

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., creating the Practice of Audiology
5 and Speech-language Pathology Interstate Compact;
6 providing purposes, objectives, and definitions;
7 specifying requirements for state participation in the
8 compact and duties of member states; specifying that
9 the compact does not affect an individual's ability to
10 apply for, and a member state's ability to grant, a
11 single-state license pursuant to the laws of that
12 state; providing for recognition of compact privilege
13 in member states; specifying criteria a licensee must
14 meet for compact privilege; providing for the
15 expiration and renewal of compact privilege;
16 specifying that a licensee with compact privilege in a
17 remote state must adhere to the laws and rules of that
18 state; authorizing member states to act on a
19 licensee's compact privilege under certain
20 circumstances; specifying the consequences and
21 parameters of practice for a licensee whose compact
22 privilege has been acted on or whose home state
23 license is encumbered; specifying that a licensee may
24 hold a home state license in only one member state at
25 a time; specifying requirements and procedures for

26 | changing a home state license designation; providing
27 | for the recognition of the practice of audiology or
28 | speech-language pathology through telehealth in member
29 | states; specifying that licensees must adhere to the
30 | laws and rules of the remote state where they provide
31 | audiology or speech-language pathology through
32 | telehealth; authorizing active duty military personnel
33 | or their spouses to keep their home state designation
34 | during active duty; specifying how such individuals
35 | may subsequently change their home state license
36 | designation; authorizing member states to take adverse
37 | actions against licensees and issue subpoenas for
38 | hearings and investigations under certain
39 | circumstances; providing requirements and procedures
40 | for such adverse action; authorizing member states to
41 | engage in joint investigations under certain
42 | circumstances; providing that a licensee's compact
43 | privilege must be deactivated in all member states for
44 | the duration of an encumbrance imposed by the
45 | licensee's home state; providing for notice to the
46 | data system and the licensee's home state of any
47 | adverse action taken against a licensee; establishing
48 | the Audiology and Speech-language Pathology Interstate
49 | Compact Commission; providing for jurisdiction and
50 | venue for court proceedings; providing for membership

51 and powers of the commission; specifying powers and
52 duties of the commission's executive committee;
53 providing for the financing of the commission;
54 providing specified individuals immunity from civil
55 liability under certain circumstances; providing
56 exceptions; requiring the commission to defend the
57 specified individuals in civil actions under certain
58 circumstances; requiring the commission to indemnify
59 and hold harmless specified individuals for any
60 settlement or judgment obtained in such actions under
61 certain circumstances; providing for the development
62 of the data system, reporting procedures, and the
63 exchange of specified information between member
64 states; requiring the commission to notify member
65 states of any adverse action taken against a licensee
66 or applicant for licensure; authorizing member states
67 to designate as confidential information provided to
68 the data system; requiring the commission to remove
69 information from the data system under certain
70 circumstances; providing rulemaking procedures for the
71 commission; providing for member state enforcement of
72 the compact; authorizing the commission to receive
73 notice of process, and have standing to intervene, in
74 certain proceedings; rendering certain judgments and
75 orders void as to the commission, the compact, or

76 commission rules under certain circumstances;
 77 providing for defaults and termination of compact
 78 membership; providing procedures for the resolution of
 79 certain disputes; providing for commission enforcement
 80 of the compact; providing for remedies; providing for
 81 implementation of, withdrawal from, and amendment to
 82 the compact; specifying that licensees practicing in a
 83 remote state under the compact must adhere to the laws
 84 and rules of that state; specifying that the compact,
 85 commission rules, and commission actions are binding
 86 on member states; providing construction; providing
 87 for severability; providing an effective date.

88

89 Be It Enacted by the Legislature of the State of Florida:

90

91 Section 1. Section 468.1335, Florida Statutes, is created
 92 to read:

93 468.1335 Practice of Audiology and Speech-language
 94 Pathology Interstate Compact.—The Practice of Audiology and
 95 Speech-language Pathology Interstate Compact is hereby enacted
 96 into law and entered into by this state with all other states
 97 legally joining therein in the form substantially as follows:

98

99

ARTICLE I

PURPOSE

100

101
102 (1) The purpose of this compact is to facilitate the
103 interstate practice of audiology and speech-language pathology
104 with the goal of improving public access to audiology and
105 speech-language pathology services.

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

109 (3) The compact preserves the regulatory authority of
110 states to protect public health and safety through the current
111 system of state licensure.

112 (4) This compact is designed to achieve all of the
113 following objectives:

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

117 (b) Enhance the states' abilities to protect public health
118 and safety.

119 (c) Encourage the cooperation of member states in
120 regulating multistate audiology and speech-language pathology
121 practices.

122 (d) Support spouses of relocating active duty military
123 personnel.

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

126 (f) Allow a remote state to hold a licensee with compact
 127 privilege in that state accountable to that state's practice
 128 standards.

129 (g) Allow for the use of telehealth technology to
 130 facilitate increased access to audiology and speech-language
 131 pathology services.

132
 133 ARTICLE II
 134 DEFINITIONS

135
 136 (1) As used in this section, the term:

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

141 (3) "Adverse action" means any administrative, civil,
 142 equitable, or criminal action permitted by a state's laws which
 143 is imposed by a licensing board against a licensee, including
 144 actions against an individual's license or privilege to practice
 145 such as revocation, suspension, probation, monitoring of the
 146 licensee, or restriction on the licensee's practice.

147 (4) "Alternative program" means a nondisciplinary
 148 monitoring process approved by an audiology licensing board or a
 149 speech-language pathology licensing board to address impaired
 150 licensees.

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

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

156 (7) "Audiology and Speech-language Pathology Interstate
157 Compact Commission" or "commission" means the national
158 administrative body whose membership consists of all states that
159 have enacted the compact.

160 (8) "Audiology licensing board" means the agency of a
161 state that is responsible for the licensing and regulation of
162 audiologists.

163 (9) "Compact privilege" means the authorization granted by
164 a remote state to allow a licensee from another member state to
165 practice as an audiologist or speech-language pathologist in the
166 remote state under its rules and regulations. The practice of
167 audiology or speech-language pathology occurs in the member
168 state where the patient, client, or student is located at the
169 time the services are provided.

170 (10) "Data system" means a repository of information
171 relating to licensees, including, but not limited to, continuing
172 education, examination, licensure, investigative, compact
173 privilege, and adverse action information.

174 (11) "Encumbered license" means a license in which an
175 adverse action restricts the practice of audiology or speech-

176 language pathology by the licensee and the adverse action has
177 been reported to the National Practitioner Data Bank (NPDB).

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

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

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

186 (15) "Investigative information," "investigative
187 materials," "investigative records," or "investigative reports"
188 means information that a licensing board, after an inquiry or
189 investigation that includes notification and an opportunity for
190 the audiologist or speech-language pathologist to respond, if
191 required by state law, has reason to believe is not groundless
192 and, if proved true, would indicate more than a minor
193 infraction.

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

197 (17) "Licensing board" means the agency of a state that is
198 responsible for the licensing and regulation of audiologists or
199 speech-language pathologists.

200 (18) "Member state" means a state that has enacted the

201 compact.

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

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

208 (21) "Rule" means a regulation, principle, or directive
 209 adopted by the commission that has the force of law.

210 (22) "Single-state license" means an audiology or speech-
 211 language pathology license issued by a member state that
 212 authorizes practice only within the issuing state and does not
 213 include a privilege to practice in any other member state.

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

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

219 (25) "Speech-language pathology licensing board" means the
 220 agency of a state that is responsible for the licensing and
 221 regulation of speech-language pathologists.

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

225 (27) "State practice laws" means a member state's laws,

226 rules, and regulations that govern the practice of audiology or
227 speech-language pathology, define the scope of audiology or
228 speech-language pathology practice, and create the methods and
229 grounds for imposing discipline.

230 (28) "Telehealth" means the application of
231 telecommunication technology to deliver audiology or speech-
232 language pathology services at a distance for assessment,
233 intervention, or consultation.

234

235 ARTICLE III
236 STATE PARTICIPATION

237

238 (1) A license issued to an audiologist or speech-language
239 pathologist by a home state to a resident in that state shall be
240 recognized by each member state as authorizing an audiologist or
241 speech-language pathologist to practice audiology or speech-
242 language pathology, under a privilege to practice, in each
243 member state.

244 (2) A state must implement and utilize procedures for
245 considering the criminal history records of applicants for
246 initial privilege to practice. These procedures shall include
247 the submission of fingerprints or other biometric-based
248 information by applicants for the purpose of obtaining an
249 applicant's criminal history records from the Federal Bureau of
250 Investigation and the agency responsible for retaining that

251 state's criminal history records.

252 (a) A member state must fully implement and utilize a
253 criminal history records check procedure, within a timeframe
254 established by rule, which requires the member state to receive
255 an applicant's criminal history records from the Federal Bureau
256 of Investigation and the agency responsible for retaining the
257 member state's criminal history records and use such records in
258 making licensure decisions.

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

265 (3) Upon application for a privilege to practice, the
266 licensing board in the issuing remote state shall ascertain,
267 through the data system, whether the applicant has ever held, or
268 is the holder of, a license issued by any other state, whether
269 there are any encumbrances on any license or privilege to
270 practice held by the applicant, and whether any adverse action
271 has been taken against any license or privilege to practice held
272 by the applicant.

273 (4) Each member state shall require an applicant to obtain
274 or retain a license in his or her home state and meet the home
275 state's qualifications for licensure or renewal of licensure and

276 all other applicable state laws.

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

279 (a) Must meet one of the following educational
280 requirements:

281 1. On or before December 31, 2007, has graduated with a
282 master's degree or doctorate degree in audiology, or an
283 equivalent degree, from a program that is accredited by an
284 accrediting agency recognized by the Council for Higher
285 Education Accreditation, or its successor, or by the United
286 States Department of Education and operated by a college or
287 university accredited by a regional or national accrediting
288 organization recognized by the board; or

289 2. On or after January 1, 2008, has graduated with a
290 doctoral degree in audiology, or an equivalent degree from a
291 program that is accredited by an accrediting agency recognized
292 by the Council for Higher Education Accreditation, or its
293 successor, or by the United States Department of Education and
294 operated by a college or university accredited by a regional or
295 national accrediting organization recognized by the board; or

296 3. Has graduated from an audiology program that is housed
297 in an institution of higher education outside of the United
298 States for which the degree program and institution have been
299 approved by the authorized accrediting body in the applicable
300 country and the degree program has been verified by an

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301 independent credentials review agency to be comparable to a
302 state licensing board-approved program.

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

306 (c) Has successfully passed a national examination
307 approved by the commission.

308 (d) Holds an active, unencumbered license.

309 (e) Has not been convicted or found guilty of, or entered
310 a plea of guilty or nolo contendere to, regardless of
311 adjudication, a felony in any jurisdiction which directly
312 relates to the practice of his or her profession or the ability
313 to practice his or her profession.

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

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

319 (a) Must meet one of the following educational
320 requirements:

321 1. Has graduated with a master's degree from a speech-
322 language pathology program that is accredited by an organization
323 recognized by the United States Department of Education and
324 operated by a college or university accredited by a regional or
325 national accrediting organization recognized by the board; or

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326 2. Has graduated from a speech-language pathology program
327 that is housed in an institution of higher education outside of
328 the United States for which the degree program and institution
329 have been approved by the authorized accrediting body in the
330 applicable country and the degree program has been verified by
331 an independent credentials review agency to be comparable to a
332 state licensing board-approved program.

333 (b) Has completed a supervised clinical practicum
334 experience from an educational institution or its cooperating
335 programs as required by the commission.

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

338 (d) Has successfully passed a national examination
339 approved by the commission.

340 (e) Holds an active, unencumbered license.

341 (f) Has not been convicted or found guilty of, or entered
342 a plea of guilty or nolo contendere to, regardless of
343 adjudication, a felony in any jurisdiction which directly
344 relates to the practice of his or her profession or the ability
345 to practice his or her profession.

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

348 (7) The privilege to practice is derived from the home
349 state license.

350 (8) An audiologist or speech-language pathologist

351 practicing in a member state must comply with the state practice
352 laws of the member state where the client is located at the time
353 service is provided. The practice of audiology and speech-
354 language pathology shall include all audiology and speech-
355 language pathology practices as defined by the state practice
356 laws of the member state where the client is located. The
357 practice of audiology and speech-language pathology in a member
358 state under a privilege to practice shall subject an audiologist
359 or speech-language pathologist to the jurisdiction of the
360 licensing boards, courts, and laws of the member state where the
361 client is located at the time service is provided.

362 (9) Individuals not residing in a member state shall
363 continue to be able to apply for a member state's single-state
364 license as provided under the laws of each member state.
365 However, the single-state license granted to these individuals
366 may not be recognized as granting the privilege to practice
367 audiology or speech-language pathology in any other member
368 state. Nothing in this compact shall affect the requirements
369 established by a member state for the issuance of a single-state
370 license.

371 (10) Member states must comply with the bylaws and rules
372 of the commission.

374 ARTICLE IV

375 COMPACT PRIVILEGE

376
377 (1) To exercise compact privilege under the compact, the
378 audiologist or speech-language pathologist shall meet all of the
379 following requirements:

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

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

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

384 (d) Not have any adverse action against any license or
385 compact privilege within the 2 years preceding the date of
386 application.

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

389 (f) Report to the commission any adverse action taken by
390 any nonmember state within 30 days from the date the adverse
391 action is taken.

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

395 (3) Except as provided in Article VI, if an audiologist or
396 speech-language pathologist changes primary state of residence
397 by moving between two member states, the audiologist or speech-
398 language pathologist must apply for licensure in the new home
399 state, and the license issued by the prior home state shall be
400 deactivated in accordance with applicable rules adopted by the

401 commission.

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

405 (5) A license may not be issued by the new home state
406 until the audiologist or speech-language pathologist provides
407 satisfactory evidence of a change in primary state of residence
408 to the new home state and satisfies all applicable requirements
409 to obtain a license from the new home state.

410 (6) If an audiologist or speech-language pathologist
411 changes primary state of residence by moving from a member state
412 to a nonmember state, the license issued by the prior home state
413 shall convert to a single-state license, valid only in the
414 former home state.

415 (7) Compact privilege is valid until the expiration date
416 of the home state license. The licensee must comply with the
417 requirements of subsection (1) to maintain compact privilege in
418 the remote state.

419 (8) A licensee providing audiology or speech-language
420 pathology services in a remote state under compact privilege
421 shall function within the laws and regulations of the remote
422 state.

423 (9) A remote state may, in accordance with due process and
424 state law, remove a licensee's compact privilege in the remote
425 state for a specific period of time, impose fines, or take any

426 other necessary actions to protect the health and safety of its
427 citizens.

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

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

432 (b) Two years have elapsed from the date of the adverse
433 action.

434 (11) Once an encumbered license in the home state is
435 restored to good standing, the licensee must meet the
436 requirements of subsection (1) to obtain compact privilege in
437 any remote state.

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

441
442 ARTICLE V

443 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

444
445 Member states shall recognize the right of an audiologist
446 or speech-language pathologist, licensed by a home state in
447 accordance with Article III and under rules adopted by the
448 commission, to practice audiology or speech-language pathology
449 in any member state through the use of telehealth under
450 privilege to practice as provided in the compact and rules

451 adopted by the commission.

452
453 ARTICLE VI

454 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

455
456 Active duty military personnel, or their spouse, shall
457 designate a home state where the individual has a current
458 license in good standing. The individual may retain the home
459 state designation during the period the servicemember is on
460 active duty. Subsequent to designating a home state, the
461 individual shall only change his or her home state through
462 application for licensure in the new state.

463
464 ARTICLE VII

465 ADVERSE ACTIONS

466
467 (1) In addition to the other powers conferred by state
468 law, a remote state may:

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

472 1. Only the home state shall have the power to take
473 adverse action against an audiologist's or a speech-language
474 pathologist's license issued by the home state.

475 2. For purposes of taking adverse action, the home state

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476 shall give the same priority and effect to reported conduct
477 received from a member state as it would if the conduct had
478 occurred within the home state. In so doing, the home state
479 shall apply its own state laws to determine appropriate action.

480 (b) Issue subpoenas for both hearings and investigations
481 that require the attendance and testimony of witnesses as well
482 as the production of evidence. Subpoenas issued by a licensing
483 board in a member state for the attendance and testimony of
484 witnesses or the production of evidence from another member
485 state shall be enforced in the latter state by any court of
486 competent jurisdiction according to the practice and procedure
487 of that court applicable to subpoenas issued in proceedings
488 pending before it. The issuing authority shall pay any witness
489 fees, travel expenses, mileage, and other fees required by the
490 service statutes of the state in which the witnesses or evidence
491 are located.

492 (c) Complete any pending investigations of an audiologist
493 or speech-language pathologist who changes his or her primary
494 state of residence during the course of the investigations. The
495 home state shall also have the authority to take appropriate
496 actions and shall promptly report the conclusions of the
497 investigations to the administrator of the
498 data system. The administrator of the data system shall promptly
499 notify the new home state of any adverse actions.

500 (d) If otherwise permitted by state law, recover from the

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501 affected audiologist or speech-language pathologist the costs of
502 investigations and disposition of cases resulting from any
503 adverse action taken against that audiologist or speech-
504 language pathologist.

505 (e) Take adverse action based on the factual findings of
506 the remote state, provided that the member state follows the
507 member state's own procedures for taking the adverse action.

508 (2) (a) In addition to the authority granted to a member
509 state by its respective audiology or speech-language pathology
510 practice act or other applicable state law, any member state may
511 participate with other member states in joint investigations of
512 licensees.

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

516 (3) If adverse action is taken by the home state against
517 an audiologist's or a speech language pathologist's license, the
518 audiologist's or speech-language pathologist's privilege to
519 practice in all other member states shall be deactivated until
520 all encumbrances have been removed from the home state license.
521 All home state disciplinary orders that impose adverse action
522 against an audiologist's or a speech language pathologist's
523 license shall include a statement that the audiologist's or
524 speech-language pathologist's privilege to practice is
525 deactivated in all member states during the pendency of the

526 order.

527 (4) If a member state takes adverse action, it shall
 528 promptly notify the administrator of the data system. The
 529 administrator of the data system shall promptly notify the home
 530 state of any adverse actions by remote states.

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

534
 535 ARTICLE VIII

536 ESTABLISHMENT OF THE AUDIOLOGY

537 AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT COMMISSION

538
 539 (1) The member states hereby create and establish a joint
 540 public agency known as the Audiology and Speech-language
 541 Pathology Interstate Compact Commission:

542 (a) The commission is an instrumentality of the compact
 543 states.

544 (b) Venue is proper, and judicial proceedings by or
 545 against the commission shall be brought solely and exclusively
 546 in a court of competent jurisdiction where the principal office
 547 of the commission is located. The commission may waive venue and
 548 jurisdictional defenses to the extent it adopts or consents to
 549 participate in alternative dispute resolution proceedings.

550 (c) This compact does not waive sovereign immunity except

551 to the extent sovereign immunity is waived in the member states.

552 (2) (a) Each member state shall have two delegates selected
553 by that member state's licensing boards. The delegates shall be
554 current members of the licensing boards. One member shall be an
555 audiologist and one member shall be a speech-language
556 pathologist.

557 (b) An additional five delegates, who are either a public
558 member or board administrator from a licensing board, shall be
559 chosen by the executive committee from a pool of nominees
560 provided by the commission at large.

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

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

565 (e) Each delegate shall be entitled to one vote with
566 regard to the adoption of rules and creation of bylaws and shall
567 otherwise have an opportunity to participate in the business and
568 affairs of the commission.

569 (f) A delegate shall vote in person or by other means as
570 provided in the bylaws. The bylaws may provide for delegates'
571 participation in meetings by telephone or other means of
572 communication.

573 (g) The commission shall meet at least once during each
574 calendar year. Additional meetings shall be held as provided in
575 the bylaws and rules.

576 (3) The commission shall have the following powers and
 577 duties:
 578 (a) Establish the commission's fiscal year.
 579 (b) Establish bylaws.
 580 (c) Establish a code of ethics.
 581 (d) Maintain its financial records in accordance with the
 582 bylaws.
 583 (e) Meet and take actions as are consistent with the
 584 compact and the bylaws.
 585 (f) Adopt uniform rules to facilitate and coordinate
 586 implementation and administration of this compact. The rules
 587 shall have the force and effect of law and shall be binding in
 588 all member states.
 589 (g) Bring and prosecute legal proceedings or actions in
 590 the name of the commission, provided that the standing of an
 591 audiology licensing board or a speech-language pathology
 592 licensing board to sue or be sued under applicable law is not
 593 affected.
 594 (h) Purchase and maintain insurance and bonds.
 595 (i) Borrow, accept, or contract for services of personnel,
 596 including, but not limited to, employees of a member state.
 597 (j) Hire employees, elect or appoint officers, fix
 598 compensation, define duties, grant individuals appropriate
 599 authority to carry out the purposes of the compact, and
 600 establish the commission's personnel policies and programs

601 relating to conflicts of interest, qualifications of personnel,
 602 and other related personnel matters.

603 (k) Accept any and all appropriate donations and grants of
 604 money, equipment, supplies, and materials and services, and
 605 receive, utilize, and dispose of the same, provided that at all
 606 times the commission shall avoid any appearance of impropriety
 607 or conflict of interest.

608 (l) Lease, purchase, accept appropriate gifts or donations
 609 of, or otherwise own, hold, improve, or use any property, real,
 610 personal, or mixed, provided that at all times the commission
 611 shall avoid any appearance of impropriety.

612 (m) Sell, convey, mortgage, pledge, lease, exchange,
 613 abandon, or otherwise dispose of any property real, personal, or
 614 mixed.

615 (n) Establish a budget and make expenditures.

616 (o) Borrow money.

617 (p) Appoint committees, including standing committees
 618 composed of members, and other interested persons as may be
 619 designated in this compact and the bylaws.

620 (q) Provide and receive information from, and cooperate
 621 with, law enforcement agencies.

622 (r) Establish and elect an executive committee.

623 (s) Perform other functions as may be necessary or
 624 appropriate to achieve the purposes of this compact consistent
 625 with the state regulation of audiology and speech-language

626 pathology licensure and practice.

627 (4) The executive committee shall have the power to act on
628 behalf of the commission according to the terms of the compact.

629 (a) The executive committee shall be composed of 10
630 members as follows:

631 1. Seven voting members who are elected by the commission
632 from the current membership of the commission.

633 2. Two ex-officios, consisting of one nonvoting member
634 from a recognized national audiology professional association
635 and one nonvoting member from a recognized national speech-
636 language pathology association.

637 3. One ex-officio, nonvoting member from the recognized
638 membership organization of an audiology licensing board or a
639 speech-language pathology licensing board.

640 (b) The ex-officio members shall be selected by their
641 respective organizations.

642 (c) The commission may remove any member of the executive
643 committee as provided in the bylaws.

644 (d) The executive committee shall meet at least annually.

645 (e) The executive committee shall have the following
646 duties and responsibilities:

647 1. Recommend to the entire commission changes to the rules
648 or bylaws, changes to this compact legislation.

649 2. Ensure compact administration services are
650 appropriately provided, contractual or otherwise.

- 651 3. Prepare and recommend the budget.
- 652 4. Maintain financial records on behalf of the commission.
- 653 5. Monitor compact compliance of member states and provide
 654 compliance reports to the commission.
- 655 6. Establish additional committees as necessary.
- 656 7. Other duties as provided in rules or bylaws.
- 657 (f) All meetings shall be open to the public, and public
 658 notice of meetings shall be given in the same manner as required
 659 under the rulemaking provisions in Article X.
- 660 (g) If a meeting or any portion of a meeting is closed
 661 under this subsection, the commission's legal counsel or
 662 designee shall certify that the meeting may be closed and shall
 663 reference each relevant exempting provision.
- 664 (h) The commission shall keep minutes that fully and
 665 clearly describe all matters discussed in a meeting and shall
 666 provide a full and accurate summary of actions taken, and the
 667 reasons therefore, including a description of the views
 668 expressed. All documents considered in connection with an action
 669 shall be identified in minutes. All minutes and documents of a
 670 closed meeting shall remain under seal, subject to release by a
 671 majority vote of the commission or order of a court of competent
 672 jurisdiction.
- 673 (5) Relating to the financing of the commission, the
 674 commission:
- 675 (a) Shall pay, or provide for the payment of, the

676 reasonable expenses of its establishment, organization, and
677 ongoing activities.

678 (b) May accept any and all appropriate revenue sources,
679 donations, and grants of money, equipment, supplies, materials,
680 and services.

681 (c) May not incur obligations of any kind before securing
682 the funds adequate to meet the same; and the commission may not
683 pledge the credit of any of the member states, except by and
684 with the authority of the member state.

685 (d) Shall keep accurate accounts of all receipts and
686 disbursements of funds. The receipts and disbursements of funds
687 of the commission shall be subject to the audit and accounting
688 procedures established under its bylaws. However, all receipts
689 and disbursements of funds handled by the commission shall be
690 audited yearly by a certified or licensed public accountant, and
691 the report of the audit shall be included in and become part of
692 the annual report of the commission.

693 (6) Relating to qualified immunity, defense, and
694 indemnification:

695 (a) The members, officers, executive director, employees,
696 and representatives of the commission shall be immune from suit
697 and liability, either personally or in their official capacity,
698 for any claim for damage to or loss of property or personal
699 injury or other civil liability caused by or arising out of any
700 actual or alleged act, error, or omission that occurred, or that

701 the person against whom the claim is made had a reasonable basis
702 for believing occurred within the scope of commission
703 employment, duties, or responsibilities; provided that nothing
704 in this paragraph shall be construed to protect any person from
705 suit or liability for any damage, loss, injury, or liability
706 caused by the intentional or willful or wanton misconduct of
707 that person.

708 (b) The commission shall defend any member, officer,
709 executive director, employee, or representative of the
710 commission in any civil action seeking to impose liability
711 arising out of any actual or alleged act, error, or omission
712 that occurred within the scope of commission employment, duties,
713 or responsibilities, or that the person against whom the claim
714 is made had a reasonable basis for believing occurred within the
715 scope of commission employment, duties, or responsibilities;
716 provided that this paragraph may not be construed to prohibit
717 that person from retaining his or her own counsel; and provided
718 further that the actual or alleged act, error, or omission did
719 not result from that person's intentional or willful or wanton
720 misconduct.

721 (c) The commission shall indemnify and hold harmless any
722 member, officer, executive director, employee, or representative
723 of the commission for the amount of any settlement or judgment
724 obtained against that person arising out of any actual or
725 alleged act, error, or omission that occurred within the scope

726 of commission employment, duties, or responsibilities, or that
727 the person had a reasonable basis for believing occurred within
728 the scope of commission employment, duties, or responsibilities,
729 provided that the actual or alleged act, error, or omission did
730 not result from the intentional or willful or wanton misconduct
731 of that person.

732
733 ARTICLE IX

734 DATA SYSTEM

735
736 (1) The commission shall provide for the development,
737 maintenance, and utilization of a coordinated database and
738 reporting system containing licensure, adverse action, and
739 investigative information on all licensed individuals in member
740 states.

741 (2) Notwithstanding any other law to the contrary, a
742 member state shall submit a uniform data set to the data system
743 on all individuals to whom this compact is applicable as
744 required by the rules of the commission, including all of the
745 following information:

746 (a) Identifying information.

747 (b) Licensure data.

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

750 (d) Nonconfidential information related to alternative

751 program participation.

752 (e) Any denial of application for licensure, and the
753 reason for such denial.

754 (f) Other information that may facilitate the
755 administration of this compact, as determined by the rules of
756 the commission.

757 (3) Investigative information pertaining to a licensee in
758 a member state shall only be available to other member states.

759 (4) The commission shall promptly notify all member states
760 of any adverse action taken against a licensee or an individual
761 applying for a license. Adverse action information pertaining to
762 a licensee or an individual applying for a license in any member
763 state shall be available to any other member state.

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

767 (6) Any information submitted to the data system that is
768 subsequently required to be expunged by the laws of the member
769 state contributing the information shall be removed from the
770 data system.

771

772 ARTICLE X

773 RULEMAKING

774

775 (1) The commission shall exercise its rulemaking powers

776 pursuant to the criteria provided in this article and the rules
777 adopted thereunder. Rules and amendments shall become binding as
778 of the date specified in each rule or amendment.

779 (2) If a majority of the legislatures of the member states
780 rejects a rule, by enactment of a statute or resolution in the
781 same manner used to adopt the compact within 4 years after the
782 date of adoption of the rule, the rule shall have no further
783 force and effect in any member state.

784 (3) Rules or amendments to the rules shall be adopted at a
785 regular or special meeting of the commission.

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

790 (a) On the website of the commission or other publicly
791 accessible platform; and

792 (b) On the website of each member state audiology
793 licensing board and speech-language pathology licensing board or
794 other publicly accessible platform or the publication where each
795 state would otherwise publish proposed rules.

796 (5) The notice of proposed rulemaking shall include all of
797 the following:

798 (a) The proposed time, date, and location of the meeting
799 in which the rule shall be considered and voted upon.

800 (b) The text of the proposed rule or amendment and the

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801 reason for the proposed rule.

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

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

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

810 (a) The commission shall grant an opportunity for a public
811 hearing before it adopts a rule or amendment if a hearing is
812 requested by:

813 1. At least 25 persons;

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

815 or

816 3. An association having at least 25 members.

817 (b) If a hearing is held on the proposed rule or
818 amendment, the commission shall publish the place, time, and
819 date of the scheduled public hearing. If the hearing is held via
820 electronic means, the commission shall publish the mechanism for
821 access to the electronic hearing.

822 (c) All persons wishing to be heard at the hearing shall
823 notify the executive director of the commission or other
824 designated member in writing of their desire to appear and
825 testify at the hearing not less than 5 business days before the

826 scheduled date of the hearing.

827 (d) Hearings shall be conducted in a manner providing each
828 person who wishes to comment a fair and reasonable opportunity
829 to comment orally or in writing.

830 (e) All hearings shall be recorded. A copy of the
831 recording shall be made available on request.

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

835 (8) Following the scheduled hearing date, or by the close
836 of business on the scheduled hearing date if the hearing was not
837 held, the commission shall consider all written and oral
838 comments received.

839 (9) If no written notice of intent to attend the public
840 hearing by interested parties is received, the commission may
841 proceed with adoption of the proposed rule without a public
842 hearing.

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

847 (11) Upon determination that an emergency exists, the
848 commission may consider and adopt an emergency rule without
849 prior notice, opportunity for comment, or hearing, provided that
850 the usual rulemaking procedures provided in the compact and in

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851 this article shall be retroactively applied to the rule as soon
852 as reasonably possible, but in no event later than 90 days after
853 the effective date of the rule. For purposes of this subsection,
854 an emergency rule is one that must be adopted immediately in
855 order to:

856 (a) Meet an imminent threat to public health, safety, or
857 welfare;

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

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

861 (12) The commission or an authorized committee of the
862 commission may direct revisions to a previously adopted rule or
863 amendment for purposes of correcting typographical errors,
864 errors in format, errors in consistency, or grammatical errors.
865 Public notice of any revisions shall be posted on the website of
866 the commission. The revision shall be subject to challenge by
867 any person for a period of 30 days after posting. The revision
868 may be challenged only on grounds that the revision results in a
869 material change to a rule. A challenge shall be made in writing
870 and delivered to the chair of the commission before the end of
871 the notice period. If no challenge is made, the revision shall
872 take effect without further action. If the revision is
873 challenged, the revision may not take effect without the
874 approval of the commission.
875

876 ARTICLE XI

877 DISPUTE RESOLUTION

878 AND ENFORCEMENT

879
 880 (1) (a) Upon request by a member state, the commission
 881 shall attempt to resolve disputes related to the compact that
 882 arise among member states and between member and nonmember
 883 states.

884 (b) The commission shall adopt a rule providing for both
 885 mediation and binding dispute resolution for disputes as
 886 appropriate.

887 (2) (a) The commission, in the reasonable exercise of its
 888 discretion, shall enforce the provisions of this compact.

889 (b) By majority vote, the commission may initiate legal
 890 action in the United States District Court for the District of
 891 Columbia or the federal district where the commission has its
 892 principal offices against a member state in default to enforce
 893 compliance with the provisions of the compact and its adopted
 894 rules and bylaws. The relief sought may include both injunctive
 895 relief and damages. In the event judicial enforcement is
 896 necessary, the prevailing member shall be awarded all costs of
 897 litigation, including reasonable attorney fees.

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

ARTICLE XII

EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

901
 902
 903
 904
 905 (1) The compact becomes effective and binding on the date
 906 of legislative enactment of this compact by no fewer than 10
 907 member states. The provisions, which become effective at that
 908 time, shall be limited to the powers granted to the commission
 909 relating to assembly and the adoption of rules. Thereafter, the
 910 commission shall meet and exercise rulemaking powers necessary
 911 to the implementation and administration of the compact.

912 (2) Any state that joins the compact subsequent to the
 913 commission's initial adoption of the rules shall be subject to
 914 the rules as they exist on the date on which the compact becomes
 915 law in that state. Any rule that has been previously adopted by
 916 the commission shall have the full force and effect of law on
 917 the day the compact becomes law in that state.

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

920 (a) A member state's withdrawal does not take effect until
 921 6 months after enactment of the repealing statute.

922 (b) Withdrawal does not affect the continuing requirement
 923 of the withdrawing state's audiology licensing board or speech-
 924 language pathology licensing board to comply with the
 925 investigative and adverse action reporting requirements of the

926 compact before the effective date of withdrawal.

927 (4) This compact does not invalidate or prevent any
 928 audiology or speech-language pathology licensure agreement or
 929 other cooperative arrangement between a member state and a
 930 nonmember state that does not conflict with the provisions of
 931 this compact.

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

936
 937 ARTICLE XIII

938 CONSTRUCTION AND SEVERABILITY

939
 940 This compact shall be liberally construed so as to
 941 effectuate the purposes thereof. The provisions of this compact
 942 shall be severable and if any phrase, clause, sentence, or
 943 provision of this compact is declared to be contrary to the
 944 constitution of any member state or of the United States or the
 945 applicability thereof to any government, agency, person, or
 946 circumstance is held invalid, the validity of the remainder of
 947 this compact and the applicability thereof to any government,
 948 agency, person, or circumstance shall not be affected thereby.
 949 If this compact shall be held contrary to the constitution of
 950 any member state, the compact shall remain in full force and

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951 effect as to the remaining member states and in full force and
952 effect as to the member state affected as to all severable
953 matters.

954
955 ARTICLE XIV

956 BINDING EFFECT OF COMPACT AND OTHER LAWS

957
958 (1) Nothing herein prevents the enforcement of any other
959 law of a member state that is not inconsistent with the compact.

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

962 (3) All lawful actions of the commission, including all
963 rules and bylaws adopted by the commission, are binding upon the
964 member states.

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

967 (5) In the event any provision of the compact exceeds the
968 constitutional limits imposed on the legislature of any member
969 state, the provision shall be ineffective to the extent of the
970 conflict with the constitutional provision in question in that
971 member state.

972 Section 2. This act shall take effect July 1, 2023.