

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 79

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE
AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT;
AMENDING THE SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING
AID DISPENSING PRACTICES ACT TO PROVIDE FOR STATE AND FEDERAL
CRIMINAL HISTORY BACKGROUND CHECKS.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 16 of 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

1 in the state where the patient, client or student is located at
2 the time of the patient, client or student encounter. The
3 compact preserves the regulatory authority of states to protect
4 public health and safety through the current system of state
5 licensure. This compact is designed to achieve the following
6 objectives:

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

10 B. enhance the states' ability to protect the
11 public's health and safety;

12 C. encourage the cooperation of member states in
13 regulating multistate audiology and speech-language pathology
14 practice;

15 D. support spouses of relocating active duty
16 military personnel;

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

19 F. allow a remote state to hold a provider of
20 services with a compact privilege in that state accountable to
21 that state's practice standards; and

22 G. allow for the use of telehealth technology to
23 facilitate increased access to audiology and speech-language
24 pathology services.

25 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Audiology and Speech-Language Pathology Interstate Compact and
2 except as otherwise provided:

3 A. "active duty military" means full-time duty
4 status in the active uniformed service of the United States,
5 including members of the national guard and reserve on active
6 duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

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

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

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

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

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

25 G. "audiology and speech-language pathology

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1 licensing board", "audiology licensing board", "speech-language
2 pathology licensing board" or "licensing board" means the
3 agency of a state that is responsible for the licensing and
4 regulation of audiologists or speech-language pathologists;

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

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

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

24 K. "encumbered license" means a license in which an
25 adverse action restricts the practice of audiology and speech-

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1 language pathology by the licensee, and the adverse action has
2 been reported to the national practitioner data bank;

3 L. "executive committee" means a group of directors
4 elected or appointed to act on behalf of, and within the powers
5 granted to them by, the commission;

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

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

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

14 P. "member state" means a state that has enacted
15 the compact;

16 Q. "privilege to practice" means a legal
17 authorization permitting the practice of audiology or speech-
18 language pathology in a remote state;

19 R. "remote state" means a member state other than
20 the home state where a licensee is exercising or seeking to
21 exercise the compact privilege;

22 S. "rule" means a regulation, principle or
23 directive promulgated by the commission that has the force of
24 law;

25 T. "single-state license" means an audiology or

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1 speech-language pathology license issued by a member state that
2 authorizes practice only within the issuing state and does not
3 include a privilege to practice in any other member state;

4 U. "speech-language pathologist" means an
5 individual who is licensed by a state to practice speech-
6 language pathology;

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

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

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

18 Y. "telehealth" means the application of
19 telecommunication technology to deliver audiology or speech-
20 language pathology services at a distance for assessment,
21 intervention or consultation.

22 SECTION 4. [NEW MATERIAL] STATE PARTICIPATION IN THE
23 COMPACT.--

24 A. A license issued to an audiologist or speech-
25 language pathologist by a home state to a resident in that

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1 state shall be recognized by each member state as authorizing
2 an audiologist or speech-language pathologist to practice
3 audiology or speech-language pathology, under a privilege to
4 practice, in each member state.

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

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

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

25 C. Upon application for a privilege to practice,

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

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

12 E. An audiologist 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

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 licensing 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 shall:

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

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

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

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

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

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

24 (5) hold an active, unencumbered license;

25 (6) have not been convicted or found guilty,

1 and have not entered into an agreed disposition, of a felony
2 related to the practice of speech-language pathology under
3 applicable state or federal criminal law; and

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

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

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

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

24 However, the single-state license granted to these individuals
25 shall not be recognized as granting the privilege to practice

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1 audiology or speech-language pathology in any other member
2 state. Nothing in this compact shall affect the requirements
3 established by a member state for the issuance of a single-
4 state license.

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

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

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

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

- 13 (1) hold an active license in the home state;
14 (2) have no encumbrance on any state license;
15 (3) be eligible for a compact privilege in any
16 member state in accordance with Section 4 of the Audiology and
17 Speech-Language Pathology Interstate Compact;
18 (4) have not had any adverse action against
19 any license or compact privilege within the previous two years
20 from date of application;
21 (5) notify the commission that the licensee is
22 seeking the compact privilege within a remote state;
23 (6) pay any applicable fees, including any
24 state fee, for the compact privilege; and
25 (7) report to the commission adverse action

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1 taken by any non-member state within thirty days from the date
2 the adverse action is taken.

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

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

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

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

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

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1 in the former home state.

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

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

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

18 J. If a home state license is encumbered, the
19 licensee shall lose the compact privilege in any remote state
20 until the following occur:

21 (1) the home state license is no longer
22 encumbered; and

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

25 K. Once an encumbered license in the home state is

1 restored to good standing, the licensee shall meet the
2 requirements of Subsection A of this section to obtain a
3 compact privilege in any remote state.

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

8 SECTION 6. [NEW MATERIAL] COMPACT PRIVILEGE TO PRACTICE
9 TELEHEALTH.--Member states shall recognize the right of an
10 audiologist or speech-language pathologist licensed by a home
11 state in accordance with Section 4 of the Audiology and Speech-
12 Language Pathology Interstate Compact and under rules
13 promulgated by the commission, to practice audiology or speech-
14 language pathology in any member state via telehealth under a
15 privilege to practice as provided in the compact and rules
16 promulgated by the commission.

17 SECTION 7. [NEW MATERIAL] ACTIVE DUTY MILITARY PERSONNEL
18 OR THEIR SPOUSES.--Active duty military personnel, or the
19 active duty military personnel's spouse, shall designate a home
20 state where the individual has a current license in good
21 standing. The individual may retain the home state designation
22 during the period the service member is on active duty.
23 Subsequent to designating a home state, the individual shall
24 only change the home state through application for licensure in
25 the new state.

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1 SECTION 8. ~~[NEW MATERIAL]~~ ADVERSE ACTIONS.--

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

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

8 (2) issue subpoenas for both hearings and
9 investigations that require the attendance and testimony of
10 witnesses as well as the production of evidence. Subpoenas
11 issued by a licensing board in a member state for the
12 attendance and testimony of witnesses or the production of
13 evidence from another member state shall be enforced in the
14 latter state by any court of competent jurisdiction according
15 to the practice and procedure of that court applicable to
16 subpoenas issued in proceedings pending before the court. The
17 issuing authority shall pay any witness fees, travel expenses,
18 mileage and other fees required by the service statutes of the
19 state in which the witnesses or evidence are located; and

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

23 B. For purposes of taking adverse action, the home
24 state shall give the same priority and effect to reported
25 conduct received from a member state as it would if the conduct

1 had occurred within the home state. In so doing, the home
2 state shall apply its own state laws to determine appropriate
3 action.

4 C. The home state shall complete any pending
5 investigations of an audiologist or speech-language pathologist
6 who changes primary state of residence during the course of the
7 investigations. The home state shall also have the authority
8 to take appropriate action and shall promptly report the
9 conclusions of the investigations to the administrator of the
10 data system. The administrator of the data system shall
11 promptly notify the new home state of any adverse actions.

12 D. If otherwise permitted by state law, the member
13 state may recover from the affected audiologist or speech-
14 language pathologist the costs of investigations and
15 disposition of cases resulting from any adverse action taken
16 against that audiologist or speech-language pathologist.

17 E. The member state may take adverse action based
18 on the factual findings of the remote state, provided that the
19 member state follows the member state's own procedures for
20 taking the adverse action.

21 F. In addition to the authority granted to a member
22 state by its respective audiology or speech-language pathology
23 practice act or other applicable state law, any member state
24 may participate with other member states in joint
25 investigations of licensees. Member states shall share any

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1 investigative, litigation or compliance materials in
2 furtherance of any joint or individual investigation initiated
3 under the compact.

4 G. If adverse action is taken by the home state
5 against an audiologist's or speech language pathologist's
6 license, the audiologist's or speech-language pathologist's
7 privilege to practice in all other member states shall be
8 deactivated until all encumbrances have been removed from the
9 state license. All home state disciplinary orders that impose
10 adverse action against an audiologist's or speech language
11 pathologist's license shall include a statement that the
12 audiologist's or speech-language pathologist's privilege to
13 practice is deactivated in all member states during the
14 pendency of the order.

15 H. If a member state takes adverse action, it shall
16 promptly notify the administrator of the data system. The
17 administrator of the data system shall promptly notify the home
18 state of any adverse actions by remote states.

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

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

24 A. The compact member states hereby create and
25 establish a joint public agency known as "the audiology and

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1 speech-language pathology compact commission", subject to the
2 following provisions:

3 (1) the commission is an instrumentality of
4 the compact states;

5 (2) venue is proper and judicial proceedings
6 by or against the commission shall be brought solely and
7 exclusively in a court of competent jurisdiction where the
8 principal office of the commission is located. The commission
9 may waive venue and jurisdictional defenses to the extent that
10 it adopts or consents to participate in alternative dispute
11 resolution proceedings; and

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

14 B. Membership, voting and meetings of the
15 commission shall proceed as follows:

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

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

25 (3) any delegate may be removed or suspended

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1 from the commission as provided by the law of the state from
2 which the delegate is appointed;

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

6 (5) each delegate shall be entitled to one
7 vote with regard to the promulgation of rules and creation of
8 bylaws and shall otherwise have an opportunity to participate
9 in the business and affairs of the commission;

10 (6) a delegate shall vote in person or by
11 other means as provided in the bylaws. The bylaws may provide
12 for delegates' participation in meetings by telephone or other
13 means of communication; and

14 (7) the commission shall meet at least once
15 during each calendar year. Additional meetings shall be held
16 as set forth in the bylaws.

17 C. The commission shall:

18 (1) establish the fiscal year of the
19 commission;

20 (2) establish bylaws;

21 (3) establish a code of ethics;

22 (4) maintain financial records in accordance
23 with the bylaws;

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

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1 (6) promulgate uniform rules to facilitate and
2 coordinate implementation and administration of this compact.
3 The rules shall have the force and effect of law and shall be
4 binding in all member states;

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

10 (8) purchase and maintain insurance and bonds;

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

13 (10) hire employees, elect or appoint
14 officers, fix compensation, define duties and grant individuals
15 appropriate authority to carry out the purposes of the compact
16 and establish the commission's personnel policies and programs
17 relating to conflicts of interest, qualifications of personnel
18 and other related personnel matters;

19 (11) accept any and all appropriate donations
20 and grants of money, equipment, supplies, materials and
21 services and receive, utilize and dispose of the same; provided
22 that at all times the commission shall avoid any appearance of
23 impropriety or conflict of interest;

24 (12) lease, purchase, accept appropriate gifts
25 or donations of, or otherwise to own, hold, improve or use, any

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1 property, real, personal or mixed; provided that at all times
2 the commission shall avoid any appearance of impropriety;

3 (13) sell, convey, mortgage, pledge, lease,
4 exchange, abandon or otherwise dispose of any property, real,
5 personal or mixed;

6 (14) establish a budget and make expenditures;

7 (15) borrow money;

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

11 (17) provide and receive information from, and
12 cooperate with, law enforcement agencies;

13 (18) establish and elect an executive
14 committee; and

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

19 D. The executive committee shall have the power to
20 act on behalf of the commission according to the terms of this
21 compact and shall be composed of ten members as follows:

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

24 (2) two non-voting ex-officio members, one a
25 member from a recognized national audiology professional

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1 association and one a member from a recognized national speech-
2 language pathology association; and

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

6 E. The ex-officio members of the executive
7 committee shall be selected by their respective organizations.

8 F. The commission may remove any member of the
9 executive committee as provided in the bylaws.

10 G. The executive committee shall meet at least
11 annually.

12 H. The executive committee shall have the following
13 duties and responsibilities to:

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

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

20 (3) prepare and recommend a budget;

21 (4) maintain financial records on behalf of
22 the commission;

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

25 (6) establish additional committees as

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1 necessary; and

2 (7) carry out other duties as provided in the
3 rules or bylaws.

4 I. All meetings of the commission shall be open to
5 the public, and public notice of meetings shall be given in the
6 same manner as required under the rulemaking provisions in
7 Section 12 of the Audiology and Speech-Language Pathology
8 Interstate Compact.

9 J. The commission or the executive committee or
10 other committees of the commission may convene in a closed,
11 nonpublic meeting if the commission or executive committee or
12 other committees of the commission must discuss:

13 (1) noncompliance of a member state with its
14 obligations under the compact;

15 (2) the employment, compensation, discipline
16 or other matters, practices or procedures related to specific
17 employees or other matters related to the commission's internal
18 personnel practices and procedures;

19 (3) current, threatened or reasonably
20 anticipated litigation;

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

23 (5) accusations made of any person of a crime
24 or formal censuring of any person;

25 (6) disclosure of trade secrets or commercial

1 or financial information that is privileged or confidential;

2 (7) disclosure of information of a personal
3 nature where disclosure would constitute a clearly unwarranted
4 invasion of personal privacy;

5 (8) disclosure of investigative records
6 compiled for law enforcement purposes;

7 (9) disclosure of information related to any
8 investigative reports prepared by or on behalf of or for use of
9 the commission or other committee charged with responsibility
10 of investigation or determination of compliance issues pursuant
11 to the compact; or

12 (10) matters specifically exempted from
13 disclosure by federal or member state statute.

14 K. If a meeting of the commission, executive
15 committee or other committee of the commission, or portion of a
16 meeting, is closed pursuant to Subsection J of this section,
17 the commission's legal counsel or designee shall certify that
18 the meeting may be closed and shall reference each relevant
19 exempting provision.

20 L. The commission shall keep minutes that fully and
21 clearly describe all matters discussed in a meeting and shall
22 provide a full and accurate summary of actions taken, and the
23 reasons therefor, including a description of the views
24 expressed. All documents considered in connection with an
25 action shall be identified in the minutes. All minutes and

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1 documents of a closed meeting shall remain under seal, subject
2 to release by a majority vote of the commission or order of a
3 court of competent jurisdiction.

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

18 N. The commission shall not incur obligations of
19 any kind prior to securing the funds adequate to meet the
20 obligations; nor shall the commission pledge the credit of any
21 of the member states, except by and with the authority of the
22 member state.

23 O. The commission shall keep accurate accounts of
24 all receipts and disbursements. The receipts and disbursements
25 of the commission shall be subject to the audit and accounting

1 procedures established under its bylaws. However, all receipts
2 and disbursements of funds handled by the commission shall be
3 audited yearly by a certified or licensed public accountant,
4 and the report of the audit shall be included in and become
5 part of the annual report of the commission.

6 SECTION 10. [NEW MATERIAL] QUALIFIED IMMUNITY, DEFENSE
7 AND INDEMNIFICATION.--

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

21 B. The commission shall defend any member, officer,
22 executive director, employee or representative of the
23 commission in any civil action seeking to impose liability
24 arising out of any actual or alleged act, error or omission
25 that occurred within the scope of commission employment, duties

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1 or responsibilities, or that the person against whom the claim
2 is made had a reasonable basis for believing occurred within
3 the scope of commission employment, duties or responsibilities;
4 provided that nothing in this subsection shall be construed to
5 prohibit that person from retaining that person's own counsel;
6 and further provided that the actual or alleged act, error or
7 omission did not result from that person's intentional or
8 willful or wanton misconduct.

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

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

21 A. The commission shall provide for the
22 development, maintenance and utilization of a coordinated
23 database and reporting system containing licensure, adverse
24 action and investigative information on all licensed
25 individuals in member states.

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1 B. Notwithstanding any other provision of state law
2 to the contrary, a member state shall submit a uniform data set
3 to the data system on all individuals to whom this compact is
4 applicable as required by the rules of the commission,
5 including:

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

17 C. Investigative information pertaining to a
18 licensee in any member state shall only be available to other
19 member states.

20 D. The commission shall promptly notify all member
21 states of any adverse action taken against a licensee or an
22 individual applying for a license. Adverse action information
23 pertaining to a licensee in any member state shall be available
24 to any other member state.

25 E. Member states contributing information to the

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1 data system may designate information that may not be shared
2 with the public without the express permission of the
3 contributing state.

4 F. Any information submitted to the data system
5 that is subsequently required to be expunged by the laws of the
6 member state contributing the information shall be removed from
7 the data system.

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

9 A. The commission shall exercise its rulemaking
10 powers pursuant to the criteria set forth in this section and
11 the rules adopted thereunder. Rules and amendments shall
12 become binding as of the date specified in each rule or
13 amendment.

14 B. If a majority of the legislatures of the member
15 states rejects a rule, by enactment of a statute or resolution
16 in the same manner used to adopt the compact within four years
17 of the date of adoption of the rule, the rule shall have no
18 further force and effect in any member state.

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

21 D. Prior to promulgation and adoption of a final
22 rule by the commission, and at least thirty days in advance of
23 the meeting at which the rule shall be considered and voted
24 upon, the commission shall file a notice of proposed
25 rulemaking:

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

3 (2) on the website of each member state's
4 audiology and speech-language pathology licensing board or
5 other publicly accessible platform or the publication in which
6 each state would otherwise publish proposed rules.

7 E. The notice of proposed rulemaking shall include:

8 (1) the proposed time, date and location of
9 the meeting in which the rule shall be considered and voted
10 upon;

11 (2) the text of the proposed rule or amendment
12 and the reason for the proposed rule;

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

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

18 F. Prior to the adoption of a proposed rule, the
19 commission shall allow persons to submit written data, facts,
20 opinions and arguments, which shall be made available to the
21 public.

22 G. The commission shall grant an opportunity for a
23 public hearing before it adopts a rule or amendment if a
24 hearing is requested by:

25 (1) at least twenty-five persons;

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1 (2) a state or federal governmental
2 subdivision or agency; or

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

5 H. If a hearing is held on the proposed rule or
6 amendment, the commission shall publish the place, time and
7 date of the scheduled public hearing. If the hearing is held
8 via electronic means, the commission shall publish the
9 mechanism for access to the electronic hearing and the
10 procedure for hearings shall be conducted according to the
11 following provisions:

12 (1) all persons wishing to be heard at the
13 hearing shall notify the executive director of the commission
14 or other designated member in writing of their desire to appear
15 and testify at the hearing not less than five business days
16 before the scheduled date of the hearing;

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

20 (3) all hearings shall be recorded and a copy
21 of the recording shall be made available on request; and

22 (4) nothing in this section shall be construed
23 as requiring a separate hearing on each rule. Rules may be
24 grouped for the convenience of the commission at hearings
25 required by this section.

1 I. Following the scheduled hearing date, or by the
2 close of business on the scheduled hearing date if the hearing
3 was not held, the commission shall consider all written and
4 oral comments received.

5 J. If no written notice of intent to attend the
6 public hearing by interested parties is received, the
7 commission may proceed with promulgation of the proposed rule
8 without a public hearing.

9 K. The commission shall, by majority vote of all
10 members, take final action on the proposed rule and shall
11 determine the effective date of the rule, if any, based on the
12 rulemaking record and the full text of the rule.

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

22 (1) meet an imminent threat to public health,
23 safety or welfare;

24 (2) prevent a loss of commission or member
25 state funds; or

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

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

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

19 A. Upon request by a member state, the commission
20 shall attempt to resolve disputes related to the compact that
21 arise among member states and between member and non-member
22 states.

23 B. The commission shall promulgate a rule providing
24 for both mediation and binding dispute resolution for disputes
25 as appropriate.

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1 C. The commission, in the reasonable exercise of
2 its discretion, shall enforce the provisions and rules of this
3 compact.

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

14 E. The remedies provided in this section shall not
15 be the exclusive remedies of the commission. The commission
16 may pursue any other remedies available under federal or state
17 law.

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

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

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1 Thereafter, the commission shall meet and exercise rulemaking
2 powers necessary to the implementation and administration of
3 the compact.

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

10 C. Any member state may withdraw from this compact
11 by enacting a statute repealing the same; provided that:

12 (1) a member state's withdrawal shall not take
13 effect until six months after enactment of the repealing
14 statute; and

15 (2) withdrawal shall not affect the continuing
16 requirement of the withdrawing state's audiology and speech-
17 language pathology licensing board to comply with the
18 investigative and adverse action reporting requirements of this
19 compact prior to the effective date of withdrawal.

20 D. Nothing contained in this compact shall be
21 construed to invalidate or prevent any audiology and speech-
22 language pathology licensure agreement or other cooperative
23 arrangement between a member state and a non-member state that
24 does not conflict with the provisions of this compact.

25 E. This compact may be amended by the member

1 states. No amendment to this compact shall become effective
 2 and binding upon any member state until it is enacted into the
 3 laws of all member states.

4 SECTION 15. [NEW MATERIAL] CONSTRUCTION AND
 5 SEVERABILITY.--This compact shall be liberally construed so as
 6 to effectuate the purposes of the compact. The provisions of
 7 this compact shall be severable, and if any phrase, clause,
 8 sentence or provision of this compact is declared to be
 9 contrary to the constitution of any member state or of the
 10 United States or the applicability thereof to any government,
 11 agency, person or circumstance is held invalid, the validity of
 12 the remainder of this compact and the applicability thereof to
 13 any government, agency, person or circumstance shall not be
 14 affected thereby. If this compact is held contrary to the
 15 constitution of any member state, the compact shall remain in
 16 full force and effect as to the remaining member states and in
 17 full force and effect as to the member state affected as to all
 18 severable matters.

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

21 A. Nothing in this compact prevents the enforcement
 22 of any other law of a member state that is not inconsistent
 23 with the compact.

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

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1 C. All lawful actions of the commission, including
2 all rules and bylaws promulgated by the commission, are binding
3 upon the member states.

4 D. All agreements between the commission and the
5 member states are binding in accordance with their terms.

6 E. In the event that any provision of the compact
7 exceeds the constitutional limits imposed on the legislature of
8 any member state, the provision shall be ineffective to the
9 extent of the conflict with the constitutional provision in
10 question in that member state.

11 SECTION 17. Section 61-14B-11 NMSA 1978 (being Laws 1996,
12 Chapter 57, Section 11, as amended) is amended to read:

13 "61-14B-11. BOARD POWERS AND DUTIES--CRIMINAL HISTORY
14 BACKGROUND CHECKS.--The board shall:

15 A. promulgate rules necessary to carry out the
16 provisions of the Speech-Language Pathology, Audiology and
17 Hearing Aid Dispensing Practices Act in accordance with the
18 State Rules Act;

19 B. promulgate rules implementing continuing
20 education requirements;

21 C. adopt a code of ethics that includes rules
22 requiring audiologists and hearing aid dispensers, at the time
23 of the initial examination for possible sale and fitting of a
24 hearing aid if a hearing loss is determined, to inform each
25 prospective purchaser about hearing aid options that can

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1 provide a direct connection between the hearing aid and
 2 assistive listening systems. These rules shall be in
 3 accordance with the latest standards for accessible design
 4 adopted by the United States department of justice in
 5 accordance with the federal Americans with Disabilities Act of
 6 1990, as amended;

7 D. conduct hearings upon charges relating to the
 8 discipline of licensees, including the denial, suspension or
 9 revocation of a license in accordance with the Uniform
 10 Licensing Act;

11 E. investigate complaints against licensees by
 12 issuing investigative subpoenas prior to the issuance of a
 13 notice of contemplated action;

14 F. establish fees for licensure;

15 G. provide for the licensing and renewal of
 16 licenses of applicants; ~~and~~

17 H. promulgate rules that provide for expedited
 18 licensure and temporary permits for speech-language
 19 pathologists, audiologists or hearing aid dispensers;

20 I. prescribe the procedures, forms and manner of
 21 submitting an applicant's full set of fingerprints for state
 22 and federal criminal history background reports that the board
 23 uses to evaluate the applicant's qualification for licensure;
 24 and

25 J. require an applicant, as a condition of

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1 eligibility for initial licensure, to submit a full set of
2 fingerprints to the department of public safety to obtain state
3 and national criminal history record information on the
4 applicant. State and national criminal history record reports
5 are confidential and not public records. The board shall not
6 disseminate criminal history record information across state
7 lines."

8 SECTION 18. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2025.

underscoring material = new
[bracketed material] = delete