

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0460.01 Thomas Morris x4218

SENATE BILL 21-021

SENATE SPONSORSHIP

Buckner and Hisey, Cooke, Danielson, Liston, Pettersen, Rankin, Story, Woodward, Bridges, Garcia, Gardner, Ginal, Jaquez Lewis, Lee, Priola, Simpson, Winter, Zenzinger

HOUSE SPONSORSHIP

Young and Carver, Arndt, Bacon, Duran, Gray, Jodeh, Kipp, Ortiz, Titone, Valdez D., Van Beber, Woodrow

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ENACTMENT OF THE "AUDIOLOGY AND**
102 **SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT", AND,**
103 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill enacts the "Audiology and Speech-language Pathology Interstate Compact" allowing audiologists and speech-language pathologists licensed in any compact state to provide:

- Audiology or speech-language pathology services in each member state under a privilege to practice; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
March 16, 2021

SENATE
Amended 2nd Reading
March 12, 2021

1 REGULATORY AUTHORITY OF STATES TO PROTECT PUBLIC HEALTH AND
2 SAFETY THROUGH THE CURRENT SYSTEM OF STATE LICENSURE. THIS
3 COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING OBJECTIVES:

4 1. INCREASE PUBLIC ACCESS TO AUDIOLOGY AND
5 SPEECH-LANGUAGE PATHOLOGY SERVICES BY PROVIDING FOR THE MUTUAL
6 RECOGNITION OF OTHER MEMBER STATE LICENSES;

7 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S
8 HEALTH AND SAFETY;

9 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN
10 REGULATING MULTISTATE AUDIOLOGY AND SPEECH-LANGUAGE
11 PATHOLOGY PRACTICE;

12 4. SUPPORT SPOUSES OF RELOCATING ACTIVE DUTY MILITARY
13 PERSONNEL;

14 5. ENHANCE THE EXCHANGE OF LICENSURE, INVESTIGATIVE, AND
15 DISCIPLINARY INFORMATION BETWEEN MEMBER STATES;

16 6. ALLOW A REMOTE STATE TO HOLD A PROVIDER OF SERVICES
17 WITH A COMPACT PRIVILEGE IN THAT STATE ACCOUNTABLE TO THAT
18 STATE'S PRACTICE STANDARDS; AND

19 7. ALLOW FOR USE OF TELEHEALTH TECHNOLOGY TO FACILITATE
20 INCREASED ACCESS TO AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
21 SERVICES.

22 **SECTION 2**

23 **DEFINITIONS**

24 AS USED IN THIS COMPACT, AND EXCEPT AS OTHERWISE PROVIDED,
25 THE FOLLOWING DEFINITIONS SHALL APPLY:

26 A. "ACTIVE DUTY MILITARY" MEANS FULL-TIME DUTY STATUS IN
27 THE ACTIVE UNIFORMED SERVICES OF THE UNITED STATES, INCLUDING

1 MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY
2 ORDERS PURSUANT TO 10 U.S.C. CHAPTERS 1209 AND 1211.

3 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
4 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS WHICH
5 IS IMPOSED BY A LICENSING BOARD OR OTHER AUTHORITY AGAINST AN
6 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST, INCLUDING ACTIONS
7 AGAINST AN INDIVIDUAL'S LICENSE OR PRIVILEGE TO PRACTICE SUCH AS
8 REVOCATION, SUSPENSION, PROBATION, MONITORING OF THE LICENSEE, OR
9 RESTRICTION ON THE LICENSEE'S PRACTICE.

10 C. "ALTERNATIVE PROGRAM" MEANS A NON-DISCIPLINARY
11 MONITORING PROCESS APPROVED BY AN AUDIOLOGY OR
12 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD TO ADDRESS IMPAIRED
13 PRACTITIONERS.

14 D. "AUDIOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A
15 STATE TO PRACTICE AUDIOLOGY.

16 E. "AUDIOLOGY" MEANS THE CARE AND SERVICES PROVIDED BY A
17 LICENSED AUDIOLOGIST AS SET FORTH IN THE MEMBER STATE'S STATUTES
18 AND RULES.

19 F. "AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
20 COMMISSION" OR "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE
21 BODY WHOSE MEMBERSHIP CONSISTS OF ALL STATES THAT HAVE ENACTED
22 THE COMPACT.

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

1 H. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED
2 BY A REMOTE STATE TO ALLOW A LICENSEE FROM ANOTHER MEMBER
3 STATE TO PRACTICE AS AN AUDIOLOGIST OR SPEECH-LANGUAGE
4 PATHOLOGIST IN THE REMOTE STATE UNDER ITS LAWS AND RULES. THE
5 PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY OCCURS IN
6 THE MEMBER STATE WHERE THE PATIENT/CLIENT/STUDENT IS LOCATED AT
7 THE TIME OF THE PATIENT/CLIENT/STUDENT ENCOUNTER.

8 I. "CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS
9 INVESTIGATIVE INFORMATION THAT A LICENSING BOARD, AFTER AN
10 INQUIRY OR INVESTIGATION THAT INCLUDES NOTIFICATION AND AN
11 OPPORTUNITY FOR THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST
12 TO RESPOND, IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE IS NOT
13 GROUNDLESS AND, IF PROVED TRUE, WOULD INDICATE MORE THAN A
14 MINOR INFRACTION.

15 J. "DATA SYSTEM" MEANS A REPOSITORY OF INFORMATION ABOUT
16 LICENSEES, INCLUDING, BUT NOT LIMITED TO, CONTINUING EDUCATION,
17 EXAMINATION, LICENSURE, INVESTIGATIVE, COMPACT PRIVILEGE, AND
18 ADVERSE ACTION.

19 K. "ENCUMBERED LICENSE" MEANS A LICENSE IN WHICH AN
20 ADVERSE ACTION RESTRICTS THE PRACTICE OF AUDIOLOGY OR
21 SPEECH-LANGUAGE PATHOLOGY BY THE LICENSEE AND SAID ADVERSE
22 ACTION HAS BEEN REPORTED TO THE NATIONAL PRACTITIONERS DATA
23 BANK (NPDB).

24 L. "EXECUTIVE COMMITTEE" MEANS A GROUP OF DIRECTORS
25 ELECTED OR APPOINTED TO ACT ON BEHALF OF, AND WITHIN THE POWERS
26 GRANTED TO THEM BY, THE COMMISSION.

27 M. "HOME STATE" MEANS THE MEMBER STATE THAT IS THE

1 LICENSEE'S PRIMARY STATE OF RESIDENCE.

2 N. "IMPAIRED PRACTITIONER" MEANS INDIVIDUALS WHOSE
3 PROFESSIONAL PRACTICE IS ADVERSELY AFFECTED BY SUBSTANCE ABUSE,
4 ADDICTION, OR OTHER HEALTH-RELATED CONDITIONS.

5 O. "LICENSEE" MEANS AN INDIVIDUAL WHO CURRENTLY HOLDS AN
6 AUTHORIZATION FROM THE STATE LICENSING BOARD TO PRACTICE AS AN
7 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST.

8 P. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THE
9 COMPACT.

10 Q. "PRIVILEGE TO PRACTICE" MEANS A LEGAL AUTHORIZATION
11 PERMITTING THE PRACTICE OF AUDIOLOGY OR SPEECH-LANGUAGE
12 PATHOLOGY IN A REMOTE STATE.

13 R. "REMOTE STATE" MEANS A MEMBER STATE OTHER THAN THE
14 HOME STATE WHERE A LICENSEE IS EXERCISING OR SEEKING TO EXERCISE
15 THE COMPACT PRIVILEGE.

16 S. "RULE" MEANS A REGULATION, PRINCIPLE, OR DIRECTIVE
17 PROMULGATED BY THE COMMISSION THAT HAS THE FORCE OF LAW.

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

22 U. "SPEECH-LANGUAGE PATHOLOGIST" MEANS AN INDIVIDUAL
23 WHO IS LICENSED BY A STATE TO PRACTICE SPEECH-LANGUAGE
24 PATHOLOGY.

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

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

4 X. "STATE PRACTICE LAWS" MEANS A MEMBER STATE'S LAWS,
5 RULES, AND REGULATIONS THAT GOVERN THE PRACTICE OF AUDIOLOGY OR
6 SPEECH-LANGUAGE PATHOLOGY, DEFINE THE SCOPE OF AUDIOLOGY OR
7 SPEECH-LANGUAGE PATHOLOGY PRACTICE, AND CREATE THE METHODS
8 AND GROUNDS FOR IMPOSING DISCIPLINE.

9 Y. "TELEHEALTH" MEANS THE APPLICATION OF
10 TELECOMMUNICATION TECHNOLOGY TO DELIVER AUDIOLOGY OR
11 SPEECH-LANGUAGE PATHOLOGY SERVICES AT A DISTANCE FOR
12 ASSESSMENT, INTERVENTION, AND/OR CONSULTATION.

13 SECTION 3

14 STATE PARTICIPATION IN THE COMPACT

15 A. A LICENSE ISSUED TO AN AUDIOLOGIST OR SPEECH-LANGUAGE
16 PATHOLOGIST BY A HOME STATE TO A RESIDENT IN THAT STATE SHALL BE
17 RECOGNIZED BY EACH MEMBER STATE AS AUTHORIZING AN AUDIOLOGIST
18 OR SPEECH-LANGUAGE PATHOLOGIST TO PRACTICE AUDIOLOGY OR
19 SPEECH-LANGUAGE PATHOLOGY, UNDER A PRIVILEGE TO PRACTICE, IN
20 EACH MEMBER STATE.

21 B. A STATE MUST IMPLEMENT OR UTILIZE PROCEDURES FOR
22 CONSIDERING THE CRIMINAL HISTORY RECORDS OF APPLICANTS FOR
23 INITIAL PRIVILEGE TO PRACTICE. THESE PROCEDURES SHALL INCLUDE THE
24 REQUIREMENT THAT AN APPLICANT FOR LICENSURE UNDER THE
25 COMPACT MUST HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL
26 LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
27 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING

1 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
2 SHALL SUBMIT PAYMENT BY CERTIFIED CHECK OR MONEY ORDER FOR THE
3 FINGERPRINTS AND FOR THE ACTUAL COSTS OF THE RECORD CHECK AT THE
4 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
5 INVESTIGATION. UPON RECEIPT OF FINGERPRINTS AND RECEIPT OF THE
6 PAYMENT FOR COSTS, THE COLORADO BUREAU OF INVESTIGATION SHALL
7 CONDUCT A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY
8 RECORD CHECK UTILIZING RECORDS OF THE COLORADO BUREAU OF
9 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND SHALL
10 FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK TO THE
11 BOARD. THE BOARD SHALL USE THE INFORMATION RESULTING FROM THE
12 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO INVESTIGATE
13 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
14 LICENSE PURSUANT TO THE COMPACT. THE BOARD MAY VERIFY THE
15 INFORMATION AN APPLICANT IS REQUIRED TO SUBMIT. THE RESULTS OF
16 THE CRIMINAL HISTORY RECORD CHECK ARE CONFIDENTIAL. THE BOARD
17 SHALL NOT RELEASE THE RESULTS TO THE PUBLIC, THE COMMISSION, OR
18 ANY OTHER REGULATOR, AS THAT TERM IS DEFINED IN SECTION 12-20-102
19 (14).

20 1. A MEMBER STATE MUST FULLY IMPLEMENT A CRIMINAL
21 BACKGROUND CHECK REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED
22 BY RULE.

23 2. COMMUNICATION BETWEEN A MEMBER STATE, THE
24 COMMISSION, AND AMONG MEMBER STATES REGARDING VERIFICATION OF
25 ELIGIBILITY FOR LICENSURE THROUGH THE COMPACT SHALL NOT INCLUDE
26 ANY INFORMATION RECEIVED FROM THE FEDERAL BUREAU OF
27 INVESTIGATION RELATING TO A FEDERAL CRIMINAL RECORDS CHECK

1 PERFORMED BY A MEMBER STATE UNDER PUBLIC LAW 92-544.

2 C. UPON APPLICATION FOR A PRIVILEGE TO PRACTICE, THE
3 LICENSING BOARD IN THE ISSUING REMOTE STATE SHALL ASCERTAIN,
4 THROUGH THE DATA SYSTEM, WHETHER THE APPLICANT HAS EVER HELD,
5 OR IS THE HOLDER OF, A LICENSE ISSUED BY ANY OTHER STATE, WHETHER
6 THERE ARE ANY ENCUMBRANCES ON ANY LICENSE OR PRIVILEGE TO
7 PRACTICE HELD BY THE APPLICANT, WHETHER ANY ADVERSE ACTION HAS
8 BEEN TAKEN AGAINST ANY LICENSE OR PRIVILEGE TO PRACTICE HELD BY
9 THE APPLICANT.

10 D. EACH MEMBER STATE SHALL REQUIRE AN APPLICANT TO OBTAIN
11 OR RETAIN A LICENSE IN THE HOME STATE AND MEET THE HOME STATE'S
12 QUALIFICATIONS FOR LICENSURE OR RENEWAL OF LICENSURE, AS WELL AS,
13 ALL OTHER APPLICABLE STATE LAWS.

14 E. FOR AN AUDIOLOGIST:

15 1. MUST MEET ONE OF THE FOLLOWING EDUCATIONAL
16 REQUIREMENTS:

17 a. ON OR BEFORE, DECEMBER 31, 2007, HAS GRADUATED WITH A
18 MASTER'S DEGREE OR DOCTORATE IN AUDIOLOGY, OR EQUIVALENT DEGREE
19 REGARDLESS OF DEGREE NAME, FROM A PROGRAM THAT IS ACCREDITED BY
20 AN ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER
21 EDUCATION ACCREDITATION, OR ITS SUCCESSOR, OR BY THE UNITED
22 STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR
23 UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING
24 ORGANIZATION RECOGNIZED BY THE BOARD; OR

25 b. ON OR AFTER, JANUARY 1, 2008, HAS GRADUATED WITH A
26 DOCTORAL DEGREE IN AUDIOLOGY, OR EQUIVALENT DEGREE, REGARDLESS
27 OF DEGREE NAME, FROM A PROGRAM THAT IS ACCREDITED BY AN

1 ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER
2 EDUCATION ACCREDITATION, OR ITS SUCCESSOR, OR BY THE UNITED
3 STATES DEPARTMENT OF EDUCATION AND OPERATED BY A COLLEGE OR
4 UNIVERSITY ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING
5 ORGANIZATION RECOGNIZED BY THE BOARD; OR

6 c. HAS GRADUATED FROM AN AUDIOLOGY PROGRAM THAT IS
7 HOUSED IN AN INSTITUTION OF HIGHER EDUCATION OUTSIDE OF THE
8 UNITED STATES (a) FOR WHICH THE PROGRAM AND INSTITUTION HAVE
9 BEEN APPROVED BY THE AUTHORIZED ACCREDITING BODY IN THE
10 APPLICABLE COUNTRY AND (b) THE DEGREE PROGRAM HAS BEEN VERIFIED
11 BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE COMPARABLE
12 TO A STATE LICENSING BOARD-APPROVED PROGRAM.

13 2. HAS COMPLETED A SUPERVISED CLINICAL PRACTICUM
14 EXPERIENCE FROM AN ACCREDITED EDUCATIONAL INSTITUTION OR ITS
15 COOPERATING PROGRAMS AS REQUIRED BY THE COMMISSION;

16 3. HAS SUCCESSFULLY PASSED A NATIONAL EXAMINATION
17 APPROVED BY THE COMMISSION;

18 4. HOLDS AN ACTIVE, UNENCUMBERED LICENSE;

19 5. HAS NOT BEEN CONVICTED OR FOUND GUILTY, AND HAS NOT
20 ENTERED INTO AN AGREED DISPOSITION, OF A FELONY RELATED TO THE
21 PRACTICE OF AUDIOLOGY, UNDER APPLICABLE STATE OR FEDERAL
22 CRIMINAL LAW;

23 6. HAS A VALID UNITED STATES SOCIAL SECURITY NUMBER OR A
24 NATIONAL PRACTITIONER IDENTIFICATION NUMBER.

25 F. FOR A SPEECH-LANGUAGE PATHOLOGIST:

26 1. MUST MEET ONE OF THE FOLLOWING EDUCATIONAL
27 REQUIREMENTS:

1 a. HAS GRADUATED WITH A MASTER'S DEGREE FROM A
2 SPEECH-LANGUAGE PATHOLOGY PROGRAM THAT IS ACCREDITED BY AN
3 ORGANIZATION RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
4 EDUCATION AND OPERATED BY A COLLEGE OR UNIVERSITY ACCREDITED
5 BY A REGIONAL OR NATIONAL ACCREDITING ORGANIZATION RECOGNIZED
6 BY THE BOARD; OR

7 b. HAS GRADUATED FROM A SPEECH-LANGUAGE PATHOLOGY
8 PROGRAM THAT IS HOUSED IN AN INSTITUTION OF HIGHER EDUCATION
9 OUTSIDE OF THE UNITED STATES (a) FOR WHICH THE PROGRAM AND
10 INSTITUTION HAVE BEEN APPROVED BY THE AUTHORIZED ACCREDITING
11 BODY IN THE APPLICABLE COUNTRY AND (b) THE DEGREE PROGRAM HAS
12 BEEN VERIFIED BY AN INDEPENDENT CREDENTIALS REVIEW AGENCY TO BE
13 COMPARABLE TO A STATE LICENSING BOARD-APPROVED PROGRAM.

14 2. HAS COMPLETED A SUPERVISED CLINICAL PRACTICUM
15 EXPERIENCE FROM AN EDUCATIONAL INSTITUTION OR ITS COOPERATING
16 PROGRAMS AS REQUIRED BY THE COMMISSION;

17 3. HAS COMPLETED A SUPERVISED POSTGRADUATE PROFESSIONAL
18 EXPERIENCE AS REQUIRED BY THE COMMISSION.

19 4. HAS SUCCESSFULLY PASSED A NATIONAL EXAMINATION
20 APPROVED BY THE COMMISSION;

21 5. HOLDS AN ACTIVE, UNENCUMBERED LICENSE;

22 6. HAS NOT BEEN CONVICTED OR FOUND GUILTY, AND HAS NOT
23 ENTERED INTO AN AGREED DISPOSITION, OF A FELONY RELATED TO THE
24 PRACTICE OF SPEECH-LANGUAGE PATHOLOGY, UNDER APPLICABLE STATE
25 OR FEDERAL CRIMINAL LAW;

26 7. HAS A VALID UNITED STATES SOCIAL SECURITY OR A NATIONAL
27 PRACTITIONER IDENTIFICATION NUMBER.

1 G. THE PRIVILEGE TO PRACTICE IS DERIVED FROM THE HOME STATE
2 LICENSE.

3 H. AN AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST
4 PRACTICING IN A MEMBER STATE MUST COMPLY WITH THE STATE PRACTICE
5 LAWS OF THE STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME
6 SERVICE IS PROVIDED. THE PRACTICE OF AUDIOLOGY AND
7 SPEECH-LANGUAGE PATHOLOGY SHALL INCLUDE ALL AUDIOLOGY AND
8 SPEECH-LANGUAGE PATHOLOGY PRACTICE AS DEFINED BY THE STATE
9 PRACTICE LAWS OF THE MEMBER STATE IN WHICH THE CLIENT IS LOCATED.
10 THE PRACTICE OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY IN A
11 MEMBER STATE UNDER A PRIVILEGE TO PRACTICE SHALL SUBJECT AN
12 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST TO THE JURISDICTION
13 OF THE LICENSING BOARD, THE COURTS, AND THE LAWS OF THE MEMBER
14 STATE IN WHICH THE CLIENT IS LOCATED AT THE TIME SERVICE IS
15 PROVIDED.

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

25 J. MEMBER STATES MAY CHARGE A FEE FOR GRANTING A COMPACT
26 PRIVILEGE.

27 K. MEMBER STATES MUST COMPLY WITH THE BYLAWS AND RULES

1 AND REGULATIONS OF THE COMMISSION.

2 **SECTION 4**

3 **COMPACT PRIVILEGE**

4 A. TO EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND
5 PROVISIONS OF THE COMPACT, THE AUDIOLOGIST OR SPEECH-LANGUAGE
6 PATHOLOGIST SHALL:

- 7 1. HOLD AN ACTIVE LICENSE IN THE HOME STATE;
- 8 2. HAVE NO ENCUMBRANCE ON ANY STATE LICENSE;
- 9 3. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY MEMBER STATE
10 IN ACCORDANCE WITH SECTION 3;
- 11 4. HAVE NOT HAD ANY ADVERSE ACTION AGAINST ANY LICENSE OR
12 COMPACT PRIVILEGE WITHIN THE PREVIOUS TWO (2) YEARS FROM DATE OF
13 APPLICATION;
- 14 5. NOTIFY THE COMMISSION THAT THE LICENSEE IS SEEKING THE
15 COMPACT PRIVILEGE WITHIN A REMOTE STATE(S);
- 16 6. PAY ANY APPLICABLE FEES, INCLUDING ANY STATE FEE, FOR THE
17 COMPACT PRIVILEGE;
- 18 7. REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY ANY
19 NON-MEMBER STATE WITHIN THIRTY (30) DAYS FROM THE DATE THE
20 ADVERSE ACTION IS TAKEN.

21 B. FOR THE PURPOSES OF THE COMPACT PRIVILEGE, AN
22 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST SHALL ONLY HOLD ONE
23 HOME STATE LICENSE AT A TIME.

24 C. EXCEPT AS PROVIDED IN SECTION 6, IF AN AUDIOLOGIST OR
25 SPEECH-LANGUAGE PATHOLOGIST CHANGES PRIMARY STATE OF RESIDENCE
26 BY MOVING BETWEEN TWO-MEMBER STATES, THE AUDIOLOGIST OR
27 SPEECH-LANGUAGE PATHOLOGIST MUST APPLY FOR LICENSURE IN THE NEW

1 HOME STATE, AND THE LICENSE ISSUED BY THE PRIOR HOME STATE SHALL
2 BE DEACTIVATED IN ACCORDANCE WITH APPLICABLE RULES ADOPTED BY
3 THE COMMISSION.

4 D. THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST MAY
5 APPLY FOR LICENSURE IN ADVANCE OF A CHANGE IN PRIMARY STATE OF
6 RESIDENCE.

7 E. A LICENSE SHALL NOT BE ISSUED BY THE NEW HOME STATE
8 UNTIL THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST PROVIDES
9 SATISFACTORY EVIDENCE OF A CHANGE IN PRIMARY STATE OF RESIDENCE
10 TO THE NEW HOME STATE AND SATISFIES ALL APPLICABLE REQUIREMENTS
11 TO OBTAIN A LICENSE FROM THE NEW HOME STATE.

12 F. IF AN AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST
13 CHANGES PRIMARY STATE OF RESIDENCE BY MOVING FROM A MEMBER
14 STATE TO A NON-MEMBER STATE, THE LICENSE ISSUED BY THE PRIOR HOME
15 STATE SHALL CONVERT TO A SINGLE-STATE LICENSE, VALID ONLY IN THE
16 FORMER HOME STATE.

17 G. THE COMPACT PRIVILEGE IS VALID UNTIL THE EXPIRATION DATE
18 OF THE HOME STATE LICENSE. THE LICENSEE MUST COMPLY WITH THE
19 REQUIREMENTS OF SECTION 4A TO MAINTAIN THE COMPACT PRIVILEGE IN
20 THE REMOTE STATE.

21 H. A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE
22 PATHOLOGY SERVICES IN A REMOTE STATE UNDER THE COMPACT
23 PRIVILEGE SHALL FUNCTION WITHIN THE LAWS AND REGULATIONS OF THE
24 REMOTE STATE.

25 I. A LICENSEE PROVIDING AUDIOLOGY OR SPEECH-LANGUAGE
26 PATHOLOGY SERVICES IN A REMOTE STATE IS SUBJECT TO THAT STATE'S
27 REGULATORY AUTHORITY. A REMOTE STATE MAY, IN ACCORDANCE WITH

1 DUE PROCESS AND THAT STATE'S LAWS, REMOVE A LICENSEE'S COMPACT
2 PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF TIME, IMPOSE
3 FINES, AND/OR TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE
4 HEALTH AND SAFETY OF ITS CITIZENS.

5 J. IF A HOME STATE LICENSE IS ENCUMBERED, THE LICENSEE SHALL
6 LOSE THE COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE
7 FOLLOWING OCCURS:

- 8 1. THE HOME STATE LICENSE IS NO LONGER ENCUMBERED; AND
- 9 2. TWO YEARS HAVE ELAPSED FROM THE DATE OF THE ADVERSE
10 ACTION.

11 K. ONCE AN ENCUMBERED LICENSE IN THE HOME STATE IS
12 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE
13 REQUIREMENTS OF SECTION 4A TO OBTAIN A COMPACT PRIVILEGE IN ANY
14 REMOTE STATE.

15 L. ONCE THE REQUIREMENTS OF SECTION 4J HAVE BEEN MET, THE
16 LICENSEE MUST MEET THE REQUIREMENTS IN SECTION 4A TO OBTAIN A
17 COMPACT PRIVILEGE IN A REMOTE STATE.

18 SECTION 5

19 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

27 SECTION 6

1 **ACTIVE DUTY MILITARY PERSONNEL**
2 **OR THEIR SPOUSES**

3 ACTIVE DUTY MILITARY PERSONNEL, OR THEIR SPOUSE, SHALL
4 DESIGNATE A HOME STATE WHERE THE INDIVIDUAL HAS A CURRENT
5 LICENSE IN GOOD STANDING. THE INDIVIDUAL MAY RETAIN THE HOME
6 STATE DESIGNATION DURING THE PERIOD THE SERVICE MEMBER IS ON
7 ACTIVE DUTY. SUBSEQUENT TO DESIGNATING A HOME STATE, THE
8 INDIVIDUAL SHALL ONLY CHANGE THEIR HOME STATE THROUGH
9 APPLICATION FOR LICENSURE IN THE NEW STATE.

10 **SECTION 7**

11 **ADVERSE ACTIONS**

12 A. IN ADDITION TO THE OTHER POWERS CONFERRED BY STATE LAW,
13 A REMOTE STATE SHALL HAVE THE AUTHORITY, IN ACCORDANCE WITH
14 EXISTING STATE DUE PROCESS LAW, TO:

15 1. TAKE ADVERSE ACTION AGAINST AN AUDIOLOGIST'S OR
16 SPEECH-LANGUAGE PATHOLOGIST'S PRIVILEGE TO PRACTICE WITHIN THAT
17 MEMBER STATE.

18 2. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS
19 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AS WELL
20 AS THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A LICENSING
21 BOARD IN A MEMBER STATE FOR THE ATTENDANCE AND TESTIMONY OF
22 WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER
23 STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
24 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE AND PROCEDURE
25 OF THAT COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS
26 PENDING BEFORE IT. THE ISSUING AUTHORITY SHALL PAY ANY WITNESS
27 FEES, TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE

1 SERVICE STATUTES OF THE STATE IN WHICH THE WITNESSES OR EVIDENCE
2 ARE LOCATED.

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

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

11 C. THE HOME STATE SHALL COMPLETE ANY PENDING
12 INVESTIGATIONS OF AN AUDIOLOGIST OR A SPEECH-LANGUAGE
13 PATHOLOGIST WHO CHANGES PRIMARY STATE OF RESIDENCE DURING THE
14 COURSE OF THE INVESTIGATIONS. THE HOME STATE SHALL ALSO HAVE THE
15 AUTHORITY TO TAKE APPROPRIATE ACTION(S) AND SHALL PROMPTLY
16 REPORT THE CONCLUSIONS OF THE INVESTIGATIONS TO THE
17 ADMINISTRATOR OF THE DATA SYSTEM. THE ADMINISTRATOR OF THE
18 COORDINATED LICENSURE INFORMATION SYSTEM SHALL PROMPTLY NOTIFY
19 THE NEW HOME STATE OF ANY ADVERSE ACTIONS.

20 D. IF OTHERWISE PERMITTED BY STATE LAW, THE MEMBER STATE
21 MAY RECOVER FROM THE AFFECTED AUDIOLOGIST OR SPEECH-LANGUAGE
22 PATHOLOGIST THE COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES
23 RESULTING FROM ANY ADVERSE ACTION TAKEN AGAINST THAT
24 AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST.

25 E. THE MEMBER STATE MAY TAKE ADVERSE ACTION BASED ON THE
26 FACTUAL FINDINGS OF THE REMOTE STATE, PROVIDED THAT THE MEMBER
27 STATE FOLLOWS THE MEMBER STATE'S OWN PROCEDURES FOR TAKING THE

1 ADVERSE ACTION.

2 F. JOINT INVESTIGATIONS

3 1. IN ADDITION TO THE AUTHORITY GRANTED TO A MEMBER STATE
4 BY ITS RESPECTIVE AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY
5 PRACTICE ACT OR OTHER APPLICABLE STATE LAW, ANY MEMBER STATE
6 MAY PARTICIPATE WITH OTHER MEMBER STATES IN JOINT INVESTIGATIONS
7 OF LICENSEES.

8 2. MEMBER STATES SHALL SHARE ANY INVESTIGATIVE,
9 LITIGATION, OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY JOINT
10 OR INDIVIDUAL INVESTIGATION INITIATED UNDER THE COMPACT.

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

22 H. IF A MEMBER STATE TAKES ADVERSE ACTION, IT SHALL
23 PROMPTLY NOTIFY THE ADMINISTRATOR OF THE DATA SYSTEM. THE
24 ADMINISTRATOR OF THE DATA SYSTEM SHALL PROMPTLY NOTIFY THE
25 HOME STATE OF ANY ADVERSE ACTIONS BY REMOTE STATES.

26 I. NOTHING IN THIS COMPACT SHALL OVERRIDE A MEMBER STATE'S
27 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE

1 USED IN LIEU OF ADVERSE ACTION.

2

SECTION 8

3

ESTABLISHMENT OF AUDIOLOGY AND

4

SPEECH-LANGUAGE PATHOLOGY

5

COMPACT COMMISSION

6

A. THE COMPACT MEMBER STATES HEREBY CREATE AND

7

ESTABLISH A JOINT PUBLIC AGENCY KNOWN AS THE AUDIOLOGY AND

8

SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION:

9

1. THE COMMISSION IS AN INSTRUMENTALITY OF THE COMPACT

10

STATES.

11

2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST

12

THE COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A

13

COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE

14

COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND

15

JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO

16

PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

17

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A

18

WAIVER OF SOVEREIGN IMMUNITY.

19

B. MEMBERSHIP, VOTING, AND MEETINGS

20

1. EACH MEMBER STATE SHALL HAVE TWO (2) DELEGATES

21

SELECTED BY THAT MEMBER STATE'S LICENSING BOARD. THE DELEGATES

22

SHALL BE CURRENT MEMBERS OF THE LICENSING BOARD. ONE SHALL BE AN

23

AUDIOLOGIST AND ONE SHALL BE A SPEECH-LANGUAGE PATHOLOGIST.

24

2. AN ADDITIONAL FIVE (5) DELEGATES, WHO ARE EITHER A PUBLIC

25

MEMBER OR BOARD ADMINISTRATOR FROM A STATE LICENSING BOARD,

26

SHALL BE CHOSEN BY THE EXECUTIVE COMMITTEE FROM A POOL OF

27

NOMINEES PROVIDED BY THE COMMISSION AT LARGE.

1 3. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE
2 AS PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS
3 APPOINTED.

4 4. THE MEMBER STATE BOARD SHALL FILL ANY VACANCY
5 OCCURRING ON THE COMMISSION, WITHIN NINETY (90) DAYS.

6 5. EACH DELEGATE SHALL BE ENTITLED TO ONE (1) VOTE WITH
7 REGARD TO THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND
8 SHALL OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE
9 BUSINESS AND AFFAIRS OF THE COMMISSION.

10 6. A DELEGATE SHALL VOTE IN PERSON OR BY OTHER MEANS AS
11 PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES'
12 PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER MEANS OF
13 COMMUNICATION.

14 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
15 CALENDAR YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN
16 THE BYLAWS.

17 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS AND
18 DUTIES:

- 19 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 20 2. ESTABLISH BYLAWS;
- 21 3. ESTABLISH A CODE OF ETHICS;
- 22 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE
23 BYLAWS;
- 24 5. MEET AND TAKE ACTIONS AS ARE CONSISTENT WITH THE
25 PROVISIONS OF THIS COMPACT AND THE BYLAWS;
- 26 6. PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
27 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES

1 SHALL HAVE THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN
2 ALL MEMBER STATES;

3 7. BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE
4 NAME OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE
5 AUDIOLOGY OR SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD TO SUE
6 OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;

7 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;

8 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF PERSONNEL,
9 INCLUDING, BUT NOT LIMITED TO, EMPLOYEES OF A MEMBER STATE;

10 10. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
11 COMPENSATION, DEFINE DUTIES, GRANT INDIVIDUALS APPROPRIATE
12 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND TO
13 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
14 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
15 AND OTHER RELATED PERSONNEL MATTERS;

16 11. ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS
17 OF MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO
18 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED THAT AT ALL
19 TIMES THE COMMISSION SHALL AVOID ANY APPEARANCE OF IMPROPRIETY
20 AND/OR CONFLICT OF INTEREST;

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

25 13. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
26 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY REAL, PERSONAL, OR
27 MIXED;

- 1 14. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 2 15. BORROW MONEY;
- 3 16. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES
- 4 COMPOSED OF MEMBERS, AND OTHER INTERESTED PERSONS AS MAY BE
- 5 DESIGNATED IN THIS COMPACT AND THE BYLAWS;
- 6 17. PROVIDE AND RECEIVE INFORMATION FROM, AND COOPERATE
- 7 WITH, LAW ENFORCEMENT AGENCIES;
- 8 18. ESTABLISH AND ELECT AN EXECUTIVE COMMITTEE; AND
- 9 19. PERFORM OTHER FUNCTIONS AS MAY BE NECESSARY OR
- 10 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT
- 11 WITH THE STATE REGULATION OF AUDIOLOGY AND SPEECH-LANGUAGE
- 12 PATHOLOGY LICENSURE AND PRACTICE.

13 D. THE EXECUTIVE COMMITTEE

14 THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON

15 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF THIS

16 COMPACT:

- 17 1. THE EXECUTIVE COMMITTEE SHALL BE COMPOSED OF TEN (10)
- 18 MEMBERS:
- 19 a. SEVEN (7) VOTING MEMBERS WHO ARE ELECTED BY THE
- 20 COMMISSION FROM THE CURRENT MEMBERSHIP OF THE COMMISSION;
- 21 b. TWO (2) EX-OFFICIOS, CONSISTING OF ONE NONVOTING MEMBER
- 22 FROM A RECOGNIZED NATIONAL AUDIOLOGY PROFESSIONAL ASSOCIATION
- 23 AND ONE NONVOTING MEMBER FROM A RECOGNIZED NATIONAL
- 24 SPEECH-LANGUAGE PATHOLOGY ASSOCIATION; AND
- 25 c. ONE (1) EX-OFFICIO, NONVOTING MEMBER FROM THE
- 26 RECOGNIZED MEMBERSHIP ORGANIZATION OF THE AUDIOLOGY AND
- 27 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARDS.

1 E. THE EX-OFFICIO MEMBERS SHALL BE SELECTED BY THEIR
2 RESPECTIVE ORGANIZATIONS.

3 1. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
4 EXECUTIVE COMMITTEE AS PROVIDED IN BYLAWS.

5 2. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST ANNUALLY.

6 3. THE EXECUTIVE COMMITTEE SHALL HAVE THE FOLLOWING
7 DUTIES AND RESPONSIBILITIES:

8 a. RECOMMEND TO THE ENTIRE COMMISSION CHANGES TO THE
9 RULES OR BYLAWS, CHANGES TO THIS COMPACT'S LEGISLATION, FEES PAID
10 BY COMPACT MEMBER STATES SUCH AS ANNUAL DUES, AND ANY
11 COMMISSION COMPACT FEE CHARGED TO LICENSEES FOR THE COMPACT
12 PRIVILEGE;

13 b. ENSURE COMPACT ADMINISTRATION SERVICES ARE
14 APPROPRIATELY PROVIDED, CONTRACTUAL OR OTHERWISE;

15 c. PREPARE AND RECOMMEND THE BUDGET;

16 d. MAINTAIN FINANCIAL RECORDS ON BEHALF OF THE
17 COMMISSION;

18 e. MONITOR COMPACT COMPLIANCE OF MEMBER STATES AND
19 PROVIDE COMPLIANCE REPORTS TO THE COMMISSION;

20 f. ESTABLISH ADDITIONAL COMMITTEES AS NECESSARY; AND

21 g. OTHER DUTIES AS PROVIDED IN RULES OR BYLAWS.

22 4. MEETINGS OF THE COMMISSION

23 ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE
24 OF MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER
25 THE RULEMAKING PROVISIONS IN SECTION 10.

26 5. THE COMMISSION OR THE EXECUTIVE COMMITTEE OR OTHER
27 COMMITTEES OF THE COMMISSION MAY CONVENE IN A CLOSED,

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

3 a. NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS
4 UNDER THE COMPACT;

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

9 c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
10 LITIGATION;

11 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE, OR
12 SALE OF GOODS, SERVICES, OR REAL ESTATE;

13 e. ACCUSING ANY PERSON OF A CRIME OR FORMALLY CENSURING
14 ANY PERSON;

15 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
16 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;

17 g. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
18 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
19 PERSONAL PRIVACY;

20 h. DISCLOSURE OF INVESTIGATIVE RECORDS COMPILED FOR LAW
21 ENFORCEMENT PURPOSES;

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

26 OR

27 j. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY

1 FEDERAL OR MEMBER STATE STATUTE.

2 6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT
3 TO THIS PROVISION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE
4 SHALL CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL
5 REFERENCE EACH RELEVANT EXEMPTING PROVISION.

6 7. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
7 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL
8 PROVIDE A FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE
9 REASONS THEREFORE, INCLUDING A DESCRIPTION OF THE VIEWS
10 EXPRESSED. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN
11 ACTION SHALL BE IDENTIFIED IN MINUTES. ALL MINUTES AND DOCUMENTS
12 OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO RELEASE
13 BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT OF
14 COMPETENT JURISDICTION.

15 8. FINANCING OF THE COMMISSION

16 a. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
17 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
18 AND ONGOING ACTIVITIES.

19 b. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
20 REVENUE SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT,
21 SUPPLIES, MATERIALS, AND SERVICES.

22 c. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
23 ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER
24 PARTIES TO COVER THE COSTS OF THE OPERATIONS AND ACTIVITIES OF THE
25 COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT
26 SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
27 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE

1 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A
2 FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL
3 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

4 9. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
5 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
6 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
7 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

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

16 F. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

17 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES,
18 AND REPRESENTATIVES OF THE COMMISSION SHALL BE IMMUNE FROM SUIT
19 AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR
20 ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY
21 OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR
22 ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED, OR THAT THE PERSON
23 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
24 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
25 DUTIES, OR RESPONSIBILITIES; PROVIDED THAT NOTHING IN THIS
26 PARAGRAPH SHALL BE CONSTRUED TO PROTECT ANY PERSON FROM SUIT
27 AND/OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED

1 BY THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT
2 PERSON.

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

16 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
17 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE
18 OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR
19 JUDGEMENT OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY
20 ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN
21 THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
22 OR THAT THE PERSON HAD A REASONABLE BASIS FOR BELIEVING
23 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
24 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR,
25 OR OMISSION DID NOT RESULT FROM THE INTENTIONAL OR WILLFUL OR
26 WANTON MISCONDUCT OF THAT PERSON.

27

SECTION 9

1 **DATA SYSTEM**

2 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
3 MAINTENANCE, AND UTILIZATION OF A COORDINATED DATABASE AND
4 REPORTING SYSTEM CONTAINING LICENSURE, ADVERSE ACTION, AND
5 INVESTIGATIVE INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER
6 STATES.

7 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO
8 THE CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO
9 THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS
10 APPLICABLE AS REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

- 11 1. IDENTIFYING INFORMATION;
- 12 2. LICENSURE DATA;
- 13 3. ADVERSE ACTIONS AGAINST A LICENSE OR COMPACT PRIVILEGE;
- 14 4. NON-CONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
15 PROGRAM PARTICIPATION;
- 16 5. ANY DENIAL OF APPLICATION FOR LICENSURE, AND THE
17 REASON(S) FOR DENIAL; AND
- 18 6. OTHER INFORMATION THAT MAY FACILITATE THE
19 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF
20 THE COMMISSION.

21 C. INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE IN
22 ANY MEMBER STATE SHALL ONLY BE AVAILABLE TO OTHER MEMBER
23 STATES.

24 D. THE COMMISSION SHALL PROMPTLY NOTIFY ALL MEMBER
25 STATES OF ANY ADVERSE ACTION TAKEN AGAINST A LICENSEE OR AN
26 INDIVIDUAL APPLYING FOR A LICENSE. ADVERSE ACTION INFORMATION
27 PERTAINING TO A LICENSEE IN ANY MEMBER STATE SHALL BE AVAILABLE

1 TO ANY OTHER MEMBER STATE.

2 E. MEMBER STATES CONTRIBUTING INFORMATION TO THE DATA
3 SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH
4 THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE CONTRIBUTING
5 STATE.

6 F. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
7 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER
8 STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE
9 DATA SYSTEM.

10 **SECTION 10**
11 **RULEMAKING**

12 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
13 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES
14 ADOPTED THEREUNDER. RULES AND AMENDMENTS SHALL BECOME
15 BINDING AS OF THE DATE SPECIFIED IN EACH RULE OR AMENDMENT.

16 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
17 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
18 SAME MANNER USED TO ADOPT THE COMPACT WITHIN FOUR (4) YEARS OF
19 THE DATE OF ADOPTION OF THE RULE, THE RULE SHALL HAVE NO FURTHER
20 FORCE AND EFFECT IN ANY MEMBER STATE.

21 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT
22 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

23 D. PRIOR TO PROMULGATION AND ADOPTION OF A FINAL RULE OR
24 RULES BY THE COMMISSION, AND AT LEAST THIRTY (30) DAYS IN ADVANCE
25 OF THE MEETING AT WHICH THE RULE SHALL BE CONSIDERED AND VOTED
26 UPON, THE COMMISSION SHALL FILE A NOTICE OF PROPOSED
27 RULEMAKING:

1 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
2 ACCESSIBLE PLATFORM; AND

3 2. ON THE WEBSITE OF EACH MEMBER STATE AUDIOLOGY OR
4 SPEECH-LANGUAGE PATHOLOGY LICENSING BOARD OR OTHER PUBLICLY
5 ACCESSIBLE PLATFORM OR THE PUBLICATION IN WHICH EACH STATE
6 WOULD OTHERWISE PUBLISH PROPOSED RULES.

7 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:

8 1. THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
9 WHICH THE RULE SHALL BE CONSIDERED AND VOTED UPON;

10 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
11 REASON FOR THE PROPOSED RULE;

12 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
13 INTERESTED PERSON; AND

14 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
15 NOTICE TO THE COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC
16 HEARING AND ANY WRITTEN COMMENTS.

17 F. PRIOR TO THE ADOPTION OF A PROPOSED RULE, THE
18 COMMISSION SHALL ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS,
19 OPINIONS, AND ARGUMENTS, WHICH SHALL BE MADE AVAILABLE TO THE
20 PUBLIC.

21 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
22 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS
23 REQUESTED BY:

24 1. AT LEAST TWENTY-FIVE (25) PERSONS;

25 2. A STATE OR FEDERAL GOVERNMENTAL SUBDIVISION OR AGENCY;

26 OR

27 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE (25)

1 MEMBERS.

2 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT,
3 THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND DATE OF THE
4 SCHEDULED PUBLIC HEARING. IF THE HEARING IS HELD VIA ELECTRONIC
5 MEANS, THE COMMISSION SHALL PUBLISH THE MECHANISM FOR ACCESS TO
6 THE ELECTRONIC HEARING.

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

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

15 3. ALL HEARINGS SHALL BE RECORDED. A COPY OF THE RECORDING
16 SHALL BE MADE AVAILABLE ON REQUEST.

17 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING
18 A SEPARATE HEARING ON EACH RULE. RULES MAY BE GROUPED FOR THE
19 CONVENIENCE OF THE COMMISSION AT HEARINGS REQUIRED BY THIS
20 SECTION.

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

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

1 HEARING.

2 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
3 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE
4 EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING
5 RECORD AND THE FULL TEXT OF THE RULE.

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

15 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR
16 WELFARE;

17 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS; OR

18 3. MEET A DEADLINE FOR THE PROMULGATION OF AN
19 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.

20 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
21 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
22 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
23 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL ERRORS.
24 PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE WEBSITE OF
25 THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
26 ANY PERSON FOR A PERIOD OF THIRTY (30) DAYS AFTER POSTING. THE
27 REVISION MAY BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION

1 RESULTS IN A MATERIAL CHANGE TO A RULE. A CHALLENGE SHALL BE
2 MADE IN WRITING AND DELIVERED TO THE CHAIR OF THE COMMISSION
3 PRIOR TO THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE
4 REVISION SHALL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION
5 IS CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
6 APPROVAL OF THE COMMISSION.

7 **SECTION 11**

8 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

9 A. DISPUTE RESOLUTION

10 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
11 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
12 AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
13 STATES.

14 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
15 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS
16 APPROPRIATE.

17 B. ENFORCEMENT

18 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
19 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
20 COMPACT.

21 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
22 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
23 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
24 PRINCIPAL OFFICES AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE
25 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND ITS
26 PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY INCLUDE
27 BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL

1 ENFORCEMENT IS NECESSARY, THE PREVAILING MEMBER SHALL BE
2 AWARDED ALL COSTS OF LITIGATION, INCLUDING REASONABLE
3 ATTORNEY'S FEES.

4 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES
5 OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
6 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

7 **SECTION 12**

8 **DATE OF IMPLEMENTATION OF THE INTERSTATE**
9 **COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE**
10 **PATHOLOGY PRACTICE AND ASSOCIATED RULES,**
11 **WITHDRAWAL, AND AMENDMENT**

12 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON
13 WHICH THE COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH
14 (10TH) MEMBER STATE. THE PROVISIONS, WHICH BECOME EFFECTIVE AT
15 THAT TIME, SHALL BE LIMITED TO THE POWERS GRANTED TO THE
16 COMMISSION RELATING TO ASSEMBLY AND THE PROMULGATION OF RULES.
17 THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
18 POWERS NECESSARY TO THE IMPLEMENTATION AND ADMINISTRATION OF
19 THE COMPACT.

20 B. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
21 COMMISSION'S INITIAL ADOPTION OF THE RULES SHALL BE SUBJECT TO THE
22 RULES AS THEY EXIST ON THE DATE ON WHICH THE COMPACT BECOMES
23 LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY
24 THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON
25 THE DAY THE COMPACT BECOMES LAW IN THAT STATE.

26 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY
27 ENACTING A STATUTE REPEALING THE SAME.

1 IF THIS COMPACT SHALL BE HELD CONTRARY TO THE CONSTITUTION OF
2 ANY MEMBER STATE, THE COMPACT SHALL REMAIN IN FULL FORCE AND
3 EFFECT AS TO THE REMAINING MEMBER STATES AND IN FULL FORCE AND
4 EFFECT AS TO THE MEMBER STATE AFFECTED AS TO ALL SEVERABLE
5 MATTERS.

6 SECTION 14

7 BINDING EFFECT OF COMPACT AND OTHER LAWS

8 A. NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY OTHER
9 LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THE COMPACT.

10 B. ALL LAWS IN A MEMBER STATE IN CONFLICT WITH THE
11 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

12 C. ALL LAWFUL ACTIONS OF THE COMMISSION, INCLUDING ALL
13 RULES AND BYLAWS PROMULGATED BY THE COMMISSION, ARE BINDING
14 UPON THE MEMBER STATES.

15 D. ALL AGREEMENTS BETWEEN THE COMMISSION AND THE
16 MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

17 E. IN THE EVENT ANY PROVISION OF THE COMPACT EXCEEDS THE
18 CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER
19 STATE, THE PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE
20 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT
21 MEMBER STATE.

22 **24-60-4103. Construction of terms.** (1) AS USED IN THIS PART
23 41, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 (a) "BOARD" MEANS LICENSING BOARD.

25 (b) "LICENSE" MEANS:

26 (I) WITH RESPECT TO AN AUDIOLOGIST, A LICENSE ISSUED
27 PURSUANT TO SECTION 12-210-105; AND

1 (II) WITH RESPECT TO A SPEECH-LANGUAGE PATHOLOGIST, A
2 CERTIFICATION ISSUED PURSUANT TO SECTION 12-305-106.

3 (c) "LICENSED", "LICENSING", AND "LICENSURE" HAVE MEANINGS
4 THAT CORRESPOND TO THE DEFINITIONS ESTABLISHED IN SUBSECTION
5 (1)(b) OF THIS SECTION.

6 (d) "LICENSING BOARD" MEANS, WITH RESPECT TO COLORADO, THE
7 DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS CREATED
8 IN SECTION 12-20-103.

9 **24-60-4104. Notice to revisor of statutes.** THIS PART 41 WILL
10 TAKE EFFECT ON THE DATE THE COMPACT IS ENACTED INTO LAW IN THE
11 TENTH COMPACT STATE. THE DIRECTOR OF THE DIVISION OF PROFESSIONS
12 AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL
13 NOTIFY THE REVISOR OF STATUTES IN WRITING WHEN THE CONDITION
14 SPECIFIED IN THIS SECTION HAS OCCURRED BY E-MAILING THE NOTICE TO
15 REVISOROFSTATUTES.GA@STATE.CO.US. THIS PART 41 TAKES EFFECT
16 UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE COMPACT IS
17 ENACTED INTO LAW IN THE TENTH COMPACT STATE.

18 **SECTION 2.** In Colorado Revised Statutes, **add** 12-210-109.5 as
19 follows:

20 **12-210-109.5. Interstate compact - powers and duties of the**
21 **director - rules - definitions.** (1) AS USED IN THIS SECTION:

22 (a) "ADVERSE ACTION" HAS THE MEANING ESTABLISHED IN
23 SECTION 24-60-4102.

24 (b) "COMMISSION" MEANS THE AUDIOLOGY AND
25 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION ESTABLISHED IN
26 SECTION 24-60-4102.

27 (c) "COMPACT" MEANS THE AUDIOLOGY AND SPEECH-LANGUAGE

1 PATHOLOGY INTERSTATE COMPACT AUTHORIZED IN PART 41 OF ARTICLE
2 60 OF TITLE 24.

3 (d) "DATA SYSTEM" HAS THE MEANING ESTABLISHED IN SECTION
4 24-60-4102.

5 (e) "TELEHEALTH" HAS THE MEANING ESTABLISHED IN SECTION
6 24-60-4102 WITH REGARD TO DELIVERING AUDIOLOGY SERVICES.

7 (2) WITH REGARD TO THE COMPACT, THE DIRECTOR HAS THE
8 FOLLOWING POWERS AND DUTIES:

9 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

10 (b) TO PROMULGATE THE RULES NECESSARY FOR THE
11 IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THE
12 COMPACT. THE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE
13 WITH ARTICLE 4 OF TITLE 24.

14 (c) TO APPOINT A PERSON TO SERVE AS A COMMISSIONER ON THE
15 COMMISSION;

16 (d) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE
17 COMPACT;

18 (e) TO NOTIFY THE COMMISSION OF ANY ADVERSE ACTION
19 REGARDING A LICENSED AUDIOLOGIST;

20 (f) TO PROVIDE UNIFORM DATA TO THE DATA SYSTEM CONSISTENT
21 WITH THE RULES OF THE COMMISSION; AND

22 (g) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
23 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
24 COMMISSION AND ITS STAFF.

25 **SECTION 3.** In Colorado Revised Statutes, **add** 12-305-115.5 as
26 follows:

27 **12-305-115.5. Interstate compact - powers and duties of the**

1 **director - rules - definitions.** (1) AS USED IN THIS SECTION:

2 (a) "ADVERSE ACTION" HAS THE MEANING ESTABLISHED IN
3 SECTION 24-60-4102.

4 (b) "COMMISSION" MEANS THE AUDIOLOGY AND
5 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION ESTABLISHED IN
6 SECTION 24-60-4102.

7 (c) "COMPACT" MEANS THE AUDIOLOGY AND SPEECH-LANGUAGE
8 PATHOLOGY INTERSTATE COMPACT AUTHORIZED IN PART 41 OF ARTICLE
9 60 OF TITLE 24.

10 (d) "DATA SYSTEM" HAS THE MEANING ESTABLISHED IN SECTION
11 24-60-4102.

12 (e) "TELEHEALTH" HAS THE MEANING ESTABLISHED IN SECTION
13 24-60-4102 WITH REGARD TO DELIVERING SPEECH-LANGUAGE PATHOLOGY
14 SERVICES.

15 (2) WITH REGARD TO THE COMPACT, THE DIRECTOR HAS THE
16 FOLLOWING POWERS AND DUTIES:

17 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

18 (b) TO PROMULGATE THE RULES NECESSARY FOR THE
19 IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT OF THE
20 COMPACT. THE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE
21 WITH ARTICLE 4 OF TITLE 24.

22 (c) TO APPOINT A PERSON TO SERVE AS A COMMISSIONER ON THE
23 COMMISSION;

24 (d) TO REGULATE TELEHEALTH IN ACCORDANCE WITH THE
25 COMPACT;

26 (e) TO NOTIFY THE COMMISSION OF ANY ADVERSE ACTION
27 REGARDING A SPEECH-LANGUAGE PATHOLOGIST;

1 (f) TO PROVIDE UNIFORM DATA TO THE DATA SYSTEM CONSISTENT
2 WITH THE RULES OF THE COMMISSION; AND

3 (g) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
4 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
5 COMMISSION AND ITS STAFF.

6 **SECTION 4. Appropriation.** (1) For the 2021-22 state fiscal
7 year, \$151,440 is appropriated to the department of regulatory agencies.
8 This appropriation is from the division of professions and occupations
9 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,
10 the division may use this appropriation as follows:

11 (a) \$15,425 for use by the division of professions and occupations
12 for personal services, which amount is based on an assumption that the
13 department will require an additional 0.3 FTE;

14 (b) \$19,000 for use by the division of professions and occupations
15 for operating expenses;

16 (c) \$17,014 for the purchase of legal services; and

17 (d) \$100,000 for the purchase of information technology services.

18 (2) For the 2021-22 state fiscal year, \$17,014 is appropriated to
19 the department of law. This appropriation is from reappropriated funds
20 received from the department of regulatory agencies under subsection
21 (1)(c) of this section and is based on an assumption that the department
22 of law will require an additional 0.1 FTE. To implement this act, the
23 department of law may use this appropriation to provide legal services for
24 the department of regulatory agencies.

25 (3) For the 2021-22 state fiscal year, \$100,000 is appropriated to
26 the office of the governor for use by the office of information technology.
27 This appropriation is from reappropriated funds received from the

1 department of regulatory agencies under subsection (1)(d) of this section.
2 To implement this act, the office may use this appropriation to provide
3 information technology services for the department of regulatory
4 agencies.

5 (4) For the 2021-22 state fiscal year, \$140,676 is appropriated to
6 the department of public safety for use by the Colorado bureau of
7 investigation. This appropriation is from the Colorado bureau of
8 investigation identification unit cash fund created in section 24-33.5-426,
9 C.R.S. To implement this act, the department may use this appropriation
10 as follows:

11 (a) \$43,848 for use by the biometric identification and records
12 unit for personal services, which amount is based on an assumption that
13 the unit will require an additional 0.8 FTE;

14 (b) \$96,828 for use by the biometric identification and records
15 unit for operating expenses.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2022 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.