

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 252

Representatives White, Plummer

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

M. "Home state" means the member state that is the 97
licensee's primary state of residence. 98

N. "Impaired practitioner" means individuals whose 99
professional practice is adversely affected by substance abuse, 100
addiction, or other health-related conditions. 101

O. "Licensee" means an individual who currently holds an 102
authorization from the state licensing board to practice as an 103
audiologist or speech-language pathologist. 104

<u>P. "Member state" means a state that has enacted the Compact.</u>	105 106
<u>Q. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.</u>	107 108 109
<u>R. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.</u>	110 111 112
<u>S. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.</u>	113 114
<u>T. "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.</u>	115 116 117 118
<u>U. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.</u>	119 120
<u>V. "Speech-language pathology means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.</u>	121 122 123
<u>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.</u>	124 125 126
<u>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.</u>	127 128 129 130 131
<u>Y. "Telehealth" means the application of telecommunication</u>	132

technology to deliver audiology or speech-language pathology 133
services at a distance for assessment, intervention and/or 134
consultation. 135

SECTION 3. STATE PARTICIPATION IN THE COMPACT 136

A. A license issued to an audiologist or speech-language 137
pathologist by a home state to a resident in that state shall be 138
recognized by each member state as authorizing an audiologist or 139
speech-language pathologist to practice audiology or speech- 140
language pathology, under a privilege to practice, in each 141
member state. 142

B. A state must implement or utilize procedures for 143
considering the criminal history records of applicants for 144
initial privilege to practice. These procedures shall include 145
the submission of fingerprints or other biometric-based 146
information by applicants for the purpose of obtaining an 147
applicant's criminal history record information from the Federal 148
Bureau of Investigation and the agency responsible for retaining 149
that state's criminal records. 150

1. A member state must fully implement a criminal 151
background check requirement, within a time frame established by 152
rule, by receiving the results of the Federal Bureau of 153
Investigation record search on criminal background checks and 154
use the results in making licensure decisions. 155

2. Communication between a member state, the Commission 156
and among member states regarding the verification of 157
eligibility for licensure through the Compact shall not include 158
any information received from the Federal Bureau of 159
Investigation relating to a federal criminal records check 160
performed by a member state under Public Law 92-544. 161

C. Upon application for a privilege to practice, the 162
licensing board in the issuing remote state shall ascertain, 163
through the data system, whether the applicant has ever held, or 164
is the holder of, a license issued by any other state, whether 165
there are any encumbrances on any license or privilege to 166
practice held by the applicant, whether any adverse action has 167
been taken against any license or privilege to practice held by 168
the applicant. 169

D. Each member state shall require an applicant to obtain 170
or retain a license in the home state and meet the home state's 171
qualifications for licensure or renewal of licensure, as well 172
as, all other applicable state laws. 173

E. For an audiologist: 174

1. Must meet one of the following educational 175
requirements: 176

a. On or before, Dec. 31, 2007, has graduated with a 177
master's degree or doctorate in audiology, or equivalent degree 178
regardless of degree name, from a program that is accredited by 179
an accrediting agency recognized by the Council for Higher 180
Education Accreditation, or its successor, or by the United 181
States Department of Education and operated by a college or 182
university accredited by a regional or national accrediting 183
organization recognized by the board; or 184

b. On or after, Jan. 1, 2008, has graduated with a 185
Doctoral degree in audiology, or equivalent degree, regardless 186
of degree name, from a program that is accredited by an 187
accrediting agency recognized by the Council for Higher 188
Education Accreditation, or its successor, or by the United 189
States Department of Education and operated by a college or 190

<u>university accredited by a regional or national accrediting</u>	191
<u>organization recognized by the board; or</u>	192
<u>c. Has graduated from an audiology program that is housed</u>	193
<u>in an institution of higher education outside of the United</u>	194
<u>States (a) for which the program and institution have been</u>	195
<u>approved by the authorized accrediting body in the applicable</u>	196
<u>country and (b) the degree program has been verified by an</u>	197
<u>independent credentials review agency to be comparable to a</u>	198
<u>state licensing board-approved program.</u>	199
<u>2. Has completed a supervised clinical practicum</u>	200
<u>experience from an accredited educational institution or its</u>	201
<u>cooperating programs as required by the Commission;</u>	202
<u>3. Has successfully passed a national examination approved</u>	203
<u>by the Commission;</u>	204
<u>4. Holds an active, unencumbered license;</u>	205
<u>5. Has not been convicted or found guilty, and has not</u>	206
<u>entered into an agreed disposition, of a felony related to the</u>	207
<u>practice of audiology, under applicable state or federal</u>	208
<u>criminal law;</u>	209
<u>6. Has a valid United States Social Security or National</u>	210
<u>Practitioner Identification number.</u>	211
<u>F. For a speech-language pathologist:</u>	212
<u>1. Must meet one of the following educational</u>	213
<u>requirements:</u>	214
<u>a. Has graduated with a master's degree from a speech-</u>	215
<u>language pathology program that is accredited by an organization</u>	216
<u>recognized by the United States Department of Education and</u>	217
<u>operated by a college or university accredited by a regional or</u>	218

<u>national accrediting organization recognized by the board; or</u>	219
<u>b. Has graduated from a speech-language pathology program</u>	220
<u>that is housed in an institution of higher education outside of</u>	221
<u>the United States (a) for which the program and institution have</u>	222
<u>been approved by the authorized accrediting body in the</u>	223
<u>applicable country and (b) the degree program has been verified</u>	224
<u>by an independent credentials review agency to be comparable to</u>	225
<u>a state licensing board-approved program.</u>	226
<u>2. Has completed a supervised clinical practicum</u>	227
<u>experience from an educational institution or its cooperating</u>	228
<u>programs as required by the Commission;</u>	229
<u>3. Has completed a supervised postgraduate professional</u>	230
<u>experience as required by the Commission;</u>	231
<u>4. Has successfully passed a national examination approved</u>	232
<u>by the Commission;</u>	233
<u>5. Holds an active, unencumbered license;</u>	234
<u>6. Has not been convicted or found guilty, and has not</u>	235
<u>entered into an agreed disposition, of a felony related to the</u>	236
<u>practice of speech-language pathology, under applicable state or</u>	237
<u>federal criminal law;</u>	238
<u>7. Has a valid United States Social Security or National</u>	239
<u>Practitioner Identification number.</u>	240
<u>G. The privilege to practice is derived from the home</u>	241
<u>state license.</u>	242
<u>H. An audiologist or speech-language pathologist</u>	243
<u>practicing in a member state must comply with the state practice</u>	244
<u>laws of the state in which the client is located at the time</u>	245
<u>service is provided. The practice of audiology and speech-</u>	246

language pathology shall include all audiology and speech- 247
language pathology practice as defined by the state practice 248
laws of the member state in which the client is located. The 249
practice of audiology and speech-language pathology in a member 250
state under a privilege to practice shall subject an audiologist 251
or speech-language pathologist to the jurisdiction of the 252
licensing board, the courts and the laws of the member state in 253
which the client is located at the time service is provided. 254

I. Individuals not residing in a member state shall 255
continue to be able to apply for a member state's single-state 256
license as provided under the laws of each member state. 257
However, the single-state license granted to these individuals 258
shall not be recognized as granting the privilege to practice 259
audiology or speech-language pathology in any other member 260
state. Nothing in this Compact shall affect the requirements 261
established by a member state for the issuance of a single-state 262
license. 263

J. Member states may charge a fee for granting a compact 264
privilege. 265

K. Member states must comply with the bylaws and rules and 266
regulations of the Commission. 267

SECTION 4. COMPACT PRIVILEGE 268

A. To exercise the compact privilege under the terms and 269
provisions of the Compact, the audiologist or speech-language 270
pathologist shall: 271

1. Hold an active license in the home state; 272

2. Have no encumbrance on any state license; 273

3. Be eligible for a compact privilege in any member state 274

<u>in accordance with Section 3;</u>	275
<u>4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;</u>	276 277 278
<u>5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);</u>	279 280
<u>6. Pay any applicable fees, including any state fee, for the compact privilege;</u>	281 282
<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>	283 284 285
<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>	286 287 288
<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 deactivated in accordance with applicable rules adopted by the Commission.</u>	289 290 291 292 293 294 295
<u>D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.</u>	296 297 298
<u>E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements</u>	299 300 301 302

to obtain a license from the new home state. 303

F. If an audiologist or speech-language pathologist 304
changes primary state of residence by moving from a member state 305
to a non-member state, the license issued by the prior home 306
state shall convert to a single-state license, valid only in the 307
former home state. 308

G. The compact privilege is valid until the expiration 309
date of the home state license. The licensee must comply with 310
the requirements of Section 4A to maintain the compact privilege 311
in the remote state. 312

H. A licensee providing audiology or speech-language 313
pathology services in a remote state under the compact privilege 314
shall function within the laws and regulations of the remote 315
state. 316

I. A licensee providing audiology or speech-language 317
pathology services in a remote state is subject to that state's 318
regulatory authority. A remote state may, in accordance with due 319
process and that state's laws, remove a licensee's compact 320
privilege in the remote state for a specific period of time, 321
impose fines, and/or take any other necessary actions to protect 322
the health and safety of its citizens. 323

J. If a home state license is encumbered, the licensee 324
shall lose the compact privilege in any remote state until the 325
following occur: 326

1. The home state license is no longer encumbered; and 327
2. Two years have elapsed from the date of the adverse 328
action. 329

K. Once an encumbered license in the home state is 330

restored to good standing, the licensee must meet the 331
requirements of Section 4A to obtain a compact privilege in any 332
remote state. 333

L. Once the requirements of Section 4J have been met, the 334
licensee must meet the requirements in Section 4A to obtain a 335
compact privilege in a remote state. 336

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH 337

Member states shall recognize the right of an audiologist 338
or speech-language pathologist, licensed by a home state in 339
accordance with Section 3 and under rules promulgated by the 340
Commission, to practice audiology or speech-language pathology 341
in any member state via telehealth under a privilege to practice 342
as provided in the Compact and rules promulgated by the 343
Commission. 344

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES 345

Active duty military personnel, or their spouse, shall designate 346
a home state where the individual has a current license in good 347
standing. The individual may retain the home state designation 348
during the period the service member is on active duty. 349
Subsequent to designating a home state, the individual shall 350
only change their home state through application for licensure 351
in the new state. 352

SECTION 7. ADVERSE ACTIONS 353

A. In addition to the other powers conferred by state law, 354
a remote state shall have the authority, in accordance with 355
existing state due process law, to: 356

1. Take adverse action against an audiologist's or speech- 357
language pathologist's privilege to practice within that member 358
state. 359

2. Issue subpoenas for both hearings and investigations 360
that require the attendance and testimony of witnesses as well 361
as the production of evidence. Subpoenas issued by a licensing 362
board in a member state for the attendance and testimony of 363
witnesses or the production of evidence from another member 364
state shall be enforced in the latter state by any court of 365
competent jurisdiction, according to the practice and procedure 366
of that court applicable to subpoenas issued in proceedings 367
pending before it. The issuing authority shall pay any witness 368
fees, travel expenses, mileage and other fees required by the 369
service statutes of the state in which the witnesses or evidence 370
are located. 371

3. Only the home state shall have the power to take 372
adverse action against a audiologist's or speech-language 373
pathologist's license issued by the home state. 374

B. For purposes of taking adverse action, the home state 375
shall give the same priority and effect to reported conduct 376
received from a member state as it would if the conduct had 377
occurred within the home state. In so doing, the home state 378
shall apply its own state laws to determine appropriate action. 379

C. The home state shall complete any pending 380
investigations of an audiologist or speech-language pathologist 381
who changes primary state of residence during the course of the 382
investigations. The home state shall also have the authority to 383
take appropriate action(s) and shall promptly report the 384
conclusions of the investigations to the administrator of the 385
data system. The administrator of the coordinated licensure 386
information system shall promptly notify the new home state of 387
any adverse actions. 388

D. If otherwise permitted by state law, the member state 389

may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist. 390
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E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action. 394
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F. Joint Investigations 398

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees. 399
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2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact. 404
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G. If adverse action is taken by the home state against an audiologist's or speech-language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech-language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order. 407
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H. If a member state takes adverse action, it shall 418

promptly notify the administrator of the data system. The 419
administrator of the data system shall promptly notify the home 420
state of any adverse actions by remote states. 421

I. Nothing in this Compact shall override a member state's 422
decision that participation in an alternative program may be 423
used in lieu of adverse action. 424

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH- 425
LANGUAGE PATHOLOGY COMPACT COMMISSION 426

A. The Compact member states hereby create and establish a 427
joint public agency known as the Audiology and Speech-Language 428
Pathology Compact Commission: 429

1. The Commission is an instrumentality of the Compact 430
states. 431

2. Venue is proper and judicial proceedings by or against 432
the Commission shall be brought solely and exclusively in a 433
court of competent jurisdiction where the principal office of 434
the Commission is located. The Commission may waive venue and 435
jurisdictional defenses to the extent it adopts or consents to 436
participate in alternative dispute resolution proceedings. 437

3. Nothing in this Compact shall be construed to be a 438
waiver of sovereign immunity. 439

B. Membership, Voting and Meetings 440

1. Each member state shall have two (2) delegates selected 441
by that member state's licensing board. The delegates shall be 442
current members of the licensing board. One shall be an 443
audiologist and one shall be a speech-language pathologist. 444

2. An additional five (5) delegates, who are either a 445
public member or board administrator from a state licensing 446

board, shall be chosen by the Executive Committee from a pool of 447
nominees provided by the Commission at Large. 448

3. Any delegate may be removed or suspended from office as 449
provided by the law of the state from which the delegate is 450
appointed. 451

4. The member state board shall fill any vacancy occurring 452
on the Commission, within 90 days. 453

5. Each delegate shall be entitled to one (1) vote with 454
regard to the promulgation of rules and creation of bylaws and 455
shall otherwise have an opportunity to participate in the 456
business and affairs of the Commission. 457

6. A delegate shall vote in person or by other means as 458
provided in the bylaws. The bylaws may provide for delegates' 459
participation in meetings by telephone or other means of 460
communication. 461

7. The Commission shall meet at least once during each 462
calendar year. Additional meetings shall be held as set forth in 463
the bylaws. 464

C. The Commission shall have the following powers and 465
duties: 466

1. Establish the fiscal year of the Commission; 467

2. Establish bylaws; 468

3. Establish a Code of Ethics; 469

4. Maintain its financial records in accordance with the 470
bylaws; 471

5. Meet and take actions as are consistent with the 472
provisions of this Compact and the bylaws; 473

6. Promulgate uniform rules to facilitate and coordinate 474
implementation and administration of this Compact. The rules 475
shall have the force and effect of law and shall be binding in 476
all member states; 477

7. Bring and prosecute legal proceedings or actions in the 478
name of the Commission, provided that the standing of any state 479
audiology or speech-language pathology licensing board to sue or 480
be sued under applicable law shall not be affected; 481

8. Purchase and maintain insurance and bonds; 482

9. Borrow, accept, or contract for services of personnel, 483
including, but not limited to, employees of a member state; 484

10. Hire employees, elect or appoint officers, fix 485
compensation, define duties, grant individuals appropriate 486
authority to carry out the purposes of the Compact, and to 487
establish the Commission's personnel policies and programs 488
relating to conflicts of interest, qualifications of personnel, 489
and other related personnel matters; 490

11. Accept any and all appropriate donations and grants of 491
money, equipment, supplies, materials and services, and to 492
receive, utilize and dispose of the same; provided that at all 493
times the Commission shall avoid any appearance of impropriety 494
and/or conflict of interest; 495

12. Lease, purchase, accept appropriate gifts or donations 496
of, or otherwise to own, hold, improve or use, any property, 497
real, personal or mixed; provided that at all times the 498
Commission shall avoid any appearance of impropriety; 499

13. Sell convey, mortgage, pledge, lease, exchange, 500
abandon, or otherwise dispose of any property real, personal, or 501
mixed; 502

<u>14. Establish a budget and make expenditures;</u>	503
<u>15. Borrow money;</u>	504
<u>16. Appoint committees, including standing committees</u>	505
<u>composed of members, and other interested persons as may be</u>	506
<u>designated in this Compact and the bylaws;</u>	507
<u>17. Provide and receive information from, and cooperate</u>	508
<u>with, law enforcement agencies;</u>	509
<u>18. Establish and elect an Executive Committee; and</u>	510
<u>19. Perform other functions as may be necessary or</u>	511
<u>appropriate to achieve the purposes of this Compact consistent</u>	512
<u>with the state regulation of audiology and speech-language</u>	513
<u>pathology licensure and practice.</u>	514
<u>D. The Executive Committee The Executive Committee shall</u>	515
<u>have the power to act on behalf of the Commission according to</u>	516
<u>the terms of this Compact:</u>	517
<u>1. The Executive Committee shall be composed of ten (10)</u>	518
<u>members:</u>	519
<u>a. Seven (7) voting members who are elected by the</u>	520
<u>Commission from the current membership of the Commission;</u>	521
<u>b. Two (2) ex-officios, consisting of one nonvoting member</u>	522
<u>from a recognized national audiology professional association</u>	523
<u>and one nonvoting member from a recognized national speech-</u>	524
<u>language pathology association; and</u>	525
<u>c. One (1) ex-officio, nonvoting member from the</u>	526
<u>recognized membership organization of the audiology and speech-</u>	527
<u>language pathology licensing boards.</u>	528
<u>E. The ex-officio members shall be selected by their</u>	529

<u>respective organizations.</u>	530
<u>1. The Commission may remove any member of the Executive Committee as provided in bylaws.</u>	531
<u>2. The Executive Committee shall meet at least annually.</u>	532
<u>3. The Executive Committee shall have the following duties and responsibilities:</u>	533
<u>a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;</u>	534
<u>b. Ensure Compact administration services are appropriately provided, contractual or otherwise;</u>	535
<u>c. Prepare and recommend the budget;</u>	536
<u>d. Maintain financial records on behalf of the Commission;</u>	537
<u>e. Monitor Compact compliance of member states and provide compliance reports to the Commission;</u>	538
<u>f. Establish additional committees as necessary;</u>	539
<u>g. Other duties as provided in rules or bylaws.</u>	540
<u>4. Meetings of the Commission</u>	541
<u>All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.</u>	542
<u>5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:</u>	543
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<u>a. Non-compliance of a member state with its obligations</u>	556
<u>under the Compact;</u>	557
<u>b. The employment, compensation, discipline or other</u>	558
<u>matters, practices or procedures related to specific employees</u>	559
<u>or other matters related to the Commission's internal personnel</u>	560
<u>practices and procedures;</u>	561
<u>c. Current, threatened, or reasonably anticipated</u>	562
<u>litigation;</u>	563
<u>d. Negotiation of contracts for the purchase, lease, or</u>	564
<u>sale of goods, services, or real estate;</u>	565
<u>e. Accusing any person of a crime or formally censuring</u>	566
<u>any person;</u>	567
<u>f. Disclosure of trade secrets or commercial or financial</u>	568
<u>information that is privileged or confidential;</u>	569
<u>g. Disclosure of information of a personal nature where</u>	570
<u>disclosure would constitute a clearly unwarranted invasion of</u>	571
<u>personal privacy;</u>	572
<u>h. Disclosure of investigative records compiled for law</u>	573
<u>enforcement purposes;</u>	574
<u>i. Disclosure of information related to any investigative</u>	575
<u>reports prepared by or on behalf of or for use of the Commission</u>	576
<u>or other committee charged with responsibility of investigation</u>	577
<u>or determination of compliance issues pursuant to the Compact;</u>	578
<u>or</u>	579
<u>j. Matters specifically exempted from disclosure by</u>	580
<u>federal or member state statute.</u>	581
<u>6. If a meeting, or portion of a meeting, is closed</u>	582

pursuant to this provision, the Commission's legal counsel or 583
designee shall certify that the meeting may be closed and shall 584
reference each relevant exempting provision. 585

7. The Commission shall keep minutes that fully and 586
clearly describe all matters discussed in a meeting and shall 587
provide a full and accurate summary of actions taken, and the 588
reasons therefore, including a description of the views 589
expressed. All documents considered in connection with an action 590
shall be identified in minutes. All minutes and documents of a 591
closed meeting shall remain under seal, subject to release by a 592
majority vote of the Commission or order of a court of competent 593
jurisdiction. 594

8. Financing of the Commission 595

a. The Commission shall pay, or provide for the payment 596
of, the reasonable expenses of its establishment, organization, 597
and ongoing activities. 598

b. The Commission may accept any and all appropriate 599
revenue sources, donations, and grants of money, equipment, 600
supplies, materials, and services. 601

c. The Commission may levy on and collect an annual 602
assessment from each member state or impose fees on other 603
parties to cover the cost of the operations and activities of 604
the Commission and its staff, which must be in a total amount 605
sufficient to cover its annual budget as approved each year for 606
which revenue is not provided by other sources. The aggregate 607
annual assessment amount shall be allocated based upon a formula 608
to be determined by the Commission, which shall promulgate a 609
rule binding upon all member states. 610

9. The Commission shall not incur obligations of any kind 611

prior to securing the funds adequate to meet the same; nor shall 612
the Commission pledge the credit of any of the member states, 613
except by and with the authority of the member state. 614

10. The Commission shall keep accurate accounts of all 615
receipts and disbursements. The receipts and disbursements of 616
the Commission shall be subject to the audit and accounting 617
procedures established under its bylaws. However, all receipts 618
and disbursements of funds handled by the Commission shall be 619
audited yearly by a certified or licensed public accountant, and 620
the report of the audit shall be included in and become part of 621
the annual report of the Commission. 622

F. Qualified Immunity, Defense, and Indemnification 623

1. The members, officers, executive director, employees 624
and representatives of the Commission shall be immune from suit 625
and liability, either personally or in their official capacity, 626
for any claim for damage to or loss of property or personal 627
injury or other civil liability caused by or arising out of any 628
actual or alleged act, error or omission that occurred, or that 629
the person against whom the claim is made had a reasonable basis 630
for believing occurred within the scope of Commission 631
employment, duties or responsibilities; provided that nothing in 632
this paragraph shall be construed to protect any person from 633
suit and/or liability for any damage, loss, injury, or liability 634
caused by the intentional or willful or wanton misconduct of 635
that person. 636

2. The Commission shall defend any member, officer, 637
executive director, employee or representative of the Commission 638
in any civil action seeking to impose liability arising out of 639
any actual or alleged act, error, or omission that occurred 640
within the scope of Commission employment, duties, or 641

responsibilities, or that the person against whom the claim is 642
made had a reasonable basis for believing occurred within the 643
scope of Commission employment, duties, or responsibilities; 644
provided that nothing herein shall be construed to prohibit that 645
person from retaining his or her own counsel; and provided 646
further, that the actual or alleged act, error, or omission did 647
not result from that person's intentional or willful or wanton 648
misconduct. 649

3. The Commission shall indemnify and hold harmless any 650
member, officer, executive director, employee, or representative 651
of the Commission for the amount of any settlement or judgment 652
obtained against that person arising out of any actual or 653
alleged act, error or omission that occurred within the scope of 654
Commission employment, duties, or responsibilities, or that 655
person had a reasonable basis for believing occurred within the 656
scope of Commission employment, duties, or responsibilities, 657
provided that the actual or alleged act, error, or omission did 658
not result from the intentional or willful or wanton misconduct 659
of that person. 660

SECTION 9. DATA SYSTEM 661

A. The Commission shall provide for the development, 662
maintenance, and utilization of a coordinated database and 663
reporting system containing licensure, adverse action, and 664
investigative information on all licensed individuals in member 665
states. 666

B. Notwithstanding any other provision of state law to the 667
contrary, a member state shall submit a uniform data set to the 668
data system on all individuals to whom this Compact is 669
applicable as required by the rules of the Commission, 670
including: 671

<u>1. Identifying information;</u>	672
<u>2. Licensure data;</u>	673
<u>3. Adverse actions against a license or compact privilege;</u>	674
<u>4. Non-confidential information related to alternative program participation;</u>	675 676
<u>5. Any denial of application for licensure, and the reason(s) for denial; and</u>	677 678
<u>6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.</u>	679 680 681
<u>C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.</u>	682 683
<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>	684 685 686 687 688
<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>	689 690 691
<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>	692 693 694 695
<u>SECTION 10. RULEMAKING</u>	696
<u>A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules</u>	697 698

adopted thereunder. Rules and amendments shall become binding as 699
of the date specified in each rule or amendment. 700

B. If a majority of the legislatures of the member states 701
rejects a rule, by enactment of a statute or resolution in the 702
same manner used to adopt the Compact within 4 years of the date 703
of adoption of the rule, the rule shall have no further force 704
and effect in any member state. 705

C. Rules or amendments to the rules shall be adopted at a 706
regular or special meeting of the Commission. 707

D. Prior to promulgation and adoption of a final rule or 708
rules by the Commission, and at least thirty (30) days in 709
advance of the meeting at which the rule shall be considered and 710
voted upon, the Commission shall file a Notice of Proposed 711
Rulemaking: 712

1. On the website of the Commission or other publicly 713
accessible platform; and 714

2. On the website of each member state audiology or 715
speech-language pathology licensing board or other publicly 716
accessible platform or the publication in which each state would 717
otherwise publish proposed rules. 718

E. The Notice of Proposed Rulemaking shall include: 719

1. The proposed time, date, and location of the meeting in 720
which the rule shall be considered and voted upon; 721

2. The text of the proposed rule or amendment and the 722
reason for the proposed rule; 723

3. A request for comments on the proposed rule from any 724
interested person; and 725

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments. 726
727
728

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. 729
730
731

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: 732
733
734

1. At least twenty-five (25) persons; 735

2. A state or federal governmental subdivision or agency; 736
or 737

3. An association having at least twenty-five (25) members. 738
739

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. 740
741
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744

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. 745
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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. 750
751
752

3. All hearings shall be recorded. A copy of the recording 753

shall be made available on request. 754

4. Nothing in this section shall be construed as requiring 755
a separate hearing on each rule. Rules may be grouped for the 756
convenience of the Commission at hearings required by this 757
section. 758

I. Following the scheduled hearing date, or by the close 759
of business on the scheduled hearing date if the hearing was not 760
held, the Commission shall consider all written and oral 761
comments received. 762

J. If no written notice of intent to attend the public 763
hearing by interested parties is received, the Commission may 764
proceed with promulgation of the proposed rule without a public 765
hearing. 766

K. The Commission shall, by majority vote of all members, 767
take final action on the proposed rule and shall determine the 768
effective date of the rule, if any, based on the rulemaking 769
record and the full text of the rule. 770

L. Upon determination that an emergency exists, the 771
Commission may consider and adopt an emergency rule without 772
prior notice, opportunity for comment, or hearing, provided that 773
the usual rulemaking procedures provided in the Compact and in 774
this section shall be retroactively applied to the rule as soon 775
as reasonably possible, in no event later than ninety (90) days 776
after the effective date of the rule. For the purposes of this 777
provision, an emergency rule is one that must be adopted 778
immediately in order to: 779

1. Meet an imminent threat to public health, safety, or 780
welfare; 781

2. Prevent a loss of Commission or member state funds; or 782

3. Meet a deadline for the promulgation of an 783
administrative rule that is established by federal law or rule. 784

M. The Commission or an authorized committee of the 785
Commission may direct revisions to a previously adopted rule or 786
amendment for purposes of correcting typographical errors, 787
errors in format, errors in consistency, or grammatical errors. 788
Public notice of any revisions shall be posted on the website of 789
the Commission. The revision shall be subject to challenge by 790
any person for a period of thirty (30) days after posting. The 791
revision may be challenged only on grounds that the revision 792
results in a material change to a rule. A challenge shall be 793
made in writing and delivered to the chair of the Commission 794
prior to the end of the notice period. If no challenge is made, 795
the revision shall take effect without further action. If the 796
revision is challenged, the revision may not take effect without 797
the approval of the Commission. 798

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 799

A. Dispute Resolution 800

1. Upon request by a member state, the Commission shall 801
attempt to resolve disputes related to the Compact that arise 802
among member states and between member and non-member states. 803

2. The Commission shall promulgate a rule providing for 804
both mediation and binding dispute resolution for disputes as 805
appropriate. 806

B. Enforcement 807

1. The Commission, in the reasonable exercise of its 808
discretion, shall enforce the provisions and rules of this 809
Compact. 810

2. By majority vote, the Commission may initiate legal 811
action in the United States District Court for the District of 812
Columbia or the federal district where the Commission has its 813
principal offices against a member state in default to enforce 814
compliance with the provisions of the Compact and its 815
promulgated rules and bylaws. The relief sought may include both 816
injunctive relief and damages. In the event judicial enforcement 817
is necessary, the prevailing member shall be awarded all costs 818
of litigation, including reasonable attorney's fees. 819

3. The remedies herein shall not be the exclusive remedies 820
of the Commission. The Commission may pursue any other remedies 821
available under federal or state law. 822

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE 823
COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE 824
AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT 825

A. The Compact shall come into effect on the date on which 826
the Compact statute is enacted into law in the 10th member 827
state. The provisions, which become effective at that time, 828
shall be limited to the powers granted to the Commission 829
relating to assembly and the promulgation of rules. Thereafter, 830
the Commission shall meet and exercise rulemaking powers 831
necessary to the implementation and administration of the 832
Compact. 833

B. Any state that joins the Compact subsequent to the 834
Commission's initial adoption of the rules shall be subject to 835
the rules as they exist on the date on which the Compact becomes 836
law in that state. Any rule that has been previously adopted by 837
the Commission shall have the full force and effect of law on 838
the day the Compact becomes law in that state. 839

C. Any member state may withdraw from this Compact by 840
enacting a statute repealing the same. 841

1. A member state's withdrawal shall not take effect until 842
six (6) months after enactment of the repealing statute. 843

2. Withdrawal shall not affect the continuing requirement 844
of the withdrawing state's audiology or speech-language 845
pathology licensing board to comply with the investigative and 846
adverse action reporting requirements of this act prior to the 847
effective date of withdrawal. 848

D. Nothing contained in this Compact shall be construed to 849
invalidate or prevent any audiology or speech-language pathology 850
licensure agreement or other cooperative arrangement between a 851
member state and a non-member state that does not conflict with 852
the provisions of this Compact. 853

E. This Compact may be amended by the member states. No 854
amendment to this Compact shall become effective and binding 855
upon any member state until it is enacted into the laws of all 856
member states. 857

SECTION 13. CONSTRUCTION AND SEVERABILITY 858

This Compact shall be liberally construed so as to 859
effectuate the purposes thereof. The provisions of this Compact 860
shall be severable and if any phrase, clause, sentence or 861
provision of this Compact is declared to be contrary to the 862
constitution of any member state or of the United States or the 863
applicability thereof to any government, agency, person or 864
circumstance is held invalid, the validity of the remainder of 865
this Compact and the applicability thereof to any government, 866
agency, person or circumstance shall not be affected thereby. If 867
this Compact shall be held contrary to the constitution of any 868

member state, the Compact shall remain in full force and effect 869
as to the remaining member states and in full force and effect 870
as to the member state affected as to all severable matters. 871

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS 872

A. Nothing herein prevents the enforcement of any other 873
law of a member state that is not inconsistent with the Compact. 874

B. All laws in a member state in conflict with the Compact 875
are superseded to the extent of the conflict. 876

C. All lawful actions of the Commission, including all 877
rules and bylaws promulgated by the Commission, are binding upon 878
the member states. 879

D. All agreements between the Commission and the member 880
states are binding in accordance with their terms. 881

E. In the event any provision of the Compact exceeds the 882
constitutional limits imposed on the legislature of any member 883
state, the provision shall be ineffective to the extent of the 884
conflict with the constitutional provision in question in that 885
member state. 886

Sec. 4753.171. Not later than thirty days after the 887
"Audiology and Speech-Language Pathology Interstate Compact" is 888
entered into under section 4753.17 of the Revised Code, the 889
state speech and hearing professionals board, in accordance with 890
section eight of the compact, shall select two individuals to 891
serve as delegates to the audiology and speech-language 892
pathology compact commission created under the compact. The 893
board shall fill a vacancy in this position not later than 894
thirty days after the vacancy occurs. 895