

By Senator Wright

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1 A bill to be entitled
2 An act relating to the Practice of Audiology and
3 Speech-language Pathology Interstate Compact; creating
4 s. 468.1335, F.S.; enacting the Practice of Audiology
5 and Speech-language Pathology Interstate Compact;
6 providing a purpose and objectives; providing
7 construction; defining terms; specifying requirements
8 for state participation in the compact and duties of
9 member states; specifying requirements for a privilege
10 to practice in member states; providing that a
11 privilege to practice is derived from the home state
12 license; specifying the parameters of practice for
13 audiologists and speech-language pathologists
14 practicing in member states; specifying that the
15 compact does not affect an individual's ability to
16 apply for, and a member state's ability to grant, a
17 single-state license pursuant to the laws of that
18 state; providing construction; specifying criteria a
19 licensee must meet to exercise compact privilege;
20 specifying that a licensee may hold a home state
21 license in only one member state at a time; specifying
22 requirements and procedures for changing a home state
23 license designation; providing for the expiration and
24 renewal of compact privilege; specifying that a
25 licensee with compact privilege in a remote state must
26 adhere to the laws and rules of that state;
27 authorizing member states to act on a licensee's
28 compact privilege under certain circumstances;
29 specifying the consequences and parameters of practice

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30 for a licensee whose compact privilege has been acted
31 on or whose home state license is encumbered;
32 providing for the recognition of the practice of
33 audiology or speech-language pathology through
34 telehealth in member states; authorizing certain
35 active duty military personnel or their spouses to
36 keep their home state designation during active duty;
37 specifying how such individuals may subsequently
38 change their home state license designation;
39 authorizing remote states to take adverse action
40 against a licensee's privilege to practice and issue
41 subpoenas for hearings and investigations under
42 certain circumstances; providing for the enforcement
43 of subpoenas issued by remote states; requiring the
44 remote state to pay for certain associated costs and
45 fees; providing requirements and procedures for taking
46 adverse action; authorizing remote states to recover
47 costs of investigations and disposition of cases under
48 certain circumstances; authorizing member states to
49 engage in joint investigations under certain
50 circumstances; providing that a licensee's compact
51 privilege must be deactivated in all member states for
52 the duration of an encumbrance imposed by the
53 licensee's home state; requiring home state
54 disciplinary orders imposing adverse action to include
55 a certain statement; providing for notice to the
56 commission's data system and the licensee's home state
57 of any adverse action taken against a licensee;
58 providing construction; establishing the Audiology and

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59 Speech-language Pathology Interstate Compact
60 Commission; providing for jurisdiction and venue for
61 court proceedings; providing construction; providing
62 for membership, voting, and meetings of the
63 commission; specifying the commission's powers and
64 duties; providing for election and membership of an
65 executive committee; providing duties and
66 responsibilities of the executive committee; providing
67 requirements for meetings of the commission; requiring
68 the commission to keep minutes of the meetings;
69 providing requirements for the minutes; providing for
70 the financing of the commission; providing for annual
71 audits of the commission; providing specified
72 individuals immunity from civil liability under
73 certain circumstances; providing construction;
74 requiring the commission to defend such individuals in
75 civil actions under certain circumstances; requiring
76 the commission to indemnify and hold harmless
77 specified individuals for any settlement or judgment
78 obtained in such actions under certain circumstances;
79 providing for the development of a data system;
80 providing reporting procedures; providing for the
81 exchange of specified information between member
82 states; requiring the commission to notify member
83 states of any adverse action taken against a licensee
84 or applicant for licensure; authorizing member states
85 to designate as confidential information provided to
86 the data system; requiring the commission to remove
87 information from the data system under certain

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88 circumstances; providing rulemaking procedures for the
89 commission, including public notice and hearing
90 requirements; providing emergency rulemaking
91 procedures; providing procedures for rule revisions
92 that are technical in nature; providing for member
93 state dispute resolution and enforcement of the
94 compact; providing procedures and venue for the
95 commission to initiate legal actions to enforce the
96 compact; providing for injunctive relief and damages;
97 providing for costs and attorney fees; providing
98 construction; providing that the compact becomes
99 effective and binding upon enactment of the compact by
100 10 states; providing for initial rulemaking to
101 implement the compact; providing that states that join
102 the compact after adoption of the initial rules are
103 subject to such rules; providing procedures for
104 withdrawal from the compact; providing construction;
105 providing for amendment of the compact; providing
106 construction and for severability; specifying that the
107 compact and commission actions, rules, and agreements
108 are binding on member states; providing an effective
109 date.

110
111 Be It Enacted by the Legislature of the State of Florida:

112
113 Section 1. Section 468.1335, Florida Statutes, is created
114 to read:

115 468.1335 Practice of Audiology and Speech-language
116 Pathology Interstate Compact.—The Practice of Audiology and

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117 Speech-language Pathology Interstate Compact is hereby enacted
118 into law and entered into by this state with all other states
119 legally joining therein in the form substantially as follows:

121 ARTICLE I

122 PURPOSE

123
124 (1) The purpose of this compact is to facilitate the
125 interstate practice of audiology and speech-language pathology
126 with the goal of improving public access to audiology and
127 speech-language pathology services.

128 (2) The practice of audiology and speech-language pathology
129 occurs in the state where the patient, client, or student is
130 located at the time the services are provided.

131 (3) The compact preserves the regulatory authority of
132 states to protect the public health and safety through the
133 current system of state licensure.

134 (4) This compact is designed to achieve all of the
135 following objectives:

136 (a) Increase public access to audiology and speech-language
137 pathology services by providing for the mutual recognition of
138 other member state licenses.

139 (b) Enhance the ability of member states to protect public
140 health and safety.

141 (c) Encourage the cooperation of member states in
142 regulating multistate audiology and speech-language pathology
143 practices.

144 (d) Support spouses of relocating active duty military
145 personnel.

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146 (e) Enhance the exchange of licensure, investigative, and
147 disciplinary information between member states.

148 (f) Allow a remote state to hold a licensee with compact
149 privilege in that state accountable to that state's practice
150 standards.

151 (g) Allow for the use of telehealth technology to
152 facilitate increased access to audiology and speech-language
153 pathology services.

154
155 ARTICLE II

156 DEFINITIONS

157
158 (1) As used in this section, the term:

159 (2) "Active duty military" means full-time duty status in
160 the active uniformed service of the United States, including
161 members of the National Guard and Reserve on active duty orders
162 pursuant to 10 U.S.C. chapters 1209 and 1211.

163 (3) "Adverse action" means any administrative, civil,
164 equitable, or criminal action permitted by a state's laws which
165 is imposed by a licensing board against a licensee, including
166 actions against an individual's license or privilege to
167 practice, such as revocation, suspension, probation, monitoring
168 of the licensee, or restriction on the licensee's practice.

169 (4) "Alternative program" means a nondisciplinary
170 monitoring process approved by an audiology licensing board or a
171 speech-language pathology licensing board to address impaired
172 licensees.

173 (5) "Audiologist" means an individual who is licensed by a
174 state to practice audiology.

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175 (6) "Audiology" means the care and services provided by a
176 licensed audiologist as provided in the member state's rules and
177 regulations.

178 (7) "Audiology and Speech-language Pathology Interstate
179 Compact Commission" or "commission" means the national
180 administrative body whose membership consists of all states that
181 have enacted the compact.

182 (8) "Audiology licensing board" means the agency of a state
183 that is responsible for the licensing and regulation of
184 audiologists.

185 (9) "Compact privilege" means the authorization granted by
186 a remote state to allow a licensee from another member state to
187 practice as an audiologist or speech-language pathologist in the
188 remote state under its rules and regulations. The practice of
189 audiology or speech-language pathology occurs in the member
190 state where the patient, client, or student is located at the
191 time the services are provided.

192 (10) "Data system" means a repository of information
193 relating to licensees, including, but not limited to, continuing
194 education, examination, licensure, investigative, compact
195 privilege, and adverse action information.

196 (11) "Encumbered license" means a license in which an
197 adverse action restricts the practice of audiology or speech-
198 language pathology by the licensee and the adverse action has
199 been reported to the National Practitioner Data Bank (NPDB).

200 (12) "Executive committee" means a group of directors
201 elected or appointed to act on behalf of, and within the powers
202 granted to them by, the commission.

203 (13) "Home state" means the member state that is the

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204 licensee's primary state of residence.

205 (14) "Impaired licensee" means a licensee whose
206 professional practice is adversely affected by substance abuse,
207 addiction, or other health-related conditions.

208 (15) "Investigative information," means information that a
209 licensing board, after an inquiry or investigation that includes
210 notification and an opportunity for the audiologist or speech-
211 language pathologist to respond, if required by state law, has
212 reason to believe is not groundless and, if proved true, would
213 indicate more than a minor infraction.

214 (16) "Licensee" means a person who is licensed by his or
215 her home state to practice as an audiologist or speech-language
216 pathologist.

217 (17) "Licensing board" means the agency of a member state
218 which is responsible for the licensing and regulation of
219 audiologists or speech-language pathologists.

220 (18) "Member state" means a state that has enacted the
221 compact.

222 (19) "Privilege to practice" means an authorization
223 permitting the practice of audiology or speech-language
224 pathology in a remote state.

225 (20) "Remote state" means a member state other than the
226 home state where a licensee is exercising or seeking to exercise
227 his or her compact privilege.

228 (21) "Rule" means a regulation, principle, or directive
229 adopted by the commission which has the force of law.

230 (22) "Single-state license" means an audiology or speech-
231 language pathology license issued by a member state which
232 authorizes practice only within the issuing state and does not

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233 include a privilege to practice in any other member state.

234 (23) "Speech-language pathologist" means an individual who
235 is licensed to practice speech-language pathology.

236 (24) "Speech-language pathology" means the care and
237 services provided by a licensed speech-language pathologist as
238 provided in the member state's rules and regulations.

239 (25) "Speech-language pathology licensing board" means the
240 agency of a member state which is responsible for the licensing
241 and regulation of speech-language pathologists.

242 (26) "State" means any state, commonwealth, district, or
243 territory of the United States of America that regulates the
244 practice of audiology and speech-language pathology.

245 (27) "State practice laws" means a member state's laws,
246 rules, and regulations that govern the practice of audiology or
247 speech-language pathology, define the scope of audiology or
248 speech-language pathology practice, and create the methods and
249 grounds for imposing discipline.

250 (28) "Telehealth" means the application of
251 telecommunication technology to deliver audiology or speech-
252 language pathology services at a distance for assessment,
253 intervention, or consultation.

254
255 ARTICLE III

256 STATE PARTICIPATION

257
258 (1) A license issued to an audiologist or speech-language
259 pathologist by a home state to a resident in that state must be
260 recognized by each member state as authorizing an audiologist or
261 speech-language pathologist to practice audiology or speech-

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262 language pathology, under a privilege to practice, in each
263 member state.

264 (2) A member state must implement and utilize procedures
265 for considering the criminal history records of applicants for
266 initial privilege to practice. These procedures must include the
267 submission of fingerprints or other biometric-based information
268 by applicants for the purpose of obtaining an applicant's
269 criminal history records from the Federal Bureau of
270 Investigation and the agency responsible for retaining that
271 state's criminal history records.

272 (a) A member state must fully implement and utilize a
273 criminal history records check procedure, within a timeframe
274 established by rule, that requires the member state to receive
275 an applicant's criminal history records from the Federal Bureau
276 of Investigation and the agency responsible for retaining the
277 member state's criminal history records and use such records in
278 making licensure decisions.

279 (b) Communication between a member state, the commission,
280 and other member states regarding the verification of
281 eligibility for licensure through the compact may not include
282 any information received from the Federal Bureau of
283 Investigation relating to a criminal history records check
284 performed by a member state under Pub. L. No. 92-544.

285 (3) Upon application for a privilege to practice, the
286 licensing board in the issuing remote state shall ascertain,
287 through the data system, whether the applicant has ever held, or
288 is the holder of, a license issued by any other state, whether
289 there are any encumbrances on any license or privilege to
290 practice held by the applicant, and whether any adverse action

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291 has been taken against any license or privilege to practice held
292 by the applicant.

293 (4) Each member state shall require an applicant to obtain
294 or retain a license in his or her home state and meet the home
295 state's qualifications for licensure or renewal of licensure and
296 all other applicable state laws.

297 (5) An applicant may be granted the privilege to practice
298 as an audiologist by meeting all of the following requirements:

299 (a) At least one of the following educational requirements:

300 1. On or before December 31, 2007, has graduated with a
301 master's degree or doctorate degree in audiology, or an
302 equivalent degree, from a program that is accredited by an
303 accrediting agency recognized by the Council for Higher
304 Education Accreditation, or its successor, or by the United
305 States Department of Education and operated by a college or
306 university accredited by a regional or national accrediting
307 organization recognized by the board;

308 2. On or after January 1, 2008, has graduated with a
309 doctorate degree in audiology, or an equivalent degree, from a
310 program that is accredited by an accrediting agency recognized
311 by the Council for Higher Education Accreditation, or its
312 successor, or by the United States Department of Education and
313 operated by a college or university accredited by a regional or
314 national accrediting organization recognized by the board; or

315 3. Has graduated from an audiology program that is housed
316 in an institution of higher education outside of the United
317 States for which the degree program and institution have been
318 approved by the authorized accrediting body in the applicable
319 country and the degree program has been verified by an

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320 independent credentials review agency to be comparable to a
321 state licensing board-approved program.

322 (b) Has completed a supervised clinical practicum
323 experience from an accredited educational institution or its
324 cooperating programs as required by the commission.

325 (c) Has successfully passed a national examination approved
326 by the commission.

327 (d) Holds an active, unencumbered license.

328 (e) Has not been convicted or found guilty of, or entered a
329 plea of guilty or nolo contendere to, regardless of
330 adjudication, a felony in any jurisdiction which directly
331 relates to the practice of his or her profession or the ability
332 to practice his or her profession.

333 (f) Has a valid United States social security number or a
334 National Provider Identifier number.

335 (6) An applicant may be granted the privilege to practice
336 as a speech-language pathologist by meeting all of the following
337 requirements:

338 (a) At least one of the following educational requirements:

339 1. Has graduated with a master's degree from a speech-
340 language pathology program that is accredited by an organization
341 recognized by the United States Department of Education and
342 operated by a college or university accredited by a regional or
343 national accrediting organization recognized by the board; or

344 2. Has graduated from a speech-language pathology program
345 that is housed in an institution of higher education outside of
346 the United States for which the degree program and institution
347 have been approved by the authorized accrediting body in the
348 applicable country and the degree program has been verified by

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349 an independent credentials review agency to be comparable to a
350 state licensing board-approved program.

351 (b) Has completed a supervised clinical practicum
352 experience from an accredited educational institution or its
353 cooperating programs as required by the commission.

354 (c) Has completed a supervised postgraduate professional
355 experience as required by the commission.

356 (d) Has successfully passed a national examination approved
357 by the commission.

358 (e) Holds an active, unencumbered license.

359 (f) Has not been convicted or found guilty of, or entered a
360 plea of guilty or nolo contendere to, regardless of
361 adjudication, a felony in any jurisdiction which directly
362 relates to the practice of his or her profession or the ability
363 to practice his or her profession.

364 (g) Has a valid United States social security number or
365 National Provider Identifier number.

366 (7) The privilege to practice is derived from the home
367 state license.

368 (8) An audiologist or speech-language pathologist
369 practicing in a member state must comply with the state practice
370 laws of the member state where the client is located at the time
371 service is provided. The practice of audiology and speech-
372 language pathology shall include all audiology and speech-
373 language pathology practices as defined by the state practice
374 laws of the member state where the client is located. The
375 practice of audiology and speech-language pathology in a member
376 state under a privilege to practice shall subject an audiologist
377 or speech-language pathologist to the jurisdiction of the

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378 licensing boards, courts, and laws of the member state where the
379 client is located at the time service is provided.

380 (9) Individuals not residing in a member state shall
381 continue to be able to apply for a member state's single-state
382 license as provided under the laws of each member state.
383 However, the single-state license granted to these individuals
384 may not be recognized as granting the privilege to practice
385 audiology or speech-language pathology in any other member
386 state. This compact does not affect the requirements established
387 by a member state for the issuance of a single-state license.

388 (10) Member states must comply with the bylaws and rules of
389 the commission.

391 ARTICLE IV

392 COMPACT PRIVILEGE

393
394 (1) To exercise compact privilege under the compact, an
395 audiologist or speech-language pathologist must meet all of the
396 following requirements:

397 (a) Hold an active license in the home state.

398 (b) Have no encumbrance on any state license.

399 (c) Be eligible for compact privilege in any member state
400 in accordance with Article III.

401 (d) Not have any adverse action against any license or
402 compact privilege within the 2 years preceding the date of
403 application.

404 (e) Notify the commission that he or she is seeking compact
405 privilege within a remote state or states.

406 (f) Report to the commission any adverse action taken by

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407 any nonmember state within 30 days from the date the adverse
408 action is taken.

409 (2) For the purposes of compact privilege, an audiologist
410 or speech-language pathologist may only hold one home state
411 license at a time.

412 (3) Except as provided in Article VI, if an audiologist or
413 speech-language pathologist changes primary state of residence
414 by moving between two member states, the audiologist or speech-
415 language pathologist must apply for licensure in the new home
416 state, and the license issued by the prior home state shall be
417 deactivated in accordance with applicable rules adopted by the
418 commission.

419 (4) The audiologist or speech-language pathologist may
420 apply for licensure in advance of a change in his or her primary
421 state of residence.

422 (5) A license may not be issued by the new home state until
423 the audiologist or speech-language pathologist provides
424 satisfactory evidence of a change in primary state of residence
425 to the new home state and satisfies all applicable requirements
426 to obtain a license from the new home state.

427 (6) If an audiologist or speech-language pathologist
428 changes primary state of residence by moving from a member state
429 to a nonmember state, the license issued by the prior home state
430 shall convert to a single-state license, valid only in the
431 former home state.

432 (7) Compact privilege is valid until the expiration date of
433 the home state license. The licensee must comply with the
434 requirements of subsection (1) to maintain compact privilege in
435 the remote state.

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436 (8) A licensee providing audiology or speech-language
437 pathology services in a remote state under compact privilege
438 must adhere to the laws and regulations of the remote state.

439 (9) A remote state may, in accordance with due process and
440 state law, remove a licensee's compact privilege in the remote
441 state for a specific period of time, impose fines, or take any
442 other necessary actions to protect the health and safety of its
443 citizens.

444 (10) If a home state license is encumbered, the licensee
445 shall lose compact privilege in all remote states until both of
446 the following occur:

447 (a) The home state license is no longer encumbered.

448 (b) Two years have elapsed from the date of the adverse
449 action.

450 (11) Once an encumbered license in the home state is
451 restored to good standing, the licensee must meet the
452 requirements of subsection (1) to obtain compact privilege in
453 any remote state.

454 (12) Once the requirements of subsection (10) have been
455 met, the licensee must meet the requirements in subsection (1)
456 to obtain compact privilege in a remote state.

457
458 ARTICLE V

459 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

460
461 Member states shall recognize the right of an audiologist
462 or speech-language pathologist, licensed by a home state in
463 accordance with Article III and under rules adopted by the
464 commission, to practice audiology or speech-language pathology

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465 in any member state through the use of telehealth under
466 privilege to practice as provided in the compact and rules
467 adopted by the commission.

468
469 ARTICLE VI

470 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

471
472 Active duty military personnel or their spouses licensed as
473 audiologists or speech-language pathologists shall designate a
474 home state where the individual has a current license in good
475 standing. The individual may retain the home state designation
476 during the period the servicemember is on active duty.
477 Subsequent to designating a home state, the individual may only
478 change his or her home state through application for licensure
479 in the new state.

480
481 ARTICLE VII

482 ADVERSE ACTION

483
484 (1) In addition to the other powers conferred by state law,
485 a remote state may:

486 (a) Take adverse action against an audiologist's or speech-
487 language pathologist's privilege to practice within that member
488 state.

489 1. Only the home state has the power to take adverse action
490 against an audiologist's or a speech-language pathologist's
491 license issued by the home state.

492 2. For purposes of taking adverse action, the home state
493 shall give the same priority and effect to reported conduct

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494 received from a member state as it would if the conduct had
495 occurred within the home state. In so doing, the home state
496 shall apply its own state laws to determine appropriate action.

497 (b) Issue subpoenas for both hearings and investigations
498 that require the attendance and testimony of witnesses as well
499 as the production of evidence. Subpoenas issued by a licensing
500 board in a member state for the attendance and testimony of
501 witnesses or the production of evidence from another member
502 state must be enforced in the latter state by any court of
503 competent jurisdiction according to the practice and procedure
504 of that court applicable to subpoenas issued in proceedings
505 pending before it. The issuing authority shall pay any witness
506 fees, travel expenses, mileage, and other fees required by the
507 service statutes of the state in which the witnesses or evidence
508 are located.

509 (c) Complete any pending investigations of an audiologist
510 or speech-language pathologist who changes his or her primary
511 state of residence during the course of the investigations. The
512 home state also has the authority to take appropriate actions
513 and shall promptly report the conclusions of the investigations
514 to the administrator of the data system established under
515 Article IX. The administrator of the data system shall promptly
516 notify the new home state of any adverse actions.

517 (d) If otherwise allowed by state law, recover from the
518 affected audiologist or speech-language pathologist the costs of
519 investigations and disposition of cases resulting from any
520 adverse action taken against that audiologist or speech-
521 language pathologist.

522 (e) Take adverse action based on the factual findings of

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523 the remote state, provided that the member state follows the
524 member state's own procedures for taking the adverse action.

525 (2) (a) In addition to the authority granted to a member
526 state by its respective audiology or speech-language pathology
527 practice act or other applicable state law, any member state may
528 participate with other member states in joint investigations of
529 licensees.

530 (b) Member states shall share any investigative,
531 litigation, or compliance materials in furtherance of any joint
532 or individual investigation initiated under the compact.

533 (3) If adverse action is taken by the home state against an
534 audiologist's or a speech language pathologist's license, the
535 audiologist's or speech-language pathologist's privilege to
536 practice in all other member states shall be deactivated until
537 all encumbrances have been removed from the home state license.
538 All home state disciplinary orders that impose adverse action
539 against an audiologist's or a speech language pathologist's
540 license must include a statement that the audiologist's or
541 speech-language pathologist's privilege to practice is
542 deactivated in all member states during the pendency of the
543 order.

544 (4) If a member state takes adverse action, it must
545 promptly notify the administrator of the data system established
546 under Article IX. The administrator of the data system shall
547 promptly notify the home state of any adverse actions by remote
548 states.

549 (5) This compact does not override a member state's
550 decision that participation in an alternative program may be
551 used in lieu of adverse action.

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552
553 ARTICLE VIII

554 ESTABLISHMENT OF THE AUDIOLOGY

555 AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT COMMISSION

556
557 (1) The member states hereby create and establish a joint
558 public agency known as the Audiology and Speech-language
559 Pathology Interstate Compact Commission:

560 (a) The commission is an instrumentality of the compact
561 states.

562 (b) Venue is proper, and judicial proceedings by or against
563 the commission may be brought solely and exclusively in a court
564 of competent jurisdiction where the principal office of the
565 commission is located. The commission may waive venue and
566 jurisdictional defenses to the extent it adopts or consents to
567 participate in alternative dispute resolution proceedings.

568 (c) This compact does not waive sovereign immunity except
569 to the extent sovereign immunity is waived in the member states.

570 (2) (a) Each member state shall have two delegates selected
571 by that member state's licensing boards. The delegates must be
572 current members of the licensing boards. One delegate must be an
573 audiologist and one delegate must be a speech-language
574 pathologist.

575 (b) An additional five delegates, who are each either a
576 public member or board administrator from a licensing board,
577 must be chosen by the executive committee from a pool of
578 nominees provided by the commission at large.

579 (c) A delegate may be removed or suspended from office as
580 provided by the state law from which the delegate is appointed.

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581 (d) The member state board shall fill any vacancy occurring
582 on the commission within 90 days.

583 (e) Each delegate is entitled to one vote with regard to
584 the adoption of rules and creation of bylaws and shall otherwise
585 have an opportunity to participate in the business and affairs
586 of the commission.

587 (f) A delegate shall vote in person or by other means as
588 provided in the bylaws. The bylaws may provide for delegates'
589 participation in meetings by telephone or other means of
590 communication.

591 (g) The commission shall meet at least once during each
592 calendar year. Additional meetings must be held as provided in
593 the bylaws and rules.

594 (3) The commission has the following powers and duties:

595 (a) Establish the commission's fiscal year.

596 (b) Establish bylaws.

597 (c) Establish a code of ethics.

598 (d) Maintain financial records in accordance with the
599 bylaws.

600 (e) Meet and take actions as are consistent with the
601 compact and the bylaws.

602 (f) Adopt uniform rules to facilitate and coordinate
603 implementation and administration of this compact. The rules
604 have the force and effect of law and are binding on all member
605 states.

606 (g) Bring and prosecute legal proceedings or actions in the
607 name of the commission, provided that the standing of an
608 audiology licensing board or a speech-language pathology
609 licensing board to sue or be sued under applicable law is not

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- 610 affected.
- 611 (h) Purchase and maintain insurance and bonds.
- 612 (i) Borrow, accept, or contract for services of personnel,
613 including, but not limited to, employees of a member state.
- 614 (j) Hire employees, elect or appoint officers, fix
615 compensation, define duties, grant individuals appropriate
616 authority to carry out the purposes of the compact, and
617 establish the commission's personnel policies and programs
618 relating to conflicts of interest, qualifications of personnel,
619 and other related personnel matters.
- 620 (k) Accept any and all appropriate donations and grants of
621 money, equipment, supplies, and materials and services, and
622 receive, utilize, and dispose of the same, provided that at all
623 times the commission must avoid any appearance of impropriety or
624 conflict of interest.
- 625 (l) Lease, purchase, accept appropriate gifts or donations
626 of, or otherwise own, hold, improve, or use any property, real,
627 personal, or mixed, provided that at all times the commission
628 avoids any appearance of impropriety.
- 629 (m) Sell, convey, mortgage, pledge, lease, exchange,
630 abandon, or otherwise dispose of any property, real, personal,
631 or mixed.
- 632 (n) Establish a budget and make expenditures.
- 633 (o) Borrow money.
- 634 (p) Appoint committees, including standing committees
635 composed of members and other interested persons as may be
636 designated in this compact and the bylaws.
- 637 (q) Provide and receive information from, and cooperate
638 with, law enforcement agencies.

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- 639 (r) Establish and elect an executive committee.
- 640 (s) Perform other functions as may be necessary or
641 appropriate to achieve the purposes of this compact consistent
642 with the state regulation of audiology and speech-language
643 pathology licensure and practice.
- 644 (4) The executive committee shall have the power to act on
645 behalf of the commission according to the terms of the compact.
- 646 (a) The executive committee must be composed of 10 members
647 as follows:
- 648 1. Seven voting members who are elected by the commission
649 from the current membership of the commission.
- 650 2. Two ex-officio members, consisting of one nonvoting
651 member from a recognized national audiology professional
652 association and one nonvoting member from a recognized national
653 speech-language pathology association.
- 654 3. One ex-officio member, a nonvoting member from the
655 recognized membership organization of an audiology licensing
656 board or a speech-language pathology licensing board.
- 657 (b) The ex-officio members must be selected by their
658 respective organizations.
- 659 (c) The commission may remove any member of the executive
660 committee as provided in the bylaws.
- 661 (d) The executive committee shall meet at least annually.
- 662 (e) The executive committee has the following duties and
663 responsibilities:
- 664 1. Recommend to the commission changes to the rules or
665 bylaws and changes to this compact legislation.
- 666 2. Ensure compact administration services are appropriately
667 provided, contractual or otherwise.

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- 668 3. Prepare and recommend the budget.
- 669 4. Maintain financial records on behalf of the commission.
- 670 5. Monitor compact compliance of member states and provide
671 compliance reports to the commission.
- 672 6. Establish additional committees as necessary.
- 673 7. Other duties as provided by rule or bylaw.
- 674 (f) All commission meetings must be open to the public, and
675 public notice of meetings must be given in the same manner as
676 required under the rulemaking provisions in Article X.
- 677 (g) If a meeting or any portion of a meeting is closed
678 under this subsection, the commission's legal counsel or
679 designee must certify that the meeting may be closed and must
680 reference each relevant exempting provision.
- 681 (h) The commission shall keep minutes that fully and
682 clearly describe all matters discussed in a meeting and shall
683 provide a full and accurate summary of actions taken, and the
684 reasons therefore, including a description of the views
685 expressed. All documents considered in connection with an action
686 must be identified in the minutes. All minutes and documents of
687 a closed meeting must remain under seal, subject to release by a
688 majority vote of the commission or order of a court of competent
689 jurisdiction.
- 690 (5) Relating to the financing of the commission, the
691 commission:
- 692 (a) Shall pay, or provide for the payment of, the
693 reasonable expenses of its establishment, organization, and
694 ongoing activities.
- 695 (b) May accept any and all appropriate revenue sources,
696 donations, and grants of money, equipment, supplies, materials,

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697 and services.

698 (c) May not incur obligations of any kind before securing
699 the funds adequate to meet the same and may not pledge the
700 credit of any of the member states, except by and with the
701 authority of the member state.

702 (d) Shall keep accurate accounts of all receipts and
703 disbursements of funds. The receipts and disbursements of funds
704 of the commission are subject to the audit and accounting
705 procedures established under its bylaws. However, all receipts
706 and disbursements of funds handled by the commission must be
707 audited yearly by a certified or licensed public accountant, and
708 the report of the audit must be included in and become part of
709 the annual report of the commission.

710 (6) Relating to qualified immunity, defense, and
711 indemnification:

712 (a) The members, officers, executive director, employees,
713 and representatives of the commission are immune from suit and
714 liability, either personally or in their official capacity, for
715 any claim for damage to or loss of property or personal injury
716 or other civil liability caused by or arising out of any actual
717 or alleged act, error, or omission that occurred, or that the
718 person against whom the claim is made had a reasonable basis for
719 believing occurred within the scope of commission employment,
720 duties, or responsibilities; provided that this paragraph may
721 not be construed to protect any person from suit or liability
722 for any damage, loss, injury, or liability caused by the
723 intentional or willful or wanton misconduct of that person.

724 (b) The commission shall defend any member, officer,
725 executive director, employee, or representative of the

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726 commission in any civil action seeking to impose liability
727 arising out of any actual or alleged act, error, or omission
728 that occurred within the scope of commission employment, duties,
729 or responsibilities, or that the person against whom the claim
730 is made had a reasonable basis for believing occurred within the
731 scope of commission employment, duties, or responsibilities;
732 provided that this paragraph may not be construed to prohibit
733 that person from retaining his or her own counsel; and provided
734 further that the actual or alleged act, error, or omission did
735 not result from that person's intentional or willful or wanton
736 misconduct.

737 (c) The commission shall indemnify and hold harmless any
738 member, officer, executive director, employee, or representative
739 of the commission for the amount of any settlement or judgment
740 obtained against that person arising out of any actual or
741 alleged act, error, or omission that occurred within the scope
742 of commission employment, duties, or responsibilities, or that
743 the person had a reasonable basis for believing occurred within
744 the scope of commission employment, duties, or responsibilities,
745 provided that the actual or alleged act, error, or omission did
746 not result from the intentional or willful or wanton misconduct
747 of that person.

748
749 ARTICLE IX
750 DATA SYSTEM
751

752 (1) The commission shall provide for the development,
753 maintenance, and utilization of a coordinated database and
754 reporting system containing licensure, adverse action, and

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755 investigative information on all licensed individuals in member
756 states.

757 (2) Notwithstanding any other law to the contrary, a member
758 state shall submit a uniform data set to the data system on all
759 individuals to whom this compact is applicable as required by
760 the rules of the commission, including all of the following
761 information:

762 (a) Identifying information.

763 (b) Licensure data.

764 (c) Adverse actions against a license or compact privilege.

765 (d) Nonconfidential information related to alternative
766 program participation.

767 (e) Any denial of application for licensure, and the reason
768 for such denial.

769 (f) Other information that may facilitate the
770 administration of this compact, as determined by the rules of
771 the commission.

772 (3) Investigative information pertaining to a licensee in a
773 member state must be available only to other member states.

774 (4) The commission shall promptly notify all member states
775 of any adverse action taken against a licensee or an individual
776 applying for a license. Adverse action information pertaining to
777 a licensee or an individual applying for a license in any member
778 state must be available to any other member state.

779 (5) Member states contributing information to the data
780 system may designate information that may not be shared with the
781 public without the express permission of the contributing state.

782 (6) Any information submitted to the data system which is
783 subsequently required to be expunged by the laws of the member

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784 state contributing the information must be removed from the data
785 system.

787 ARTICLE X
788 RULEMAKING

789
790 (1) The commission shall exercise its rulemaking powers
791 pursuant to the criteria provided in this article and the rules
792 adopted thereunder. Rules and amendments shall become binding as
793 of the date specified in each rule or amendment.

794 (2) If a majority of the legislatures of the member states
795 rejects a rule, by enactment of a statute or resolution in the
796 same manner used to adopt the compact within 4 years after the
797 date of adoption of the rule, the rule has no further force and
798 effect in any member state.

799 (3) Rules or amendments to the rules must be adopted at a
800 regular or special meeting of the commission.

801 (4) Before adoption of a final rule or rules by the
802 commission, and at least 30 days before the meeting at which the
803 rule shall be considered and voted upon, the commission shall
804 file a notice of proposed rulemaking:

805 (a) On the website of the commission or other publicly
806 accessible platform; and

807 (b) On the website of each member state audiology licensing
808 board and speech-language pathology licensing board or other
809 publicly accessible platform or the publication where each state
810 would otherwise publish proposed rules.

811 (5) The notice of proposed rulemaking must include all of
812 the following:

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813 (a) The proposed time, date, and location of the meeting in
814 which the rule will be considered and voted upon.

815 (b) The text of and reason for the proposed rule or
816 amendment.

817 (c) A request for comments on the proposed rule from any
818 interested person.

819 (d) The manner in which interested persons may submit
820 notice to the commission of their intention to attend the public
821 hearing and any written comments.

822 (6) Before the adoption of a proposed rule, the commission
823 shall allow persons to submit written data, facts, opinions, and
824 arguments, which shall be made available to the public.

825 (a) The commission shall grant an opportunity for a public
826 hearing before it adopts a rule or amendment if a hearing is
827 requested by:

828 1. At least 25 persons;

829 2. A state or federal governmental subdivision or agency;

830 or

831 3. An association having at least 25 members.

832 (b) If a hearing is held on the proposed rule or amendment,
833 the commission must publish the place, time, and date of the
834 scheduled public hearing. If the hearing is held via electronic
835 means, the commission must publish the mechanism for access to
836 the electronic hearing.

837 (c) All persons wishing to be heard at the hearing shall
838 notify the executive director of the commission or other
839 designated member in writing of their desire to appear and
840 testify at the hearing not less than 5 business days before the
841 scheduled date of the hearing.

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842 (d) Hearings must be conducted in a manner providing each
843 person who wishes to comment a fair and reasonable opportunity
844 to comment orally or in writing.

845 (e) All hearings must be recorded. A copy of the recording
846 must be made available on request.

847 (7) This article does not require a separate hearing on
848 each rule. Rules may be grouped for the convenience of the
849 commission at hearings required by this article.

850 (8) Following the scheduled hearing date, or by the close
851 of business on the scheduled hearing date if the hearing was not
852 held, the commission shall consider all written and oral
853 comments received.

854 (9) If no written notice of intent to attend the public
855 hearing by interested parties is received, the commission may
856 proceed with adoption of the proposed rule without a public
857 hearing.

858 (10) The commission shall, by majority vote of all members,
859 take final action on the proposed rule and shall determine the
860 effective date of the rule, if any, based on the rulemaking
861 record and the full text of the rule.

862 (11) Upon determination that an emergency exists, the
863 commission may consider and adopt an emergency rule without
864 prior notice, opportunity for comment, or hearing, provided that
865 the usual rulemaking procedures provided in the compact and in
866 this article retroactively apply to the rule as soon as
867 reasonably possible, but in no event later than 90 days after
868 the effective date of the rule. For purposes of this subsection,
869 an emergency rule is one that must be adopted immediately in
870 order to:

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871 (a) Meet an imminent threat to public health, safety, or
872 welfare;

873 (b) Prevent a loss of commission or member state funds; or

874 (c) Meet a deadline for the promulgation of an
875 administrative rule that is established by federal law or rule.

876 (12) The commission or an authorized committee of the
877 commission may direct revisions to a previously adopted rule or
878 amendment for purposes of correcting typographical errors,
879 errors in format, errors in consistency, or grammatical errors.

880 Public notice of any revisions must be posted on the website of
881 the commission. The revisions are subject to challenge by any
882 person for a period of 30 days after posting. A revision may be
883 challenged only on grounds that the revision results in a
884 material change to a rule. A challenge must be made in writing
885 and delivered to the chair of the commission before the end of
886 the notice period. If no challenge is made, the revision takes
887 effect without further action. If the revision is challenged,
888 the revision may not take effect without the approval of the
889 commission.

890

891 ARTICLE XI

892 DISPUTE RESOLUTION

893 AND ENFORCEMENT

894

895 (1) (a) Upon request by a member state, the commission shall
896 attempt to resolve disputes related to the compact that arise
897 among member states and between member and nonmember states.

898 (b) The commission shall adopt a rule providing for both
899 mediation and binding dispute resolution for disputes as

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900 appropriate.

901 (2) (a) The commission, in the reasonable exercise of its
902 discretion, shall enforce this compact.

903 (b) By majority vote, the commission may initiate legal
904 action in the United States District Court for the District of
905 Columbia or the federal district where the commission has its
906 principal offices against a member state in default to enforce
907 compliance with the compact and its adopted rules and bylaws.
908 The relief sought may include both injunctive relief and
909 damages. In the event judicial enforcement is necessary, the
910 prevailing member must be awarded all costs of litigation,
911 including reasonable attorney fees.

912 (c) The remedies provided in this subsection are not the
913 exclusive remedies of the commission. The commission may pursue
914 any other remedies available under federal or state law.

915
916 ARTICLE XII

917 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

918
919 (1) The compact becomes effective and binding on the date
920 of legislative enactment of this compact by no fewer than 10
921 member states. The provisions, which become effective at that
922 time, shall be limited to the powers granted to the commission
923 relating to assembly and the adoption of rules. Thereafter, the
924 commission shall meet and exercise rulemaking powers as
925 necessary to implement and administer the compact.

926 (2) Any state that joins the compact subsequent to the
927 commission's initial adoption of the rules is subject to the
928 rules as they exist on the date on which the compact becomes law

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929 in that state. Any rule that has been previously adopted by the
930 commission has the full force and effect of law on the day the
931 compact becomes law in that state.

932 (3) A member state may withdraw from this compact by
933 enacting a statute repealing the compact.

934 (a) A member state's withdrawal does not take effect until
935 6 months after enactment of the repealing statute.

936 (b) Withdrawal does not affect the continuing requirement
937 of the withdrawing state's audiology licensing board or speech-
938 language pathology licensing board to comply with the
939 investigative and adverse action reporting requirements of the
940 compact before the effective date of withdrawal.

941 (4) This compact does not invalidate or prevent any
942 audiology or speech-language pathology licensure agreement or
943 other cooperative arrangement between a member state and a
944 nonmember state which does not conflict with the provisions of
945 this compact.

946 (5) This compact may be amended by the member states. An
947 amendment to this compact does not become effective and binding
948 upon any member state until it is enacted into the laws of all
949 member states.

950
951 ARTICLE XIII

952 CONSTRUCTION AND SEVERABILITY

953
954 This compact must be liberally construed so as to
955 effectuate its purposes. The provisions of this compact are
956 severable and if any phrase, clause, sentence, or provision of
957 this compact is declared to be contrary to the constitution of

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958 any member state or of the United States or the applicability
959 thereof to any government, agency, person, or circumstance is
960 held invalid, the validity of the remainder of this compact and
961 the applicability thereof to any government, agency, person, or
962 circumstance is not affected. If this compact is held contrary
963 to the constitution of any member state, it remains in full
964 force and effect as to the remaining member states and in full
965 force and effect as to the member state affected as to all
966 severable matters.

967
968 ARTICLE XIV

969 BINDING EFFECT OF COMPACT AND OTHER LAWS

970
971 (1) This compact does not prevent the enforcement of any
972 other law of a member state which is not inconsistent with the
973 compact.

974 (2) All laws of a member state in conflict with the compact
975 are superseded to the extent of the conflict.

976 (3) All lawful actions of the commission, including all
977 rules and bylaws adopted by the commission, are binding upon the
978 member states.

979 (4) All agreements between the commission and the member
980 states are binding in accordance with their terms.

981 (5) In the event any provision of the compact exceeds the
982 constitutional limits imposed on the legislature of any member
983 state, the provision is ineffective to the extent of the
984 conflict with the constitutional provision in question in that
985 member state.

986 Section 2. This act shall take effect July 1, 2024.