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Representatives White, Plummer

Cosponsors: Representatives Abrams, Baldrige, Blackshear, Boggs, Brown, Carfagna, Carruthers, Crossman, Edwards, Fraizer, Galonski, Ghanbari, Ginter, Gross, Hicks-Hudson, Hoops, Jarrells, John, Jones, Lanese, Leland, Lepore-Hagan, Lightbody, Lipps, Liston, Loychik, McClain, Miller, A., Miller, J., O'Brien, Patton, Ray, Richardson, Riedel, Robinson, Russo, Sheehy, Sobecki, Stein, Stephens, Upchurch, West, Young, B., Young, T., Speaker Cupp

Senators Roegner, Huffman, S., Antonio, Blessing, Brenner, Cirino, Craig, Gavarone, Hackett, Hoagland, Johnson, Kunze, Maharath, McColley, O'Brien, Peterson, Reineke, Romanchuk, Rulli, Thomas, Wilson, Yuko

A BILL

To enact sections 4753.17 and 4753.171 of the 1
Revised Code to enter into the Audiology and 2
Speech-Language Pathology Interstate Compact. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4753.17 and 4753.171 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4753.17. The "Audiology and Speech-Language Pathology 6
Interstate Compact" is hereby ratified, enacted into law, and 7
entered into by the state of Ohio as a party to the compact with 8
any other state that has legally joined in the compact as 9
follows: 10

SECTION 1: PURPOSE 11

The purpose of this Compact is to facilitate interstate 12
practice of audiology and speech-language pathology with the 13
goal of improving public access to audiology and speech-language 14
pathology services. The practice of audiology and speech- 15
language pathology occurs in the state where the patient/client/ 16
student is located at the time of the patient/client/student 17
encounter. The Compact preserves the regulatory authority of 18
states to protect public health and safety through the current 19
system of state licensure. 20

This Compact is designed to achieve the following 21
objectives: 22

1. Increase public access to audiology and speech-language 23
pathology services by providing for the mutual recognition of 24
other member state licenses; 25

2. Enhance the states' ability to protect the public's 26
health and safety; 27

3. Encourage the cooperation of member states in 28
regulating multistate audiology and speech-language pathology 29
practice; 30

4. Support spouses of relocating active duty military 31
personnel; 32

5. Enhance the exchange of licensure, investigative and 33
disciplinary information between member states; 34

6. Allow a remote state to hold a provider of services 35
with a compact privilege in that state accountable to that 36
state's practice standards; and 37

7. Allow for the use of telehealth technology to 38
facilitate increased access to audiology and speech-language 39

pathology services. 40

SECTION 2: DEFINITIONS 41

As used in this Compact, and except as otherwise provided, 42
the following definitions shall apply: 43

A. "Active duty military" means full-time duty status in 44
the active uniformed service of the United States, including 45
members of the National Guard and Reserve on active duty orders 46
pursuant to 10 U.S.C. Chapter 1209 and 1211. 47

B. "Adverse action" means any administrative, civil, 48
equitable or criminal action permitted by a state's laws which 49
is imposed by a licensing board or other authority against an 50
audiologist or speech-language pathologist, including actions 51
against an individual's license or privilege to practice such as 52
revocation, suspension, probation, monitoring of the licensee, 53
or restriction on the licensee's practice. 54

C. "Alternative program" means a non-disciplinary 55
monitoring process approved by an audiology or speech-language 56
pathology licensing board to address impaired practitioners. 57

D. "Audiologist" means an individual who is licensed by a 58
state to practice audiology. 59

E. "Audiology" means the care and services provided by a 60
licensed audiologist as set forth in the member state's statutes 61
and rules. 62

F. "Audiology and Speech-Language Pathology Compact 63
Commission" or "Commission" means the national administrative 64
body whose membership consists of all states that have enacted 65
the Compact. 66

G. "Audiology and speech-language pathology licensing 67

board," "audiology licensing board," "speech-language pathology 68
licensing board," or "licensing board" means the agency of a 69
state that is responsible for the licensing and regulation of 70
audiologists and/or speech-language pathologists. 71

H. "Compact privilege" means the authorization granted by 72
a remote state to allow a licensee from another member state to 73
practice as an audiologist or speech-language pathologist in the 74
remote state under its laws and rules. The practice of audiology 75
or speech-language pathology occurs in the member state where 76
the patient/client/student is located at the time of the 77
patient/client/student encounter. 78

I. "Current significant investigative information" means 79
investigative information that a licensing board, after an 80
inquiry or investigation that includes notification and an 81
opportunity for the audiologist or speech-language pathologist 82
to respond, if required by state law, has reason to believe is 83
not groundless and, if proved true, would indicate more than a 84
minor infraction. 85

J. "Data system" means a repository of information about 86
licensees, including, but not limited to, continuing education, 87
examination, licensure, investigative, compact privilege and 88
adverse action. 89

K. "Encumbered license" means a license in which an 90
adverse action restricts the practice of audiology or speech- 91
language pathology by the licensee and said adverse action has 92
been reported to the National Practitioners Data Bank (NPDB). 93

L. "Executive Committee" means a group of directors 94
elected or appointed to act on behalf of, and within the powers 95
granted to them by, the Commission. 96

<u>M. "Home state" means the member state that is the</u>	97
<u>licensee's primary state of residence.</u>	98
<u>N. "Impaired practitioner" means individuals whose</u>	99
<u>professional practice is adversely affected by substance abuse,</u>	100
<u>addiction, or other health-related conditions.</u>	101
<u>O. "Licensee" means an individual who currently holds an</u>	102
<u>authorization from the state licensing board to practice as an</u>	103
<u>audiologist or speech-language pathologist.</u>	104
<u>P. "Member state" means a state that has enacted the</u>	105
<u>Compact.</u>	106
<u>Q. "Privilege to practice" means a legal authorization</u>	107
<u>permitting the practice of audiology or speech-language</u>	108
<u>pathology in a remote state.</u>	109
<u>R. "Remote state" means a member state other than the home</u>	110
<u>state where a licensee is exercising or seeking to exercise the</u>	111
<u>compact privilege.</u>	112
<u>S. "Rule" means a regulation, principle or directive</u>	113
<u>promulgated by the Commission that has the force of law.</u>	114
<u>T. "Single-state license" means an audiology or speech-</u>	115
<u>language pathology license issued by a member state that</u>	116
<u>authorizes practice only within the issuing state and does not</u>	117
<u>include a privilege to practice in any other member state.</u>	118
<u>U. "Speech-language pathologist" means an individual who</u>	119
<u>is licensed by a state to practice speech-language pathology.</u>	120
<u>V. "Speech-language pathology means the care and services</u>	121
<u>provided by a licensed speech-language pathologist as set forth</u>	122
<u>in the member state's statutes and rules.</u>	123

W. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology. 124
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X. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline. 127
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Y. "Telehealth" means the application of telecommunication, audio-visual, or other technologies that meet the applicable standard of care to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation. 132
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SECTION 3. STATE PARTICIPATION IN THE COMPACT 137

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state where the licensee obtains such a privilege. 138
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B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records. 144
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1. A member state must fully implement a criminal 152

background check requirement, within a time frame established by 153
rule, by receiving the results of the Federal Bureau of 154
Investigation record search on criminal background checks and 155
use the results in making licensure decisions. 156

2. Communication between a member state, the Commission 157
and among member states regarding the verification of 158
eligibility for licensure through the Compact shall not include 159
any information received from the Federal Bureau of 160
Investigation relating to a federal criminal records check 161
performed by a member state under Public Law 92-544. 162

C. Upon application for a privilege to practice, the 163
licensing board in the issuing remote state shall ascertain, 164
through the data system, whether the applicant has ever held, or 165
is the holder of, a license issued by any other state, whether 166
there are any encumbrances on any license or privilege to 167
practice held by the applicant, whether any adverse action has 168
been taken against any license or privilege to practice held by 169
the applicant. 170

D. Each member state shall require an applicant to obtain 171
or retain a license in the home state and meet the home state's 172
qualifications for licensure or renewal of licensure, as well 173
as, all other applicable state laws. 174

E. For an audiologist: 175

1. Must meet one of the following educational 176
requirements: 177

a. On or before, Dec. 31, 2007, has graduated with a 178
master's degree or doctorate in audiology, or equivalent degree 179
regardless of degree name, from a program that is accredited by 180
an accrediting agency recognized by the Council for Higher 181

Education Accreditation, or its successor, or by the United 182
States Department of Education and operated by a college or 183
university accredited by a regional or national accrediting 184
organization recognized by the board; or 185

b. On or after, Jan. 1, 2008, has graduated with a 186
Doctoral degree in audiology, or equivalent degree, regardless 187
of degree name, from a program that is accredited by an 188
accrediting agency recognized by the Council for Higher 189
Education Accreditation, or its successor, or by the United 190
States Department of Education and operated by a college or 191
university accredited by a regional or national accrediting 192
organization recognized by the board; or 193

c. Has graduated from an audiology program that is housed 194
in an institution of higher education outside of the United 195
States (a) for which the program and institution have been 196
approved by the authorized accrediting body in the applicable 197
country and (b) the degree program has been verified by an 198
independent credentials review agency to be comparable to a 199
state licensing board-approved program. 200

2. Has completed a supervised clinical practicum 201
experience from an accredited educational institution or its 202
cooperating programs as required by the Commission; 203

3. Has successfully passed a national examination approved 204
by the Commission; 205

4. Holds an active, unencumbered license; 206

5. Has not been convicted or found guilty, and has not 207
entered into an agreed disposition, of a felony related to the 208
practice of audiology, under applicable state or federal 209
criminal law; 210

<u>6. Has a valid United States Social Security or National</u>	211
<u>Practitioner Identification number.</u>	212
<u>F. For a speech-language pathologist:</u>	213
<u>1. Must meet one of the following educational</u>	214
<u>requirements:</u>	215
<u>a. Has graduated with a master's degree from a speech-</u>	216
<u>language pathology program that is accredited by an organization</u>	217
<u>recognized by the United States Department of Education and</u>	218
<u>operated by a college or university accredited by a regional or</u>	219
<u>national accrediting organization recognized by the board; or</u>	220
<u>b. Has graduated from a speech-language pathology program</u>	221
<u>that is housed in an institution of higher education outside of</u>	222
<u>the United States (a) for which the program and institution have</u>	223
<u>been approved by the authorized accrediting body in the</u>	224
<u>applicable country and (b) the degree program has been verified</u>	225
<u>by an independent credentials review agency to be comparable to</u>	226
<u>a state licensing board-approved program.</u>	227
<u>2. Has completed a supervised clinical practicum</u>	228
<u>experience from an educational institution or its cooperating</u>	229
<u>programs as required by the Commission;</u>	230
<u>3. Has completed a supervised postgraduate professional</u>	231
<u>experience as required by the Commission;</u>	232
<u>4. Has successfully passed a national examination approved</u>	233
<u>by the Commission;</u>	234
<u>5. Holds an active, unencumbered license;</u>	235
<u>6. Has not been convicted or found guilty, and has not</u>	236
<u>entered into an agreed disposition, of a felony related to the</u>	237
<u>practice of speech-language pathology, under applicable state or</u>	238

<u>federal criminal law;</u>	239
<u>7. Has a valid United States Social Security or National Practitioner Identification number.</u>	240
<u>G. The privilege to practice is derived from the home state license.</u>	242
<u>H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.</u>	244
<u>I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.</u>	245
<u>J. Member states may charge a fee for granting a compact privilege.</u>	246
<u>K. Member states must comply with the bylaws and rules and</u>	247

<u>regulations of the Commission.</u>	268
<u>SECTION 4. COMPACT PRIVILEGE</u>	269
<u>A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:</u>	270
<u>1. Hold an active license in the home state;</u>	271
<u>2. Have no encumbrance on any state license;</u>	272
<u>3. Be eligible for a compact privilege in any member state in accordance with Section 3;</u>	273
<u>4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;</u>	274
<u>5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);</u>	275
<u>6. Pay any applicable fees, including any state fee, for the compact privilege;</u>	276
<u>7. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.</u>	277
<u>B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.</u>	278
<u>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</u>	279
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deactivated in accordance with applicable rules adopted by the 295
Commission. 296

D. The audiologist or speech-language pathologist may 297
apply for licensure in advance of a change in primary state of 298
residence. 299

E. A license shall not be issued by the new home state 300
until the audiologist or speech-language pathologist provides 301
satisfactory evidence of a change in primary state of residence 302
to the new home state and satisfies all applicable requirements 303
to obtain a license from the new home state. 304

F. If an audiologist or speech-language pathologist 305
changes primary state of residence by moving from a member state 306
to a non-member state, the license issued by the prior home 307
state shall convert to a single-state license, valid only in the 308
former home state and the privilege to practice in any member 309
state is deactivated in accordance with the rules promulgated by 310
the Commission. 311

G. The compact privilege is valid until the expiration 312
date of the home state license. The licensee must comply with 313
the requirements of Section 4A to maintain the compact privilege 314
in the remote state. 315

H. A licensee providing audiology or speech-language 316
pathology services in a remote state under the compact privilege 317
shall function within the laws and regulations of the remote 318
state. 319

I. A licensee providing audiology or speech-language 320
pathology services in a remote state is subject to that state's 321
regulatory authority. A remote state may, in accordance with due 322
process and that state's laws, remove a licensee's compact 323

privilege in the remote state for a specific period of time, 324
impose fines, and/or take any other necessary actions to protect 325
the health and safety of its citizens. 326

J. If a home state license is encumbered, the licensee 327
shall lose the compact privilege in any remote state until the 328
following occur: 329

1. The home state license is no longer encumbered; and 330

2. Two years have elapsed from the date of the adverse 331
action. 332

K. Once an encumbered license in the home state is 333
restored to good standing, the licensee must meet the 334
requirements of Section 4A to obtain a compact privilege in any 335
remote state. 336

L. Once the requirements of Section 4J have been met, the 337
licensee must meet the requirements in Section 4A to obtain a 338
compact privilege in a remote state. 339

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH 340

Member states shall recognize the right of an audiologist 341
or speech-language pathologist, licensed by a home state in 342
accordance with Section 3 and under rules promulgated by the 343
Commission, to practice audiology or speech-language pathology 344
in any member state via telehealth under a privilege to practice 345
as provided in the Compact and rules promulgated by the 346
Commission. 347

A licensee providing audiology or speech-language 348
pathology services in a remote state under the compact privilege 349
shall function within the laws and regulations of the state 350
where the patient/client is located. 351

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES 352
Active duty military personnel, or their spouse, shall designate 353
a home state where the individual has a current license in good 354
standing. The individual may retain the home state designation 355
during the period the service member is on active duty. 356
Subsequent to designating a home state, the individual shall 357
only change their home state through application for licensure 358
in the new state. 359

SECTION 7. ADVERSE ACTIONS 360

A. In addition to the other powers conferred by state law, 361
a remote state shall have the authority, in accordance with 362
existing state due process law, to: 363

1. Take adverse action against an audiologist's or speech- 364
language pathologist's privilege to practice within that member 365
state. 366

2. Issue subpoenas for both hearings and investigations 367
that require the attendance and testimony of witnesses as well 368
as the production of evidence. Subpoenas issued by a licensing 369
board in a member state for the attendance and testimony of 370
witnesses or the production of evidence from another member 371
state shall be enforced in the latter state by any court of 372
competent jurisdiction, according to the practice and procedure 373
of that court applicable to subpoenas issued in proceedings 374
pending before it. The issuing authority shall pay any witness 375
fees, travel expenses, mileage and other fees required by the 376
service statutes of the state in which the witnesses or evidence 377
are located. 378

3. Only the home state shall have the power to take 379
adverse action against a audiologist's or speech-language 380

pathologist's license issued by the home state. 381

B. For purposes of taking adverse action, the home state 382
shall give the same priority and effect to reported conduct 383
received from a member state as it would if the conduct had 384
occurred within the home state. In so doing, the home state 385
shall apply its own state laws to determine appropriate action. 386

C. The home state shall complete any pending 387
investigations of an audiologist or speech-language pathologist 388
who changes primary state of residence during the course of the 389
investigations. The home state shall also have the authority to 390
take appropriate action(s) and shall promptly report the 391
conclusions of the investigations to the administrator of the 392
data system. The administrator of the coordinated licensure 393
information system shall promptly notify the new home state of 394
any adverse actions. 395

D. If otherwise permitted by state law, the member state 396
may recover from the affected audiologist or speech-language 397
pathologist the costs of investigations and disposition of cases 398
resulting from any adverse action taken against that audiologist 399
or speech-language pathologist. 400

E. The member state may take adverse action based on the 401
factual findings of the remote state, provided that the member 402
state follows the member state's own procedures for taking the 403
adverse action. 404

F. Joint Investigations 405

1. In addition to the authority granted to a member state 406
by its respective audiology or speech-language pathology 407
practice act or other applicable state law, any member state may 408
participate with other member states in joint investigations of 409

licensees. 410

2. Member states shall share any investigative, 411
litigation, or compliance materials in furtherance of any joint 412
or individual investigation initiated under the Compact. 413

G. If adverse action is taken by the home state against an 414
audiologist's or speech-language pathologist's license, the 415
audiologist's or speech-language pathologist's privilege to 416
practice in all other member states shall be deactivated until 417
all encumbrances have been removed from the state license. All 418
home state disciplinary orders that impose adverse action 419
against an audiologist's or speech-language pathologist's 420
license shall include a statement that the audiologist's or 421
speech-language pathologist's privilege to practice is 422
deactivated in all member states during the pendency of the 423
order. 424

H. If a member state takes adverse action against a 425
licensee, it shall promptly notify the administrator of the data 426
system. The administrator of the data system shall promptly 427
notify the home state and any remote states in which the 428
licensee has a privilege to practice of any adverse actions by 429
the home state or remote states. 430

I. Nothing in this Compact shall override a member state's 431
decision that participation in an alternative program may be 432
used in lieu of adverse action. 433

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH- 434
LANGUAGE PATHOLOGY COMPACT COMMISSION 435

A. The Compact member states hereby create and establish a 436
joint public agency known as the Audiology and Speech-Language 437
Pathology Compact Commission: 438

<u>1. The Commission is an instrumentality of the Compact</u>	439
<u>states.</u>	440
<u>2. Venue is proper and judicial proceedings by or against</u>	441
<u>the Commission shall be brought solely and exclusively in a</u>	442
<u>court of competent jurisdiction where the principal office of</u>	443
<u>the Commission is located. The Commission may waive venue and</u>	444
<u>jurisdictional defenses to the extent it adopts or consents to</u>	445
<u>participate in alternative dispute resolution proceedings.</u>	446
<u>3. Nothing in this Compact shall be construed to be a</u>	447
<u>waiver of sovereign immunity.</u>	448
<u>B. Membership, Voting and Meetings</u>	449
<u>1. Each member state shall have two (2) delegates selected</u>	450
<u>by that member state's licensing board. The delegates shall be</u>	451
<u>current members of the licensing board. One shall be an</u>	452
<u>audiologist and one shall be a speech-language pathologist.</u>	453
<u>2. An additional five (5) delegates, who are either a</u>	454
<u>public member or board administrator from a state licensing</u>	455
<u>board, shall be chosen by the Executive Committee from a pool of</u>	456
<u>nominees provided by the Commission at Large.</u>	457
<u>3. Any delegate may be removed or suspended from office as</u>	458
<u>provided by the law of the state from which the delegate is</u>	459
<u>appointed.</u>	460
<u>4. The member state board shall fill any vacancy occurring</u>	461
<u>on the Commission, within 90 days.</u>	462
<u>5. Each delegate shall be entitled to one (1) vote with</u>	463
<u>regard to the promulgation of rules and creation of bylaws and</u>	464
<u>shall otherwise have an opportunity to participate in the</u>	465
<u>business and affairs of the Commission.</u>	466

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication. 467
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7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws. 471
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C. The Commission shall have the following powers and duties: 474
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1. Establish the fiscal year of the Commission; 476

2. Establish bylaws; 477

3. Establish a Code of Ethics; 478

4. Maintain its financial records in accordance with the bylaws; 479
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5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws; 481
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6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states to the extent and in the manner provided for in the Compact; 483
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7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected; 488
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8. Purchase and maintain insurance and bonds; 492

9. Borrow, accept, or contract for services of personnel, 493

<u>including, but not limited to, employees of a member state;</u>	494
<u>10. Hire employees, elect or appoint officers, fix</u>	495
<u>compensation, define duties, grant individuals appropriate</u>	496
<u>authority to carry out the purposes of the Compact, and to</u>	497
<u>establish the Commission's personnel policies and programs</u>	498
<u>relating to conflicts of interest, qualifications of personnel,</u>	499
<u>and other related personnel matters;</u>	500
<u>11. Accept any and all appropriate donations and grants of</u>	501
<u>money, equipment, supplies, materials and services, and to</u>	502
<u>receive, utilize and dispose of the same; provided that at all</u>	503
<u>times the Commission shall avoid any appearance of impropriety</u>	504
<u>and/or conflict of interest;</u>	505
<u>12. Lease, purchase, accept appropriate gifts or donations</u>	506
<u>of, or otherwise to own, hold, improve or use, any property,</u>	507
<u>real, personal or mixed; provided that at all times the</u>	508
<u>Commission shall avoid any appearance of impropriety;</u>	509
<u>13. Sell convey, mortgage, pledge, lease, exchange,</u>	510
<u>abandon, or otherwise dispose of any property real, personal, or</u>	511
<u>mixed;</u>	512
<u>14. Establish a budget and make expenditures;</u>	513
<u>15. Borrow money;</u>	514
<u>16. Appoint committees, including standing committees</u>	515
<u>composed of members, and other interested persons as may be</u>	516
<u>designated in this Compact and the bylaws;</u>	517
<u>17. Provide and receive information from, and cooperate</u>	518
<u>with, law enforcement agencies;</u>	519
<u>18. Establish and elect an Executive Committee; and</u>	520

19. Perform other functions as may be necessary or 521
appropriate to achieve the purposes of this Compact consistent 522
with the state regulation of audiology and speech-language 523
pathology licensure and practice. 524

The Commission shall have no authority to change or modify 525
the laws of the member states that define the practice of 526
audiology and speech-language pathology in the respective 527
states. 528

D. The Executive Committee The Executive Committee shall 529
have the power to act on behalf of the Commission, within the 530
powers of the Commission, according to the terms of this 531
Compact: 532

1. The Executive Committee shall be composed of ten (10) 533
members: 534

a. Seven (7) voting members who are elected by the 535
Commission from the current membership of the Commission; 536

b. Two (2) ex-officios, consisting of one nonvoting member 537
from a recognized national audiology professional association 538
and one nonvoting member from a recognized national speech- 539
language pathology association; and 540

c. One (1) ex-officio, nonvoting member from the 541
recognized membership organization of the audiology and speech- 542
language pathology licensing boards. 543

E. The ex-officio members shall be selected by their 544
respective organizations. 545

1. The Commission may remove any member of the Executive 546
Committee as provided in bylaws. 547

2. The Executive Committee shall meet at least annually. 548

<u>3. The Executive Committee shall have the following duties</u>	549
<u>and responsibilities:</u>	550
<u>a. Recommend to the entire Commission changes to the rules</u>	551
<u>or bylaws, changes to this Compact legislation, fees paid by</u>	552
<u>Compact member states such as annual dues, and any commission</u>	553
<u>Compact fee charged to licensees for the compact privilege;</u>	554
<u>b. Ensure Compact administration services are</u>	555
<u>appropriately provided, contractual or otherwise;</u>	556
<u>c. Prepare and recommend the budget;</u>	557
<u>d. Maintain financial records on behalf of the Commission;</u>	558
<u>e. Monitor Compact compliance of member states and provide</u>	559
<u>compliance reports to the Commission;</u>	560
<u>f. Establish additional committees as necessary;</u>	561
<u>g. Other duties as provided in rules or bylaws.</u>	562
<u>4. Meetings of the Commission or Executive Committee</u>	563
<u>All meetings shall be open to the public, and public</u>	564
<u>notice of meetings shall be given in the same manner as required</u>	565
<u>under the rulemaking provisions in Section 10.</u>	566
<u>5. The Commission or the Executive Committee or other</u>	567
<u>committees of the Commission may convene in a closed, non-public</u>	568
<u>meeting if the Commission or Executive Committee or other</u>	569
<u>committees of the Commission must discuss:</u>	570
<u>a. Non-compliance of a member state with its obligations</u>	571
<u>under the Compact;</u>	572
<u>b. The employment, compensation, discipline or other</u>	573
<u>matters, practices or procedures related to specific employees</u>	574
<u>or other matters related to the Commission's internal personnel</u>	575

<u>practices and procedures;</u>	576
<u>c. Current, threatened, or reasonably anticipated</u>	577
<u>litigation;</u>	578
<u>d. Negotiation of contracts for the purchase, lease, or</u>	579
<u>sale of goods, services, or real estate;</u>	580
<u>e. Accusing any person of a crime or formally censuring</u>	581
<u>any person;</u>	582
<u>f. Disclosure of trade secrets or commercial or financial</u>	583
<u>information that is privileged or confidential;</u>	584
<u>g. Disclosure of information of a personal nature where</u>	585
<u>disclosure would constitute a clearly unwarranted invasion of</u>	586
<u>personal privacy;</u>	587
<u>h. Disclosure of investigative records compiled for law</u>	588
<u>enforcement purposes;</u>	589
<u>i. Disclosure of information related to any investigative</u>	590
<u>reports prepared by or on behalf of or for use of the Commission</u>	591
<u>or other committee charged with responsibility of investigation</u>	592
<u>or determination of compliance issues pursuant to the Compact;</u>	593
<u>or</u>	594
<u>j. Matters specifically exempted from disclosure by</u>	595
<u>federal or member state statute.</u>	596
<u>6. If a meeting, or portion of a meeting, is closed</u>	597
<u>pursuant to this provision, the Commission's legal counsel or</u>	598
<u>designee shall certify that the meeting may be closed and shall</u>	599
<u>reference each relevant exempting provision.</u>	600
<u>7. The Commission shall keep minutes that fully and</u>	601
<u>clearly describe all matters discussed in a meeting and shall</u>	602

provide a full and accurate summary of actions taken, and the 603
reasons therefore, including a description of the views 604
expressed. All documents considered in connection with an action 605
shall be identified in minutes. All minutes and documents of 606
meetings other than closed meetings shall be made available to 607
members of the public upon request at the requesting person's 608
expense. All minutes and documents of a closed meeting shall 609
remain under seal, subject to release by a majority vote of the 610
Commission or order of a court of competent jurisdiction. 611

8. Financing of the Commission 612

a. The Commission shall pay, or provide for the payment 613
of, the reasonable expenses of its establishment, organization, 614
and ongoing activities. 615

b. The Commission may accept any and all appropriate 616
revenue sources, donations, and grants of money, equipment, 617
supplies, materials, and services. 618

c. The Commission may levy on and collect an annual 619
assessment from each member state or impose fees on other 620
parties to cover the cost of the operations and activities of 621
the Commission and its staff, which must be in a total amount 622
sufficient to cover its annual budget as approved each year for 623
which revenue is not provided by other sources. The aggregate 624
annual assessment amount shall be allocated based upon a formula 625
to be determined by the Commission, which shall promulgate a 626
rule binding upon all member states. 627

9. The Commission shall not incur obligations of any kind 628
prior to securing the funds adequate to meet the same; nor shall 629
the Commission pledge the credit of any of the member states, 630
except by and with the authority of the member state. 631

10. The Commission shall keep accurate accounts of all 632
receipts and disbursements. The receipts and disbursements of 633
the Commission shall be subject to the audit and accounting 634
procedures established under its bylaws. However, all receipts 635
and disbursements of funds handled by the Commission shall be 636
audited yearly by a certified or licensed public accountant, and 637
the report of the audit shall be included in and become part of 638
the annual report of the Commission. 639

F. Qualified Immunity, Defense, and Indemnification 640

1. The members, officers, executive director, employees 641
and representatives of the Commission shall be immune from suit 642
and liability, either personally or in their official capacity, 643
for any claim for damage to or loss of property or personal 644
injury or other civil liability caused by or arising out of any 645
actual or alleged act, error or omission that occurred, or that 646
the person against whom the claim is made had a reasonable basis 647
for believing occurred within the scope of Commission 648
employment, duties or responsibilities; provided that nothing in 649
this paragraph shall be construed to protect any person from 650
suit and/or liability for any damage, loss, injury, or liability 651
caused by the intentional or willful or wanton misconduct of 652
that person. 653

2. The Commission shall defend any member, officer, 654
executive director, employee or representative of the Commission 655
in any civil action seeking to impose liability arising out of 656
any actual or alleged act, error, or omission that occurred 657
within the scope of Commission employment, duties, or 658
responsibilities, or that the person against whom the claim is 659
made had a reasonable basis for believing occurred within the 660
scope of Commission employment, duties, or responsibilities; 661

provided that nothing herein shall be construed to prohibit that 662
person from retaining his or her own counsel; and provided 663
further, that the actual or alleged act, error, or omission did 664
not result from that person's intentional or willful or wanton 665
misconduct. 666

3. The Commission shall indemnify and hold harmless any 667
member, officer, executive director, employee, or representative 668
of the Commission for the amount of any settlement or judgment 669
obtained against that person arising out of any actual or 670
alleged act, error or omission that occurred within the scope of 671
Commission employment, duties, or responsibilities, or that 672
person had a reasonable basis for believing occurred within the 673
scope of Commission employment, duties, or responsibilities, 674
provided that the actual or alleged act, error, or omission did 675
not result from the intentional or willful or wanton misconduct 676
of that person. 677

SECTION 9. DATA SYSTEM 678

A. The Commission shall provide for the development, 679
maintenance, and utilization of a coordinated database and 680
reporting system containing licensure, adverse action, and 681
investigative information on all licensed individuals in member 682
states. 683

B. Notwithstanding any other provision of state law to the 684
contrary, a member state shall submit a uniform data set to the 685
data system on all individuals to whom this Compact is 686
applicable as required by the rules of the Commission, 687
including: 688

1. Identifying information; 689

2. Licensure data; 690

<u>3. Adverse actions against a license or compact privilege;</u>	691
<u>4. Non-confidential information related to alternative program participation;</u>	692 693
<u>5. Any denial of application for licensure, and the reason(s) for denial; and</u>	694 695
<u>6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.</u>	696 697 698
<u>C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.</u>	699 700
<u>D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.</u>	701 702 703 704 705
<u>E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.</u>	706 707 708
<u>F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.</u>	709 710 711 712
<u>SECTION 10. RULEMAKING</u>	713
<u>A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.</u>	714 715 716 717

B. If a majority of the legislatures of the member states 718
rejects a rule, by enactment of a statute or resolution in the 719
same manner used to adopt the Compact within 4 years of the date 720
of adoption of the rule, the rule shall have no further force 721
and effect in any member state. 722

C. Rules or amendments to the rules shall be adopted at a 723
regular or special meeting of the Commission. 724

D. Prior to promulgation and adoption of a final rule or 725
rules by the Commission, and at least thirty (30) days in 726
advance of the meeting at which the rule shall be considered and 727
voted upon, the Commission shall file a Notice of Proposed 728
Rulemaking: 729

1. On the website of the Commission or other publicly 730
accessible platform; and 731

2. On the website of each member state audiology or 732
speech-language pathology licensing board or other publicly 733
accessible platform or the publication in which each state would 734
otherwise publish proposed rules. 735

E. The Notice of Proposed Rulemaking shall include: 736

1. The proposed time, date, and location of the meeting in 737
which the rule shall be considered and voted upon; 738

2. The text of the proposed rule or amendment and the 739
reason for the proposed rule; 740

3. A request for comments on the proposed rule from any 741
interested person; and 742

4. The manner in which interested persons may submit 743
notice to the Commission of their intention to attend the public 744
hearing and any written comments. 745

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public. 746
747
748

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: 749
750
751

1. At least twenty-five (25) persons; 752

2. A state or federal governmental subdivision or agency; 753
or 754

3. An association having at least twenty-five (25) members. 755
756

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing. 757
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1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing. 762
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2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. 767
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3. All hearings shall be recorded. A copy of the recording shall be made available to any person on request and at the requesting person's expense. 770
771
772

4. Nothing in this section shall be construed as requiring 773

a separate hearing on each rule. Rules may be grouped for the 774
convenience of the Commission at hearings required by this 775
section. 776

I. Following the scheduled hearing date, or by the close 777
of business on the scheduled hearing date if the hearing was not 778
held, the Commission shall consider all written and oral 779
comments received. 780

J. If no written notice of intent to attend the public 781
hearing by interested parties is received, the Commission may 782
proceed with promulgation of the proposed rule without a public 783
hearing. 784

K. The Commission shall, by majority vote of all members, 785
take final action on the proposed rule and shall determine the 786
effective date of the rule, if any, based on the rulemaking 787
record and the full text of the rule. 788

L. Upon determination that an emergency exists, the 789
Commission may consider and adopt an emergency rule without 790
prior notice, opportunity for comment, or hearing, provided that 791
the usual rulemaking procedures provided in the Compact and in 792
this section shall be retroactively applied to the rule as soon 793
as reasonably possible, in no event later than ninety (90) days 794
after the effective date of the rule. For the purposes of this 795
provision, an emergency rule is one that must be adopted 796
immediately in order to: 797

1. Meet an imminent threat to public health, safety, or 798
welfare; 799

2. Prevent a loss of Commission or member state funds; or 800

3. Meet a deadline for the promulgation of an 801
administrative rule that is established by federal law or rule. 802

M. The Commission or an authorized committee of the 803
Commission may direct revisions to a previously adopted rule or 804
amendment for purposes of correcting typographical errors, 805
errors in format, errors in consistency, or grammatical errors. 806
Public notice of any revisions shall be posted on the website of 807
the Commission. The revision shall be subject to challenge by 808
any person for a period of thirty (30) days after posting. The 809
revision may be challenged only on grounds that the revision 810
results in a material change to a rule. A challenge shall be 811
made in writing and delivered to the chair of the Commission 812
prior to the end of the notice period. If no challenge is made, 813
the revision shall take effect without further action. If the 814
revision is challenged, the revision may not take effect without 815
the approval of the Commission. 816

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 817

A. Dispute Resolution 818

1. Upon request by a member state, the Commission shall 819
attempt to resolve disputes related to the Compact that arise 820
among member states and between member and non-member states. 821

2. The Commission shall promulgate a rule providing for 822
both mediation and binding dispute resolution for disputes as 823
appropriate. 824

B. Enforcement 825

1. The Commission, in the reasonable exercise of its 826
discretion, shall enforce the provisions and rules of this 827
Compact. 828

2. By majority vote, the Commission may initiate legal 829
action in the United States District Court for the District of 830
Columbia or the federal district where the Commission has its 831

principal offices against a member state in default to enforce 832
compliance with the provisions of the Compact and its 833
promulgated rules and bylaws. The relief sought may include both 834
injunctive relief and damages. In the event judicial enforcement 835
is necessary, the prevailing member shall be awarded all costs 836
of litigation, including reasonable attorney's fees. 837

3. The remedies herein shall not be the exclusive remedies 838
of the Commission. The Commission may pursue any other remedies 839
available under federal or state law. 840

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE 841
COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE 842
AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT 843

A. The Compact shall come into effect on the date on which 844
the Compact statute is enacted into law in the 10th member 845
state. The provisions, which become effective at that time, 846
shall be limited to the powers granted to the Commission 847
relating to assembly and the promulgation of rules. Thereafter, 848
the Commission shall meet and exercise rulemaking powers 849
necessary to the implementation and administration of the 850
Compact. 851

B. Any state that joins the Compact subsequent to the 852
Commission's initial adoption of the rules shall be subject to 853
the rules as they exist on the date on which the Compact becomes 854
law in that state. Any rule that has been previously adopted by 855
the Commission shall have the full force and effect of law on 856
the day the Compact becomes law in that state. 857

C. Any member state may withdraw from this Compact by 858
enacting a statute repealing the same. 859

1. A member state's withdrawal shall not take effect until 860

six (6) months after enactment of the repealing statute. 861

2. Withdrawal shall not affect the continuing requirement 862
of the withdrawing state's audiology or speech-language 863
pathology licensing board to comply with the investigative and 864
adverse action reporting requirements of this act prior to the 865
effective date of withdrawal. 866

D. Nothing contained in this Compact shall be construed to 867
invalidate or prevent any audiology or speech-language pathology 868
licensure agreement or other cooperative arrangement between a 869
member state and a non-member state that does not conflict with 870
the provisions of this Compact. 871

E. This Compact may be amended by the member states. No 872
amendment to this Compact shall become effective and binding 873
upon any member state until it is enacted into the laws of all 874
member states. 875

SECTION 13. CONSTRUCTION AND SEVERABILITY 876

This Compact shall be liberally construed so as to 877
effectuate the purposes thereof. The provisions of this Compact 878
shall be severable and if any phrase, clause, sentence or 879
provision of this Compact is declared to be contrary to the 880
constitution of any member state or of the United States or the 881
applicability thereof to any government, agency, person or 882
circumstance is held invalid, the validity of the remainder of 883
this Compact and the applicability thereof to any government, 884
agency, person or circumstance shall not be affected thereby. If 885
this Compact shall be held contrary to the constitution of any 886
member state, the Compact shall remain in full force and effect 887
as to the remaining member states and in full force and effect 888
as to the member state affected as to all severable matters. 889

<u>SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS</u>	890
<u>A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.</u>	891 892
<u>B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.</u>	893 894
<u>C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.</u>	895 896 897
<u>D. All agreements between the Commission and the member states are binding in accordance with their terms.</u>	898 899
<u>E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.</u>	900 901 902 903 904
Sec. 4753.171. <u>Not later than thirty days after the "Audiology and Speech-Language Pathology Interstate Compact" is entered into under section 4753.17 of the Revised Code, the state speech and hearing professionals board, in accordance with section eight of the compact, shall select two individuals to serve as delegates to the audiology and speech-language pathology compact commission created under the compact. The board shall fill a vacancy in this position not later than thirty days after the vacancy occurs.</u>	905 906 907 908 909 910 911 912 913