

SENATE BILL 183

J2

(PRE-FILED)

11r0500
CF HB 288

By: **Senators Young and Rosapepe**

Requested: August 14, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Audiology and Speech–Language Pathology Interstate Compact**

3 FOR the purpose of entering into the Audiology and Speech–Language Pathology Interstate
4 Compact; stating the purpose of the Compact; requiring that a certain license issued
5 by a home state be recognized by each member state as authorizing certain practice
6 of audiology or speech–language pathology; requiring a state to meet certain
7 requirements to participate in the Compact; prohibiting certain communication from
8 including certain information; requiring a certain licensing board to take certain
9 action on application for a privilege to practice; requiring each member state to
10 require an applicant to obtain or retain a certain license and meet certain
11 qualifications; requiring certain audiologists and speech–language pathologists to
12 meet certain eligibility requirements to exercise a certain privilege; requiring an
13 audiologist or a speech–language pathologist practicing in a member state to comply
14 with certain laws; requiring that certain individuals be able to continue to apply for
15 a certain license; authorizing member states to charge a certain fee; requiring
16 member states to comply with certain bylaws, rules, and regulations; requiring
17 certain audiologists and speech–language pathologists to apply for certain licensure;
18 establishing the circumstances under which a license may not be issued or is
19 required to be converted to a certain license; establishing the period during which a
20 Compact privilege is valid; requiring certain licensees to function within certain laws
21 and regulations; providing that certain licensees are subject to certain regulatory
22 authority; requiring a licensee to lose the Compact privilege during a certain period
23 under certain circumstances; requiring member states to recognize the right of an
24 audiologist or a speech–language pathologist to practice via telehealth under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



circumstances; requiring certain active duty military personnel or their spouses to designate a certain state as a home state and ~~authorizing~~ requiring the change of a certain designation in a certain manner; establishing certain requirements and certain authority of remote states and home states with regard to adverse actions; establishing the Audiology and Speech–Language Pathology Compact Commission; establishing the membership, powers, and duties of the Commission; establishing an Executive Committee with authority to act on behalf of the Commission under certain circumstances; establishing the membership, powers, and duties of the Executive Committee; providing for certain financing, accounting, and auditing of the Commission; providing, under certain circumstances, for certain immunity, defense, and indemnity for certain individuals representing the Commission; requiring the Commission to provide for the development, maintenance, and utilization of a certain database and reporting system; requiring a member state to submit certain data to a certain data system; establishing requirements for the availability, notification, and removal of certain information from a certain data system under certain circumstances; establishing the rulemaking powers and procedures of the Commission; establishing procedures for oversight, dispute resolution, and enforcement of the Compact by the Commission; providing for the application of the Compact; establishing that certain states that join the Compact are subject to certain rules; establishing certain procedures for a member state to withdraw from the Compact; authorizing member states to amend the Compact under certain circumstances; providing for the construction and severability of this Act; making this Act subject to a certain contingency; requiring the Maryland Department of Health to track certain legislation and notify the Department of Legislative Services of a certain occurrence within a certain period of time; defining certain terms; and generally relating to the Audiology and Speech–Language Pathology Interstate Compact.

BY adding to

Article – Health Occupations

Section 2–3A–01 to be under the new subtitle “Subtitle 3A. Audiology and Speech–Language Pathology Interstate Compact”

Annotated Code of Maryland

(2014 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 3A. AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY INTERSTATE COMPACT.

2–3A–01.

**THE AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY INTERSTATE
COMPACT IS ENACTED INTO LAW AND ENTERED INTO WITH ALL OTHER STATES**

1 LEGALLY JOINING IN IT IN THE FORM SUBSTANTIALLY AS IT APPEARS IN THIS
2 SECTION AS FOLLOWS:

3 **SECTION 1. PURPOSE**

4 **THE PURPOSE OF THIS COMPACT IS TO FACILITATE INTERSTATE PRACTICE**
5 **OF AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY WITH THE GOAL OF**
6 **IMPROVING PUBLIC ACCESS TO AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY**
7 **SERVICES. THE PRACTICE OF AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY**
8 **OCCURS IN THE STATE WHERE THE PATIENT IS LOCATED AT THE TIME OF THE**
9 **PATIENT ENCOUNTER. THE COMPACT PRESERVES THE REGULATORY AUTHORITY**
10 **OF STATES TO PROTECT PUBLIC HEALTH AND SAFETY THROUGH THE CURRENT**
11 **SYSTEM OF STATE LICENSURE. THIS COMPACT IS DESIGNED TO ACHIEVE THE**
12 **FOLLOWING OBJECTIVES:**

13 **(1) INCREASE PUBLIC ACCESS TO AUDIOLOGY AND**
14 **SPEECH–LANGUAGE PATHOLOGY SERVICES BY PROVIDING FOR THE MUTUAL**
15 **RECOGNITION OF OTHER MEMBER STATE LICENSES;**

16 **(2) ENHANCE THE ABILITY OF STATES TO PROTECT THE PUBLIC’S**
17 **HEALTH AND SAFETY;**

18 **(3) ENCOURAGE THE COOPERATION OF MEMBER STATES IN**
19 **REGULATING MULTISTATE AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY**
20 **PRACTICE;**

21 **(4) SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY**
22 **PERSONNEL;**

23 **(5) ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE, AND**
24 **DISCIPLINARY INFORMATION AMONG MEMBER STATES;**

25 **(6) ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES**
26 **WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THE PRACTICE**
27 **STANDARDS OF THAT STATE; AND**

28 **(7) ALLOW FOR THE USE OF TELEHEALTH TECHNOLOGY TO**
29 **FACILITATE INCREASED ACCESS TO AUDIOLOGY AND SPEECH–LANGUAGE**
30 **PATHOLOGY SERVICES.**

31 **SECTION 2. DEFINITIONS**

32 **AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED, THE**
33 **FOLLOWING DEFINITIONS SHALL APPLY:**

1 (A) “ACTIVE DUTY MILITARY” MEANS FULL-TIME DUTY STATUS IN THE
2 ACTIVE UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF
3 THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS IN ACCORDANCE
4 WITH 10 U.S.C. §§ 1209 AND 1211.

5 (B) “ADVERSE ACTION” MEANS ANY ADMINISTRATIVE, CIVIL, EQUITABLE,
6 OR CRIMINAL ACTION AUTHORIZED BY A STATE’S LAWS THAT IS IMPOSED BY A
7 LICENSING BOARD OR OTHER AUTHORITY AGAINST AN AUDIOLOGIST OR
8 A SPEECH-LANGUAGE PATHOLOGIST, INCLUDING ACTIONS AGAINST AN
9 INDIVIDUAL’S LICENSE OR PRIVILEGE TO PRACTICE SUCH AS REVOCATION,
10 SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, OR RESTRICTION ON
11 THE LICENSEE’S PRACTICE.

12 (C) “ALTERNATIVE PROGRAM” MEANS A NONDISCIPLINARY MONITORING
13 PROCESS APPROVED BY AN AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
14 LICENSING BOARD TO ADDRESS IMPAIRED PRACTITIONERS.

15 (D) “AUDIOLOGIST” MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE
16 TO PRACTICE AUDIOLOGY.

17 (E) “AUDIOLOGY” MEANS THE CARE AND SERVICES PROVIDED BY A
18 LICENSED AUDIOLOGIST AS SET FORTH IN THE MEMBER STATE’S STATUTES AND
19 RULES.

20 (F) “AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
21 COMMISSION” OR “COMMISSION” MEANS THE NATIONAL ADMINISTRATIVE BODY
22 ESTABLISHED UNDER SECTION 8 WHOSE MEMBERSHIP CONSISTS OF ALL STATES
23 THAT HAVE ENACTED THE COMPACT.

24 (G) “AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD”,
25 “AUDIOLOGY LICENSING BOARD”, “SPEECH-LANGUAGE PATHOLOGY LICENSING
26 BOARD”, OR “LICENSING BOARD” MEANS THE AGENCY OF A STATE THAT IS
27 RESPONSIBLE FOR THE LICENSING AND REGULATION OF AUDIOLOGISTS OR
28 SPEECH-LANGUAGE PATHOLOGISTS.

29 (H) “COMPACT PRIVILEGE” MEANS THE AUTHORIZATION GRANTED BY A
30 REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER STATE TO
31 PRACTICE AS AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST IN THE
32 REMOTE STATE UNDER ITS LAWS AND RULES. THE PRACTICE OF AUDIOLOGY OR
33 SPEECH-LANGUAGE PATHOLOGY OCCURS IN THE MEMBER STATE WHERE THE
34 PATIENT IS LOCATED AT THE TIME OF THE PATIENT ENCOUNTER.

1 (I) “CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION” MEANS
2 INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER AN INQUIRY OR
3 INVESTIGATION THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY FOR THE
4 AUDIOLOGIST OR SPEECH–LANGUAGE PATHOLOGIST TO RESPOND, IF REQUIRED BY
5 STATE LAW, HAS REASON TO BELIEVE IS NOT GROUNDLESS AND, IF PROVED TRUE,
6 WOULD INDICATE MORE THAN A MINOR INFRACTION.

7 (J) “DATA SYSTEM” MEANS A REPOSITORY OF INFORMATION ABOUT
8 LICENSEES ESTABLISHED UNDER SECTION 9, INCLUDING, BUT NOT LIMITED TO,
9 CONTINUING EDUCATION, EXAMINATION, LENSURE, INVESTIGATIVE, COMPACT
10 PRIVILEGE, AND ADVERSE ACTION.

11 (K) “ENCUMBERED LICENSE” MEANS A LICENSE IN WHICH AN ADVERSE
12 ACTION RESTRICTS THE PRACTICE OF AUDIOLOGY OR SPEECH–LANGUAGE
13 PATHOLOGY BY THE LICENSEE AND SAID ADVERSE ACTION HAS BEEN REPORTED TO
14 THE NATIONAL PRACTITIONERS DATA BANK.

15 (L) “EXECUTIVE COMMITTEE” MEANS A GROUP OF DIRECTORS ELECTED
16 OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS GRANTED TO THEM
17 BY, THE COMMISSION.

18 (M) “HOME STATE” MEANS THE MEMBER STATE THAT IS THE LICENSEE’S
19 PRIMARY STATE OF RESIDENCE.

20 (N) “IMPAIRED PRACTITIONER” MEANS AN INDIVIDUAL WHOSE
21 PROFESSIONAL PRACTICE IS ADVERSELY AFFECTED BY SUBSTANCE ABUSE,
22 ADDICTION, OR OTHER HEALTH–RELATED CONDITIONS.

23 (O) “LICENSEE” MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN
24 AUTHORIZATION FROM A STATE LICENSING BOARD TO PRACTICE AS AN
25 AUDIOLOGIST OR A SPEECH–LANGUAGE PATHOLOGIST.

26 (P) “MEMBER STATE” MEANS A STATE THAT HAS ENACTED THE COMPACT.

27 (Q) “PRIVILEGE TO PRACTICE” MEANS A LEGAL AUTHORIZATION
28 AUTHORIZING THE PRACTICE OF AUDIOLOGY OR SPEECH–LANGUAGE PATHOLOGY
29 IN A REMOTE STATE.

30 (R) “REMOTE STATE” MEANS A MEMBER STATE OTHER THAN THE HOME
31 STATE WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE THE COMPACT
32 PRIVILEGE.

33 (S) “RULE” MEANS A REGULATION, PRINCIPLE, OR DIRECTIVE ADOPTED BY
34 THE COMMISSION THAT HAS THE FORCE OF LAW.

(T) "SINGLE-STATE LICENSE" MEANS AN AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSE ISSUED BY A MEMBER STATE THAT AUTHORIZES PRACTICE ONLY WITHIN THE ISSUING STATE AND DOES NOT INCLUDE A PRIVILEGE TO PRACTICE IN ANY OTHER MEMBER STATE.

(U) "SPEECH-LANGUAGE PATHOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE TO PRACTICE SPEECH-LANGUAGE PATHOLOGY.

(V) "SPEECH-LANGUAGE PATHOLOGY" MEANS THE CARE AND SERVICES PROVIDED BY A LICENSED SPEECH-LANGUAGE PATHOLOGIST AS SET FORTH IN THE MEMBER STATE'S STATUTES AND RULES.

(W) "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT, OR TERRITORY OF THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY.

(X) "STATE PRACTICE LAWS" MEANS THE LAWS, RULES, AND REGULATIONS OF A MEMBER STATE THAT GOVERN THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY, DEFINE THE SCOPE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY PRACTICE, AND CREATE THE METHODS AND GROUNDS FOR IMPOSING DISCIPLINE.

(Y) "TELEHEALTH" MEANS THE APPLICATION OF ~~ELECTRONIC~~ TELECOMMUNICATION, AUDIO-VISUAL, OR OTHER INFORMATION ~~TECHNOLOGY~~ TECHNOLOGIES THAT MEETS THE APPLICABLE STANDARD OF CARE TO DELIVER AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY SERVICES OR INFORMATION AT A DISTANCE FOR ASSESSMENT, INTERVENTION, OR CONSULTATION.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

(A) A LICENSE ISSUED TO AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST BY A HOME STATE TO A RESIDENT IN THAT STATE SHALL BE RECOGNIZED BY EACH MEMBER STATE AS AUTHORIZING AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST TO PRACTICE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY, UNDER A PRIVILEGE TO PRACTICE, IN EACH MEMBER STATE WHERE THE LICENSEE OBTAINS SUCH A PRIVILEGE.

(B) (1) A STATE MUST IMPLEMENT OR USE PROCEDURES FOR CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR INITIAL PRIVILEGE TO PRACTICE. THESE PROCEDURES SHALL INCLUDE THE SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED INFORMATION BY APPLICANTS FOR THE PURPOSE OF OBTAINING AN APPLICANT'S CRIMINAL HISTORY RECORD

1 INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE AGENCY
2 RESPONSIBLE FOR RETAINING THAT STATE'S CRIMINAL RECORDS.

3 (2) A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL
4 BACKGROUND CHECK REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY
5 RULE, BY RECEIVING THE RESULTS OF THE FEDERAL BUREAU OF INVESTIGATION
6 RECORD SEARCH ON CRIMINAL BACKGROUND CHECKS AND USE THE RESULTS IN
7 MAKING LICENSURE DECISIONS.

8 (3) COMMUNICATION BETWEEN A MEMBER STATE AND THE
9 COMMISSION, AND AMONG MEMBER STATES REGARDING THE VERIFICATION OF
10 ELIGIBILITY FOR LICENSURE THROUGH THE COMPACT MAY NOT INCLUDE ANY
11 INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF INVESTIGATION
12 RELATING TO A FEDERAL CRIMINAL RECORDS CHECK PERFORMED BY A MEMBER
13 STATE UNDER PUBLIC LAW 92-544.

14 (C) ON APPLICATION FOR A PRIVILEGE TO PRACTICE, THE LICENSING
15 BOARD IN THE ISSUING REMOTE STATE SHALL ASCERTAIN, THROUGH THE DATA
16 SYSTEM, WHETHER THE APPLICANT HAS EVER HELD, OR IS THE HOLDER OF, A
17 LICENSE ISSUED BY ANY OTHER STATE, WHETHER THERE ARE ANY ENCUMBRANCES
18 ON ANY LICENSE OR PRIVILEGE TO PRACTICE HELD BY THE APPLICANT, AND
19 WHETHER ANY ADVERSE ACTION HAS BEEN TAKEN AGAINST ANY LICENSE OR
20 PRIVILEGE TO PRACTICE HELD BY THE APPLICANT.

21 (D) EACH MEMBER STATE SHALL REQUIRE AN APPLICANT TO OBTAIN OR
22 RETAIN A LICENSE IN THE HOME STATE AND MEET THE HOME STATE'S
23 QUALIFICATIONS FOR LICENSURE OR RENEWAL OF LICENSURE, AS WELL AS ALL
24 OTHER APPLICABLE STATE LAWS.

25 (E) AN AUDIOLOGIST MUST:

26 (1) MEET ONE OF THE FOLLOWING EDUCATIONAL REQUIREMENTS:

27 (I) ON OR BEFORE DECEMBER 31, 2007, HAVE GRADUATED
28 WITH A MASTER'S DEGREE OR DOCTORATE IN AUDIOLOGY, OR EQUIVALENT DEGREE
29 REGARDLESS OF DEGREE NAME, FROM A PROGRAM THAT IS ACCREDITED BY AN
30 ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER EDUCATION
31 ACCREDITATION, OR ITS SUCCESSOR, OR BY THE UNITED STATES DEPARTMENT OF
32 EDUCATION AND OPERATED BY A COLLEGE OR UNIVERSITY ACCREDITED BY A
33 REGIONAL OR NATIONAL ACCREDITING ORGANIZATION RECOGNIZED BY A STATE
34 LICENSING BOARD;

35 (II) ON OR AFTER JANUARY 1, 2008, HAVE GRADUATED WITH A
36 DOCTORAL DEGREE IN AUDIOLOGY, OR EQUIVALENT DEGREE, REGARDLESS OF

DEGREE NAME, FROM A PROGRAM THAT IS ACCREDITED BY AN ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER EDUCATION ACCREDITATION, OR ITS SUCCESSOR, OR BY THE UNITED STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING ORGANIZATION RECOGNIZED BY A STATE LICENSING BOARD; OR

(III) HAVE GRADUATED FROM AN AUDIOLOGY PROGRAM THAT IS HOUSED IN AN INSTITUTION OF HIGHER EDUCATION OUTSIDE THE UNITED STATES:

1. FOR WHICH THE PROGRAM AND INSTITUTION HAVE BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE COUNTRY; AND

2. WHOSE DEGREE PROGRAM HAS BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A STATE LICENSING BOARD-APPROVED PROGRAM;

(2) HAVE COMPLETED A SUPERVISED CLINICAL PRACTICUM EXPERIENCE FROM AN ACCREDITED EDUCATIONAL INSTITUTION OR ITS COOPERATING PROGRAMS AS REQUIRED BY ~~A LICENSING BOARD~~ THE COMMISSION;

(3) HAVE SUCCESSFULLY PASSED A NATIONAL EXAMINATION APPROVED BY THE COMMISSION;

(4) HOLD AN ACTIVE, UNENCUMBERED LICENSE;

(5) HAVE NOT BEEN CONVICTED OR FOUND GUILTY OF, AND HAVE NOT ENTERED INTO AN AGREED DISPOSITION REGARDING, A FELONY RELATED TO THE PRACTICE OF AUDIOLOGY, UNDER APPLICABLE STATE OR FEDERAL CRIMINAL LAW; AND

(6) HAVE A VALID UNITED STATES SOCIAL SECURITY OR NATIONAL PRACTITIONER IDENTIFICATION NUMBER.

(F) A SPEECH-LANGUAGE PATHOLOGIST MUST:

(1) MEET ONE OF THE FOLLOWING EDUCATIONAL REQUIREMENTS:

(I) HAVE GRADUATED WITH A MASTER'S DEGREE FROM A SPEECH-LANGUAGE PATHOLOGY PROGRAM THAT IS ACCREDITED BY AN ORGANIZATION RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING ORGANIZATION RECOGNIZED BY A LICENSING BOARD; OR

1 **(II) HAVE GRADUATED FROM A SPEECH–LANGUAGE**
2 **PATHOLOGY PROGRAM THAT IS HOUSED IN AN INSTITUTION OF HIGHER EDUCATION**
3 **OUTSIDE THE UNITED STATES:**

4 **1. FOR WHICH THE PROGRAM AND INSTITUTION HAVE**
5 **BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE APPLICABLE**
6 **COUNTRY; AND**

7 **2. WHOSE DEGREE PROGRAM HAS BEEN VERIFIED BY AN**
8 **INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE TO A STATE**
9 **LICENSING BOARD–APPROVED PROGRAM;**

10 **(2) HAVE COMPLETED A SUPERVISED CLINICAL PRACTICUM**
11 **EXPERIENCE FROM AN EDUCATIONAL INSTITUTION OR ITS COOPERATING**
12 **PROGRAMS AS REQUIRED BY THE COMMISSION;**

13 **(3) HAVE COMPLETED A SUPERVISED POSTGRADUATE**
14 **PROFESSIONAL EXPERIENCE AS REQUIRED BY THE COMMISSION;**

15 **(4) HAVE SUCCESSFULLY PASSED A NATIONAL EXAMINATION**
16 **APPROVED BY THE COMMISSION;**

17 **(5) HOLD AN ACTIVE, UNENCUMBERED LICENSE;**

18 **(6) HAVE NOT BEEN CONVICTED OR FOUND GUILTY OF, AND HAVE**
19 **NOT ENTERED INTO AN AGREED DISPOSITION REGARDING, A FELONY RELATED TO**
20 **THE PRACTICE OF SPEECH–LANGUAGE PATHOLOGY, UNDER APPLICABLE STATE OR**
21 **FEDERAL CRIMINAL LAW; AND**

22 **(7) HAVE A VALID UNITED STATES SOCIAL SECURITY OR NATIONAL**
23 **PRACTITIONER IDENTIFICATION NUMBER.**

24 **(G) THE PRIVILEGE TO PRACTICE IS DERIVED FROM THE HOME STATE**
25 **LICENSE.**

26 **(H) AN AUDIOLOGIST OR A SPEECH–LANGUAGE PATHOLOGIST PRACTICING**
27 **IN A MEMBER STATE MUST COMPLY WITH THE STATE PRACTICE LAWS OF THE STATE**
28 **IN WHICH THE PATIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED. THE**
29 **PRACTICE OF AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY SHALL INCLUDE**
30 **ALL AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY PRACTICE AS DEFINED BY**
31 **THE STATE PRACTICE LAWS OF THE MEMBER STATE IN WHICH THE PATIENT IS**
32 **LOCATED. THE PRACTICE OF AUDIOLOGY AND SPEECH–LANGUAGE PATHOLOGY IN**
33 **A MEMBER STATE UNDER A PRIVILEGE TO PRACTICE SHALL SUBJECT AN**

AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST TO THE JURISDICTION OF THE LICENSING BOARD, THE COURTS, AND THE LAWS OF THE MEMBER STATE IN WHICH THE PATIENT IS LOCATED AT THE TIME SERVICE IS PROVIDED.

(I) INDIVIDUALS NOT RESIDING IN A MEMBER STATE SHALL CONTINUE TO BE ABLE TO APPLY FOR A MEMBER STATE'S SINGLE-STATE LICENSE AS PROVIDED UNDER THE LAWS OF EACH MEMBER STATE. HOWEVER, THE SINGLE-STATE LICENSE GRANTED TO THESE INDIVIDUALS MAY NOT BE RECOGNIZED AS GRANTING THE PRIVILEGE TO PRACTICE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN ANY OTHER MEMBER STATE. NOTHING IN THIS COMPACT SHALL AFFECT THE REQUIREMENTS ESTABLISHED BY A MEMBER STATE FOR THE ISSUANCE OF A SINGLE-STATE LICENSE.

(J) MEMBER STATES MAY CHARGE A FEE FOR GRANTING A COMPACT PRIVILEGE.

(K) MEMBER STATES MUST COMPLY WITH THE BYLAWS AND RULES AND REGULATIONS OF THE COMMISSION.

SECTION 4. COMPACT PRIVILEGE

(A) TO EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND PROVISIONS OF THE COMPACT, THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST SHALL:

(1) HOLD AN ACTIVE LICENSE IN THE HOME STATE;

(2) HAVE NO ENCUMBRANCE ON ANY STATE LICENSE;

(3) BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE IN ACCORDANCE WITH SECTION 3;

(4) HAVE NOT HAD ANY ADVERSE ACTION AGAINST ANY LICENSE OR COMPACT PRIVILEGE WITHIN THE PREVIOUS 2 YEARS FROM DATE OF APPLICATION;

(5) NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE COMPACT PRIVILEGE WITHIN A REMOTE STATE;

(6) PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE COMPACT PRIVILEGE; AND

(7) REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY ANY NONMEMBER STATE WITHIN 30 DAYS FROM THE DATE THE ADVERSE ACTION IS TAKEN.

1 **(B) FOR THE PURPOSES OF THE COMPACT PRIVILEGE, AN AUDIOLOGIST OR**
2 **A SPEECH-LANGUAGE PATHOLOGIST MAY HOLD ONLY ONE HOME STATE LICENSE AT**
3 **A TIME.**

4 **(C) EXCEPT AS PROVIDED IN SECTION 6, IF AN AUDIOLOGIST OR**
5 **A SPEECH-LANGUAGE PATHOLOGIST CHANGES PRIMARY STATE OF RESIDENCE BY**
6 **MOVING BETWEEN TWO MEMBER STATES, THE AUDIOLOGIST OR**
7 **SPEECH-LANGUAGE PATHOLOGIST MUST APPLY FOR LICENSURE IN THE NEW HOME**
8 **STATE, AND THE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL BE**
9 **DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY THE**
10 **COMMISSION.**

11 **(D) THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST MAY APPLY**
12 **FOR LICENSURE IN ADVANCE OF A CHANGE IN PRIMARY STATE OF RESIDENCE.**

13 **(E) A LICENSE MAY NOT BE ISSUED BY THE NEW HOME STATE UNTIL THE**
14 **AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST PROVIDES SATISFACTORY**
15 **EVIDENCE OF A CHANGE IN PRIMARY STATE OF RESIDENCE TO THE NEW HOME**
16 **STATE AND SATISFIES ALL APPLICABLE REQUIREMENTS TO OBTAIN A LICENSE**
17 **FROM THE NEW HOME STATE.**

18 **(F) IF AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST CHANGES**
19 **PRIMARY STATE OF RESIDENCE BY MOVING FROM A MEMBER STATE TO A**
20 **NONMEMBER STATE, THE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL**
21 **CONVERT TO A SINGLE-STATE LICENSE, VALID ONLY IN THE FORMER HOME STATE,**
22 **AND THE COMPACT PRIVILEGE IN ANY MEMBER STATE IS DEACTIVATED IN**
23 **ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION.**

24 **(G) THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE OF**
25 **THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE**
26 **REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION TO MAINTAIN THE COMPACT**
27 **PRIVILEGE IN THE REMOTE STATE.**

28 **(H) A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE**
29 **PATHOLOGY SERVICES IN A REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL**
30 **FUNCTION WITHIN THE LAWS AND REGULATIONS OF THE REMOTE STATE.**

31 **(I) A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE**
32 **PATHOLOGY SERVICES IN A REMOTE STATE IS SUBJECT TO THE REGULATORY**
33 **AUTHORITY OF THAT STATE. A REMOTE STATE MAY, IN ACCORDANCE WITH DUE**
34 **PROCESS AND THE LAWS OF THAT STATE, REMOVE A LICENSEE'S COMPACT**
35 **PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE FINES,**

OR TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS.

(J) IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE FOLLOWING OCCUR:

(1) THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND

(2) 2 YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE ACTION.

(K) ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN ANY REMOTE STATE.

(L) ONCE THE REQUIREMENTS OF SUBSECTION (J) OF THIS SECTION HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

(A) MEMBER STATES SHALL RECOGNIZE THE RIGHT OF AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST, LICENSED BY A HOME STATE IN ACCORDANCE WITH SECTION 3 AND UNDER RULES PROMULGATED BY THE COMMISSION, TO PRACTICE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN ANY MEMBER STATE VIA TELEHEALTH UNDER A PRIVILEGE TO PRACTICE AS PROVIDED IN THE COMPACT AND RULES PROMULGATED BY THE COMMISSION.

(B) A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY SERVICES IN A REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND REGULATIONS OF THE REMOTE STATE.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSES, SHALL DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT LICENSE IN GOOD STANDING. THE INDIVIDUAL MAY RETAIN THE HOME STATE DESIGNATION DURING THE PERIOD THE SERVICE MEMBER IS ON ACTIVE DUTY. SUBSEQUENT TO DESIGNATING A HOME STATE, THE INDIVIDUAL ~~MAY~~ SHALL CHANGE THE HOME STATE OF THE INDIVIDUAL ONLY THROUGH APPLICATION FOR LICENSURE IN THE NEW STATE.

SECTION 7. ADVERSE ACTIONS

(A) (1) IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW, A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH EXISTING STATE DUE PROCESS LAW, TO:

(I) TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR A SPEECH-LANGUAGE PATHOLOGIST'S PRIVILEGE TO PRACTICE WITHIN THAT MEMBER STATE; AND

(II) ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL AS THE PRODUCTION OF EVIDENCE.

(2) SUBPOENAS ISSUED BY A LICENSING BOARD IN A MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE ARE LOCATED.

(3) ONLY THE HOME STATE SHALL HAVE THE POWER TO TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR A SPEECH-LANGUAGE PATHOLOGIST'S LICENSE ISSUED BY THE HOME STATE.

(B) FOR PURPOSES OF TAKING ADVERSE ACTION, THE HOME STATE SHALL GIVE THE SAME PRIORITY AND EFFECT TO REPORTED CONDUCT RECEIVED FROM A MEMBER STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SO DOING, THE HOME STATE SHALL APPLY ITS OWN STATE LAWS TO DETERMINE APPROPRIATE ACTION.

(C) THE HOME STATE SHALL COMPLETE ANY PENDING INVESTIGATIONS OF AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO HAVE THE AUTHORITY TO TAKE APPROPRIATE ACTION AND SHALL PROMPTLY REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE NEW HOME STATE OF ANY ADVERSE ACTIONS.

(D) IF OTHERWISE AUTHORIZED BY STATE LAW, THE ~~HOME~~ MEMBER STATE MAY RECOVER FROM THE AFFECTED AUDIOLOGIST OR SPEECH-LANGUAGE

1 PATHOLOGIST THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES
2 RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT AUDIOLOGIST OR
3 SPEECH-LANGUAGE PATHOLOGIST.

4 (E) THE ~~HOME~~ MEMBER STATE ~~SHALL~~ MAY TAKE ADVERSE ACTION BASED
5 ON THE FACTUAL FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE ~~HOME~~
6 MEMBER STATE FOLLOWS ITS OWN PROCEDURES FOR TAKING THE ADVERSE
7 ACTION.

8 (F) (1) IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE
9 BY ITS RESPECTIVE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY PRACTICE ACT
10 OR OTHER APPLICABLE STATE LAW, ANY MEMBER STATE MAY PARTICIPATE WITH
11 OTHER MEMBER STATES IN JOINT INVESTIGATIONS OF LICENSEES.

12 (2) MEMBER STATES SHALL SHARE ANY INVESTIGATIVE, LITIGATION,
13 OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
14 INVESTIGATION INITIATED UNDER THE COMPACT.

15 (G) IF ADVERSE ACTION IS TAKEN BY THE HOME STATE AGAINST AN
16 AUDIOLOGIST'S OR A SPEECH-LANGUAGE PATHOLOGIST'S LICENSE, THE
17 AUDIOLOGIST'S OR SPEECH-LANGUAGE PATHOLOGIST'S PRIVILEGE TO PRACTICE IN
18 ALL OTHER MEMBER STATES SHALL BE DEACTIVATED UNTIL ALL ENCUMBRANCES
19 HAVE BEEN REMOVED FROM THE STATE LICENSE. ALL HOME STATE DISCIPLINARY
20 ORDERS THAT IMPOSE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR
21 A SPEECH-LANGUAGE PATHOLOGIST'S LICENSE SHALL INCLUDE A STATEMENT
22 THAT THE AUDIOLOGIST'S OR SPEECH-LANGUAGE PATHOLOGIST'S PRIVILEGE TO
23 PRACTICE IS DEACTIVATED IN ALL MEMBER STATES DURING THE PENDENCY OF THE
24 ORDER.

25 (H) IF A MEMBER STATE TAKES ADVERSE ACTION AGAINST A LICENSEE, IT
26 SHALL PROMPTLY NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE
27 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE HOME STATE,
28 AND ANY REMOTE STATE IN WHICH THE LICENSEE HAS A PRIVILEGE TO PRACTICE,
29 OF ANY ADVERSE ACTIONS BY THE HOME STATE OR REMOTE STATES.

30 (I) NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S
31 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN
32 LIEU OF ADVERSE ACTION.

33 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND
34 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

1 (A) (1) THE COMPACT MEMBER STATES HEREBY CREATE AND ESTABLISH
2 A JOINT PUBLIC AGENCY KNOWN AS THE AUDIOLOGY AND SPEECH-LANGUAGE
3 PATHOLOGY COMPACT COMMISSION.

4 (2) THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT
5 STATES.

6 (3) VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST
7 THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF
8 COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
9 LOCATED. THE COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES
10 TO THE EXTENT IT ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE
11 DISPUTE RESOLUTION PROCEEDINGS.

12 (4) NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
13 WAIVER OF SOVEREIGN IMMUNITY.

14 (B) (1) EACH MEMBER STATE SHALL HAVE TWO DELEGATES SELECTED
15 BY THE LICENSING BOARD OF THAT MEMBER STATE. THE DELEGATES SHALL BE
16 CURRENT MEMBERS OF THE LICENSING BOARD. ONE SHALL BE AN AUDIOLOGIST
17 AND ONE SHALL BE A SPEECH-LANGUAGE PATHOLOGIST.

18 (2) AN ADDITIONAL FIVE DELEGATES, WHO ARE EITHER PUBLIC
19 MEMBERS OR BOARD ADMINISTRATORS FROM STATE LICENSING BOARDS, SHALL BE
20 CHOSEN BY THE EXECUTIVE COMMITTEE FROM A POOL OF NOMINEES PROVIDED BY
21 THE COMMISSION AT LARGE.

22 (3) ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE
23 AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS
24 APPOINTED.

25 (4) THE MEMBER STATE BOARD SHALL FILL ANY VACANCY
26 OCCURRING ON THE COMMISSION WITHIN 90 DAYS.

27 (5) EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH
28 REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL
29 OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND
30 AFFAIRS OF THE COMMISSION.

31 (6) A DELEGATE SHALL VOTE IN PERSON OR BY OTHER MEANS AS
32 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR THE PARTICIPATION OF
33 THE DELEGATES IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
34 COMMUNICATION.

1 **(7) THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH**
2 **CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE**
3 **BYLAWS.**

4 **(C) THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:**

5 **(1) ESTABLISH THE FISCAL YEAR OF THE COMMISSION;**

6 **(2) ESTABLISH BYLAWS;**

7 **(3) ESTABLISH A CODE OF ETHICS;**

8 **(4) MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE**
9 **BYLAWS;**

10 **(5) MEET AND TAKE ACTIONS AS ARE CONSISTENT WITH THE**
11 **PROVISIONS OF THIS COMPACT AND THE BYLAWS;**

12 **(6) PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE**
13 **IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT THAT SHALL HAVE THE**
14 **FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER STATES TO THE**
15 **EXTENT AND MANNER PROVIDED FOR IN THIS COMPACT;**

16 **(7) BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN**
17 **THE NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE**
18 **AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD TO SUE OR BE**
19 **SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;**

20 **(8) PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

21 **(9) BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,**
22 **INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER STATE;**

23 **(10) HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX**
24 **COMPENSATION, DEFINE DUTIES, GRANT INDIVIDUALS APPROPRIATE AUTHORITY**
25 **TO CARRY OUT THE PURPOSES OF THE COMPACT, AND ESTABLISH THE**
26 **COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF**
27 **INTEREST, QUALIFICATIONS OF PERSONNEL, AND OTHER RELATED PERSONNEL**
28 **MATTERS;**

29 **(11) ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF**
30 **MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND RECEIVE, UTILIZE,**
31 **AND DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL**
32 **AVOID ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST;**

(12) LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR OTHERWISE OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL, PERSONAL, OR MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY;

(13) SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR MIXED;

(14) ESTABLISH A BUDGET AND MAKE EXPENDITURES;

(15) BORROW MONEY;

(16) APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES COMPOSED OF MEMBERS AND OTHER INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT AND THE BYLAWS;

(17) PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

(18) ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE; AND

(19) PERFORM OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH STATE REGULATION OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY LICENSURE AND PRACTICE.

(D) THE COMMISSION HAS NO AUTHORITY TO CHANGE OR MODIFY THE LAWS OF THE MEMBER STATES WHICH DEFINE THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY IN THE RESPECTIVE STATES.

~~(D)~~ (E) (1) THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON BEHALF OF THE COMMISSION, WITHIN THE POWERS OF THE COMMISSION, ACCORDING TO THE TERMS OF THIS COMPACT.

(2) THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF THE FOLLOWING MEMBERS:

(I) SEVEN VOTING MEMBERS WHO ARE ELECTED BY THE COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION;

(II) TWO EX OFFICIO MEMBERS, CONSISTING OF ONE NONVOTING MEMBER FROM A RECOGNIZED NATIONAL AUDIOLOGY PROFESSIONAL

1 ASSOCIATION AND ONE NONVOTING MEMBER FROM A RECOGNIZED NATIONAL
2 SPEECH-LANGUAGE PATHOLOGY ASSOCIATION; AND

3 (III) ONE EX OFFICIO, NONVOTING MEMBER FROM THE
4 RECOGNIZED MEMBERSHIP ORGANIZATION OF THE AUDIOLOGY OR
5 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARDS.

6 (3) THE EX OFFICIO MEMBERS SHALL BE SELECTED BY THEIR
7 RESPECTIVE ORGANIZATIONS.

8 ~~(E)~~ (F) (1) THE COMMISSION MAY REMOVE ANY MEMBER OF THE
9 EXECUTIVE COMMITTEE AS PROVIDED IN THE BYLAWS.

10 (2) THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

11 (3) THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
12 DUTIES AND RESPONSIBILITIES:

13 (I) RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO
14 THE RULES OR BYLAWS, CHANGES TO THIS COMPACT LEGISLATION, FEES PAID BY
15 COMPACT MEMBER STATES, SUCH AS ANNUAL DUES, AND ANY COMMISSION
16 COMPACT FEE CHARGED TO LICENSEES FOR THE COMPACT PRIVILEGE;

17 (II) ENSURE COMPACT ADMINISTRATION SERVICES ARE
18 APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;

19 (III) PREPARE AND RECOMMEND THE BUDGET;

20 (IV) MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
21 COMMISSION;

22 (V) MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
23 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

24 (VI) ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND

25 (VII) OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

26 (4) ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC
27 NOTICE OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER
28 THE RULEMAKING PROVISIONS IN SECTION 10.

29 (5) THE COMMISSION, THE EXECUTIVE COMMITTEE, OR OTHER
30 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC

1 MEETING IF THE COMMISSION OR EXECUTIVE COMMITTEE OR OTHER COMMITTEES
2 OF THE COMMISSION MUST DISCUSS:

3 (I) NONCOMPLIANCE OF A MEMBER STATE WITH ITS
4 OBLIGATIONS UNDER THE COMPACT;

5 (II) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER
6 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES, OR
7 OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL
8 PRACTICES AND PROCEDURES;

9 (III) CURRENT, THREATENED, OR REASONABLY ANTICIPATED
10 LITIGATION;

11 (IV) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE,
12 OR SALE OF GOODS, SERVICES, OR REAL ESTATE;

13 (V) ACCUSING ANY PERSON OF A CRIME OR FORMALLY
14 CENSURING ANY PERSON;

15 (VI) DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR
16 FINANCIAL INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

17 (VII) DISCLOSURE OF INFORMATION OF A PERSONAL NATURE
18 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
19 PERSONAL PRIVACY;

20 (VIII) DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR
21 LAW ENFORCEMENT PURPOSES;

22 (IX) DISCLOSURE OF INFORMATION RELATED TO ANY
23 INVESTIGATIVE REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE
24 COMMISSION OR OTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF
25 INVESTIGATION OR DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THE
26 COMPACT; OR

27 (X) MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
28 FEDERAL OR MEMBER STATE STATUTE.

29 (6) IF A MEETING, OR PORTION OF A MEETING, IS CLOSED IN
30 ACCORDANCE WITH THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR
31 DESIGNEE SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL
32 REFERENCE EACH RELEVANT EXEMPTING PROVISION.

(7) THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN MINUTES. ALL MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF COMPETENT JURISDICTION. ALL MINUTES AND DOCUMENTS OF MEETINGS OTHER THAN A CLOSED MEETING SHALL BE MADE AVAILABLE TO MEMBERS OF THE PUBLIC UPON REQUEST AT THE REQUESTING PERSON'S EXPENSE.

(8) (I) THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

(II) THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

(III) THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL MEMBER STATES.

(9) THE COMMISSION MAY NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR SHALL THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

(10) THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE COMMISSION.

~~(F)~~ (G) (1) THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE

1 FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY,
2 FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR
3 OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED
4 ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM
5 THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN
6 THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
7 PROVIDED THAT NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO PROTECT
8 ANY PERSON FROM SUIT OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR
9 LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF
10 THAT PERSON.

11 (2) THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
12 EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION IN
13 ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR
14 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
15 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE PERSON
16 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
17 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
18 RESPONSIBILITIES, PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
19 PROHIBIT THAT PERSON FROM RETAINING HIS OR HER OWN COUNSEL, AND
20 PROVIDED FURTHER, THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
21 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON
22 MISCONDUCT.

23 (3) THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
24 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF
25 THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED
26 AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR
27 OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
28 DUTIES, OR RESPONSIBILITIES, OR THAT PERSON HAD A REASONABLE BASIS FOR
29 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES,
30 OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
31 OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR WANTON
32 MISCONDUCT OF THAT PERSON.

33 SECTION 9. DATA SYSTEM

34 (A) THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
35 MAINTENANCE, AND UTILIZATION OF A COORDINATED DATABASE AND REPORTING
36 SYSTEM CONTAINING LICENSURE, ADVERSE ACTION, AND INVESTIGATIVE
37 INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER STATES.

38 (B) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
39 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE DATA

1 SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS APPLICABLE AS
2 REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

3 (1) IDENTIFYING INFORMATION;

4 (2) LICENSURE DATA;

5 (3) ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE;

6 (4) NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
7 PROGRAM PARTICIPATION;

8 (5) ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE REASON
9 FOR THE DENIAL; AND

10 (6) OTHER INFORMATION THAT MAY FACILITATE THE
11 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF THE
12 COMMISSION.

13 (C) INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN ANY
14 MEMBER STATE MAY BE AVAILABLE ONLY TO OTHER MEMBER STATES.

15 (D) THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER STATES OF
16 ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN INDIVIDUAL APPLYING
17 FOR A LICENSE. ADVERSE ACTION INFORMATION PERTAINING TO A LICENSEE IN
18 ANY MEMBER STATE SHALL BE AVAILABLE TO ANY OTHER MEMBER STATE.

19 (E) MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM
20 MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC
21 WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

22 (F) ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
23 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE
24 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

25 SECTION 10. RULEMAKING

26 (A) THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS IN
27 ACCORDANCE WITH THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES
28 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME BINDING AS OF
29 THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

30 (B) IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
31 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME

1 MANNER USED TO ADOPT THE COMPACT WITHIN 4 YEARS AFTER THE DATE OF
2 ADOPTION OF THE RULE, THE RULE SHALL HAVE NO FURTHER FORCE AND EFFECT
3 IN ANY MEMBER STATE.

4 (C) RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A
5 REGULAR OR SPECIAL MEETING OF THE COMMISSION.

6 (D) PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR RULES
7 BY THE COMMISSION, AND AT LEAST 30 DAYS IN ADVANCE OF THE MEETING AT
8 WHICH THE RULE SHALL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL
9 FILE A NOTICE OF PROPOSED RULEMAKING:

10 (1) ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
11 ACCESSIBLE PLATFORM; AND

12 (2) ON THE WEBSITE OF EACH MEMBER STATE AUDIOLOGY OR
13 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD OR OTHER PUBLICLY
14 ACCESSIBLE PLATFORM OR THE PUBLICATION IN WHICH EACH STATE WOULD
15 OTHERWISE PUBLISH PROPOSED RULES.

16 (E) THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

17 (1) THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING
18 DURING WHICH THE RULE SHALL BE CONSIDERED AND VOTED ON;

19 (2) THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
20 REASON FOR THE PROPOSED RULE;

21 (3) A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
22 INTERESTED PERSON; AND

23 (4) THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
24 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
25 HEARING AND ANY WRITTEN COMMENTS.

26 (F) PRIOR TO THE ADOPTION OF A PROPOSED RULE, THE COMMISSION
27 SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
28 ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.

29 (G) THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
30 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED
31 BY:

32 (1) AT LEAST 25 PERSONS;

1 (2) A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY;
2 OR

3 (3) AN ASSOCIATION HAVING AT LEAST 25 MEMBERS.

4 (H) (1) IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT,
5 THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE SCHEDULED
6 PUBLIC HEARING. IF THE HEARING IS HELD VIA ELECTRONIC MEANS, THE
7 COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESSING THE ELECTRONIC
8 HEARING.

9 (2) ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL
10 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED
11 MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING
12 NOT LESS THAN 5 BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING.

13 (3) HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH
14 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO
15 COMMENT ORALLY OR IN WRITING.

16 (4) ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING
17 SHALL BE MADE AVAILABLE TO ANY PERSON ON REQUEST AND AT THE REQUESTING
18 PERSON'S EXPENSE.

19 (5) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS
20 REQUIRING A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR
21 THE CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS
22 SUBSECTION.

23 (I) FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF
24 BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE
25 COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

26 (J) IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY
27 INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH
28 PROMULGATION OF THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

29 (K) THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS, TAKE
30 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE
31 DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL
32 TEXT OF THE RULE.

1 (L) ON DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION
2 MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE,
3 OPPORTUNITY FOR COMMENT, OR HEARING, PROVIDED THAT THE USUAL
4 RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND IN THIS SECTION
5 SHALL BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS REASONABLY
6 POSSIBLE, IN NO EVENT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
7 RULE. FOR THE PURPOSES OF THIS PROVISION, AN EMERGENCY RULE IS ONE THAT
8 MUST BE ADOPTED IMMEDIATELY IN ORDER TO:

9 (1) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR
10 WELFARE;

11 (2) PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS; OR

12 (3) MEET A DEADLINE FOR THE PROMULGATION OF AN
13 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.

14 (M) THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
15 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
16 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN
17 FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF
18 ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF THE COMMISSION. THE
19 REVISION SHALL BE SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF 30
20 DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY ON GROUNDS
21 THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE
22 SHALL BE MADE IN WRITING AND DELIVERED TO THE CHAIR OF THE COMMISSION
23 PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE
24 REVISION SHALL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
25 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF
26 THE COMMISSION.

27 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND
28 ENFORCEMENT

29 (A) (1) ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
30 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG
31 MEMBER STATES AND BETWEEN MEMBER AND NONMEMBER STATES.

32 (2) THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
33 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS
34 APPROPRIATE.

35 (B) (1) THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
36 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

1 **(2) BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL**
2 **ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**
3 **OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES**
4 **AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE**
5 **PROVISIONS OF THE COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE**
6 **RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE**
7 **EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL**
8 **BE AWARDED ALL COSTS OF LITIGATION, INCLUDING REASONABLE ATTORNEY'S**
9 **FEES.**

10 **(3) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES**
11 **OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER REMEDIES**
12 **AVAILABLE UNDER FEDERAL OR STATE LAW.**

13 **SECTION 12. DATE OF IMPLEMENTATION OF THE AUDIOLOGY**
14 **AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT AND**
15 **ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

16 **(A) THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE**
17 **COMPACT STATUTE IS ENACTED INTO LAW IN THE 10TH MEMBER STATE. THE**
18 **PROVISIONS, WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE**
19 **POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE**
20 **PROMULGATION OF RULES. THEREAFTER, THE COMMISSION SHALL MEET AND**
21 **EXERCISE RULEMAKING POWERS NECESSARY TO THE IMPLEMENTATION AND**
22 **ADMINISTRATION OF THE COMPACT.**

23 **(B) ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE INITIAL**
24 **ADOPTION OF THE RULES BY THE COMMISSION SHALL BE SUBJECT TO THE RULES**
25 **AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT**
26 **STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION**
27 **SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT**
28 **BECOMES LAW IN THAT STATE.**

29 **(C) (1) ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY**
30 **ENACTING A STATUTE REPEALING THE SAME.**

31 **(2) A MEMBER STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT**
32 **UNTIL 6 MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.**

33 **(3) WITHDRAWAL SHALL NOT AFFECT THE CONTINUING**
34 **REQUIREMENT OF THE WITHDRAWING STATE'S AUDIOLOGY OR SPEECH-LANGUAGE**
35 **PATHOLOGY LICENSING BOARD TO COMPLY WITH THE INVESTIGATIVE AND**

1 ADVERSE ACTION REPORTING REQUIREMENTS OF THIS ACT PRIOR TO THE
2 EFFECTIVE DATE OF WITHDRAWAL.

3 (D) NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
4 INVALIDATE OR PREVENT ANY AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
5 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A
6 MEMBER STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE
7 PROVISIONS OF THIS COMPACT.

8 (E) THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. NO
9 AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND BINDING ON ANY
10 MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

11 SECTION 13. CONSTRUCTION AND SEVERABILITY

12 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
13 PURPOSES THEREOF. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE
14 AND IF ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT IS
15 DECLARED TO BE CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE OR OF
16 THE UNITED STATES OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT,
17 AGENCY, PERSON, OR CIRCUMSTANCE IS HELD INVALID, THE VALIDITY OF THE
18 REMAINDER OF THIS COMPACT AND THE APPLICABILITY THEREOF TO ANY
19 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED
20 THEREBY. IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
21 ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS
22 TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND EFFECT AS TO THE
23 MEMBER STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

24 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

25 (A) NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER LAW
26 OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

27 (B) ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE COMPACT ARE
28 SUPERSEDED TO THE EXTENT OF THE CONFLICT.

29 (C) ALL LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL RULES
30 AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING ON THE MEMBER
31 STATES.

32 (D) ALL AGREEMENTS BETWEEN THE COMMISSION AND THE MEMBER
33 STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

1 **(E) IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE**
2 **CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER STATE,**
3 **THE PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE CONFLICT WITH**
4 **THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT MEMBER STATE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the
6 enacting of substantially similar legislation in nine other states. The Maryland Department
7 of Health shall notify the Department of Legislative Services within 10 days after nine
8 states have enacted legislation that is substantially similar to this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
10 Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.