

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

12/12/2024-REPORTED OUT TO THE FLOOR

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BILL NO. 35-0254

Thirty-Fifth Legislature of the Virgin Islands

April 10, 2024

An Act amending title 27 Virgin Islands Code by adding a chapter 21A establishing the
Audiology and Speech-Language Pathology Interstate Compact

PROPOSED BY: Senator Diane T. Capehart

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 27 Virgin Islands Code is amended by adding a chapter 21A to read
as follows:

§ 1101. Short title

This chapter may be known and cited as “the Audiology and Speech-Language Pathology
Interstate Compact.”

§ 1102. Legislative intent

This compact is the Virgin Islands enactment of the “Audiology and Speech-Language
Pathology Interstate Compact,” which is referred to in this chapter as “the compact.” The form,
format, and text of the compact have been changed minimally so as to conform to the Virgin
Islands Code. The changes are technical in nature, and this chapter must be interpreted as
substantively the same as the compact that is enacted by other compact states.

§ 1103. Purpose

(a) The purpose of this Compact is to facilitate interstate practice of audiology and speech language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student's encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

(b) This Compact is designed to achieve the following objectives:

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

(2) Enhance the states' ability to protect the public's health and safety;

(3) Encourage the cooperation of member states in regulating multistate audiology and speech language pathology practice;

(4) Support spouses of relocating active duty military personnel;

(5) Enhance the exchange of licensure, investigative and disciplinary information between member states;

(6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and

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

§ 1104. Definitions

As used in this Compact:

1 (a) “Active duty military” means full-time duty status in the active uniformed service
2 of the United States, including members of the National Guard and Reserve on active-duty
3 orders pursuant to 10 U.S.C., Chapter 1209 and 1211.

4 (b) “Adverse action” means any administrative, civil, equitable or criminal action
5 permitted by a state’s laws which is imposed by a licensing board or other authority against an
6 audiologist or speech-language pathologist, including actions against an individual’s license or
7 privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or
8 restriction on the licensee’s practice.

9 (c) “Alternative program” means a non-disciplinary monitoring process approved by
10 an audiology or speech-language pathology licensing board to address impaired practitioners.

11 (d) “Audiologist” means an individual who is licensed by a state to practice audiology.

12 (e) “Audiology” means the care and services provided by a licensed audiologist as set
13 forth in the member state’s statutes and rules.

14 (f) “Audiology and Speech-Language Pathology Compact Commission” or
15 “Commission” means the national administrative body whose membership consists of all states
16 that have enacted the Compact.

17 (g) “Audiology and speech-language pathology licensing board,” “audiology licensing
18 board,” “speech-language pathology licensing board,” or “licensing board” means the agency
19 of a state that is responsible for the licensing and regulation of audiologists and/or speech-
20 language pathologists.

21 (h) “Compact privilege” means the authorization granted by a remote state to allow a
22 licensee from another member state to practice as an audiologist or speech-language pathologist
23 in the remote state under its laws and rules. The practice of audiology or speech-language

1 pathology occurs in the member state where the patient, client, or student is located at the time
2 of the patient/client/student encounter.

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

8 (j) “Data system” means a repository of information about licensees, including, but
9 not limited to, continuing education, examination, licensure, investigative, compact privilege
10 and adverse action.

11 (k) “Encumbered license” means a license in which an adverse action restricts the
12 practice of audiology or speech-language pathology by the licensee and said adverse action has
13 been reported to the National Practitioners Data Bank.

14 (l) “Executive Committee” means a group of directors elected or appointed to act on
15 behalf of, and within the powers granted to them by the Commission.

16 (m) “Home state” means the member state that is the licensee’s primary state of
17 residence.

18 (n) “Impaired practitioner” means individuals whose professional practice is adversely
19 affected by substance abuse, addiction, or other health-related conditions.

20 (o) “Licensee” means an individual who currently holds an authorization from the state
21 licensing board to practice as an audiologist or speech-language pathologist.

22 (p) “Member state” means a state that has enacted the Compact.

23 (q) “Privilege to practice” means a legal authorization permitting the practice of
24 audiology or speech-language pathology in a remote state.

(r) “Remote state” means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

(s) “Rule” means a regulation, principle or directive promulgated by 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 a member state’s laws, rules and regulations 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 telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

§ 1105. State Participation In The Compact

(a) A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state must be recognized by each member state as authorizing an audiologist

1 or speech-language pathologist to practice audiology or speech-language pathology, under a
2 privilege to practice, in each member state.

3 (b) A state shall implement or utilize procedures for considering the criminal history
4 records of applicants for initial privilege to practice. These procedures must include the
5 submission of fingerprints or other biometric-based information by applicants for the purpose
6 of obtaining an applicant's criminal history record information from the Federal Bureau of
7 Investigation and the agency responsible for retaining that state's criminal records:

8 (1) A member state shall fully implement a criminal background check
9 requirement, within a time frame established by rule, by receiving the results of the
10 Federal Bureau of Investigation record search on criminal background checks and use the
11 results in making licensure decisions.

12 (2) Communication between a member state, the Commission and among
13 member states regarding the verification of eligibility for licensure through the Compact
14 may not include any information received from the Federal Bureau of Investigation
15 relating to a federal criminal records check performed by a member state under Public
16 Law 92-544.

17 (c) Upon application for a privilege to practice, the licensing board in the issuing
18 remote state shall ascertain, through the data system, whether the applicant has ever held, or is
19 the holder of, a license issued by any other state, whether there are any encumbrances on any
20 license or privilege to practice held by the applicant, whether any adverse action has been taken
21 against any license or privilege to practice held by the applicant.

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

1 (e) For an audiologist:

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

3 (A) On or before Dec. 31, 2007, has graduated with a master's degree or
4 doctorate in audiology, or equivalent degree regardless of degree name, from a
5 program that is accredited by an accrediting agency recognized by the Council for
6 Higher Education Accreditation, or its successor, or by the United States
7 Department of Education and operated by a college or university accredited by a
8 regional or national accrediting organization recognized by the board; or

9 (B) On or after Jan. 1, 2008, has graduated with a Doctoral degree in
10 audiology, or equivalent degree, regardless of degree name, from a program that is
11 accredited by an accrediting agency recognized by the Council for Higher
12 Education Accreditation, or its successor, or by the United States Department of
13 Education and operated by a college or university accredited by a regional or
14 national accrediting organization recognized by the board; or

15 (C) Has graduated from an audiology program that is housed in an
16 institution of higher education outside of the United States for which the program
17 and institution have been approved by the authorized accrediting body in the
18 applicable country and the degree program has been verified by an independent
19 credentials review agency to be comparable to a state licensing board-approved
20 program.

21 (2) Has completed a supervised clinical practicum experience from an accredited
22 educational institution or its cooperating programs as required by the Commission;

23 (3) Has successfully passed a national examination approved by the
24 Commission;

(4) Holds an active, unencumbered license;

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

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

(f) For a speech-language pathologist:

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

(A) Has 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 the board; or

(B) Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States for which the program and institution have been approved by the authorized accrediting body in the applicable country and the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

(2) Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

(3) Has completed a supervised postgraduate professional experience as required by the Commission;

(4) Has successfully passed a national examination approved by the Commission;

1 (5) Holds an active, unencumbered license;

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

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

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

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

16 (i) Individuals not residing in a member state shall continue to be able to apply for a
17 member state's single-state license as provided under the laws of each member state. However,
18 the single-state license granted to these individuals may not be recognized as granting the
19 privilege to practice audiology or speech-language pathology in any other member state.
20 Nothing in this Compact affects the requirements established by a member state for the issuance
21 of a single-state license.

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

23 (k) Member states shall comply with the bylaws and rules and regulations of the
24 Commission.

1 **§ 1106. Compact Privilege**

2 (a) To exercise the compact privilege under the terms and provisions of the Compact,
3 the audiologist or speech-language pathologist shall:

4 (1) Hold an active license in the home state;

5 (2) Have no encumbrance on any state license;

6 (3) Be eligible for a compact privilege in any member state in accordance with
7 Section 615;

8 (4) Have not had any adverse action against any license or compact privilege
9 within the previous two years from date of application;

10 (5) Notify the Commission that the licensee is seeking the compact privilege
11 within a remote state or states;

12 (6) Pay any applicable fees, including any state fee, for the compact privilege;

13 (7) Report to the Commission adverse action taken by any non-member state not
14 later than 30 days from the date the adverse action is taken.

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

17 (c) Except as provided in section 1108, if an audiologist or speech-language
18 pathologist changes primary state of residence by moving between two-member states, the
19 audiologist or speech-language pathologist shall apply for licensure in the new home state, and
20 the license issued by the prior home state must be deactivated in accordance with applicable
21 rules adopted by the Commission.

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

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

5 (f) If an audiologist or speech-language pathologist changes primary state of residence
6 by moving from a member state to a non-member state, the license issued by the prior home
7 state must be converted to a single-state license, valid only in the former home state.

8 (g) The compact privilege is valid until the expiration date of the home state license.
9 The licensee must comply with the requirements of section 1106(a) to maintain the compact
10 privilege in the remote state.

11 (h) A licensee providing audiology or speech-language pathology services in a remote
12 state under the compact privilege must function within the laws and regulations of the remote
13 state.

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

19 (j) If a home state license is encumbered, the licensee loses the compact privilege
20 in any remote state until the following occurs:

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

22 (2) Two 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 shall meet the requirements of section 1106(a) to obtain a compact privilege in any remote state.

(l) Once the requirements of section 1106(j) have been met, the licensee must meet the requirements in section 1106(a) to obtain a compact privilege in a remote state.

§ 1107. Compact Privilege to Practice Telehealth

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with section 1105 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.

§ 1108. Active Duty Military Personnel or Their Spouses

Active-duty military personnel, or their spouse, 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. After designating a home state, the individual shall only change their home state through application for licensure in the new state.

§ 1109. Adverse Actions

(a) In addition to the other powers conferred by state law, a remote state has the authority, in accordance with existing state due process law, to:

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

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

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

7 (3) Only the home state has the power to take adverse action against a
8 audiologist's or speech-language pathologist's license issued by the home state.

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

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

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

22 (e) The member state may take adverse action based on the factual findings of the
23 remote state, provided that the member state follows the member state's own procedures for
24 taking the adverse action.

(f) In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

(g) If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states must be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license must include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

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

(i) Nothing in this Compact overrides a member state's decision that participation in an alternative program may be used in lieu of adverse action.

§ 1110. Establishment of the Audiology and Speech-Language Pathology Compact Commission

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

(1) The Commission is an instrumentality of the Compact states.

(2) Venue is proper and judicial proceedings by or against the Commission must be brought solely and exclusively in a court of competent jurisdiction where the principal

1 office of the Commission is located. The Commission may waive venue and
2 jurisdictional defenses to the extent it adopts or consents to participate in alternative
3 dispute resolution proceedings.

4 (3) Nothing in this Compact shall be construed to be a waiver of sovereign
5 immunity.

6 (b) (1) Each member state has two delegates selected by that member state's licensing
7 board. The delegates must be current members of the licensing board. One must be an
8 audiologist and one must be a speech-language pathologist.

9 (2) An additional five delegates, who are either a public member or board
10 administrator from a state licensing board, must be chosen by the Executive Committee
11 from a pool of nominees provided by the Commission at Large.

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

14 (4) The member state board shall fill any vacancy occurring on the Commission,
15 within 90 days.

16 (5) Each delegate is entitled to one vote with regard to the promulgation of rules
17 and creation of bylaws and shall otherwise have an opportunity to participate in the
18 business and affairs of the Commission.

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

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

24 (c) The Commission has the following powers and duties:

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

1 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
2 hold, improve or use, any property, real, personal or mixed; provided that, at all times,
3 the Commission avoids any appearance of impropriety;

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

6 (14) Establish a budget and make expenditures;

7 (15) Borrow money;

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

10 (17) Provide and receive information from, and cooperate with, law enforcement
11 agencies;

12 (18) Establish and elect an Executive Committee; and

13 (19) Perform other functions as may be necessary or appropriate to achieve the
14 purposes of this Compact consistent with the state regulation of audiology and speech
15 language pathology licensure and practice.

16 (d) The Executive Committee has the power to act on behalf of the Commission
17 according to the terms of this Compact:

18 (1) The Executive Committee is composed of 10 members:

19 (A) Seven voting members who are elected by the Commission from the
20 current membership of the Commission;

21 (B) Two ex-officios, consisting of one nonvoting member from a
22 recognized national audiology professional association and one nonvoting member
23 from a recognized national speech-language pathology association; and

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

(e) The ex-officio members are selected by their respective organizations.

(1) The Commission may remove any member of the Executive Committee as provided in bylaws.

(2) The Executive Committee shall meet at least annually.

(3) The Executive Committee has the following duties and responsibilities:

(A) Recommend to the entire Commission changes to the rules or bylaws, changes to this Act, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

(B) Ensure Compact administration services are appropriately provided, contractual or otherwise;

(C) Prepare and recommend the budget;

(D) Maintain financial records on behalf of the Commission;

(E) Monitor Compact compliance of member states and provide compliance reports to the Commission;

(F) Establish additional committees as necessary; and

(G) Other duties as provided in rules or bylaws.

(4) All meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in section 1112.

(5) The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission discusses:

1 (A) Non-compliance of a member state with its obligations under the
2 Compact;

3 (B) The employment, compensation, discipline or other matters, practices
4 or procedures related to specific employees or other matters related to the
5 Commission's internal personnel practices and procedures;

6 (C) Current, threatened, or reasonably anticipated litigation;

7 (D) Negotiation of contracts for the purchase, lease, or sale of goods,
8 services, or real estate;

9 (E) Accusing any person of a crime or formally censuring any person;

10 (F) Disclosure of trade secrets or commercial or financial information that
11 is privileged or confidential;

12 (G) Disclosure of information of a personal nature where disclosure
13 constitutes a clearly unwarranted invasion of personal privacy;

14 (H) Disclosure of investigative records compiled for law enforcement
15 purposes;

16 (I) Disclosure of information related to any investigative reports prepared
17 by or on behalf of or for use of the Commission or other committee charged with
18 responsibility of investigation or determination of compliance issues pursuant to
19 the Compact; or

20 (J) Matters specifically exempted from disclosure by federal or member
21 state statute.

22 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
23 Commission's legal counsel, or designee, shall certify that the meeting may be closed
24 and shall reference each relevant exempting provision.

1 (7) The Commission shall keep minutes that fully and clearly describe all matters
2 discussed in a meeting and shall provide a full and accurate summary of actions taken,
3 and the reasons therefore, including a description of the views expressed. All documents
4 considered in connection with an action must be identified in minutes. All minutes and
5 documents of a closed meeting must remain under seal, subject to release by a majority
6 vote of the Commission or order of a court of competent jurisdiction:

7 (8) (A) The Commission shall pay, or provide for the payment of, the reasonable
8 expenses of its establishment, organization, and ongoing activities.

9 (B) The Commission may accept any and all appropriate revenue sources,
10 donations, and grants of money, equipment, supplies, materials, and services.

11 (C) The Commission may levy on and collect an annual assessment from
12 each member state or impose fees on other parties to cover the cost of the operations
13 and activities of the Commission and its staff, which must be in a total amount
14 sufficient to cover its annual budget as approved each year for which revenue is not
15 provided by other sources. The aggregate annual assessment amount must be
16 allocated based upon a formula to be determined by the Commission, which shall
17 promulgate rules binding upon all member states.

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

21 (10) The Commission shall keep accurate accounts of all receipts and
22 disbursements. The receipts and disbursements of the Commission are subject to the
23 audit and accounting procedures established under its bylaws. However, all receipts and
24 disbursements of funds handled by the Commission must be audited yearly by a certified

1 or licensed public accountant, and the report of the audit must be included in and become
2 part of the annual report of the Commission.

3 (f)(1) The members, officers, executive director, employees and representatives of the
4 Commission are immune from suit and liability, either personally or in their official capacity,
5 for any claim for damage to or loss of property or personal injury or other civil liability caused
6 by or arising out of any actual or alleged act, error or omission that occurred, or that the person
7 against whom the claim is made had a reasonable basis for believing occurred within the scope
8 of Commission employment, duties or responsibilities. Nothing in this paragraph may be
9 construed to protect any person from suit or liability for any damage, loss, injury, or liability
10 caused by the intentional or willful or wanton misconduct of that person.

11 (2) The Commission shall defend any member, officer, executive director,
12 employee or representative of the Commission in any civil action seeking to impose
13 liability arising out of any actual or alleged act, error, or omission that occurred within
14 the scope of Commission employment, duties, or responsibilities, or that the person
15 against whom the claim is made had a reasonable basis for believing occurred within the
16 scope of Commission employment, duties, or responsibilities. Nothing in this paragraph
17 may be construed to prohibit that person from retaining his or her own counsel; and
18 provided further, that the actual or alleged act, error, or omission did not result from that
19 person's intentional or willful or wanton misconduct.

20 (3) The Commission shall indemnify and hold harmless any member, officer,
21 executive director, employee, or representative of the Commission for the amount of any
22 settlement or judgment obtained against that person arising out of any actual or alleged
23 act, error or omission that occurred within the scope of Commission employment, duties,
24 or responsibilities, or that person had a reasonable basis for believing occurred within the

scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

§ 1111. Data System

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

(b) Notwithstanding any other law, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

- (1) Identifying information;
- (2) Licensure data;
- (3) Adverse actions against a license or compact privilege;
- (4) Non-confidential information related to alternative program participation;
- (5) Any denial of application for licensure, and the reasons for denial; and
- (6) Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

(c) Investigative information pertaining to a licensee in any member state is only available to other member states.

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

1 (e) Member states contributing information to the data system may designate
2 information that may not be shared with the public without the express permission of the
3 contributing state.

4 (f) Any information submitted to the data system that is subsequently required to be
5 expunged by the laws of the member state contributing the information must be removed from
6 the data system.

7 **§ 1112. Rulemaking**

8 (a) The Commission shall exercise its rulemaking powers pursuant to the criteria set
9 forth in this section and the rules adopted pursuant to this section. Rules and amendments
10 become binding as of the date specified in each rule or amendment.

11 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of
12 a statute or resolution in the same manner used to adopt the Compact within four years of the
13 date of adoption of the rule, the rule has no further force and effect in any member state.

14 (c) Rules or amendments to the rules must be adopted at a regular or special meeting
15 of the Commission.

16 (d) Prior to promulgation and adoption of a final rule or rules by the Commission, and
17 not less than 30 days in advance of the meeting at which the rules will be considered and voted
18 upon, the Commission shall file a Notice of Proposed Rulemaking:

19 (1) On the website of the Commission or other publicly accessible platform; and

20 (2) On the website of each member state audiology or speech-language
21 pathology licensing board or other publicly accessible platform or the publication in
22 which each state would otherwise publish proposed rules.

23 (e) The Notice of Proposed Rulemaking must include:

1 (1) The proposed time, date, and location of the meeting in which the rule will
2 be considered and voted upon;

3 (2) The text of the proposed rule or amendment and the reason for the proposed
4 rule;

5 (3) A request for comments on the proposed rule from any interested person; and

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

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

10 (g) The Commission shall grant an opportunity for a public hearing before it adopts a
11 rule or amendment if a hearing is requested by:

12 (1) Not less than 25 persons;

13 (2) A state or federal governmental subdivision or agency; or

14 (3) An association having not less than 25 members.

15 (h) If a hearing is held on the proposed rule or amendment, the Commission shall
16 publish the place, time, and date of the scheduled public hearing. If the hearing is held via
17 electronic means, the Commission shall publish the mechanism for access to the electronic
18 hearing.

19 (1) All persons wishing to be heard at the hearing shall notify the executive
20 director of the Commission, or other designated member, in writing of their desire to
21 appear and testify at the hearing not less than five business days before the scheduled
22 date of the hearing.

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

1 (3) All hearings must be recorded. A copy of the recording must be made
2 available on request.

3 (4) Nothing in this section may be construed as requiring a separate hearing on
4 each rule. Rules may be grouped for the convenience of the Commission at hearings
5 required by this section.

6 (i) Following the scheduled hearing date, or by the close of business on the scheduled
7 hearing date if the hearing was not held, the Commission shall consider all written and oral
8 comments received.

9 (j) If no written notice of intent to attend the public hearing by interested parties is
10 received, the Commission may proceed with promulgation of the proposed rule without a public
11 hearing.

12 (k) The Commission shall, by majority vote of all members, take final action on the
13 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
14 record and the full text of the rule.

15 (l) Upon determination that an emergency exists, the Commission may consider and
16 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
17 that the usual rulemaking procedures provided in the Compact and in this section are
18 retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days
19 after the effective date of the rule. For the purposes of this provision, an emergency rule is one
20 that must be adopted immediately in order to:

21 (1) Meet an imminent threat to public health, safety, or welfare;

22 (2) Prevent a loss of Commission or member state funds; or

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

(m) The Commission, or an authorized committee of the Commission, may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the Commission. The revisions are subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be in writing and delivered to the chair of the Commission before the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

§ 1113. Oversight, Dispute Resolution, and Enforcement

(a)(1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

(2) The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(b)(1) The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Act.

(2) By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing member must be awarded all costs of litigation, including reasonable attorney's fees.

(3) The remedies herein are not the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

§ 1114. Date of Implementation of the Interstate Commission for Audiology and Speech-Language Pathology Practice and Associated Rules, Withdrawal, and Amendment

(a) The Compact comes into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, are limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

(b) Any state that joins the Compact after the Commission's initial adoption of the rules are subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission has the full force and effect of law on the day the Compact becomes law in that state.

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

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

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

(d) Nothing contained in this Compact may be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement

1 between a member state and a non-member state that does not conflict with the provisions of
2 this Compact.

3 (e) This Compact may be amended by the member states. No amendment to this
4 Compact becomes effective and binding upon any member state until it is enacted into the laws
5 of all member states.

6 **§ 1115. Construction and Severability**

7 This Compact must be liberally construed to effectuate the purposes of the Compact. The
8 provisions of this Compact are severable and if any phrase, clause, sentence or provision of this
9 Compact is declared to be contrary to the constitution of any member state or of the United
10 States or the applicability to any government, agency, person or circumstance is held invalid,
11 the validity of the remainder of this Compact and the applicability to any government, agency,
12 person or circumstance is not affected that invalidity. If this Compact is held contrary to the
13 constitution of any member state, the Compact remains effective as to the remaining member
14 states and effective as to the member state affected as to all severable matters.

15 **§ 1116. Binding Effect of Compact and Other Laws**

16 (a) Nothing in this Compact prevents the enforcement of any other law of a member
17 state that is not inconsistent with the Compact.

18 (b) All laws in a member state in conflict with the Compact are superseded to the extent
19 of the conflict.

20 (c) All lawful actions of the Commission, including all rules and bylaws promulgated
21 by the Commission, are binding upon the member states.

22 (d) All agreements between the Commission and the member states are binding in
23 accordance with their terms.

1 (e) If any provision of the Compact exceeds the constitutional limits imposed on the
2 legislature of any member state, the provision is ineffective to the extent of the conflict with
3 the constitutional provision in question in that member state.

4 **BILL SUMMARY**

5 This bill establishes the Audiology and Speech-Language Pathology Interstate Compact
6 as outlined in section 1103 of the compact. Section 1104 defines the terms as used throughout
7 the compact. Section 1105 explains what requirements must be met by states that wish to join
8 the compact, including an FBI finger-print based criminal background check, and licensure
9 requirements that states must meet. Section 1106 requires that the professional must hold a
10 home state license in a compact state.

11 Section 1107 requires that states wishing to join the compact will allow for the practice
12 of telehealth. Section 1108 allows active-duty military personnel, or their spouse, to designate
13 a home state where the individual has a current license in good standing while on active duty.
14 Section 1109 explains how the compact, home and remote states will conduct and report
15 adverse actions. Section 1110 establishes the ruling commission of the compact and conditions
16 that the compact is not a waiver of sovereign immunity.

17 Section 1111 denotes the requirement of sharing licensee information for all compact
18 states notwithstanding any other provision of state law to the contrary for the creation of a
19 compact database. Section 1112 describes the process for creating rules that will govern
20 compact operations once the compact accepted by the first ten states. Section 1113 details the
21 oversight, enforcement, and dispute resolution of the compact by member states.

22 Section 1114 allows that compact becomes effective on the date of enactment in the tenth
23 state and further describes the process for withdrawal from the compact and notes that
24 amendments to the compact must be unanimous. Section 1115 provides that the compact shall

1 be liberally construed to effectuate the purposes thereof and that if compact shall be held
2 contrary to the constitution of any state member thereto, the compact shall remain in full force
3 and effect as to the remaining compact states. Finally, section 1116 states compact shall be
4 binding among and upon all member states and shall supersede any conflict with state law.

5 **BR23-0716/March 27, 2024/LMW**