of all  
636 receipts and disbursements. The receipts and disbursements  
637 of the Commission shall be subject to the audit and  
638 accounting procedures established under its bylaws.  
639 However, all receipts and disbursements of funds handled by  
640 the Commission shall be audited yearly by a certified or  
641 licensed public accountant, and the report of the audit  
642 shall be included in and become part of the annual report of  
643 the Commission.

644           F. Qualified Immunity, Defense, and Indemnification:

645           1. The members, officers, executive director,  
646 employees and representatives of the Commission shall be  
647 immune from suit and liability, either personally or in  
648 their official capacity, for any claim for damage to or loss  
649 of property or personal injury or other civil liability  
650 caused by or arising out of any actual or alleged act, error  
651 or omission that occurred, or that the person against whom  
652 the claim is made had a reasonable basis for believing  
653 occurred within the scope of Commission employment, duties  
654 or responsibilities; provided that nothing in this paragraph  
655 shall be construed to protect any person from suit and/or  
656 liability for any damage, loss, injury, or liability caused  
657 by the intentional or willful or wanton misconduct of that  
658 person.

659           2. The Commission shall defend any member, officer,  
660 executive director, employee or representative of the  
661 Commission in any civil action seeking to impose liability  
662 arising out of any actual or alleged act, error, or omission  
663 that occurred within the scope of Commission employment,  
664 duties, or responsibilities, or that the person against whom  
665 the claim is made had a reasonable basis for believing  
666 occurred within the scope of Commission employment, duties,  
667 or responsibilities; provided that nothing herein shall be  
668 construed to prohibit that person from retaining his or her  
669 own counsel; and provided further, that the actual or  
670 alleged act, error, or omission did not result from that  
671 person's intentional or willful or wanton misconduct.

672           3. The Commission shall indemnify and hold harmless  
673 any member, officer, executive director, employee, or  
674 representative of the Commission for the amount of any  
675 settlement or judgment obtained against that person arising  
676 out of any actual or alleged act, error or omission that

677 occurred within the scope of Commission employment, duties,  
678 or responsibilities, or that person had a reasonable basis  
679 for believing occurred within the scope of Commission  
680 employment, duties, or responsibilities, provided that the  
681 actual or alleged act, error, or omission did not result  
682 from the intentional or willful or wanton misconduct of that  
683 person.

684 SECTION 9. DATA SYSTEM

685 A. The Commission shall provide for the development,  
686 maintenance, and utilization of a coordinated database and  
687 reporting system containing licensure, adverse action, and  
688 investigative information on all licensed individuals in  
689 member states.

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

- 695 1. Identifying information;
- 696 2. Licensure data;
- 697 3. Adverse actions against a license or compact  
698 privilege;
- 699 4. Non-confidential information related to alternative  
700 program participation;
- 701 5. Any denial of application for licensure, and the  
702 reason(s) for denial; and
- 703 6. Other information that may facilitate the  
704 administration of this Compact, as determined by the rules  
705 of the Commission.

706 C. Investigative information pertaining to a licensee  
707 in any member state shall only be available to other member  
708 states.

709           D. The Commission shall promptly notify all member  
710 states of any adverse action taken against a licensee or an  
711 individual applying for a license. Adverse action  
712 information pertaining to a licensee in any member state  
713 shall be available to any other member state.

714           E. Member states contributing information to the data  
715 system may designate information that may not be shared with  
716 the public without the express permission of the  
717 contributing state.

718           F. Any information submitted to the data system that  
719 is subsequently required to be expunged by the laws of the  
720 member state contributing the information shall be removed  
721 from the data system.

722           SECTION 10. RULEMAKING

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

727           B. If a majority of the legislatures of the member  
728 states rejects a rule, by enactment of a statute or  
729 resolution in the same manner used to adopt the Compact  
730 within 4 years of the date of adoption of the rule, the rule  
731 shall have no further force and effect in any member state.

732           C. Rules or amendments to the rules shall be adopted  
733 at a regular or special meeting of the Commission.

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

739           1. On the website of the Commission or other publicly  
740 accessible platform; and

741           2. On the website of each member state audiology or  
742 speech-language pathology licensing board or other publicly  
743 accessible platform or the publication in which each state  
744 would otherwise publish proposed rules.

745           E. The Notice of Proposed Rulemaking shall include:

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

748           2. The text of the proposed rule or amendment and the  
749 reason for the proposed rule;

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

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

755           F. Prior to the adoption of a proposed rule, the  
756 Commission shall allow persons to submit written data,  
757 facts, opinions and arguments, which shall be made available  
758 to the public.

759           G. The Commission shall grant an opportunity for a  
760 public hearing before it adopts a rule or amendment if a  
761 hearing is requested by:

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

763           2. A state or federal governmental subdivision or  
764 agency; or

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

767           H. If a hearing is held on the proposed rule or  
768 amendment, the Commission shall publish the place, time, and  
769 date of the scheduled public hearing. If the hearing is  
770 held via electronic means, the Commission shall publish the  
771 mechanism for access to the electronic hearing.

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

777           2. Hearings shall be conducted in a manner providing  
778 each person who wishes to comment a fair and reasonable  
779 opportunity to comment orally or in writing.

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

782           4. Nothing in this section shall be construed as  
783 requiring a separate hearing on each rule. Rules may be  
784 grouped for the convenience of the Commission at hearings  
785 required by this section.

786           I. Following the scheduled hearing date, or by the  
787 close of business on the scheduled hearing date if the  
788 hearing was not held, the Commission shall consider all  
789 written and oral comments received.

790           J. If no written notice of intent to attend the public  
791 hearing by interested parties is received, the Commission  
792 may proceed with promulgation of the proposed rule without a  
793 public hearing.

794           K. The Commission shall, by majority vote of all  
795 members, take final action on the proposed rule and shall  
796 determine the effective date of the rule, if any, based on  
797 the rulemaking record and the full text of the rule.

798           L. Upon determination that an emergency exists, the  
799 Commission may consider and adopt an emergency rule without  
800 prior notice, opportunity for comment, or hearing, provided  
801 that the usual rulemaking procedures provided in the Compact  
802 and in this section shall be retroactively applied to the  
803 rule as soon as reasonably possible, in no event later than

804 ninety (90) days after the effective date of the rule. For  
805 the purposes of this provision, an emergency rule is one  
806 that must be adopted immediately in order to:

- 807 1. Meet an imminent threat to public health, safety,  
808 or welfare;
- 809 2. Prevent a loss of Commission or member state funds;  
810 or
- 811 3. Meet a deadline for the promulgation of an  
812 administrative rule that is established by federal law or  
813 rule.

814 M. The Commission or an authorized committee of the  
815 Commission may direct revisions to a previously adopted rule  
816 or amendment for purposes of correcting typographical  
817 errors, errors in format, errors in consistency, or  
818 grammatical errors. Public notice of any revisions shall be  
819 posted on the website of the Commission. The revision shall  
820 be subject to challenge by any person for a period of thirty  
821 (30) days after posting. The revision may be challenged  
822 only on grounds that the revision results in a material  
823 change to a rule. A challenge shall be made in writing and  
824 delivered to the chair of the Commission prior to the end of  
825 the notice period. If no challenge is made, the revision  
826 shall take effect without further action. If the revision  
827 is challenged, the revision may not take effect without the  
828 approval of the Commission.

829 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND  
830 ENFORCEMENT

831 A. Dispute Resolution

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

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

839           B. Enforcement

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

843           2. By majority vote, the Commission may initiate legal  
844 action in the United States District Court for the District  
845 of Columbia or the federal district where the Commission has  
846 its principal offices against a member state in default to  
847 enforce compliance with the provisions of the Compact and  
848 its promulgated rules and bylaws. The relief sought may  
849 include both injunctive relief and damages. In the event  
850 judicial enforcement is necessary, the prevailing member  
851 shall be awarded all costs of litigation, including  
852 reasonable attorney's fees.

853           3. The remedies herein shall not be the exclusive  
854 remedies of the Commission. The Commission may pursue any  
855 other remedies available under federal or state law.

856           SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE  
857 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
858 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

859           A. The Compact shall come into effect on the date on  
860 which the Compact statute is enacted into law in the 10th  
861 member state. The provisions, which become effective at  
862 that time, shall be limited to the powers granted to the  
863 Commission relating to assembly and the promulgation of  
864 rules. Thereafter, the Commission shall meet and exercise  
865 rulemaking powers necessary to the implementation and  
866 administration of the Compact.

867           B. Any state that joins the Compact subsequent to the  
868 Commission's initial adoption of the rules shall be subject  
869 to the rules as they exist on the date on which the Compact  
870 becomes law in that state. Any rule that has been  
871 previously adopted by the Commission shall have the full  
872 force and effect of law on the day the Compact becomes law  
873 in that state.

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

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

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

884           D. Nothing contained in this Compact shall be  
885 construed to invalidate or prevent any audiology or speech-  
886 language pathology licensure agreement or other cooperative  
887 arrangement between a member state and a non-member state  
888 that does not conflict with the provisions of this Compact.

889           E. This Compact may be amended by the member states.  
890 No amendment to this Compact shall become effective and  
891 binding upon any member state until it is enacted into the  
892 laws of all member states.

### 893           SECTION 13. CONSTRUCTION AND SEVERABILITY

894           This Compact shall be liberally construed so as to  
895 effectuate the purposes thereof. The provisions of this  
896 Compact shall be severable and if any phrase, clause,  
897 sentence or provision of this Compact is declared to be  
898 contrary to the constitution of any member state or of the

899 United States or the applicability thereof to any  
900 government, agency, person or circumstance is held invalid,  
901 the validity of the remainder of this Compact and the  
902 applicability thereof to any government, agency, person or  
903 circumstance shall not be affected thereby. If this Compact  
904 shall be held contrary to the constitution of any member  
905 state, the Compact shall remain in full force and effect as  
906 to the remaining member states and in full force and effect  
907 as to the member state affected as to all severable matters.

908 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

914 C. All lawful actions of the Commission, including all  
915 rules and bylaws promulgated by the Commission, are binding  
916 upon the member states.

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

919 E. In the event any provision of the Compact exceeds  
920 the constitutional limits imposed on the legislature of any  
921 member state, the provision shall be ineffective to the  
922 extent of the conflict with the constitutional provision in  
923 question in that member state.

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