

SENATE BILL NO. 34

BY SENATOR PEACOCK AND REPRESENTATIVE CARPENTER

1 AN ACT

2 To enact Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 37:2678.1, relative to the Audiology and Speech-Language
4 Pathology Interstate Compact; to provide for the model language required to
5 participate in the compact; to provide for the effectiveness of the compact upon
6 adoption by ten member states; to provide for the definitions, powers, duties, and
7 functions of the compact; to designate Chapter 34 of Title 37 of the Louisiana
8 Revised Statutes of 1950, comprised of R.S. 37:2650 through 2666, "PART I.
9 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS"; to provide for
10 an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. The provisions of Chapter 34 of Title 37 of the Louisiana Revised Statutes
13 of 1950, comprised of R.S. 37:2650 through 2666, are hereby designated "PART I.
14 SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS".

15 Section 2. Part II of Chapter 34 of Title 37 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 37:2678.1, is hereby enacted to read as follows:

17 **PART II. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**

18 **INTERSTATE COMPACT**

19 **§2678.1. Audiology and Speech-Language Interstate Compact; adoption**

20 **The Audiology and Speech-Language Pathology Interstate Compact is**
21 **hereby recognized and enacted into law and entered into by this state with all**
22 **states legally joining therein in the form substantially as follows:**

23 **SECTION 1. PURPOSE**

24 **The purpose of this compact is to facilitate interstate practice of**
25 **audiology and speech-language pathology with the goal of improving public**

1 access to audiology and speech-language pathology services. The practice of
2 audiology and speech-language pathology occurs in the state where the patient,
3 client, or student is located at the time of the patient, client, or student's
4 encounter. The compact preserves the regulatory authority of states to protect
5 public health and safety through the current system of state licensure.

6 This compact is designed to achieve the following objectives:

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

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

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

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

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

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

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

19 SECTION 2. DEFINITIONS

20 As used in this compact, and except as otherwise provided, the following
21 definitions shall apply:

22 A. "Active duty military" means full-time duty status in the active
23 uniformed service of the United States, including members of the National
24 Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209
25 and 1211.

26 B. "Adverse action" means any administrative, civil, equitable or
27 criminal action permitted by a state's laws which is imposed by a licensing
28 board or other authority against an audiologist or speech-language pathologist,
29 including actions against an individual's license or privilege to practice such as
30 revocation, suspension, probation, monitoring of the licensee, or restriction on

1 the licensee's practice.

2 C. "Alternative program" means a nondisciplinary monitoring process
3 approved by an audiology or speech-language pathology licensing board to
4 address impaired practitioners.

5 D. "Audiologist" means an individual who is licensed by a state to
6 practice audiology.

7 E. "Audiology" means the care and services provided by a licensed
8 audiologist as set forth in the member state's statutes and rules.

9 F. "Audiology and Speech-Language Pathology Compact Commission"
10 or "Commission" means the national administrative body whose membership
11 consists of all states that have enacted the compact.

12 G. "Audiology and speech-language pathology licensing board,"
13 "audiology licensing board," "speech-language pathology licensing board," or
14 "licensing board" means the agency of a state that is responsible for the
15 licensing and regulation of audiologists or speech-language pathologists.

16 H. "Compact privilege" means the authorization granted by a remote
17 state to allow a licensee from another member state to practice as an audiologist
18 or speech-language pathologist in the remote state under its laws and rules. The
19 practice of audiology or speech-language pathology occurs in the member state
20 where the patient, client, or student is located at the time of the patient, client,
21 or student's encounter.

22 I. "Current significant investigative information" means investigative
23 information that a licensing board, after an inquiry or investigation that
24 includes notification and an opportunity for the audiologist or speech-language
25 pathologist to respond, if required by state law, has reason to believe is not
26 groundless and, if proved true, would indicate more than a minor infraction.

27 J. "Data system" means a repository of information about licensees,
28 including but not limited to continuing education, examination, licensure,
29 investigative, compact privilege, and adverse action.

30 K. "Encumbered license" means a license in which an adverse action

1 restricts the practice of audiology or speech-language pathology by the licensee
2 and said adverse action has been reported to the National Practitioners Data
3 Bank (NPDB).

4 L. "Executive Committee" means a group of directors elected or
5 appointed to act on behalf of, and within the powers granted to them by, the
6 commission.

7 M. "Home state" means the member state that is the licensee's primary
8 state of residence.

9 N. "Impaired practitioner" means individuals whose professional
10 practice is adversely affected by substance abuse, addiction, or other
11 health-related conditions.

12 O. "Licensee" means an individual who currently holds an authorization
13 from the state licensing board to practice as an audiologist or speech-language
14 pathologist.

15 P. "Member state" means a state that has enacted the compact.

16 Q. "Privilege to practice" means a legal authorization permitting the
17 practice of audiology or speech-language pathology in a remote state.

18 R. "Remote state" means a member state other than the home state
19 where a licensee is exercising or seeking to exercise the compact privilege.

20 S. "Rule" means a regulation, principle, or directive promulgated by the
21 commission that has the force of law.

22 T. "Single-state license" means an audiology or speech-language
23 pathology license issued by a member state that authorizes practice only within
24 the issuing state and does not include a privilege to practice in any other
25 member state.

26 U. "Speech-language pathologist" means an individual who is licensed
27 by a state to practice speech-language pathology.

28 V. "Speech-language pathology" means the care and services provided
29 by a licensed speech-language pathologist as set forth in the member state's
30 statutes and rules.

1 W. "State" means any state, commonwealth, district, or territory of the
2 United States of America that regulates the practice of audiology and
3 speech-language pathology.

4 X. "State practice laws" means a member state's laws, rules, and
5 regulations that govern the practice of audiology or speech-language pathology,
6 define the scope of audiology or speech-language pathology practice, and create
7 the methods and grounds for imposing discipline.

8 Y. "Telehealth" means the application of telecommunication technology
9 to deliver audiology or speech-language pathology services at a distance for
10 assessment, intervention, or consultation.

11 SECTION 3. STATE PARTICIPATION IN THE COMPACT

12 A. A license issued to an audiologist or speech-language pathologist by
13 a home state to a resident in that state shall be recognized by each member state
14 as authorizing an audiologist or speech-language pathologist to practice
15 audiology or speech-language pathology, under a privilege to practice, in each
16 member state where the licensee obtains such privilege.

17 B. A state must implement or utilize procedures for considering the
18 criminal history records of applicants for initial privilege to practice. These
19 procedures shall include the submission of fingerprints or other
20 biometric-based information by applicants for the purpose of obtaining an
21 applicant's criminal history record information from the Federal Bureau of
22 Investigation and the agency responsible for retaining that state's criminal
23 records.

24 (1) A member state must fully implement a criminal background check
25 requirement, within a timeframe established by rule, by receiving the results of
26 the Federal Bureau of Investigation record search on criminal background
27 checks and use the results in making licensure decisions.

28 (2) Communication between a member state, the Commission, and
29 among member states regarding the verification of eligibility for licensure
30 through the Compact shall not include any information received from the

1 Federal Bureau of Investigation relating to a federal criminal records check
2 performed by a member state under Public Law 92-544.

3 C. Upon application for a privilege to practice, the licensing board in the
4 issuing remote state shall ascertain, through the data system, whether the
5 applicant has ever held, or is the holder of, a license issued by any other state,
6 whether there are any encumbrances on any license or privilege to practice held
7 by the applicant, whether any adverse action has been taken against any license
8 or privilege to practice held by the applicant.

9 D. Each member state shall require an applicant to obtain or retain a
10 license in the home state and meet the home state's qualifications for licensure
11 or renewal of licensure, as well as, all other applicable state laws.

12 E. For an audiologist:

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

14 (a) On or before December 31, 2007, has graduated with a master's
15 degree or doctorate in audiology, or equivalent degree regardless of degree
16 name, from a program that is accredited by an accrediting agency recognized
17 by the Council for Higher Education Accreditation, or its successor, or by the
18 United States Department of Education and operated by a college or university
19 accredited by a regional or national accrediting organization recognized by the
20 board.

21 (b) On or after January 1, 2008, has graduated with a Doctoral degree
22 in audiology, or equivalent degree, regardless of degree name, from a program
23 that is accredited by an accrediting agency recognized by the Council for
24 Higher Education Accreditation, or its successor, or by the United States
25 Department of Education and operated by a college or university accredited by
26 a regional or national accrediting organization recognized by the board.

27 (c) Has graduated from an audiology program that is housed in an
28 institution of higher education outside of the United States (a) for which the
29 program and institution have been approved by the authorized accrediting body
30 in the applicable country and (b) the degree program has been verified by an

1 independent credentials review agency to be comparable to a state licensing
2 board-approved program.

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

6 (3) Has successfully passed a national examination approved by the
7 Commission.

8 (4) Holds an active, unencumbered license.

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

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

14 F. For a speech-language pathologist:

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

16 (a) Has graduated with a master's degree from a speech-language
17 pathology program that is accredited by an organization recognized by the
18 United States Department of Education and operated by a college or university
19 accredited by a regional or national accrediting organization recognized by the
20 board.

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

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

30 (3) Has completed a supervised postgraduate professional experience as

1 required by the Commission.

2 (4) Has successfully passed a national examination approved by the
3 Commission.

4 (5) Holds an active, unencumbered license.

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

8 (7) Has a valid United States Social Security or National Practitioner
9 Identification number.

10 G. The privilege to practice is derived from the home state license.

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

21 I. Individuals not residing in a member state shall continue to be able to
22 apply for a member state's single-state license as provided under the laws of
23 each member state. However, the single-state license granted to these
24 individuals shall not be recognized as granting the privilege to practice
25 audiology or speech-language pathology in any other member state. Nothing in
26 this compact shall affect the requirements established by a member state for the
27 issuance of a single-state license.

28 J. Member states may charge a fee for granting a compact privilege.

29 K. Member states must comply with the bylaws and rules and
30 regulations of the commission.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the audiologist or speech-language pathologist shall:

(1) Hold an active license in the home state.

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any member state in accordance with Section 3.

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

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

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

(7) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

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

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

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a nonmember state, the license

1 issued by the prior home state shall convert to a single-state license, valid only
2 in the former home state.

3 G. The compact privilege is valid until the expiration date of the home
4 state license. The licensee must comply with the requirements of Section 4A to
5 maintain the compact privilege in the remote state.

6 H. A licensee providing audiology or speech-language pathology services
7 in a remote state under the compact privilege shall function within the laws and
8 regulations of the remote state.

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

15 J. If a home state license is encumbered, the licensee shall lose the
16 compact privilege in any remote state until the following occur:

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

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

19 K. Once an encumbered license in the home state is restored to good
20 standing, the licensee must meet the requirements of Section 4A to obtain a
21 compact privilege in any remote state.

22 L. Once the requirements of Section 4J have been met, the licensee must
23 meet the requirements in Section 4A to obtain a compact privilege in a remote
24 state.

25 SECTION 5. COMPACT PRIVILEGE TO

26 PRACTICE TELEHEALTH

27 Member states shall recognize the right of an audiologist or
28 speech-language pathologist, licensed by a home state in accordance with
29 Section 3 and under rules promulgated by the commission, to practice audiology
30 or speech-language pathology in any member state via telehealth under a

1 privilege to practice as provided in the compact and rules promulgated by the
2 commission.

3 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL

4 OR THEIR SPOUSES

5 Active duty military personnel, or their spouses, shall designate a home
6 state where the individual has a current license in good standing. The individual
7 may retain the home state designation during the period the service member is
8 on active duty. Subsequent to designating a home state, the individual shall only
9 change their home state through application for licensure in the new state.

10 SECTION 7. ADVERSE ACTIONS

11 A. In addition to the other powers conferred by state law, a remote state
12 shall have the authority, in accordance with existing state due process law, to:

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

15 (2) Issue subpoenas for both hearings and investigations that require the
16 attendance and testimony of witnesses as well as the production of evidence.
17 Subpoenas issued by a licensing board in a member state for the attendance and
18 testimony of witnesses or the production of evidence from another member state
19 shall be enforced in the latter state by any court of competent jurisdiction,
20 according to the practice and procedure of that court applicable to subpoenas
21 issued in proceedings pending before it. The issuing authority shall pay any
22 witness fees, travel expenses, mileage, and other fees required by the service
23 statutes of the state in which the witnesses or evidence are located.

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

27 B. For purposes of taking adverse action, the home state shall give the
28 same priority and effect to reported conduct received from a member state as
29 it would if the conduct had occurred within the home state. In so doing, the
30 home state shall apply its own state laws to determine appropriate action.

1 C. The home state shall complete any pending investigations of an
2 audiologist or speech-language pathologist who changes primary state of
3 residence during the course of the investigations. The home state shall also have
4 the authority to take appropriate action or actions and shall promptly report
5 the conclusions of the investigations to the administrator of the data system. The
6 administrator of the coordinated licensure information system shall promptly
7 notify the new home state of any adverse actions.

8 D. If otherwise permitted by state law, recover from the affected
9 audiologist or speech-language pathologist the costs of investigations and
10 disposition of cases resulting from any adverse action taken against that
11 audiologist or speech-language pathologist.

12 E. Take adverse action based on the factual findings of the remote state,
13 provided that the home state follows its own procedures for taking the adverse
14 action.

15 F. Joint Investigations:

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

20 (2) Member states shall share any investigative, litigation, or compliance
21 materials in furtherance of any joint or individual investigation initiated under
22 the compact.

23 G. If adverse action is taken by the home state against an audiologist's
24 or speech-language pathologist's license, the audiologist's or speech-language
25 pathologist's privilege to practice in all other member states shall be deactivated
26 until all encumbrances have been removed from the state license. All home state
27 disciplinary orders that impose adverse action against an audiologist's or
28 speech-language pathologist's license shall include a statement that the
29 audiologist's or speech-language pathologist's privilege to practice is deactivated
30 in all member states during the pendency of the order.

1 H. If a member state takes adverse action, it shall promptly notify the
2 administrator of the data system. The administrator of the data system shall
3 promptly notify the home state of any adverse actions by remote states.

4 I. Nothing in this compact shall override a member state's decision that
5 participation in an alternative program may be used in lieu of adverse action.

6 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY
7 AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

8 A. The compact member states hereby create and establish a joint public
9 agency known as the Audiology and Speech-Language Pathology Compact
10 Commission:

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

12 (2) Venue is proper and judicial proceedings by or against the
13 commission shall be brought solely and exclusively in a court of competent
14 jurisdiction where the principal office of the commission is located. The
15 commission may waive venue and jurisdictional defenses to the extent it adopts
16 or consents to participate in alternative dispute resolution proceedings.

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

19 B. Membership, Voting, and Meetings:

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

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

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

30 (4) The member state board shall fill any vacancy occurring on the

1 commission, within ninety days.

2 (5) Each delegate shall be entitled to one vote with regard to the
3 promulgation of rules and creation of bylaws and shall otherwise have an
4 opportunity to participate in the business and affairs of the commission.

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

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

10 C. The commission shall have the following powers and duties:

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

12 (2) Establish bylaws.

13 (3) Establish a code of ethics.

14 (4) Maintain its financial records in accordance with the bylaws.

15 (5) Meet and take actions as are consistent with the provisions of this
16 compact and the bylaws.

17 (6) Promulgate uniform rules to facilitate and coordinate implementation
18 and administration of this compact. The rules shall have the force and effect of
19 law and shall be binding in all member states.

20 (7) Bring and prosecute legal proceedings or actions in the name of the
21 commission, provided that the standing of any state audiology or
22 speech-language pathology licensing board to sue or be sued under applicable
23 law shall not be affected.

24 (8) Purchase and maintain insurance and bonds.

25 (9) Borrow, accept, or contract for services of personnel, including but
26 not limited to employees of a member state.

27 (10) Hire employees, elect or appoint officers, fix compensation, define
28 duties, grant individuals appropriate authority to carry out the purposes of the
29 compact, and to establish the commission's personnel policies and programs
30 relating to conflicts of interest, qualifications of personnel, and other related

1 personnel matters.

2 (11) Accept any and all appropriate donations and grants of money,
3 equipment, supplies, materials and services, and to receive, utilize, and dispose
4 of the same; provided that at all times the commission shall avoid any
5 appearance of impropriety or conflict of interest.

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

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

12 (14) Establish a budget and make expenditures.

13 (15) Borrow money.

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

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

19 (18) Establish and elect an executive committee.

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

23 D. The Executive Committee:

24 The executive committee shall have the power to act on behalf of the
25 commission according to the terms of this compact.

26 (1) The executive committee shall be composed of ten members:

27 (a) Seven voting members who are elected by the commission from the
28 current membership of the commission.

29 (b) Two ex-officios, consisting of one nonvoting member from a
30 recognized national audiology professional association and one nonvoting

1 member from a recognized national speech-language pathology association.

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

4 E. The ex-officio members shall be selected by their respective
5 organizations.

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

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

9 (3) The executive committee shall have the following duties and
10 responsibilities:

11 (a) Recommend to the entire commission changes to the rules or bylaws,
12 changes to this compact legislation, fees paid by compact member states such
13 as annual dues, and any commission compact fee charged to licensees for the
14 compact privilege.

15 (b) Ensure compact administration services are appropriately provided,
16 contractual or otherwise.

17 (c) Prepare and recommend the budget.

18 (d) Maintain financial records on behalf of the Commission.

19 (e) Monitor compact compliance of member states and provide
20 compliance reports to the commission.

21 (f) Establish additional committees as necessary.

22 (g) Other duties as provided in rules or bylaws.

23 (4) Meetings of the Commission:

24 All meetings shall be open to the public, and public notice of meetings
25 shall be given in the same manner as required under the rulemaking provisions
26 in Section 10.

27 (5) The commission or the executive committee or other committees of
28 the commission may convene in a closed, nonpublic meeting if the commission
29 or executive committee or other committees of the commission must discuss:

30 (a) Noncompliance of a member state with its obligations under the

1 compact.

2 (b) The employment, compensation, discipline or other matters, practices
3 or procedures related to specific employees, or other matters related to the
4 commission's internal personnel practices and procedures.

5 (c) Current, threatened, or reasonably anticipated litigation.

6 (d) Negotiation of contracts for the purchase, lease, or sale of goods,
7 services, or real estate.

8 (e) Accusing any person of a crime or formally censuring any person.

9 (f) Disclosure of trade secrets or commercial or financial information
10 that is privileged or confidential.

11 (g) Disclosure of information of a personal nature where disclosure
12 would constitute a clearly unwarranted invasion of personal privacy.

13 (h) Disclosure of investigative records compiled for law enforcement
14 purposes.

15 (i) Disclosure of information related to any investigative reports
16 prepared by or on behalf of or for use of the commission or other committee
17 charged with responsibility of investigation or determination of compliance
18 issues pursuant to the compact.

19 (j) Matters specifically exempted from disclosure by federal or member
20 state statute.

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

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

1 **(8) Financing of the Commission:**

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

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

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

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

18 **(10) The commission shall keep accurate accounts of all receipts and**
19 **disbursements. The receipts and disbursements of the commission shall be**
20 **subject to the audit and accounting procedures established under its bylaws.**
21 **However, all receipts and disbursements of funds handled by the commission**
22 **shall be audited yearly by a certified or licensed public accountant, and the**
23 **report of the audit shall be included in and become part of the annual report of**
24 **the commission.**

25 **F. Qualified Immunity, Defense, and Indemnification:**

26 **(1) The members, officers, executive director, employees, and**
27 **representatives of the commission shall be immune from suit and liability, either**
28 **personally or in their official capacity, for any claim for damage to or loss of**
29 **property or personal injury or other civil liability caused by or arising out of**
30 **any actual or alleged act, error or omission that occurred, or that the person**

1 against whom the claim is made had a reasonable basis for believing occurred
2 within the scope of commission employment, duties, or responsibilities;
3 provided that nothing in this paragraph shall be construed to protect any
4 person from suit or liability for any damage, loss, injury, or liability caused by
5 the intentional and/or willful or wanton misconduct or gross negligence of that
6 person.

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

17 (3) The commission shall indemnify and hold harmless any member,
18 officer, executive director, employee, or representative of the commission for
19 the amount of any settlement or judgment obtained against that person arising
20 out of any actual or alleged act, error or omission that occurred within the scope
21 of commission employment, duties, or responsibilities, or that person had a
22 reasonable basis for believing occurred within the scope of commission
23 employment, duties, or responsibilities, provided that the actual or alleged act,
24 error or omission did not result from the gross negligence or intentional or
25 willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

26
27 A. The commission shall provide for the development, maintenance, and
28 utilization of a coordinated database and reporting system containing licensure,
29 adverse action, and investigative information on all licensed individuals in
30 member states.

1 B. Notwithstanding any other provision of state law to the contrary, a
2 member state shall submit a uniform data set to the data system on all
3 individuals to whom this compact is applicable as required by the rules of the
4 commission including:

5 (1) Identifying information.

6 (2) Licensure data.

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

8 (4) Nonconfidential information related to alternative program
9 participation.

10 (5) Any denial of application for licensure and the reason or reasons for
11 denial.

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

14 C. Investigative information pertaining to a licensee in any member state
15 shall only be available to other member states.

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

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

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

26 SECTION 10. RULEMAKING

27 A. The commission shall exercise its rulemaking powers pursuant to the
28 criteria set forth in this Section and the rules adopted thereunder. Rules and
29 amendments shall become binding as of the date specified in each rule or
30 amendment.

1 **B. If a majority of the legislatures of the member states rejects a rule, by**
2 **enactment of a statute or resolution in the same manner used to adopt the**
3 **compact within four years of the date of adoption of the rule, the rule shall have**
4 **no further force and effect in any member state.**

5 **C. Rules or amendments to the rules shall be adopted at a regular or**
6 **special meeting of the commission.**

7 **D. Prior to promulgation and adoption of a final rule or rules by the**
8 **commission, and at least thirty days in advance of the meeting at which the rule**
9 **shall be considered and voted upon, the commission shall file a notice of**
10 **proposed rulemaking:**

11 **(1) On the website of the commission or other publicly accessible**
12 **platform.**

13 **(2) On the website of each member state's audiology or speech-language**
14 **pathology licensing board or other publicly accessible platform or the**
15 **publication in which each state would otherwise publish proposed rules.**

16 **E. The notice of proposed rulemaking shall include:**

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

19 **(2) The text of the proposed rule or amendment and the reason for the**
20 **proposed rule.**

21 **(3) A request for comments on the proposed rule from any interested**
22 **person.**

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

26 **F. Prior to the adoption of a proposed rule, the commission shall allow**
27 **persons to submit written data, facts, opinions, and arguments, which shall be**
28 **made available to the public.**

29 **G. The commission shall grant an opportunity for a public hearing**
30 **before it adopts a rule or amendment if a hearing is requested by:**

1 **(1) At least twenty-five persons.**

2 **(2) A state or federal governmental subdivision or agency.**

3 **(3) An association having at least twenty-five members.**

4 **H. If a hearing is held on the proposed rule or amendment, the**
5 **commission shall publish the place, time, and date of the scheduled public**
6 **hearing. If the hearing is held via electronic means, the commission shall**
7 **publish the mechanism for access to the electronic hearing.**

8 **(1) All persons wishing to be heard at the hearing shall notify the**
9 **executive director of the commission or other designated member in writing of**
10 **their desire to appear and testify at the hearing not less than five business days**
11 **before the scheduled date of the hearing.**

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

15 **(3) All hearings shall be recorded. A copy of the recording shall be made**
16 **available on request.**

17 **(4) Nothing in this section shall be construed as requiring a separate**
18 **hearing on each rule. Rules may be grouped for the convenience of the**
19 **commission at hearings required by this section.**

20 **I. Following the scheduled hearing date, or by the close of business on the**
21 **scheduled hearing date if the hearing was not held, the commission shall**
22 **consider all written and oral comments received.**

23 **J. If no written notice of intent to attend the public hearing by interested**
24 **parties is received, the commission may proceed with promulgation of the**
25 **proposed rule without a public hearing.**

26 **K. The commission shall, by majority vote of all members, take final**
27 **action on the proposed rule and shall determine the effective date of the rule,**
28 **if any, based on the rulemaking record and the full text of the rule.**

29 **L. Upon determination that an emergency exists, the commission may**
30 **consider and adopt an emergency rule without prior notice, opportunity for**

1 comment, or hearing, provided that the usual rulemaking procedures provided
 2 in the compact and in this section shall be retroactively applied to the rule as
 3 soon as reasonably possible, in no event later than ninety days after the effective
 4 date of the rule. For the purposes of this provision, an emergency rule is one
 5 that must be adopted immediately in order to:

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

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

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

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

21 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION,

22 AND ENFORCEMENT

23 A. Dispute Resolution:

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

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

29 B. Enforcement:

30 (1) The commission, in the reasonable exercise of its discretion, shall

1 enforce the provisions and rules of this compact.

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

9 (3) The remedies herein shall not be the exclusive remedies of the
 10 commission. The commission may pursue any other remedies available under
 11 federal or state law.

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

16 A. The compact shall come into effect on the date on which the compact
 17 statute is enacted into law in the tenth member state. The provisions, which
 18 become effective at that time, shall be limited to the powers granted to the
 19 commission relating to assembly and the promulgation of rules. Thereafter, the
 20 commission shall meet and exercise rulemaking powers necessary to the
 21 implementation and administration of the compact.

22 B. Any state that joins the compact subsequent to the commission's
 23 initial adoption of the rules shall be subject to the rules as they exist on the date
 24 on which the compact becomes law in that state. Any rule that has been
 25 previously adopted by the commission shall have the full force and effect of law
 26 on the day the compact becomes law in that state.

27 C. Any member state may withdraw from this compact by enacting a
 28 statute repealing the same.

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

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

5 D. Nothing contained in this compact shall be construed to invalidate or
6 prevent any audiology or speech-language pathology licensure agreement or
7 other cooperative arrangement between a member state and a nonmember state
8 that does not conflict with the provisions of this compact.

9 E. This compact may be amended by the member states. No amendment
10 to this compact shall become effective and binding upon any member state until
11 it is enacted into the laws of all member states.

12 SECTION 13. CONSTRUCTION AND SEVERABILITY

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

24 SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

25 A. Nothing herein prevents the enforcement of any other law of a
26 member state that is not inconsistent with the compact.

27 B. All laws in a member state in conflict with the compact are superseded
28 to the extent of the conflict.

29 C. All lawful actions of the commission, including all rules and bylaws
30 promulgated by the commission, are binding upon the member states.

1 **D. All agreements between the commission and the member states are**
2 **binding in accordance with their terms.**

3 **E. In the event any provision of the compact exceeds the constitutional**
4 **limits imposed on the legislature of any member state, the provision shall be**
5 **ineffective to the extent of the conflict with the constitutional provision in**
6 **question in that member state.**

7 Section 3. This Act shall become effective on July 1, 2021.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____