

1 SB245
2 204211-2
3 By Senator Givhan
4 RFD: Healthcare
5 First Read: 27-FEB-20

8 SYNOPSIS: This bill would establish the Audiology and
9 Speech-Language Pathology Interstate Compact.

10 This bill would allow interstate practice by
11 licensed audiologists and speech-language
12 therapists among party states.

13 This bill would authorize regulatory
14 authorities in party states to legally recognize,
15 in a manner consistent with terms of the compact,
16 audiologists and speech-language therapists
17 licensed within those states.

18 This bill would allow a remote state to hold
19 an audiologist or speech-language therapist with
20 compact privilege to provide services in that state
21 accountable under that state's practice standards.

22 This bill would provide eligibility
23 requirements for licensed audiologists and
24 speech-language therapists to practice pursuant to
25 the compact.

26 This bill would provide for a coordinated
27 database and reporting system containing licensure,

1 adverse action, and investigative information on
2 licensees.

3 This bill would provide for investigations
4 and disciplinary actions.

5 This bill would establish the Audiology and
6 Speech-Language Pathology Compact Commission and
7 would provide for membership, powers, and duties.

8 This bill would also provide for rulemaking
9 authority of the commission, enforcement of the
10 compact, dispute resolution, and withdrawal of
11 party states.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to the practice of audiology and
18 speech-language pathology; to provide and adopt the Audiology
19 and Speech-Language Pathology Interstate Compact to allow
20 interstate practice by licensed audiologists and
21 speech-language therapists among party states; to authorize
22 regulatory authorities in party states to legally recognize,
23 in a manner consistent with terms of the compact, audiologists
24 and speech-language therapists licensed within those states;
25 to authorize regulatory authorities in party states to legally
26 recognize, in a manner consistent with terms of the compact,
27 audiologists and speech-language therapists licensed within

1 those states; to provide eligibility requirements for licensed
2 audiologists and speech-language therapists to practice
3 pursuant to the compact; to provide for a coordinated database
4 and reporting system; to provide for investigations and
5 disciplinary actions; to establish the Audiology and
6 Speech-Language Pathology Compact Commission and provide for
7 membership, powers, and duties, including rulemaking
8 authority; and to provide for enforcement of the compact,
9 dispute resolution, and withdrawal of party states.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. PURPOSE.

12 The purpose of this compact is to facilitate
13 interstate practice of audiology and speech-language pathology
14 with the goal of improving public access to audiology and
15 speech-language pathology services. The practice of audiology
16 and speech-language pathology occurs in the state where the
17 patient/client/student is located at the time of the
18 patient/client/student encounter. This compact preserves the
19 regulatory authority of states to protect public health and
20 safety through the current system of state licensure. This
21 compact is designed to achieve the following objectives:

22 (1) Increase public access to audiology and
23 speech-language pathology services by providing for the mutual
24 recognition of other member state licenses.

25 (2) Enhance the states' ability to protect the
26 public's health and safety.

1 (3) Encourage the cooperation of member states in
2 regulating multistate audiology and speech-language pathology
3 practice.

4 (4) Support spouses of relocating active duty
5 military personnel.

6 (5) Enhance the exchange of licensure,
7 investigative, and disciplinary information between member
8 states.

9 (6) Allow a remote state to hold a provider of
10 services with a compact privilege in that state accountable to
11 that state's practice standards.

12 (7) Allow for the use of telehealth technology to
13 facilitate increased access to audiology and speech-language
14 pathology services.

15 Section 2. DEFINITIONS.

16 As used in this compact, and except as otherwise
17 provided, the following terms have the following meanings:

18 (1) ACTIVE DUTY MILITARY. Full-time duty status in
19 the active uniformed service of the United States, including
20 members of the National Guard and Reserve on active duty
21 orders pursuant to 10 U.S.C. §§ 1209 and 1211.

22 (2) ADVERSE ACTION. Any administrative, civil,
23 equitable, or criminal action permitted by a state's laws
24 which is imposed by a licensing board or other authority
25 against an audiologist or speech-language pathologist,
26 including actions against an individual's license or privilege
27 to practice such as revocation, suspension, probation,

1 monitoring of the licensee, or restriction on the licensee's
2 practice.

3 (3) ALTERNATIVE PROGRAM. A non-disciplinary
4 monitoring process approved by an audiology or speech-language
5 pathology licensing board to address impaired practitioners.

6 (4) AUDIOLOGIST. An individual who is licensed by a
7 state to practice audiology.

8 (5) AUDIOLOGY. The care and services provided by a
9 licensed audiologist as set forth in the member state's laws
10 and rules.

11 (6) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
12 COMMISSION or COMMISSION. The national administrative body
13 whose membership consists of all states that have enacted this
14 compact.

15 (7) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
16 LICENSING BOARD, AUDIOLOGY LICENSING BOARD, SPEECH-LANGUAGE
17 PATHOLOGY LICENSING BOARD, or LICENSING BOARD. The agency of a
18 state that is responsible for the licensing and regulation of
19 audiologists or speech-language pathologists.

20 (8) COMPACT PRIVILEGE. The authorization granted by
21 a remote state to allow a licensee from another member state
22 to practice as an audiologist or speech-language pathologist
23 in the remote state under its laws and rules. The practice of
24 audiology or speech-language pathology occurs in the member
25 state where the patient/client/student is located at the time
26 of the patient/client/student encounter.

1 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.

2 Investigative information that a licensing board, after an
3 inquiry or investigation that includes notification and an
4 opportunity for the audiologist or speech-language pathologist
5 to respond, if required by state law, has reason to believe is
6 not groundless and, if proved true, would indicate more than a
7 minor infraction.

8 (10) DATA SYSTEM. A repository of information about

9 licensees, including, but not limited to, continuing
10 education, examination, licensure, investigative, compact
11 privilege, and adverse action.

12 (11) ENCUMBERED LICENSE. A license in which an

13 adverse action restricts the practice of audiology or
14 speech-language pathology by the licensee and the adverse
15 action has been reported to the National Practitioners Data
16 Bank (NPDB).

17 (12) EXECUTIVE COMMITTEE. A group of directors

18 elected or appointed to act on behalf of, and within the
19 powers granted to them by, the commission.

20 (13) HOME STATE. The member state that is the

21 licensee's primary state of residence.

22 (14) IMPAIRED PRACTITIONER. An individual whose

23 professional practice is adversely affected by substance
24 abuse, addiction, or other health-related conditions.

25 (15) LICENSEE. An individual who currently holds an

26 authorization from a state licensing board to practice as an
27 audiologist or speech-language pathologist.

1 (16) MEMBER STATE. A state that has enacted this
2 compact.

3 (17) PRIVILEGE TO PRACTICE. A legal authorization
4 permitting the practice of audiology or speech-language
5 pathology in a remote state.

6 (18) REMOTE STATE. A member state other than the
7 home state where a licensee is exercising or seeking to
8 exercise the compact privilege.

9 (19) RULE. A regulation, principle, or directive
10 adopted by the commission that has the force of law.

11 (20) SINGLE-STATE LICENSE. An audiology or
12 speech-language pathology license issued by a member state
13 that authorizes practice only within the issuing state and
14 does not include a privilege to practice in any other member
15 state.

16 (21) SPEECH-LANGUAGE PATHOLOGIST. An individual who
17 is licensed by a state to practice speech-language pathology.

18 (22) SPEECH-LANGUAGE PATHOLOGY. The care and
19 services provided by a licensed speech-language pathologist as
20 set forth in the member state's laws and rules.

21 (23) STATE. Any state, commonwealth, district, or
22 territory of the United States of America that regulates the
23 practice of audiology and speech-language pathology.

24 (24) STATE PRACTICE LAWS. A member state's laws,
25 rules and regulations that govern the practice of audiology or
26 speech-language pathology, define the scope of audiology or

1 speech-language pathology practice, and create the methods and
2 grounds for imposing discipline.

3 (25) TELEHEALTH. The application of
4 telecommunication technology to deliver audiology or
5 speech-language pathology services at a distance for
6 assessment, intervention, or consultation.

7 Section 3. STATE PARTICIPATION IN THE COMPACT.

8 (a) A license issued to an audiologist or
9 speech-language pathologist by a home state to a resident in
10 that state shall be recognized by each member state as
11 authorizing an audiologist or speech-language pathologist to
12 practice audiology or speech-language pathology, under a
13 privilege to practice, in each member state.

14 (b) (1) A state shall implement or utilize procedures
15 for considering the criminal history records of applicants for
16 initial privilege to practice. These procedures shall include
17 the submission of fingerprints by applicants for the purpose
18 of obtaining an applicant's criminal history record
19 information from the Federal Bureau of Investigation and the
20 agency responsible for retaining that state's criminal
21 records.

22 (2) A member state shall fully implement a criminal
23 background check requirement, within a time frame established
24 by rule, by receiving the results of the Federal Bureau of
25 Investigation record search on criminal background checks and
26 use the results in making licensure decisions.

1 (3) Communication between a member state, the
2 commission, and among member states regarding the verification
3 of eligibility for licensure through this compact may not
4 include any information received from the Federal Bureau of
5 Investigation relating to a federal criminal records check
6 performed by a member state under Public Law 92-544. C.

7 (c) Upon application for a privilege to practice,
8 the licensing board in the issuing remote state shall
9 ascertain, through the data system, whether the applicant has
10 ever held, or is the holder of, a license issued by any other
11 state, whether there are any encumbrances on any license or
12 privilege to practice held by the applicant, and whether any
13 adverse action has been taken against any license or privilege
14 to practice held by the applicant.

15 (d) Each member state shall require an applicant to
16 obtain or retain a license in the home state and meet the home
17 state's qualifications for licensure or renewal of licensure,
18 as well as, all other applicable state laws.

19 (e) An audiologist must meet all of the following
20 qualifications:

21 (1) One of the following educational requirements:

22 a. On or before, Dec. 31, 2007, has graduated with a
23 master's degree or doctorate in audiology, or equivalent
24 degree regardless of degree name, from a program that is
25 accredited by an accrediting agency recognized by the Council
26 for Higher Education Accreditation, or its successor, or by
27 the United States Department of Education and operated by a

1 college or university accredited by a regional or national
2 accrediting organization recognized by the board.

3 b. On or after, Jan. 1, 2008, has graduated with a
4 Doctoral degree in audiology, or equivalent degree, regardless
5 of degree name, from a program that is accredited by an
6 accrediting agency recognized by the Council for Higher
7 Education Accreditation, or its successor, or by the United
8 States Department of Education and operated by a college or
9 university accredited by a regional or national accrediting
10 organization recognized by the board.

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

18 (2) Has completed a supervised clinical practicum
19 experience from an accredited educational institution or its
20 cooperating programs as required by the board.

21 (3) Has successfully passed a national examination
22 approved by the commission.

23 (4) Holds an active, unencumbered license.

24 (5) Has not been convicted or found guilty, and has
25 not entered into an agreed disposition, of a felony related to
26 the practice of audiology under applicable state or federal
27 criminal law.

1 (6) Has a valid United States Social Security or
2 National Practitioner Identification number.

3 (f) A speech-language pathologist must meet all of
4 the following qualifications:

5 (1) One of the following educational requirements:

6 a. Has graduated with a master's degree from a
7 speech-language pathology program that is accredited by an
8 organization recognized by the United States Department of
9 Education and operated by a college or university accredited
10 by a regional or national accrediting organization recognized
11 by the board.

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

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

22 (3) Has completed a supervised postgraduate
23 professional experience as required by the commission.

24 (4) Has successfully passed a national examination
25 approved by the commission.

26 (5) Holds an active, unencumbered license.

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

5 (7) Has a valid United States Social Security or
6 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 shall 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
18 shall subject an audiologist or speech-language pathologist to
19 the jurisdiction of the licensing board, the courts, and the
20 laws of the member state in which the client is located at the
21 time 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
26 shall not be recognized as granting the privilege to practice
27 audiology or speech-language pathology in any other member

1 state. Nothing in this compact shall affect the requirements
2 established by a member state for the issuance of a
3 single-state license.

4 (j) Member states may charge a fee for granting a
5 compact privilege.

6 (k) Member states must comply with the bylaws and
7 rules of the commission.

8 Section 4. COMPACT PRIVILEGE.

9 (a) To exercise the compact privilege under the
10 terms and provisions of this compact, the audiologist or
11 speech-language pathologist shall meet all of the following
12 requirements:

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 3.

17 (4) Have not had any adverse action against any
18 license or compact privilege within the previous two years
19 from the date of application.

20 (5) Notify the commission that the licensee is
21 seeking the compact privilege within a remote state or states.

22 (6) Pay any applicable fees, including any state
23 fee, for the compact privilege.

24 (7) Report to the commission adverse action taken by
25 any non-member state within 30 days from the date the adverse
26 action is taken.

1 (b) For the purposes of the compact privilege, an
2 audiologist or speech-language pathologist shall only hold one
3 home state license at a time.

4 (c) Except as provided in Section 6, if an
5 audiologist or speech-language pathologist changes primary
6 state of residence by moving between two member states, the
7 audiologist or speech-language pathologist shall apply for
8 licensure in the new home state, and the license issued by the
9 prior home state shall be deactivated in accordance with
10 applicable rules adopted by the commission.

11 (d) The audiologist or speech-language pathologist
12 may apply for licensure in advance of a change in primary
13 state of residence.

14 (e) A license may not be issued by the new home
15 state until the audiologist or speech-language pathologist
16 provides satisfactory evidence of a change in primary state of
17 residence to the new home state and satisfies all applicable
18 requirements to obtain a license from the new home state.

19 (f) If an audiologist or speech-language pathologist
20 changes his or her primary state of residence by moving from a
21 member state to a non-member state, the license issued by the
22 prior home state shall convert to a single-state license,
23 valid only in the former home state.

24 (g) The compact privilege is valid until the
25 expiration date of the home state license. The licensee must
26 comply with the requirements of subsection (a) to maintain the
27 compact privilege in the remote state.

1 (h) A licensee providing audiology or
2 speech-language pathology services in a remote state under the
3 compact privilege shall function within the laws and
4 regulations of the remote state.

5 (i) A licensee providing audiology or
6 speech-language pathology services in a remote state is
7 subject to that state's regulatory authority. A remote state,
8 in accordance with due process and that state's laws, may
9 remove a licensee's compact privilege in the remote state for
10 a specific period of time, impose fines, or take any other
11 necessary actions to protect the health and safety of its
12 residents.

13 (j) If a home state license is encumbered, the
14 licensee shall lose the compact privilege in any remote state
15 until both the following occur:

16 (1) The home state license is no longer encumbered.

17 (2) Two years have elapsed from the date of the
18 adverse action.

19 (k) Once an encumbered license in the home state is
20 restored to good standing, the licensee must meet the
21 requirements of subsection (a) to obtain a compact privilege
22 in any remote state.

23 (l) Once the requirements of subsection (j) have
24 been met, the licensee must meet the requirements in
25 subsection (a) to obtain a compact privilege in a remote
26 state.

1 Section 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.

2 Member states shall recognize the right of an audiologist or
3 speech-language pathologist, licensed by a home state in
4 accordance with Section 3 and under rules adopted by the
5 commission, to practice audiology or speech-language pathology
6 in any member state through telehealth under a privilege to
7 practice as provided in this compact and rules adopted by the
8 commission.

9 Section 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR
10 SPOUSES.

11 A licensee who is an active duty military or his or
12 her spouse shall designate a home state where the individual
13 has a current license in good standing. The individual may
14 retain the home state designation during the period the
15 service member is on active duty. Subsequent to designating a
16 home state, the individual shall only change his or her home
17 state through application for licensure in the new state.

18 Section 7. ADVERSE ACTIONS.

19 (a) In addition to the other powers conferred by
20 state law, a remote state in accordance with existing state
21 due process law, may do any of the following:

22 (1) Take adverse action against an audiologist's or
23 speech-language pathologist's privilege to practice within
24 that member state.

25 (2) Issue subpoenas for both hearings and
26 investigations that require the attendance and testimony of
27 witnesses as well as the production of evidence. Subpoenas

1 issued by a licensing board in a member state for the
2 attendance and testimony of witnesses or the production of
3 evidence from another member state shall be enforced in the
4 latter state by any court of competent jurisdiction, according
5 to the practice and procedure of that court applicable to
6 subpoenas issued in proceedings pending before it. The issuing
7 authority shall pay any witness fees, travel expenses,
8 mileage, and other fees required by the service laws of the
9 state in which the witnesses or evidence are located.

10 (3) Only the home state shall have the power to take
11 adverse action against an audiologist's or speech-language
12 pathologist's license issued by the home state.

13 (b) For purposes of taking adverse action, the home
14 state shall give the same priority and effect to reported
15 conduct received from a member state as it would if the
16 conduct had occurred within the home state. In so doing, the
17 home state shall apply its own state laws to determine
18 appropriate action.

19 (c) The home state shall complete any pending
20 investigations of an audiologist or speech-language
21 pathologist who changes his or her primary state of residence
22 during the course of the investigations. The home state shall
23 also have the authority to take appropriate action and shall
24 promptly report the conclusions of the investigations to the
25 administrator of the data system. The administrator of the
26 coordinated licensure information system shall promptly notify
27 the new home state of any adverse actions.

1 (d) If otherwise permitted by state law, recover
2 from the affected audiologist or speech-language pathologist
3 the costs of investigations and disposition of cases resulting
4 from any adverse action taken against that audiologist or
5 speech-language pathologist.

6 (e) Take adverse action based on the factual
7 findings of the remote state, provided that the home state
8 follows its own procedures for taking the adverse action.

9 (f) Joint Investigations.

10 (1) In addition to the authority granted to a member
11 state by its respective audiology or speech-language pathology
12 practice act or other applicable state law, any member state
13 may participate with other member states in joint
14 investigations of licensees.

15 (2) Member states shall share any investigative,
16 litigation, or compliance materials in furtherance of any
17 joint or individual investigation initiated under this
18 compact.

19 (g) If adverse action is taken by the home state
20 against an audiologist's or speech language pathologist's
21 license, the audiologist's or speech-language pathologist's
22 privilege to practice in all other member states shall be
23 deactivated until all encumbrances have been removed from the
24 state license. All home state disciplinary orders that impose
25 adverse action against an audiologist's or speech language
26 pathologist's license shall include a statement that the
27 audiologist's or speech-language pathologist's privilege to

1 practice is deactivated in all member states during the
2 pendency of the order.

3 (h) If a member state takes adverse action, it shall
4 promptly notify the administrator of the data system. The
5 administrator of the data system shall promptly notify the
6 home state of any adverse actions by remote states.

7 (i) Nothing in this compact shall override a member
8 state's decision that participation in an alternative program
9 may be used in lieu of adverse action.

10 Section 8. ESTABLISHMENT OF THE AUDIOLOGY AND
11 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION.

12 (a) The compact member states hereby create and
13 establish a joint public agency known as the Audiology and
14 Speech-Language Pathology Compact Commission as follows:

15 (1) The commission is an instrumentality of the
16 compact states.

17 (2) Venue is proper and judicial proceedings by or
18 against the commission shall be brought solely and exclusively
19 in a court of competent jurisdiction, including, but not
20 limited to, where the principal office of the commission is
21 located. The commission may waive venue and jurisdictional
22 defenses to the extent it adopts or consents to participate in
23 alternative dispute resolution proceedings.

24 (3) Nothing in this compact shall be construed to be
25 a waiver of sovereign immunity.

26 (b) Membership, Voting, and Meetings.

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

5 (2) An additional five delegates, who are either a
6 public member or board administrator from a state licensing
7 board, shall be chosen by the executive committee from a pool
8 of nominees provided by the commission-at-large.

9 (3) Any delegate may be removed or suspended from
10 office as provided by the law of the state from which the
11 delegate is appointed.

12 (4) The member state board shall fill any vacancy
13 occurring on the commission within 90 days.

14 (5) Each delegate shall be entitled to one vote with
15 regard to the adoption of rules and creation of bylaws and
16 shall otherwise have an opportunity to participate in the
17 business and affairs of the commission.

18 (6) A delegate shall vote in person or by other
19 means as provided in the bylaws. The bylaws may provide for
20 delegates' participation in meetings by telephone or other
21 means of communication.

22 (7) The commission shall meet at least once during
23 each calendar year. Additional meetings shall be held as set
24 forth in the bylaws.

25 (c) The commission shall have the following powers
26 and duties:

27 (1) Establish the fiscal year of the commission.

- 1 (2) Establish bylaws.
- 2 (3) Establish a Code of Ethics.
- 3 (4) Maintain its financial records in accordance with
4 the bylaws.
- 5 (5) Meet and take actions as are consistent with the
6 provisions of this compact and the bylaws.
- 7 (6) Adopt uniform rules to facilitate and coordinate
8 implementation and administration of this compact. The rules
9 shall have the force and effect of law and shall be binding in
10 all member states.
- 11 (7) Bring and prosecute legal proceedings or actions
12 in the name of the commission, provided that the standing of
13 any state audiology or speech-language pathology licensing
14 board to sue or be sued under applicable law shall not be
15 affected.
- 16 (8) Purchase and maintain insurance and bonds.
- 17 (9) Borrow, accept, or contract for services of
18 personnel, including, but not limited to, employees of a
19 member state.
- 20 (10) Hire employees, elect or appoint officers, fix
21 compensation, define duties, grant individuals appropriate
22 authority to carry out the purposes of this compact, and
23 establish the commission's personnel policies and programs
24 relating to conflicts of interest, qualifications of
25 personnel, and other related personnel matters.
- 26 (11) Accept any and all appropriate donations and
27 grants of money, equipment, supplies, materials, and services,

1 and receive, utilize, and dispose of the same; provided that
2 at all times the commission shall avoid any appearance of
3 impropriety or conflict of interest.

4 (12) Lease, purchase, accept appropriate gifts or
5 donations of, or otherwise own, hold, improve, or use any
6 property, real, personal, or mixed; provided that at all times
7 the commission shall avoid any appearance of impropriety.

8 (13) Sell, convey, mortgage, pledge, lease,
9 exchange, abandon, or otherwise dispose of any property, real,
10 personal, or mixed.

11 (14) Establish a budget and make expenditures.

12 (15) Borrow money.

13 (16) Appoint committees, including standing
14 committees, composed of members and other interested persons
15 as may be designated in this compact and the bylaws.

16 (17) Provide and receive information from, and
17 cooperate with, law enforcement agencies.

18 (18) Establish and elect an executive committee.

19 (19) Perform other functions as may be necessary or
20 appropriate to achieve the purposes of this compact consistent
21 with the state regulation of audiology and speech-language
22 pathology licensure and practice.

23 (d) The Executive Committee. The executive committee
24 shall have the power to act on behalf of the commission
25 according to the terms of this compact. The executive
26 committee shall be composed of 10 members as follows:

1 (1) Seven voting members who are elected by the
2 commission from the current membership of the commission.

3 (2) Two ex-officio members, consisting of one
4 nonvoting member from a recognized national audiology
5 professional association and one nonvoting member from a
6 recognized national speech-language pathology association.

7 (3) One ex-officio, nonvoting member from the
8 recognized membership organization of the audiology and
9 speech-language pathology licensing boards.

10 (e) The ex-officio members shall be selected by
11 their respective organizations.

12 (1) The commission may remove any member of the
13 executive committee as provided in bylaws.

14 (2) The executive committee shall meet at least
15 annually.

16 (3) The executive committee shall have the following
17 duties and responsibilities:

18 a. Recommend to the entire commission changes to the
19 rules or bylaws, changes to this compact legislation, fees
20 paid by compact member states such as annual dues, and any
21 commission compact fee charged to licensees for the compact
22 privilege.

23 b. Ensure compact administration services are
24 appropriately provided for, contractual or otherwise.

25 c. Prepare and recommend the budget.

26 d. Maintain financial records on behalf of the
27 commission.

1 e. Monitor compact compliance of member states and
2 provide compliance reports to the commission.

3 f. Establish additional committees as necessary.

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

5 (4) Meetings of the Commission. All meetings shall
6 be open to the public, and public notice of meetings shall be
7 given in the same manner as required under the rulemaking
8 provisions in Section 10.

9 (5) The commission or the executive committee or
10 other committees of the commission may convene in a closed,
11 non-public meeting if the commission or executive committee or
12 other committees of the commission must discuss any of the
13 following:

14 a. Non-compliance of a member state with its
15 obligations under this compact.

16 b. The employment, compensation, discipline, or
17 other matters, practices, or procedures related to specific
18 employees or other matters related to the commission's
19 internal personnel practices and procedures.

20 c. Current, threatened, or reasonably anticipated
21 litigation.

22 d. Negotiation of contracts for the purchase, lease,
23 or sale of goods, services, or real estate.

24 e. Accusing any person of a crime or formally
25 censuring any person.

26 f. Disclosure of trade secrets or commercial or
27 financial information that is privileged or confidential.

1 g. Disclosure of information of a personal nature
2 where disclosure would constitute a clearly unwarranted
3 invasion of personal privacy.

4 h. Disclosure of investigative records compiled for
5 law enforcement purposes.

6 i. Disclosure of information related to any
7 investigative reports prepared by or on behalf of or for use
8 of the commission or other committee charged with
9 responsibility of investigation or determination of compliance
10 issues pursuant to this compact.

11 j. Matters specifically exempted from disclosure by
12 federal or member state law.

13 (6) If a meeting or portion of a meeting is closed
14 pursuant to this subsection, the commission's legal counsel or
15 designee shall certify that the meeting may be closed and
16 shall reference each relevant exempting provision.

17 (7) The commission shall keep minutes that fully and
18 clearly describe all matters discussed in a meeting and shall
19 provide a full and accurate summary of actions taken, and the
20 reasons therefore, including a description of the views
21 expressed. All documents considered in connection with an
22 action shall be identified in minutes. All minutes and
23 documents of a closed meeting shall remain under seal, subject
24 to release by a majority vote of the commission or order of a
25 court of competent jurisdiction.

26 (8) Financing of the Commission.

1 a. The commission shall pay, or provide for the
2 payment of, the reasonable expenses of its establishment,
3 organization, and ongoing activities.

4 b. The commission may accept any and all appropriate
5 revenue sources, donations, and grants of money, equipment,
6 supplies, materials, and services.

7 c. The commission may levy and collect an annual
8 assessment from each member state or impose fees on other
9 parties to cover the cost of the operations and activities of
10 the commission and its staff, which must be in a total amount
11 sufficient to cover its annual budget as approved each year
12 for which revenue is not provided by other sources. The
13 aggregate annual assessment amount shall be allocated based
14 upon a formula to be determined by the commission, which shall
15 adopt a rule binding upon all member states.

16 (9) The commission shall not incur obligations of
17 any kind prior to securing the funds adequate to meet the
18 same; nor shall the commission pledge the credit of any of the
19 member states, except by and with the authority of the member
20 state.

21 (10) The commission shall keep accurate accounts of
22 all receipts and disbursements. The receipts and disbursements
23 of the commission shall be subject to the audit and accounting
24 procedures established under its bylaws. However, all receipts
25 and disbursements of funds handled by the commission shall be
26 audited yearly by a certified or licensed public accountant,

1 and the report of the audit shall be included in and become
2 part of the annual report of the commission.

3 (f) Qualified Immunity, Defense, and
4 Indemnification.

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

19 (2) The commission shall defend any member, officer,
20 executive director, employee, or representative of the
21 commission in any civil action seeking to impose liability
22 arising out of any actual or alleged act, error, or omission
23 that occurred within the scope of commission employment,
24 duties, or responsibilities, or that the person against whom
25 the claim is made had a reasonable basis for believing
26 occurred within the scope of commission employment, duties, or
27 responsibilities; provided that nothing in this subdivision

1 shall be construed to prohibit that person from retaining his
2 or her own counsel; and provided further, that the actual or
3 alleged act, error, or omission did not result from that
4 person's intentional or willful or wanton misconduct.

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

16 Section 9. DATA SYSTEM.

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

22 (b) Notwithstanding any state law to the contrary, a
23 member state shall submit a uniform data set to the data
24 system on all individuals to whom this compact is applicable
25 as required by the rules of the commission, including all of
26 the following:

27 (1) Identifying information.

1 (2) Licensure data.

2 (3) Adverse actions against a license or compact
3 privilege.

4 (4) Non-confidential information related to
5 alternative program participation.

6 (5) Any denial of application for licensure, and the
7 reason or reasons for denial.

8 (6) Other information that may facilitate the
9 administration of this compact, as determined by the rules of
10 the commission.

11 (c) Investigative information pertaining to a
12 licensee in any member state shall only be available to other
13 member states.

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

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

23 (f) Any information submitted to the data system
24 that is subsequently required to be expunged by the laws of
25 the member state contributing the information shall be removed
26 from the data system.

27 Section 10. RULEMAKING.

1 (a) The commission shall exercise its rulemaking
2 powers pursuant to the criteria set forth in this section and
3 the rules adopted thereunder. Rules and amendments shall
4 become binding as of the date specified in each rule or
5 amendment.

6 (b) If, within four years of the date of adoption of
7 a rule, a majority of the legislatures of the member states
8 rejects the rule by enactment of a law or resolution in the
9 same manner used to adopt this compact, the rule shall have no
10 further force and effect in any member state.

11 (c) Rules or amendments to the rules shall be
12 adopted at a regular or special meeting of the commission.

13 (d) Prior to promulgation and adoption of a final
14 rule or rules by the commission, and at least 30 days in
15 advance of the meeting at which the rule shall be considered
16 and voted upon, the commission shall file a Notice of Proposed
17 Rulemaking on the website of the commission or other publicly
18 accessible platform and on the website of each member state
19 audiology or speech-language pathology licensing board or
20 other publicly accessible platform or the publication in which
21 each state would otherwise publish proposed rules.

22 (e) The Notice of Proposed Rulemaking shall include
23 all of the following:

24 (1) The proposed time, date, and location of the
25 meeting in which the rule shall be considered and voted upon.

26 (2) The text of the proposed rule or amendment and
27 the reason for the proposed rule.

1 (3) A request for comments on the proposed rule from
2 any interested person.

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

6 (f) Prior to the adoption of a proposed rule, the
7 commission shall allow persons to submit written data, facts,
8 opinions, and arguments, which shall be made available to the
9 public.

10 (g) The commission shall grant an opportunity for a
11 public hearing before it adopts a rule or amendment if a
12 hearing is requested by any of the following:

13 (1) At least 25 persons.

14 (2) A state or federal governmental subdivision or
15 agency.

16 (3) An association having at least 25 members.

17 (h) If a hearing is held on the proposed rule or
18 amendment, the commission shall publish the place, time, and
19 date of the scheduled public hearing. If the hearing is held
20 by electronic means, the commission shall publish the
21 mechanism for access to the electronic hearing.

22 (1) All persons wishing to be heard at the hearing
23 shall notify the executive director of the commission or other
24 designated member in writing of their desire to appear and
25 testify at the hearing not less than five business days before
26 the scheduled date of the hearing.

1 (2) Hearings shall be conducted in a manner
2 providing each person who wishes to comment a fair and
3 reasonable opportunity to comment orally or in writing.

4 (3) All hearings shall be recorded. A copy of the
5 recording shall be made available on request.

6 (4) Nothing in this section shall be construed as
7 requiring a separate hearing on each rule. Rules may be
8 grouped for the convenience of the commission at hearings
9 required by this section.

10 (i) Following the scheduled hearing date, or by the
11 close of business on the scheduled hearing date if the hearing
12 was not held, the commission shall consider all written and
13 oral comments received.

14 (j) If no written notice of intent to attend the
15 public hearing by interested parties is received, the
16 commission may proceed with promulgation of the proposed rule
17 without a public hearing.

18 (k) The commission, by majority vote of all members,
19 shall take final action on the proposed rule and shall
20 determine the effective date of the rule, if any, based on the
21 rulemaking record and the full text of the rule.

22 (l) Upon determination that an emergency exists, the
23 commission may consider and adopt an emergency rule without
24 prior notice, opportunity for comment, or hearing, provided
25 that the usual rulemaking procedures provided in this compact
26 and in this section shall be retroactively applied to the rule
27 as soon as reasonably possible, in no event later than 90 days

1 after the effective date of the rule. For the purposes of this
2 subsection, an emergency rule is one that must be adopted
3 immediately in order to fulfill any of the following:

4 (1) Meet an imminent threat to public health,
5 safety, or welfare.

6 (2) Prevent a loss of commission or member state
7 funds.

8 (3) Meet a deadline for the adoption of an
9 administrative rule that is established by federal law or
10 rule.

11 (m) The commission or an authorized committee of the
12 commission may direct revisions to a previously adopted rule
13 or amendment for purposes of correcting typographical errors,
14 errors in format, errors in consistency, or grammatical
15 errors. Public notice of any revisions shall be posted on the
16 website of the commission. The revision shall be subject to
17 challenge by any person for a period of 30 days after posting.
18 The revision may be challenged only on grounds that the
19 revision results in a material change to a rule. A challenge
20 shall be made in writing and delivered to the chair of the
21 commission prior to the end of the notice period. If no
22 challenge is made, the revision shall take effect without
23 further action. If the revision is challenged, the revision
24 may not take effect without the approval of the commission.

25 Section 11. OVERSIGHT, DISPUTE RESOLUTION, AND
26 ENFORCEMENT.

27 (a) Dispute Resolution.

1 (1) Upon request by a member state, the commission
2 shall attempt to resolve disputes related to this compact that
3 arise among member states and between member and non-member
4 states.

5 (2) The commission shall adopt a rule providing for
6 both mediation and binding dispute resolution for disputes as
7 appropriate.

8 (b) Enforcement.

9 (1) The commission, in the reasonable exercise of
10 its discretion, shall enforce the provisions and rules of this
11 compact.

12 (2) By majority vote, the commission may initiate
13 legal action in a federal district court in Alabama or the
14 federal district court where the commission has its principal
15 offices against a member state in default to enforce
16 compliance with this compact and its adopted rules and bylaws.
17 The relief sought may include both injunctive relief and
18 damages. In the event judicial enforcement is necessary, the
19 prevailing member shall be awarded all costs of litigation,
20 including reasonable attorney's fees.

21 (3) The remedies described in this subsection shall
22 not be the exclusive remedies of the commission. The
23 commission may pursue any other remedies available under
24 federal or state law.

25 Section 12. DATE OF IMPLEMENTATION OF THE INTERSTATE
26 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
27 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

1 (a) This compact shall come into effect on the date
2 on which the compact statute is enacted into law in the 10th
3 member state. The provisions, which become effective at that
4 time, shall be limited to the powers granted to the commission
5 relating to assembly and the adoption of rules. Thereafter,
6 the commission shall meet and exercise rulemaking powers
7 necessary to the implementation and administration of this
8 compact.

9 (b) Any state that joins this compact subsequent to
10 the commission's initial adoption of the rules shall be
11 subject to the rules as they exist on the date on which this
12 compact becomes law in that state. Any rule that has been
13 previously adopted by the commission shall have the full force
14 and effect of law on the day this compact becomes law in that
15 state.

16 (c) Any member state may withdraw from this compact
17 by enacting a statute repealing the same.

18 (1) A member state's withdrawal shall not take
19 effect until six months after enactment of the repealing
20 statute.

21 (2) Withdrawal shall not affect the continuing
22 requirement of the withdrawing state's audiology or
23 speech-language pathology licensing board to comply with the
24 investigative and adverse action reporting requirements of
25 this act prior to the effective date of withdrawal.

26 (d) Nothing contained in this compact shall be
27 construed to invalidate or prevent any audiology or

1 speech-language pathology licensure agreement or other
2 cooperative arrangement between a member state and a
3 non-member state that does not conflict with the provisions of
4 this compact.

5 (e) (1) This compact may be amended by the member
6 states.

7 (2) No amendment to this compact shall become
8 effective and binding upon any member state until it is
9 enacted into the laws of all member states.

10 Section 13. CONSTRUCTION AND SEVERABILITY.

11 This compact shall be liberally construed so as to
12 effectuate the purposes thereof. The provisions of this
13 compact shall be severable and if any phrase, clause,
14 sentence, or provision of this compact is declared to be
15 contrary to the constitution of any member state or of the
16 United States or the applicability thereof to any government,
17 agency, person, or circumstance is held invalid, the validity
18 of the remainder of this compact and the applicability thereof
19 to any government, agency, person, or circumstance shall not
20 be affected thereby. If this compact is held contrary to the
21 constitution of any member state, this compact shall remain in
22 full force and effect as to the remaining member states and in
23 full force and effect as to the member state affected as to
24 all severable matters.

25 Section 14. BINDING EFFECT OF COMPACT AND OTHER
26 LAWS.

1 (a) Nothing in this compact prevents the enforcement
2 of any other law of a member state that is not inconsistent
3 with this compact.

4 (b) All laws in a member state in conflict with this
5 compact are superseded to the extent of the conflict.

6 (c) All lawful actions of the commission, including
7 all rules and bylaws adopted by the commission, are binding
8 upon the member states.

9 (d) All agreements between the commission and the
10 member states are binding in accordance with their terms.

11 (e) In the event any provision of this compact
12 exceeds the constitutional limits imposed on the legislature
13 of any member state, the provision shall be ineffective to the
14 extent of the conflict with the constitutional provision in
15 question in that member state.

16 Section 15. (a) Nothing in the Audiology and
17 Speech-Language Pathology Interstate Compact shall be
18 interpreted to modify, amend, repeal, or supersede any state
19 criminal or civil liability laws.

20 (b) The Audiology and Speech-Language Pathology
21 Interstate Compact only applies to those parties that
22 voluntarily agree to participate in the compact.

23 (c) In the event the Audiology and Speech-Language
24 Pathology Interstate Compact Commission adopts rules to
25 coordinate the implementation or administration of the
26 Audiology and Speech-Language Pathology Interstate Compact
27 that conflict with Alabama law, Alabama law shall supersede

1 those rules, and Alabama state courts shall retain sole
2 jurisdiction to determine any conflicts.

3 (d) Alabama state courts shall retain sole
4 jurisdiction to determine whether provisions of the Audiology
5 and Speech-Language Pathology Interstate Compact are in
6 conflict with state laws or the Constitution of Alabama of
7 1901.

8 Section 16. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.