

1 SB130
2 209220-3
3 By Senator Coleman-Madison
4 RFD: Veterans and Military Affairs
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1 SB130

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4 ENROLLED, An Act,

5 Relating to the practice of audiology and
6 speech-language pathology; to provide and adopt the Audiology
7 and Speech-Language Pathology Interstate Compact to allow
8 interstate practice by licensed audiologists and
9 speech-language therapists among party states; to authorize
10 regulatory authorities in party states to legally recognize,
11 in a manner consistent with terms of the compact, audiologists
12 and speech-language therapists licensed within those states;
13 to authorize regulatory authorities in party states to legally
14 recognize, in a manner consistent with terms of the compact,
15 audiologists and speech-language therapists licensed within
16 those states; to provide eligibility requirements for licensed
17 audiologists and speech-language therapists to practice
18 pursuant to the compact; to provide for a coordinated database
19 and reporting system; to provide for investigations and
20 disciplinary actions; to establish the Audiology and
21 Speech-Language Pathology Compact Commission and provide for
22 membership, powers, and duties, including rulemaking
23 authority; and to provide for enforcement of the compact,
24 dispute resolution, and withdrawal of party states.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. PURPOSE.

2 The purpose of this compact is to facilitate
3 interstate practice of audiology and speech-language pathology
4 with the goal of improving public access to audiology and
5 speech-language pathology services. The practice of audiology
6 and speech-language pathology occurs in the state where the
7 patient, client, or student is located at the time of the
8 patient, client, or student encounter. This compact preserves
9 the regulatory authority of states to protect public health
10 and safety through the current system of state licensure. This
11 compact is designed to achieve the following objectives:

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

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

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

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

22 (5) Enhance the exchange of licensure,
23 investigative, and disciplinary information between member
24 states.

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

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

7 Section 2. DEFINITIONS.

8 As used in this compact, and except as otherwise
9 provided, the following terms have the following meanings:

10 (1) ACTIVE DUTY MILITARY. Full-time duty status in
11 the active uniformed service of the United States, including
12 members of the National Guard and Reserve on active duty
13 orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

14 (2) ADVERSE ACTION. Any administrative, civil,
15 equitable, or criminal action permitted by a state's laws
16 which is imposed by a licensing board or other authority
17 against an audiologist or speech-language pathologist,
18 including actions against an individual's license or privilege
19 to practice such as revocation, suspension, probation,
20 monitoring of the licensee, or restriction on the licensee's
21 practice.

22 (3) ALTERNATIVE PROGRAM. A non-disciplinary
23 monitoring process approved by an audiology or speech-language
24 pathology licensing board to address impaired practitioners.

1 (4) AUDIOLOGIST. An individual who is licensed by a
2 state to practice audiology.

3 (5) AUDIOLOGY. The care and services provided by a
4 licensed audiologist as set forth in the member state's laws
5 and rules.

6 (6) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT
7 COMMISSION or COMMISSION. The national administrative body
8 whose membership consists of all states that have enacted this
9 compact.

10 (7) AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
11 LICENSING BOARD, AUDIOLOGY LICENSING BOARD, SPEECH-LANGUAGE
12 PATHOLOGY LICENSING BOARD, or LICENSING BOARD. The agency of a
13 state that is responsible for the licensing and regulation of
14 audiologists or speech-language pathologists, or both, which
15 in Alabama is the Alabama Board of Examiners for
16 Speech-Language Pathology and Audiology.

17 (8) COMPACT PRIVILEGE. The authorization granted by
18 a remote state to allow a licensee from another member state
19 to practice as an audiologist or speech-language pathologist
20 in the remote state under its laws and rules. The practice of
21 audiology or speech-language pathology occurs in the member
22 state where the patient, client, or student is located at the
23 time of the patient, client, or student encounter.

24 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.
25 Investigative information that a licensing board, after an

1 inquiry or investigation that includes notification and an
2 opportunity for the audiologist or speech-language pathologist
3 to respond, if required by state law, has reason to believe is
4 not groundless and, if proved true, would indicate more than a
5 minor infraction.

6 (10) DATA SYSTEM. A repository of information about
7 licensees, including, but not limited to, continuing
8 education, examination, licensure, investigative, compact
9 privilege, and adverse action.

10 (11) ENCUMBERED LICENSE. A license in which an
11 adverse action restricts the practice of audiology or
12 speech-language pathology by the licensee and the adverse
13 action has been reported to the National Practitioners Data
14 Bank (NPDB).

15 (12) EXECUTIVE COMMITTEE. A group of directors
16 elected or appointed to act on behalf of, and within the
17 powers granted to them by, the commission.

18 (13) HOME STATE. The member state that is the
19 licensee's primary state of residence.

20 (14) IMPAIRED PRACTITIONER. An individual whose
21 professional practice is adversely affected by substance
22 abuse, addiction, or other health-related conditions.

23 (15) LICENSEE. An individual who currently holds an
24 authorization from a state licensing board to practice as an
25 audiologist or speech-language pathologist.

1 (16) MEMBER STATE. A state that has enacted this
2 compact.

3 (17) PRIVILEGE TO PRACTICE. A legal authorization
4 permitting the practice of audiology or speech-language
5 pathology in a remote state.

6 (18) REMOTE STATE. A member state other than the
7 home state where a licensee is exercising or seeking to
8 exercise the compact privilege.

9 (19) RULE. A regulation, principle, or directive
10 adopted by the commission that has the force of law.

11 (20) SINGLE-STATE LICENSE. An audiology or
12 speech-language pathology license issued by a member state
13 that authorizes practice only within the issuing state and
14 does not include a privilege to practice in any other member
15 state.

16 (21) SPEECH-LANGUAGE PATHOLOGIST. An individual who
17 is licensed by a state to practice speech-language pathology.

18 (22) SPEECH-LANGUAGE PATHOLOGY. The care and
19 services provided by a licensed speech-language pathologist as
20 set forth in the member state's laws and rules.

21 (23) STATE. Any state, commonwealth, district, or
22 territory of the United States of America that regulates the
23 practice of audiology and speech-language pathology.

24 (24) STATE PRACTICE LAWS. A member state's laws,
25 rules and regulations that govern the practice of audiology or

1 speech-language pathology, define the scope of audiology or
2 speech-language pathology practice, and create the methods and
3 grounds for imposing discipline.

4 (25) TELEHEALTH. The application of
5 telecommunication, audio-visual, or other technologies that
6 meets the applicable standard of care to deliver audiology or
7 speech-language pathology services at a distance for
8 assessment, intervention, or consultation.

9 Section 3. STATE PARTICIPATION IN THE COMPACT.

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

17 (b) (1) A state shall implement or use procedures for
18 considering the criminal history records of applicants for
19 initial privilege to practice. These procedures shall include
20 the submission of fingerprints or other biometric-based
21 information by applicants for the purpose of obtaining an
22 applicant's criminal history record information from the
23 Federal Bureau of Investigation and the agency responsible for
24 retaining that state's criminal records.

1 (2) A member state shall fully implement a criminal
2 background check requirement, within a time frame established
3 by rule, by receiving the results of the Federal Bureau of
4 Investigation record search on criminal background checks and
5 using the results in making licensure decisions.

6 (3) Communication between a member state, the
7 commission, and among member states regarding the verification
8 of eligibility for licensure through this compact may not
9 include any information received from the Federal Bureau of
10 Investigation relating to a federal criminal records check
11 performed by a member state under Public Law 92-544.

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

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

24 (e) An audiologist must meet all of the following
25 qualifications:

1 (1) One of the following educational requirements:

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

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

18 c. The applicant graduated from an audiology program
19 that is housed in an institution of higher education outside
20 of the United States: 1. for which the program and institution
21 have been approved by the authorized accrediting body in the
22 applicable country; and 2. the degree program has been
23 verified by an independent credentials review agency to be
24 comparable to a state licensing board-approved program.

1 (2) Completed a supervised clinical practicum
2 experience from an accredited educational institution or its
3 cooperating programs as required by the commission.

4 (3) Successfully passed a national examination
5 approved by the commission.

6 (4) Holds an active, unencumbered license.

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

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

13 (f) A speech-language pathologist must meet all of
14 the following qualifications:

15 (1) One of the following educational requirements:

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

22 b. The applicant graduated from a speech-language
23 pathology program that is housed in an institution of higher
24 education outside of the United States: 1. for which the
25 program and institution have been approved by the authorized

1 accrediting body in the applicable country; and 2. the degree
2 program has been verified by an independent credentials review
3 agency to be comparable to a state licensing board-approved
4 program.

5 (2) Completed a supervised clinical practicum
6 experience from an educational institution or its cooperating
7 programs as required by the commission.

8 (3) Completed a supervised postgraduate professional
9 experience as required by the commission.

10 (4) Successfully passed a national examination
11 approved by the commission.

12 (5) Holds an active, unencumbered license.

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

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

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

21 (h) An audiologist or speech-language pathologist
22 practicing in a member state shall comply with the state
23 practice laws of the state in which the client is located at
24 the time service is provided. The practice of audiology and
25 speech-language pathology shall include all audiology and

1 speech-language pathology practice as defined by the state
2 practice laws of the member state in which the client is
3 located. The practice of audiology and speech-language
4 pathology in a member state under a privilege to practice
5 shall subject an audiologist or speech-language pathologist to
6 the jurisdiction of the licensing board, the courts, and the
7 laws of the member state in which the client is located at the
8 time service is provided.

9 (i) Individuals not residing in a member state shall
10 continue to be able to apply for a member state's single-state
11 license as provided under the laws of each member state.
12 However, the single-state license granted to these individuals
13 shall not be recognized as granting the privilege to practice
14 audiology or speech-language pathology in any other member
15 state. Nothing in this compact shall affect the requirements
16 established by a member state for the issuance of a
17 single-state license.

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

20 (k) Member states must comply with the bylaws and
21 rules of the commission.

22 Section 4. COMPACT PRIVILEGE.

23 (a) To exercise the compact privilege under the
24 terms and provisions of this compact, the audiologist or

1 speech-language pathologist shall meet all of the following
2 requirements:

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

4 (2) Have no encumbrance on any state license.

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

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

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

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

14 (7) Report to the commission adverse action taken by
15 any non-member state within 30 days from the date the adverse
16 action is taken.

17 (b) For the purposes of the compact privilege, an
18 audiologist or speech-language pathologist may only hold one
19 home state license at a time.

20 (c) Except as provided in Section 6, if an
21 audiologist or speech-language pathologist changes primary
22 state of residence by moving between two member states, the
23 audiologist or speech-language pathologist shall apply for
24 licensure in the new home state, and the license issued by the

1 prior home state shall be deactivated in accordance with
2 applicable rules adopted by the commission.

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

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

11 (f) If an audiologist or speech-language pathologist
12 changes his or her primary state of residence by moving from a
13 member state to a non-member state, the license issued by the
14 prior home state shall convert to a single-state license,
15 valid only in the former home state, and the privilege to
16 practice in any member state is deactivated in accordance with
17 the rules adopted by the commission.

18 (g) The compact privilege is valid until the
19 expiration date of the home state license. The licensee must
20 comply with the requirements of subsection (a) to maintain the
21 compact privilege in the remote state.

22 (h) A licensee providing audiology or
23 speech-language pathology services in a remote state under the
24 compact privilege shall function within the laws and
25 regulations of the remote state.

1 (i) A licensee providing audiology or
2 speech-language pathology services in a remote state is
3 subject to that state's regulatory authority. A remote state,
4 in accordance with due process and that state's laws, may
5 remove a licensee's compact privilege in the remote state for
6 a specific period of time, impose fines, or take any other
7 necessary actions to protect the health and safety of its
8 residents.

9 (j) If a home state license is encumbered, the
10 licensee shall lose the compact privilege in any remote state
11 until both the following occur:

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

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

15 (k) Once an encumbered license in the home state is
16 restored to good standing, the licensee must meet the
17 requirements of subsection (a) to obtain a compact privilege
18 in any remote state.

19 (1) Once the requirements of subsection (j) have
20 been met, the licensee must meet the requirements of
21 subsection (a) to obtain a compact privilege in a remote
22 state.

23 Section 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH.

24 (a) Member states shall recognize the right of an
25 audiologist or speech-language pathologist, licensed by a home

1 state in accordance with Section 3 and under rules adopted by
2 the commission, to practice audiology or speech-language
3 pathology in any member state through telehealth under a
4 privilege to practice as provided in this compact and rules
5 adopted by the commission.

6 (b) A licensee providing audiology or
7 speech-language pathology services in a remote state under the
8 compact privilege shall function within the laws and
9 regulations of the state where the patient, client, or student
10 is located.

11 Section 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR
12 SPOUSES.

13 A licensee who is an active duty military or his or
14 her spouse shall designate a home state where the individual
15 has a current license in good standing. The individual may
16 retain the home state designation during the period the
17 service member is on active duty. Subsequent to designating a
18 home state, the individual shall only change his or her home
19 state through application for licensure in the new state.

20 Section 7. ADVERSE ACTIONS.

21 (a) In addition to the other powers conferred by
22 state law, a remote state in accordance with existing state
23 due process law, may do either of the following:

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

4 (2) Issue subpoenas for both hearings and
5 investigations that require the attendance and testimony of
6 witnesses as well as the production of evidence. Subpoenas
7 issued by a licensing board in a member state for the
8 attendance and testimony of witnesses or the production of
9 evidence from another member state shall be enforced in the
10 latter state by any court of competent jurisdiction, according
11 to the practice and procedure of that court applicable to
12 subpoenas issued in proceedings pending before it. The issuing
13 authority shall pay any witness fees, travel expenses,
14 mileage, and other fees required by the service laws of the
15 state in which the witnesses or evidence are located.

16 (b) Only the home state may take adverse action
17 against an audiologist's or speech-language pathologist's
18 license issued by the home state.

19 (c) For purposes of taking adverse action, the home
20 state shall give the same priority and effect to reported
21 conduct received from a member state as it would if the
22 conduct had occurred within the home state. In so doing, the
23 home state shall apply its own state laws to determine
24 appropriate action.

1 (d) The home state shall complete any pending
2 investigations of an audiologist or speech-language
3 pathologist who changes his or her primary state of residence
4 during the course of the investigations. The home state may
5 also take appropriate action and shall promptly report the
6 conclusions of the investigations to the administrator of the
7 data system. The administrator of the data system shall
8 promptly notify the new home state of any adverse actions.

9 (e) If otherwise permitted by state law, the member
10 state may recover from the affected audiologist or
11 speech-language pathologist the costs of investigations and
12 disposition of cases resulting from any adverse action taken
13 against that audiologist or speech-language pathologist.

14 (f) The member state may take adverse action based
15 on the factual findings of the remote state, provided that the
16 member state follows its own procedures for taking the adverse
17 action.

18 (g) Joint Investigations.

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

24 (2) Member states shall share any investigative,
25 litigation, or compliance materials in furtherance of any

1 joint or individual investigation initiated under this
2 compact.

3 (h) If adverse action is taken by the home state
4 against an audiologist's or speech language pathologist's
5 license, the audiologist's or speech-language pathologist's
6 privilege to practice in all other member states shall be
7 suspended until all encumbrances have been removed from the
8 state license. All home state disciplinary orders that impose
9 adverse action against an audiologist's or speech language
10 pathologist's license shall include a statement that the
11 audiologist's or speech-language pathologist's privilege to
12 practice is deactivated in all member states during the
13 pendency of the order.

14 (i) If a member state takes adverse action against a
15 licensee, it shall promptly notify the administrator of the
16 data system. The administrator of the data system shall
17 promptly notify the home state and any remote states in which
18 the licensee has the privilege to practice of any adverse
19 actions by the home state or remote states.

20 (j) Nothing in this compact shall override a member
21 state's decision that participation in an alternative program
22 may be used in lieu of adverse action.

23 Section 8. ESTABLISHMENT OF THE AUDIOLOGY AND
24 SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION.

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

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

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

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

15 (b) Membership, Voting, and Meetings.

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

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

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

4 (4) The member state board shall fill any vacancy
5 occurring on the commission within 90 days.

6 (5) Each delegate shall be entitled to one vote with
7 regard to the adoption 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
11 means as provided in the bylaws. The bylaws may provide for
12 delegates' participation in meetings by telephone or other
13 means of communication.

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

17 (c) The commission shall have the following duties
18 and responsibilities:

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
23 the bylaws.

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

1 (6) Adopt uniform rules to facilitate and coordinate
2 implementation and administration of this compact. The rules
3 shall have the force and effect of law and shall be binding in
4 all member states to the extent and in the manner provided for
5 in this compact.

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

10 (8) Purchase and maintain insurance and bonds.

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

14 (10) Hire employees, elect or appoint officers, fix
15 compensation, define duties, grant individuals appropriate
16 authority to carry out the purposes of this compact, and
17 establish the commission's personnel policies and programs
18 relating to conflicts of interest, qualifications of
19 personnel, and other related personnel matters.

20 (11) Accept any and all appropriate donations and
21 grants of money, equipment, supplies, materials, and services,
22 and receive, use, and dispose of the same; provided that at
23 all times the commission shall avoid any appearance of
24 impropriety or conflict of interest.

1 (12) Lease, purchase, accept appropriate gifts or
2 donations of, or otherwise own, hold, improve, or use any
3 property, real, personal, or mixed; provided that at all times
4 the commission shall avoid any appearance of impropriety or
5 conflict of interest.

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

9 (14) Establish a budget and make expenditures.

10 (15) Borrow money.

11 (16) Appoint committees, including standing
12 committees composed of members and other interested persons
13 designated in this compact and the bylaws.

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

16 (18) Establish and elect an executive committee.

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

21 (d) The commission may not change or modify the laws
22 of the member states which define the practice of audiology
23 and speech-pathology in the respective states.

24 (e) The executive committee may act on behalf of the
25 commission, within the powers of the commission, according to

1 the terms of this compact. The executive committee shall be
2 composed of 10 members as follows:

3 (1) Seven voting members who are elected by the
4 commission from the current membership of the commission.

5 (2) Two ex-officio members, consisting of one
6 nonvoting member from a recognized national audiology
7 professional association and one nonvoting member from a
8 recognized national speech-language pathology association.

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

12 (f) The ex-officio members shall be selected by
13 their respective organizations.

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

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

18 (3) The executive committee shall have the following
19 duties:

20 a. Recommend to the entire commission changes to the
21 rules or bylaws, changes to this compact legislation, fees
22 paid by compact member states such as annual dues, and any
23 commission compact fee charged to licensees for the compact
24 privilege.

1 b. Ensure compact administration services are
2 appropriately provided, contractual or otherwise.

3 c. Prepare and recommend the budget.

4 d. Maintain financial records on behalf of the
5 commission.

6 e. Monitor compact compliance of member states and
7 provide compliance reports to the commission.

8 f. Establish additional committees as necessary.

9 g. Perform duties as provided in rules or bylaws.

10 (4) All meetings of the commission or the executive
11 committee shall be open to the public, and public notice of
12 meetings shall be given in the same manner as required under
13 the rulemaking provisions in Section 10.

14 (5) The commission or the executive committee or
15 other committees of the commission may convene in a closed,
16 non-public meeting if the commission or executive committee or
17 other committees of the commission must discuss any of the
18 following:

19 a. Non-compliance of a member state with its
20 obligations under this compact.

21 b. The employment, compensation, discipline, or
22 other matters, practices, or procedures related to specific
23 employees or other matters related to the commission's
24 internal personnel practices and procedures.

1 c. Current, threatened, or reasonably anticipated
2 litigation.

3 d. Negotiation of contracts for the purchase, lease,
4 or sale of goods, services, or real estate.

5 e. Accusing any person of a crime or formally
6 censuring any person.

7 f. Disclosure of trade secrets or commercial or
8 financial information that is privileged or confidential.

9 g. Disclosure of information of a personal nature
10 where disclosure would constitute a clearly unwarranted
11 invasion of personal privacy.

12 h. Disclosure of investigative records compiled for
13 law enforcement purposes.

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

19 j. Matters specifically exempted from disclosure by
20 federal or member state law.

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

1 (7) The commission shall keep minutes that fully and
2 clearly describe all matters discussed in a meeting and shall
3 provide a full and accurate summary of actions taken, and the
4 reasons therefore, including a description of the views
5 expressed. All documents considered in connection with an
6 action shall be identified in the minutes. All minutes and
7 documents of meetings, other than closed meetings, shall be
8 made available to members of the public upon request. All
9 minutes and documents of a closed meeting shall remain under
10 seal, subject to release by a majority vote of the commission
11 or order of a court of competent jurisdiction.

12 (8) Financing of the Commission.

13 a. The commission shall pay, or provide for the
14 payment of, the reasonable expenses of its establishment,
15 organization, and ongoing activities.

16 b. The commission may accept any and all appropriate
17 revenue sources, donations, and grants of money, equipment,
18 supplies, materials, and services.

19 c. The commission may levy and collect an annual
20 assessment from each member state's licensing board or impose
21 fees on other parties to cover the cost of the operations and
22 activities of the commission and its staff, which must be in a
23 total amount sufficient to cover its annual budget as approved
24 each year for which revenue is not provided by other sources.
25 The aggregate annual assessment amount shall be allocated

1 based upon a formula to be determined by the commission, which
2 shall adopt a rule binding upon all member states.

3 (9) The commission shall not incur obligations of
4 any kind prior to securing the funds adequate to meet the
5 obligation; nor shall the commission pledge the credit of any
6 of the member states, except by and with the authority of the
7 member state.

8 (10) The commission shall keep accurate accounts of
9 all receipts and disbursements. The receipts and disbursements
10 of the commission are 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,
14 and the report of the audit shall be included in and become
15 part of the annual report of the commission.

16 (g) Qualified Immunity, Defense, and
17 Indemnification.

18 (1) The members, officers, executive director,
19 employees, and representatives of the commission shall be
20 immune from suit and liability, either personally or in their
21 official capacity, for any claim for damage to or loss of
22 property or personal injury or other civil liability caused by
23 or arising out of any actual or alleged act, error, or
24 omission that occurred, or that the person against whom the
25 claim is made had a reasonable basis for believing occurred

1 within the scope of commission employment, duties, or
2 responsibilities; provided that nothing in this subdivision
3 shall be construed to protect any person from suit or
4 liability for any damage, loss, injury, or liability caused by
5 the intentional or willful or wanton misconduct of that
6 person.

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

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

1 responsibilities, or that person had a reasonable basis for
2 believing occurred within the scope of commission employment,
3 duties, or responsibilities, provided that the actual or
4 alleged act, error, or omission did not result from the
5 intentional or willful or wanton misconduct of that person.

6 Section 9. DATA SYSTEM.

7 (a) The commission shall provide for the
8 development, maintenance, and use of a coordinated database
9 and reporting system containing licensure, adverse action, and
10 investigative information on all licensed individuals in
11 member states.

12 (b) Notwithstanding any state law to the contrary, a
13 member state shall submit a uniform data set to the data
14 system on all individuals to whom this compact is applicable
15 as required by the rules of the commission, including all of
16 the following:

17 (1) Identifying information.

18 (2) Licensure data.

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

21 (4) Non-confidential information related to
22 alternative program participation.

23 (5) Any denial of application for licensure, and the
24 reason for denial.

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

4 (c) Investigative information pertaining to a
5 licensee in any member state shall only be available to other
6 member states.

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

12 (e) Member states contributing information to the
13 data system may designate information that may not be shared
14 with the public without the express permission of the
15 contributing state.

16 (f) Any information submitted to the data system
17 that is subsequently required to be expunged by the laws of
18 the member state contributing the information shall be removed
19 from the data system.

20 Section 10. RULEMAKING.

21 (a) The commission shall exercise its rulemaking
22 powers pursuant to the criteria set forth in this section and
23 the rules adopted thereunder. Rules and amendments become
24 binding as of the date specified in each rule or amendment.

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

6 (c) Rules or amendments to the rules shall be
7 adopted at a regular or special meeting of the commission.

8 (d) Prior to promulgation and adoption of a final
9 rule or rules by the commission, and at least 30 days in
10 advance of the meeting at which the rule shall be considered
11 and voted upon, the commission shall file a Notice of Proposed
12 Rulemaking on the website of the commission or other publicly
13 accessible platform and on the website of each member state
14 audiology or speech-language pathology licensing board or
15 other publicly accessible platform or the publication in which
16 each state would otherwise publish proposed rules.

17 (e) The Notice of Proposed Rulemaking shall include
18 all of the following:

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

21 (2) The text of the proposed rule or amendment and
22 the reason for the proposed rule.

23 (3) A request for comments on the proposed rule from
24 any interested person.

1 (4) The manner in which interested persons may
2 submit notice to the commission of their intention to attend
3 the public hearing and any written comments.

4 (f) Prior to the adoption of a proposed rule, the
5 commission shall allow persons to submit written data, facts,
6 opinions, and arguments, which shall be made available to the
7 public.

8 (g) The commission shall grant an opportunity for a
9 public hearing before it adopts a rule or amendment if a
10 hearing is requested by any of the following:

11 (1) At least 25 persons.

12 (2) A state or federal governmental subdivision or
13 agency.

14 (3) An association having at least 25 members.

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

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

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

4 (3) All hearings shall be recorded. A copy of the
5 recording shall be made available to any person upon request,
6 at his or her own expense.

7 (4) Nothing in this section shall be construed as
8 requiring a separate hearing on each rule. Rules may be
9 grouped for the convenience of the commission at hearings
10 required by this section.

11 (i) Following the scheduled hearing date, or by the
12 close of business on the scheduled hearing date if the hearing
13 was not held, the commission shall consider all written and
14 oral comments received.

15 (j) If no written notice of intent to attend the
16 public hearing by interested parties is received, the
17 commission may proceed with promulgation of the proposed rule
18 without a public hearing.

19 (k) The commission, by majority vote of all members,
20 shall take final action on the proposed rule and shall
21 determine the effective date of the rule, if any, based on the
22 rulemaking record and the full text of the rule.

23 (l) Upon determination that an emergency exists, the
24 commission may consider and adopt an emergency rule without
25 prior notice, opportunity for comment, or hearing, provided

1 that the usual rulemaking procedures provided in this compact
2 and in this section shall be retroactively applied to the rule
3 as soon as reasonably possible, in no event later than 90 days
4 after the effective date of the rule. For the purposes of this
5 subsection, an emergency rule is one that must be adopted
6 immediately in order to fulfill any of the following:

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

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

11 (3) Meet a deadline for the adoption of an
12 administrative rule that is established by federal law or
13 rule.

14 (m) The commission or an authorized committee of the
15 commission may direct revisions to a previously adopted rule
16 or amendment for purposes of correcting typographical errors,
17 errors in format, errors in consistency, or grammatical
18 errors. Public notice of any revisions shall be posted on the
19 website of the commission. The revision shall be subject to
20 challenge by any person for a period of 30 days after posting.
21 The revision may be challenged only on grounds that the
22 revision results in a material change to a rule. A challenge
23 shall be made in writing and delivered to the chair of the
24 commission prior to the end of the notice period. If no
25 challenge is made, the revision shall take effect without

1 further action. If the revision is challenged, the revision
2 may not take effect without the approval of the commission.

3 Section 11. OVERSIGHT, DISPUTE RESOLUTION, AND
4 ENFORCEMENT.

5 (a) Dispute Resolution.

6 (1) Upon request by a member state, the commission
7 shall attempt to resolve disputes related to this compact that
8 arise among member states and between member and non-member
9 states.

10 (2) The commission shall adopt a rule providing for
11 both mediation and binding dispute resolution for disputes as
12 appropriate.

13 (b) Enforcement.

14 (1) The commission, in the reasonable exercise of
15 its discretion, shall enforce the provisions and rules of this
16 compact.

17 (2) By majority vote, the commission may initiate
18 legal action in the United States District Court for the
19 District of Columbia or the federal district court where the
20 commission has its principal offices against a member state in
21 default to enforce compliance with this compact and its
22 adopted rules and bylaws. The relief sought may include both
23 injunctive relief and damages. In the event judicial
24 enforcement is necessary, the prevailing member shall be

1 awarded all costs of litigation, including reasonable
2 attorney's fees.

3 (3) The remedies described in this subsection are
4 not the exclusive remedies of the commission. The commission
5 may pursue any other remedies available under federal or state
6 law.

7 Section 12. DATE OF IMPLEMENTATION OF THE INTERSTATE
8 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY
9 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

10 (a) This compact takes effect on the date on which
11 the compact statute is enacted into law in the 10th member
12 state. The provisions, which become effective at that time,
13 shall be limited to the powers granted to the commission
14 relating to assembly and the adoption of rules. Thereafter,
15 the commission shall meet and exercise rulemaking powers
16 necessary to the implementation and administration of this
17 compact.

18 (b) Any state that joins this compact subsequent to
19 the commission's initial adoption of the rules is subject to
20 the rules as they exist on the date on which this compact
21 becomes law in that state. Any rule that has been previously
22 adopted by the commission has the full force and effect of law
23 on the day this compact becomes law in that state.

24 (c) Any member state may withdraw from this compact
25 by enacting a statute repealing participation in this compact.

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

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

9 (d) Nothing contained in this compact shall be
10 construed to invalidate or prevent any audiology or
11 speech-language pathology licensure agreement or other
12 cooperative arrangement between a member state and a
13 non-member state that does not conflict with the provisions of
14 this compact.

15 (e) This compact may be amended by the member
16 states. No amendment to this compact shall become effective
17 and binding upon any member state until it is enacted into the
18 laws of all member states.

19 Section 13. CONSTRUCTION AND SEVERABILITY.

20 This compact shall be liberally construed so as to
21 effectuate the purposes of this compact. The provisions of
22 this compact are severable and if any phrase, clause,
23 sentence, or provision of this compact is declared to be
24 contrary to the constitution of any member state or of the
25 United States or the applicability thereof to any government,

1 agency, person, or circumstance is held invalid, the validity
2 of the remainder of this compact and the applicability thereof
3 to any government, agency, person, or circumstance shall not
4 be affected. If this compact is held contrary to the
5 constitution of any member state, this compact shall remain in
6 full force and effect as to the remaining member states and in
7 full force and effect as to the member state affected as to
8 all severable matters.

9 Section 14. BINDING EFFECT OF COMPACT AND OTHER
10 LAWS.

11 (a) Nothing in this compact prevents the enforcement
12 of any other law of a member state that is not inconsistent
13 with this compact.

14 (b) All laws in a member state in conflict with this
15 compact are superseded to the extent of the conflict.

16 (c) All lawful actions of the commission, including
17 all rules and bylaws adopted by the commission, are binding
18 upon the member states.

19 (d) All agreements between the commission and the
20 member states are binding in accordance with their terms.

21 (e) In the event any provision of this compact
22 exceeds the constitutional limits imposed on the legislature
23 of any member state, the provision shall be ineffective to the
24 extent of the conflict with the constitutional provision in
25 question in that member state.

1 Section 15. Except as to judicial proceedings for
2 the enforcement of this compact among member states,
3 individuals may pursue judicial proceedings related to this
4 compact in any Alabama state or federal court that would
5 otherwise have competent jurisdiction.

6 Section 16. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB130

Senate 04-FEB-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 04-MAR-21

Senate concurred in House amendment 09-MAR-21

By: Senator Coleman-Madison