

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 210

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE  
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Audiology and Speech-Language Pathology  
Interstate Compact".

SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of this  
compact is to facilitate interstate practice of audiology and  
speech-language pathology with the goal of improving public  
access to audiology and speech-language pathology services.  
The practice of audiology and speech-language pathology occurs  
in the state where the patient, client or student is located at  
the time of the patient, client or student encounter. The  
compact preserves the regulatory authority of states to protect

1 public health and safety through the current system of state  
2 licensure. This compact is designed to achieve the following  
3 objectives:

4 A. increase public access to audiology and speech-  
5 language pathology services by providing for the mutual  
6 recognition of other member state licenses;

7 B. enhance the states' ability to protect the  
8 public's health and safety;

9 C. encourage the cooperation of member states in  
10 regulating multistate audiology and speech-language pathology  
11 practice;

12 D. support spouses of relocating active duty  
13 military personnel;

14 E. enhance the exchange of licensure, investigative  
15 and disciplinary information among member states;

16 F. allow a remote state to hold a provider of  
17 services with a compact privilege in that state accountable to  
18 that state's practice standards; and

19 G. allow for the use of telehealth technology to  
20 facilitate increased access to audiology and speech-language  
21 pathology services.

22 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
23 Audiology and Speech-Language Pathology Interstate Compact and  
24 except as otherwise provided:

25 A. "active duty military" means full-time duty

1 status in the active uniformed service of the United States,  
2 including members of the national guard and reserve on active  
3 duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211;

4 B. "adverse action" means any administrative,  
5 civil, equitable or criminal action permitted by a state's laws  
6 that is imposed by a licensing board or other authority against  
7 an audiologist or speech-language pathologist, including  
8 actions against an individual's license or privilege to  
9 practice, such as revocation, suspension, probation, monitoring  
10 of the licensee or restriction on the licensee's practice;

11 C. "alternative program" means a non-disciplinary  
12 monitoring process approved by an audiology and speech-language  
13 pathology licensing board to address impaired practitioners;

14 D. "audiologist" means an individual who is  
15 licensed by a state to practice audiology;

16 E. "audiology" means the care and services provided  
17 by a licensed audiologist as set forth in the state's statutes  
18 and rules;

19 F. "audiology and speech-language pathology compact  
20 commission" or "commission" means the national administrative  
21 body whose membership consists of all member states;

22 G. "audiology and speech-language pathology  
23 licensing board", "audiology licensing board", "speech-language  
24 pathology licensing board" or "licensing board" means the  
25 agency of a state that is responsible for the licensing and

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1 regulation of audiologists or speech-language pathologists;

2 H. "compact privilege" means the authorization  
3 granted by a remote state to allow a licensee from another  
4 member state to practice as an audiologist or speech-language  
5 pathologist in the remote state under the remote state's laws  
6 and rules. The practice of audiology or speech-language  
7 pathology occurs in the member state where the patient, client  
8 or student is located at the time of the patient, client or  
9 student encounter;

10 I. "current significant investigative information"  
11 means investigative information that a licensing board, after  
12 an inquiry or investigation that includes notification and an  
13 opportunity for the audiologist or speech-language pathologist  
14 to respond, if required by state law, has reason to believe is  
15 not groundless and, if proved true, would indicate more than a  
16 minor infraction;

17 J. "data system" means a repository of information  
18 about licensees, including continuing education, examination,  
19 licensure, investigative information, compact privilege and  
20 adverse action;

21 K. "encumbered license" means a license in which an  
22 adverse action restricts the practice of audiology and speech-  
23 language pathology by the licensee, and the adverse action has  
24 been reported to the national practitioner data bank;

25 L. "executive committee" means a group of directors

1 elected or appointed to act on behalf of, and within the powers  
2 granted to them by, the commission;

3 M. "home state" means the member state that is the  
4 licensee's primary state of residence;

5 N. "impaired practitioner" means an individual  
6 whose professional practice is adversely affected by substance  
7 abuse, addiction or other health-related conditions;

8 O. "licensee" means an individual who currently  
9 holds an authorization from a state licensing board to practice  
10 as an audiologist or speech-language pathologist;

11 P. "member state" means a state that has enacted  
12 the compact;

13 Q. "privilege to practice" means a legal  
14 authorization permitting the practice of audiology or speech-  
15 language pathology in a remote state;

16 R. "remote state" means a member state other than  
17 the home state where a licensee is exercising or seeking to  
18 exercise the compact privilege;

19 S. "rule" means a regulation, principle or  
20 directive promulgated by the commission that has the force of  
21 law;

22 T. "single-state license" means an audiology or  
23 speech-language pathology license issued by a member state that  
24 authorizes practice only within the issuing state and does not  
25 include a privilege to practice in any other member state;

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1           U. "speech-language pathologist" means an  
2 individual who is licensed by a state to practice speech-  
3 language pathology;

4           V. "speech-language pathology" means the care and  
5 services provided by a licensed speech-language pathologist as  
6 set forth in the member state's statutes and rules;

7           W. "state" means any state, commonwealth, district  
8 or territory of the United States that regulates the practice  
9 of audiology and speech-language pathology;

10          X. "state practice laws" means a member state's  
11 laws, rules and regulations that govern the practice of  
12 audiology or speech-language pathology, define the scope of  
13 audiology or speech-language pathology practice and create the  
14 methods and grounds for imposing discipline; and

15          Y. "telehealth" means the application of  
16 telecommunication, audio-visual or other technologies that meet  
17 the applicable standard of care to deliver audiology or speech-  
18 language pathology services at a distance for assessment,  
19 intervention or consultation.

20           **SECTION 4. [NEW MATERIAL] STATE PARTICIPATION IN THE**  
21 **COMPACT.--**

22           A. A license issued to an audiologist or speech-  
23 language pathologist by a home state to a resident in that  
24 state shall be recognized by each member state as authorizing  
25 an audiologist or speech-language pathologist to practice

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1 audiology or speech-language pathology, under a privilege to  
2 practice, in each member state where the licensee obtains such  
3 a privilege.

4 B. A state shall implement or utilize procedures  
5 for considering the criminal history records of applicants for  
6 initial privilege to practice. These procedures shall include  
7 the submission of fingerprints or other biometric-based  
8 information by applicants for the purpose of obtaining an  
9 applicant's criminal history record information from the  
10 federal bureau of investigation and the agency responsible for  
11 retaining that state's criminal records and shall meet the  
12 following requirements:

13 (1) a member state shall fully implement a  
14 criminal background check requirement, within a time frame  
15 established by rule by receiving the results of the federal  
16 bureau of investigation record search on criminal background  
17 checks and use the results in making licensure decision; and

18 (2) communication between a member state, the  
19 commission and among member states regarding the verification  
20 of eligibility for licensure through the compact shall not  
21 include any information received from the federal bureau of  
22 investigation relating to a federal criminal records check  
23 performed by a member state under Public Law 92-544.

24 C. Upon application for a privilege to practice,  
25 the licensing board in the issuing remote state shall ascertain

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1 through the data system whether the applicant has ever held, or  
2 is the holder of, a license issued by any other state, whether  
3 there are any encumbrances on any license or privilege to  
4 practice held by the applicant and whether any adverse action  
5 has been taken against any license or privilege to practice  
6 held by the applicant.

7 D. Each member state shall require an applicant to  
8 obtain or retain a license in the home state and meet the home  
9 state's qualifications for licensure or renewal of licensure  
10 and all other applicable state laws.

11 E. An audiologist seeking privilege to practice  
12 shall:

13 (1) meet one of the following educational  
14 requirements:

15 (a) on or before December 31, 2007, have  
16 graduated with a master's degree or doctorate in audiology, or  
17 equivalent degree regardless of degree name from a program that  
18 is accredited by an accrediting agency recognized by the  
19 council for higher education accreditation, or its successor,  
20 or by the United States department of education and operated by  
21 a college or university accredited by a regional or national  
22 accrediting organization recognized by the licensing board;

23 (b) on or after January 1, 2008, have  
24 graduated with a doctoral degree in audiology, or equivalent  
25 degree, regardless of degree name, from a program that is

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1 accredited by an accrediting agency recognized by the council  
2 for higher education accreditation, or its successor, or by the  
3 United States department of education and operated by a college  
4 or university accredited by a regional or national accrediting  
5 organization recognized by the board; or

6 (c) have graduated from an audiology  
7 program that is housed in an institution of higher education  
8 outside the United States for which: 1) the program and  
9 institution have been approved by the authorized accrediting  
10 body in the applicable country; and 2) the degree program has  
11 been verified by an independent credentials review agency to be  
12 comparable to a state licensing board-approved program;

13 (2) have completed a supervised clinical  
14 practicum experience from an accredited educational institution  
15 or its cooperating programs as required by the commission;

16 (3) have successfully passed a national  
17 examination approved by the commission;

18 (4) hold an active, unencumbered license;

19 (5) have not been convicted or found guilty,  
20 and have not entered into an agreed disposition, of a felony  
21 related to the practice of audiology, under applicable state or  
22 federal criminal law; and

23 (6) have a valid United States social security  
24 number or national practitioner identification number.

25 F. A speech-language pathologist seeking privilege

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1 to practice shall:

2 (1) meet one of the following educational  
3 requirements:

4 (a) have graduated with a master's  
5 degree from a speech-language pathology program that is  
6 accredited by an organization recognized by the United States  
7 department of education and operated by a college or university  
8 accredited by a regional or national accrediting organization  
9 recognized by the licensing board; or

10 (b) have graduated from a speech-  
11 language pathology program that is housed in an institution of  
12 higher education outside of the United States for which: 1)  
13 the program and institution have been approved by the  
14 authorized accrediting body in the applicable country; and 2)  
15 the degree program has been verified by an independent  
16 credentials review agency to be comparable to a state licensing  
17 board-approved program;

18 (2) have completed a supervised clinical  
19 practicum experience from an educational institution or its  
20 cooperating programs as required by the commission;

21 (3) have completed a supervised post-graduate  
22 professional experience as required by the commission;

23 (4) have successfully passed a national  
24 examination approved by the commission;

25 (5) hold an active, unencumbered license;

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1 (6) have not been convicted or found guilty,  
2 and have not entered into an agreed disposition, of a felony  
3 related to the practice of speech-language pathology under  
4 applicable state or federal criminal law; and

5 (7) has a valid United States social security  
6 or national practitioner identification number.

7 G. The privilege to practice is derived from the  
8 home state license.

9 H. An audiologist or speech-language pathologist  
10 practicing in a member state must comply with the state  
11 practice laws of the state in which the client is located at  
12 the time service is provided. The practice of audiology and  
13 speech-language pathology shall include all audiology and  
14 speech-language pathology practice as defined by the state  
15 practice laws of the member state in which the client is  
16 located. The practice of audiology and speech-language  
17 pathology in a member state under a privilege to practice shall  
18 subject an audiologist or speech-language pathologist to the  
19 jurisdiction of the licensing board, the courts and the laws of  
20 the member state in which the client is located at the time  
21 service is provided.

22 I. Individuals not residing in a member state shall  
23 continue to be able to apply for a member state's single-state  
24 license as provided under the laws of each member state.

25 However, the single-state license granted to these individuals

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1 shall not be recognized as granting the privilege to practice  
2 audiology or speech-language pathology in any other member  
3 state. Nothing in this compact shall affect the requirements  
4 established by a member state for the issuance of a single-  
5 state license.

6 J. Member states may charge a fee for granting a  
7 compact privilege.

8 K. Member states must comply with the bylaws and  
9 rules and regulations of the commission.

10 SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE.--

11 A. To exercise the compact privilege under the  
12 terms and provisions of the compact, an audiologist or speech-  
13 language pathologist shall:

14 (1) hold an active license in the home state;  
15 (2) have no encumbrance on any state license;  
16 (3) be eligible for a compact privilege in any  
17 member state in accordance with Section 4 of the Audiology and  
18 Speech-Language Pathology Interstate Compact;

19 (4) have not had any adverse action against  
20 any license or compact privilege within the previous two years  
21 from date of application;

22 (5) notify the commission that the licensee is  
23 seeking the compact privilege within a remote state;

24 (6) pay any applicable fees, including any  
25 state fee, for the compact privilege; and

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1 (7) report to the commission adverse action  
2 taken by any non-member state within thirty days from the date  
3 the adverse action is taken.

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

7 C. Except as provided in Section 7 of the Audiology  
8 and Speech-Language Pathology Interstate Compact, if an  
9 audiologist or speech-language pathologist changes primary  
10 state of residence by moving to another member state, the  
11 audiologist or speech-language pathologist shall apply for  
12 licensure in the new home state and the license issued by the  
13 prior home state shall be deactivated in accordance with  
14 applicable rules adopted by the commission.

15 D. An audiologist or speech-language pathologist  
16 may apply for licensure in advance of a change in primary state  
17 of residence.

18 E. A license shall not be issued by a new home  
19 state until the audiologist or speech-language pathologist  
20 provides satisfactory evidence of a change in primary state of  
21 residence to the new home state and satisfies all applicable  
22 requirements to obtain a license from the new home state.

23 F. If an audiologist or speech-language pathologist  
24 changes a primary state of residence by moving from a member  
25 state to a non-member state, the license issued by the prior

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1 home state shall convert to a single-state license, valid only  
2 in the former home state, and the privilege to practice in any  
3 member state is deactivated in accordance with the rules  
4 promulgated by the commission.

5 G. A compact privilege is valid until the  
6 expiration date of the home state license. A licensee must  
7 comply with the requirements of Subsection A of this section to  
8 maintain a compact privilege in a remote state.

9 H. A licensee providing audiology or speech-  
10 language pathology services in a remote state under a compact  
11 privilege shall function within the laws and regulations of the  
12 remote state.

13 I. A licensee providing audiology or speech-  
14 language pathology services in a remote state is subject to  
15 that state's regulatory authority. A remote state may, in  
16 accordance with due process and that state's laws, remove a  
17 licensee's compact privilege in the remote state for a specific  
18 period of time, impose fines or take any other necessary  
19 actions to protect the health and safety of the remote state's  
20 residents.

21 J. If a home state license is encumbered, the  
22 licensee shall lose the compact privilege in any remote state  
23 until the following occur:

24 (1) the home state license is no longer  
25 encumbered; and

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1                   (2) two years have elapsed from the date of  
2 the adverse action.

3                   K. Once an encumbered license in the home state is  
4 restored to good standing, the licensee shall meet the  
5 requirements of Subsection A of this section to obtain a  
6 compact privilege in any remote state.

7                   L. Once the requirements of Subsection J of this  
8 section have been met, the licensee must meet the requirements  
9 in Subsection A of this section to obtain a compact privilege  
10 in a remote state.

11                   SECTION 6. [NEW MATERIAL] COMPACT PRIVILEGE TO PRACTICE  
12 TELEHEALTH.--

13                   A. Member states shall recognize the right of an  
14 audiologist or speech-language pathologist licensed by a home  
15 state in accordance with Section 4 of the Audiology and Speech-  
16 Language Pathology Interstate Compact and under rules  
17 promulgated by the commission, to practice audiology or speech-  
18 language pathology in any member state via telehealth under a  
19 privilege to practice as provided in the compact and rules  
20 promulgated by the commission.

21                   B. A licensee providing audiology or speech-  
22 language pathology services in a remote state under the compact  
23 privilege shall function within the laws and regulations of the  
24 state where the patient or client is located.

25                   SECTION 7. [NEW MATERIAL] ACTIVE DUTY MILITARY PERSONNEL

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1 OR THEIR SPOUSES.--Active duty military personnel, or the  
2 active duty military personnel's spouse, shall designate a home  
3 state where the individual has a current license in good  
4 standing. The individual may retain the home state designation  
5 during the period the service member is on active duty.

6 Subsequent to designating a home state, the individual shall  
7 only change the home state through application for licensure in  
8 the new state.

9 SECTION 8. [NEW MATERIAL] ADVERSE ACTIONS.--

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

13 (1) take adverse action against an  
14 audiologist's or speech-language pathologist's privilege to  
15 practice within that member state;

16 (2) issue subpoenas for both hearings and  
17 investigations that require the attendance and testimony of  
18 witnesses as well as the production of evidence. Subpoenas  
19 issued by a licensing board in a member state for the  
20 attendance and testimony of witnesses or the production of  
21 evidence from another member state shall be enforced in the  
22 latter state by any court of competent jurisdiction according  
23 to the practice and procedure of that court applicable to  
24 subpoenas issued in proceedings pending before the court. The  
25 issuing authority shall pay any witness fees, travel expenses,

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1 mileage and other fees required by the service statutes of the  
2 state in which the witnesses or evidence are located; and

3 (3) only the home state shall have the power  
4 to take adverse action against a audiologist's or speech-  
5 language pathologist's license issued by the home state.

6 B. For purposes of taking adverse action, the home  
7 state shall give the same priority and effect to reported  
8 conduct received from a member state as it would if the conduct  
9 had occurred within the home state. In so doing, the home  
10 state shall apply its own state laws to determine appropriate  
11 action.

12 C. The home state shall complete any pending  
13 investigations of an audiologist or speech-language pathologist  
14 who changes primary state of residence during the course of the  
15 investigations. The home state shall also have the authority  
16 to take appropriate action and shall promptly report the  
17 conclusions of the investigations to the administrator of the  
18 data system. The administrator of the data system shall  
19 promptly notify the new home state of any adverse actions.

20 D. If otherwise permitted by state law, the member  
21 state may recover from the affected audiologist or speech-  
22 language pathologist the costs of investigations and  
23 disposition of cases resulting from any adverse action taken  
24 against that audiologist or speech-language pathologist.

25 E. The member state may take adverse action based

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1 on the factual findings of the remote state, provided that the  
2 member state follows the member state's own procedures for  
3 taking the adverse action.

4 F. In addition to the authority granted to a member  
5 state by its respective audiology or speech-language pathology  
6 practice act or other applicable state law, any member state  
7 may participate with other member states in joint  
8 investigations of licensees. Member states shall share any  
9 investigative, litigation or compliance materials in  
10 furtherance of any joint or individual investigation initiated  
11 under the compact.

12 G. If adverse action is taken by the home state  
13 against an audiologist's or speech language pathologist's  
14 license, the audiologist's or speech-language pathologist's  
15 privilege to practice in all other member states shall be  
16 deactivated until all encumbrances have been removed from the  
17 state license. All home state disciplinary orders that impose  
18 adverse action against an audiologist's or speech language  
19 pathologist's license shall include a statement that the  
20 audiologist's or speech-language pathologist's privilege to  
21 practice is deactivated in all member states during the  
22 pendency of the order.

23 H. If a member state takes adverse action against a  
24 licensee, it shall promptly notify the administrator of the  
25 data system. The administrator of the data system shall

1 promptly notify the home state, and any remote states in which  
2 the licensee has a privilege to practice, of any adverse  
3 actions by the home state or remote states.

4 I. Nothing in this compact shall override a member  
5 state's decision that participation in an alternative program  
6 may be used in lieu of adverse action.

7 SECTION 9. [NEW MATERIAL] AUDIOLOGY AND SPEECH-LANGUAGE  
8 PATHOLOGY COMPACT COMMISSION--CREATED.--

9 A. The compact member states hereby create and  
10 establish a joint public agency known as "the audiology and  
11 speech-language pathology compact commission", subject to the  
12 following provisions:

13 (1) the commission is an instrumentality of  
14 the compact states;

15 (2) venue is proper and judicial proceedings  
16 by or against the commission shall be brought solely and  
17 exclusively in a court of competent jurisdiction where the  
18 principal office of the commission is located. The commission  
19 may waive venue and jurisdictional defenses to the extent that  
20 it adopts or consents to participate in alternative dispute  
21 resolution proceedings; and

22 (3) nothing in this compact shall be construed  
23 to be a waiver of sovereign immunity.

24 B. Membership, voting and meetings of the  
25 commission shall proceed as follows:

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1 (1) each member state shall have two delegates  
2 on the commission selected by that member state's licensing  
3 board. The delegates shall be current members of the licensing  
4 board. One delegate shall be an audiologist and one delegate  
5 shall be a speech-language pathologist;

6 (2) an additional five delegates, who are  
7 either public members or board administrators from a state  
8 licensing board, shall be chosen at large by the executive  
9 committee from a pool of nominees provided by the commission;

10 (3) any delegate may be removed or suspended  
11 from the commission as provided by the law of the state from  
12 which the delegate is appointed;

13 (4) the member state's licensing board shall  
14 fill any vacancy of the member state's delegates that occurs on  
15 the commission, within ninety days;

16 (5) each delegate shall be entitled to one  
17 vote with regard to the promulgation of rules and creation of  
18 bylaws and shall otherwise have an opportunity to participate  
19 in the business and affairs of the commission;

20 (6) a delegate shall vote in person or by  
21 other means as provided in the bylaws. The bylaws may provide  
22 for delegates' participation in meetings by telephone or other  
23 means of communication; and

24 (7) the commission shall meet at least once  
25 during each calendar year. Additional meetings shall be held

1 as set forth in the bylaws.

2 C. The commission shall:

3 (1) establish the fiscal year of the  
4 commission;

5 (2) establish bylaws;

6 (3) establish a code of ethics;

7 (4) maintain financial records in accordance  
8 with the bylaws;

9 (5) meet and take actions as are consistent  
10 with the provisions of this compact and the bylaws;

11 (6) promulgate uniform rules to facilitate and  
12 coordinate implementation and administration of this compact.

13 The rules shall have the force and effect of law and shall be  
14 binding in all member states to the extent and in the manner  
15 provided for in the Audiology and Speech-Language Pathology  
16 Interstate Compact;

17 (7) bring and prosecute legal proceedings or  
18 actions in the name of the commission; provided that the  
19 standing of any state audiology and speech-language pathology  
20 licensing board to sue or be sued under applicable law shall  
21 not be affected;

22 (8) purchase and maintain insurance and bonds;

23 (9) borrow, accept or contract for services of  
24 personnel, including employees of a member state;

25 (10) hire employees, elect or appoint

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1 officers, fix compensation, define duties and grant individuals  
2 appropriate authority to carry out the purposes of the compact  
3 and establish the commission's personnel policies and programs  
4 relating to conflicts of interest, qualifications of personnel  
5 and other related personnel matters;

6 (11) accept any and all appropriate donations  
7 and grants of money, equipment, supplies, materials and  
8 services and receive, utilize and dispose of the same; provided  
9 that at all times the commission shall avoid any appearance of  
10 impropriety or conflict of interest;

11 (12) lease, purchase, accept appropriate gifts  
12 or donations of, or otherwise to own, hold, improve or use, any  
13 property, real, personal or mixed; provided that at all times  
14 the commission shall avoid any appearance of impropriety;

15 (13) sell, convey, mortgage, pledge, lease,  
16 exchange, abandon or otherwise dispose of any property, real,  
17 personal or mixed;

18 (14) establish a budget and make expenditures;

19 (15) borrow money;

20 (16) appoint committees, including standing  
21 committees composed of members and other interested persons as  
22 may be designated in this compact and in the bylaws;

23 (17) provide and receive information from, and  
24 cooperate with, law enforcement agencies;

25 (18) establish and elect an executive

1 committee; and

2 (19) perform other functions as may be  
3 necessary or appropriate to achieve the purposes of this  
4 compact consistent with the state regulation of audiology and  
5 speech-language pathology licensure and practice.

6 D. The commission shall have no authority to change  
7 or modify the laws of the member states that define the  
8 practice of audiology and speech-language pathology in the  
9 respective states.

10 E. The executive committee of the commission shall  
11 have the power to act on behalf of the commission according to  
12 the terms of this compact and shall be composed of ten members  
13 as follows:

14 (1) seven voting members who are elected by  
15 the commission from the current membership of the commission;

16 (2) two non-voting ex-officio members, one a  
17 member from a recognized national audiology professional  
18 association and one a member from a recognized national speech-  
19 language pathology association; and

20 (3) one non-voting ex-officio member from the  
21 recognized membership organization of the audiology and speech-  
22 language pathology licensing boards.

23 F. The ex-officio members of the executive  
24 committee shall be selected by their respective organizations.

25 G. The commission may remove any member of the

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1 executive committee as provided in the bylaws.

2 H. The executive committee shall meet at least  
3 annually.

4 I. The executive committee shall have the following  
5 duties and responsibilities to:

6 (1) recommend to the commission changes to the  
7 rules or bylaws, changes to this compact legislation, fees paid  
8 by compact member states such as annual dues and any commission  
9 compact fee charged to licensees for the compact privilege;

10 (2) ensure that compact administration  
11 services are appropriately provided, contractual or otherwise;

12 (3) prepare and recommend a budget;

13 (4) maintain financial records on behalf of  
14 the commission;

15 (5) monitor compact compliance of member  
16 states and provide compliance reports to the commission;

17 (6) establish additional committees as  
18 necessary; and

19 (7) carry out other duties as provided in the  
20 rules or bylaws.

21 J. All meetings of the commission shall be open to  
22 the public, and public notice of meetings shall be given in the  
23 same manner as required under the rulemaking provisions in  
24 Section 12 of the Audiology and Speech-Language Pathology  
25 Interstate Compact.

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1           K. The commission or the executive committee or  
2 other committees of the commission may convene in a closed,  
3 non-public meeting if the commission or executive committee or  
4 other committees of the commission must discuss:

5                   (1) non-compliance of a member state with its  
6 obligations under the compact;

7                   (2) the employment, compensation, discipline  
8 or other matters, practices or procedures related to specific  
9 employees or other matters related to the commission's internal  
10 personnel practices and procedures;

11                   (3) current, threatened or reasonably  
12 anticipated litigation;

13                   (4) negotiation of contracts for the purchase,  
14 lease or sale of goods, services or real estate;

15                   (5) accusations made of any person of a crime  
16 or formal censuring of any person;

17                   (6) disclosure of trade secrets or commercial  
18 or financial information that is privileged or confidential;

19                   (7) disclosure of information of a personal  
20 nature where disclosure would constitute a clearly unwarranted  
21 invasion of personal privacy;

22                   (8) disclosure of investigative records  
23 compiled for law enforcement purposes;

24                   (9) disclosure of information related to any  
25 investigative reports prepared by or on behalf of or for use of

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1 the commission or other committee charged with responsibility  
2 of investigation or determination of compliance issues pursuant  
3 to the compact; or

4 (10) matters specifically exempted from  
5 disclosure by federal or member state statute.

6 L. If a meeting of the commission, executive  
7 committee or other committee of the commission, or portion of a  
8 meeting, is closed pursuant to Subsection K of this section,  
9 the commission's legal counsel or designee shall certify that  
10 the meeting may be closed and shall reference each relevant  
11 exempting provision.

12 M. The commission shall keep minutes that fully and  
13 clearly describe all matters discussed in a meeting and shall  
14 provide a full and accurate summary of actions taken, and the  
15 reasons therefore, including a description of the views  
16 expressed. All documents considered in connection with an  
17 action shall be identified in the minutes. All minutes and  
18 documents of meetings other than closed meetings shall be made  
19 available to members of the public upon request at the  
20 requesting person's expense. All minutes and documents of a  
21 closed meeting shall remain under seal, subject to release by a  
22 majority vote of the commission or order of a court of  
23 competent jurisdiction.

24 N. The commission shall pay, or provide for the  
25 payment of, the reasonable expenses of its establishment,

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1 organization and ongoing activities. The commission may accept  
2 any and all appropriate revenue sources, donations and grants  
3 of money, equipment, supplies, materials and services. The  
4 commission may levy on and collect an annual assessment from  
5 each member state or impose fees on other parties to cover the  
6 cost of the operations and activities of the commission and its  
7 staff, which must be in a total amount sufficient to cover its  
8 annual budget as approved each year for which revenue is not  
9 provided by other sources. The aggregate annual assessment  
10 amount shall be allocated based upon a formula to be determined  
11 by the commission, which shall promulgate a rule binding upon  
12 all member states.

13 O. The commission shall not incur obligations of  
14 any kind prior to securing the funds adequate to meet the  
15 obligations; nor shall the commission pledge the credit of any  
16 of the member states, except by and with the authority of the  
17 member state.

18 P. The commission shall keep accurate accounts of  
19 all receipts and disbursements. The receipts and disbursements  
20 of the commission shall be subject to the audit and accounting  
21 procedures established under its bylaws. However, all receipts  
22 and disbursements of funds handled by the commission shall be  
23 audited yearly by a certified or licensed public accountant,  
24 and the report of the audit shall be included in and become  
25 part of the annual report of the commission.

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1           SECTION 10.   ~~[NEW MATERIAL]~~ QUALIFIED IMMUNITY, DEFENSE  
2   AND INDEMNIFICATION.--

3           A.   The members, officers, executive director,  
4   employees and representatives of the commission shall be immune  
5   from suit and liability, either personally or in their official  
6   capacity, for any claim for damage to or loss of property or  
7   personal injury or other civil liability caused by or arising  
8   out of any actual or alleged act, error or omission that  
9   occurred, or that the person against whom the claim is made had  
10   a reasonable basis for believing occurred within the scope of  
11   commission employment, duties or responsibilities; provided  
12   that nothing in this subsection shall be construed to protect  
13   any person from suit or liability for any damage, loss, injury  
14   or liability caused by the intentional or willful or wanton  
15   misconduct of that person.

16           B.   The commission shall defend any member, officer,  
17   executive director, employee or representative of the  
18   commission in any civil action seeking to impose liability  
19   arising out of any actual or alleged act, error or omission  
20   that occurred within the scope of commission employment, duties  
21   or responsibilities, or that the person against whom the claim  
22   is made had a reasonable basis for believing occurred within  
23   the scope of commission employment, duties or responsibilities;  
24   provided that nothing in this subsection shall be construed to  
25   prohibit that person from retaining that person's own counsel;

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1 and further provided that the actual or alleged act, error or  
2 omission did not result from that person's intentional or  
3 willful or wanton misconduct.

4 C. The commission shall indemnify and hold harmless  
5 any member, officer, executive director, employee or  
6 representative of the commission for the amount of any  
7 settlement or judgment obtained against that person arising out  
8 of any actual or alleged act, error or omission that occurred  
9 within the scope of commission employment, duties or  
10 responsibilities, or that the person had a reasonable basis for  
11 believing occurred within the scope of commission employment,  
12 duties or responsibilities; provided that the actual or alleged  
13 act, error or omission did not result from the intentional or  
14 willful or wanton misconduct of that person.

15 SECTION 11. [NEW MATERIAL] DATA SYSTEM.--

16 A. The commission shall provide for the  
17 development, maintenance and utilization of a coordinated  
18 database and reporting system containing licensure, adverse  
19 action and investigative information on all licensed  
20 individuals in member states.

21 B. Notwithstanding any other provision of state law  
22 to the contrary, a member state shall submit a uniform data set  
23 to the data system on all individuals to whom this compact is  
24 applicable as required by the rules of the commission,  
25 including:

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- 1 (1) identifying information;
- 2 (2) licensure data;
- 3 (3) adverse actions against a license or
- 4 compact privilege;
- 5 (4) non-confidential information relating to
- 6 alternative program participation;
- 7 (5) any denial of application for licensure,
- 8 and the reason for denial; and
- 9 (6) other information that may facilitate the
- 10 administration of this compact, as determined by the rules of
- 11 the commission.

12 C. Investigative information pertaining to a  
13 licensee in any member state shall only be available to other  
14 member states.

15 D. The commission shall promptly notify all member  
16 states of any adverse action taken against a licensee or an  
17 individual applying for a license. Adverse action information  
18 pertaining to a licensee in any member state shall be available  
19 to any other member state.

20 E. Member states contributing information to the  
21 data system may designate information that may not be shared  
22 with the public without the express permission of the  
23 contributing state.

24 F. Any information submitted to the data system  
25 that is subsequently required to be expunged by the laws of the

1 member state contributing the information shall be removed from  
2 the data system.

3 SECTION 12. [NEW MATERIAL] RULEMAKING.--

4 A. The commission shall exercise its rulemaking  
5 powers pursuant to the criteria set forth in this section and  
6 the rules adopted thereunder. Rules and amendments shall  
7 become binding as of the date specified in each rule or  
8 amendment.

9 B. If a majority of the legislatures of the member  
10 states rejects a rule, by enactment of a statute or resolution  
11 in the same manner used to adopt the compact within four years  
12 of the date of adoption of the rule, the rule shall have no  
13 further force and effect in any member state.

14 C. Rules or amendments to the rules shall be  
15 adopted at a regular or special meeting of the commission.

16 D. Prior to promulgation and adoption of a final  
17 rule by the commission, and at least thirty days in advance of  
18 the meeting at which the rule shall be considered and voted  
19 upon, the commission shall file a notice of proposed  
20 rulemaking:

21 (1) on the website of the commission or other  
22 publicly accessible platform; and

23 (2) on the website of each member state's  
24 audiology and speech-language pathology licensing board or  
25 other publicly accessible platform or the publication in which

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1 each state would otherwise publish proposed rules.

2 E. The notice of proposed rulemaking shall include:

3 (1) the proposed time, date and location of  
4 the meeting in which the rule shall be considered and voted  
5 upon;

6 (2) the text of the proposed rule or amendment  
7 and the reason for the proposed rule;

8 (3) a request for comments on the proposed  
9 rule from any interested person; and

10 (4) the manner in which interested persons may  
11 submit notice to the commission of their intention to attend  
12 the public hearing and any written comments.

13 F. Prior to the adoption of a proposed rule, the  
14 commission shall allow persons to submit written data, facts,  
15 opinions and arguments, which shall be made available to the  
16 public.

17 G. The commission shall grant an opportunity for a  
18 public hearing before it adopts a rule or amendment if a  
19 hearing is requested by:

20 (1) at least twenty-five persons;

21 (2) a state or federal governmental  
22 subdivision or agency; or

23 (3) an association having at least twenty-five  
24 members.

25 H. If a hearing is held on the proposed rule or

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1 amendment, the commission shall publish the place, time and  
2 date of the scheduled public hearing. If the hearing is held  
3 via electronic means, the commission shall publish the  
4 mechanism for access to the electronic hearing and the  
5 procedure for hearings shall be conducted according to the  
6 following provisions:

7 (1) all persons wishing to be heard at the  
8 hearing shall notify the executive director of the commission  
9 or other designated member in writing of their desire to appear  
10 and testify at the hearing not less than five business days  
11 before the scheduled date of the hearing;

12 (2) hearings shall be conducted in a manner  
13 that provides each person who wishes to comment a fair and  
14 reasonable opportunity to comment orally or in writing;

15 (3) all hearings shall be recorded and a copy  
16 of the recording shall be made available to any person upon  
17 request and at the requesting person's expense; and

18 (4) nothing in this section shall be construed  
19 as requiring a separate hearing on each rule. Rules may be  
20 grouped for the convenience of the commission at hearings  
21 required by this section.

22 I. Following the scheduled hearing date, or by the  
23 close of business on the scheduled hearing date if the hearing  
24 was not held, the commission shall consider all written and  
25 oral comments received.

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1           J. If no written notice of intent to attend the  
2 public hearing by interested parties is received, the  
3 commission may proceed with promulgation of the proposed rule  
4 without a public hearing.

5           K. The commission shall, by majority vote of all  
6 members, take final action on the proposed rule and shall  
7 determine the effective date of the rule, if any, based on the  
8 rulemaking record and the full text of the rule.

9           L. Upon determination that an emergency exists, the  
10 commission may consider and adopt an emergency rule without  
11 prior notice and an opportunity for comment or hearing;  
12 provided that the usual rulemaking procedures provided in the  
13 compact and in this section shall be retroactively applied to  
14 the rule as soon as reasonably possible, but in no event later  
15 than ninety days after the effective date of the rule. For the  
16 purposes of this provision, an emergency rule is one that must  
17 be adopted immediately in order to:

18                   (1) meet an imminent threat to public health,  
19 safety or welfare;

20                   (2) prevent a loss of commission or member  
21 state funds; or

22                   (3) meet a deadline for the promulgation of an  
23 administrative rule that is established by federal law or rule.

24           M. The commission or an authorized committee of the  
25 commission may direct revisions to a previously adopted rule or

1 amendment for purposes of correcting typographical errors,  
2 errors in format, errors in consistency or grammatical errors.  
3 Public notice of any revisions shall be posted on the website  
4 of the commission. The revision shall be subject to challenge  
5 by any person for a period of thirty days after posting. The  
6 revision may be challenged only on grounds that the revision  
7 results in a material change to a rule. A challenge shall be  
8 made in writing and delivered to the chair of the commission  
9 prior to the end of the notice period. If no challenge is  
10 made, the revision shall take effect without further action. If  
11 the revision is challenged, the revision may not take effect  
12 without the approval of the commission.

13 SECTION 13. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION  
14 AND ENFORCEMENT.--

15 A. Upon request by a member state, the commission  
16 shall attempt to resolve disputes related to the compact that  
17 arise among member states and between member and non-member  
18 states.

19 B. The commission shall promulgate a rule providing  
20 for both mediation and binding dispute resolution for disputes  
21 as appropriate.

22 C. The commission, in the reasonable exercise of  
23 its discretion, shall enforce the provisions and rules of this  
24 compact.

25 D. By majority vote, the commission may initiate

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1 legal action in the United States district court for the  
2 District of Columbia or the federal district where the  
3 commission has its principal offices against a member state in  
4 default to enforce compliance with the provisions of the  
5 compact and its promulgated rules and bylaws. The relief  
6 sought may include both injunctive relief and damages. In the  
7 event judicial enforcement is necessary, the prevailing member  
8 shall be awarded all costs of litigation, including reasonable  
9 attorney fees.

10 E. The remedies provided in this section shall not  
11 be the exclusive remedies of the commission. The commission  
12 may pursue any other remedies available under federal or state  
13 law.

14 SECTION 14. [NEW MATERIAL] DATE OF IMPLEMENTATION OF THE  
15 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND  
16 ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT.--

17 A. The compact shall come into effect on the date  
18 on which the compact statute is enacted into law in the tenth  
19 member state. The provisions, which become effective at that  
20 time, shall be limited to the powers granted to the commission  
21 relating to assembly and the promulgation of rules.

22 Thereafter, the commission shall meet and exercise rulemaking  
23 powers necessary to the implementation and administration of  
24 the compact.

25 B. Any state that joins the compact subsequent to

1 the commission's initial adoption of the rules shall be subject  
2 to the rules as they exist on the date on which the compact  
3 becomes law in that state. Any rule that has been previously  
4 adopted by the commission shall have the full force and effect  
5 of law on the day the compact becomes law in that state.

6 C. Any member state may withdraw from this compact  
7 by enacting a statute repealing the same.

8 D. A member state's withdrawal shall not take  
9 effect until six months after enactment of the repealing  
10 statute.

11 E. Withdrawal shall not affect the continuing  
12 requirement of the withdrawing state's audiology and speech-  
13 language pathology licensing board to comply with the  
14 investigative and adverse action reporting requirements of this  
15 compact prior to the effective date of withdrawal.

16 F. Nothing contained in this compact shall be  
17 construed to invalidate or prevent any audiology and speech-  
18 language pathology licensure agreement or other cooperative  
19 arrangement between a member state and a non-member state that  
20 does not conflict with the provisions of this compact.

21 G. This compact may be amended by the member  
22 states. No amendment to this compact shall become effective  
23 and binding upon any member state until it is enacted into the  
24 laws of all member states.

25 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND

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1 SEVERABILITY.--This compact shall be liberally construed so as  
2 to effectuate the purposes of the compact. The provisions of  
3 this compact shall be severable, and if any phrase, clause,  
4 sentence or provision of this compact is declared to be  
5 contrary to the constitution of any member state or of the  
6 United States or the applicability thereof to any government,  
7 agency, person or circumstance is held invalid, the validity of  
8 the remainder of this compact and the applicability thereof to  
9 any government, agency, person or circumstance shall not be  
10 affected thereby. If this compact is held contrary to the  
11 constitution of any member state, the compact shall remain in  
12 full force and effect as to the remaining member states and in  
13 full force and effect as to the member state affected as to all  
14 severable matters.

15 SECTION 16. [NEW MATERIAL] BINDING EFFECT OF COMPACT AND  
16 OTHER LAWS.--

17 A. Nothing in this compact prevents the enforcement  
18 of any other law of a member state that is not inconsistent  
19 with the compact.

20 B. All laws in a member state in conflict with the  
21 compact are superseded to the extent of the conflict.

22 C. All lawful actions of the commission, including  
23 all rules and bylaws promulgated by the commission, are binding  
24 upon the member states.

25 D. All agreements between the commission and the

1 member states are binding in accordance with their terms.

2 E. In the event that any provision of the compact  
3 exceeds the constitutional limits imposed on the legislature of  
4 any member state, the provision shall be ineffective to the  
5 extent of the conflict with the constitutional provision in  
6 question in that member state.

7 SECTION 17. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2021.

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