

By Senator Wright

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

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

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

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

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

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

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

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

121 ARTICLE I

122 PURPOSE

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

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

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

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

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

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

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

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

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

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

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

154  
155 ARTICLE II

156 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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204 licensee's primary state of residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

254  
255 ARTICLE III

256 STATE PARTICIPATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

327 (d) Holds an active, unencumbered license.

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

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

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

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

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

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

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

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

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

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

358 (e) Holds an active, unencumbered license.

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

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

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

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

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

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

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

391 ARTICLE IV

392 COMPACT PRIVILEGE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

457  
458 ARTICLE V

459 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

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

468  
469 ARTICLE VI

470 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

480  
481 ARTICLE VII

482 ADVERSE ACTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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552  
553 ARTICLE VIII

554 ESTABLISHMENT OF THE AUDIOLOGY

555 AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT COMMISSION

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

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

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

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

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

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

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

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

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

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

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

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

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

596       (b) Establish bylaws.

597       (c) Establish a code of ethics.

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

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

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

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

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

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

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

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697 and services.

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

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

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

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

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

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

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

748  
749 ARTICLE IX  
750 DATA SYSTEM  
751

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

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

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

762 (a) Identifying information.

763 (b) Licensure data.

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

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

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

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

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

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

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

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

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

787 ARTICLE X  
788 RULEMAKING

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

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

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

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

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

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

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

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

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

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

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

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

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

828 1. At least 25 persons;

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

830 or

831 3. An association having at least 25 members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

890

891 ARTICLE XI

892 DISPUTE RESOLUTION

893 AND ENFORCEMENT

894

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

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

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900 appropriate.

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

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

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

915  
916 ARTICLE XII

917 EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

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

950  
951 ARTICLE XIII

952 CONSTRUCTION AND SEVERABILITY

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

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

#### 967 ARTICLE XIV

##### 968 BINDING EFFECT OF COMPACT AND OTHER LAWS

969  
970  
971 (1) This compact does not prevent the enforcement of any  
972 other law of a member state which is not inconsistent with the  
973 compact.

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

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

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

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

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