

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 602

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT;  
2 AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
3 TION 54-2918A, IDAHO CODE, TO PROVIDE FOR THE AUDIOLOGY AND SPEECH-LAN-  
4 GUAGE PATHOLOGY INTERSTATE COMPACT; AMENDING SECTION 54-2912, IDAHO  
5 CODE, TO PROVIDE FOR THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL  
6 CORRECTIONS; AMENDING SECTION 54-2913, IDAHO CODE, TO PROVIDE FOR  
7 THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL CORRECTIONS; AND  
8 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 29, Title 54, Idaho Code, be, and the same is  
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
13 ignated as Section 54-2918A, Idaho Code, and to read as follows:

14 54-2918A. The terms and conditions of the audiology and speech-lan-  
15 guage pathology interstate compact are hereby enacted as follows:

16 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT (ASLP-IC)

17 SECTION 1  
18 PURPOSE

19 The purpose of this compact is to facilitate interstate practice of au-  
20 diology and speech-language pathology with the goal of improving public ac-  
21 cess to audiology and speech-language pathology services. The practice of  
22 audiology and speech-language pathology occurs in the state where the pa-  
23 tient/client/student is located at the time of the patient/client/student  
24 encounter. The compact preserves the regulatory authority of states to pro-  
25 tect public health and safety through the current system of state licensure.

26 This compact is designed to achieve the following objectives:

27 1. Increase public access to audiology and speech-language pathology  
28 services by providing for the mutual recognition of other member state li-  
29 censes;

30 2. Enhance the member states' ability to protect the public's health  
31 and safety;

32 3. Encourage the cooperation of member states in regulating multistate  
33 audiology and speech-language pathology practice;

34 4. Support spouses of relocating active duty military personnel;

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

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

1 7. Allow for the use of telehealth technology to facilitate increased  
2 access to audiology and speech-language pathology services.

3 SECTION 2  
4 DEFINITIONS

5 As used in this compact, and except as otherwise provided, the follow-  
6 ing definitions shall apply:

7 A. "Active duty military" means full-time duty status in the active  
8 uniformed service of the United States, including members of the national  
9 guard and reserve on active duty orders pursuant to 10 U.S.C. 1209 and 1211.

10 B. "Adverse action" means any administrative, civil, equitable, or  
11 criminal action permitted by a state's laws imposed by a licensing board  
12 or other authority against an audiologist or speech-language pathologist,  
13 including actions against an individual's license or privilege to practice,  
14 such as revocation, suspension, probation, monitoring of the licensee, or  
15 restriction on the licensee's practice.

16 C. "Alternative program" means a nondisciplinary monitoring process  
17 approved by an audiology or speech-language pathology licensing board to ad-  
18 dress impaired practitioners.

19 D. "Audiologist" means an individual who is licensed by a state to prac-  
20 tice audiology.

21 E. "Audiology" means the care and services provided by a licensed audi-  
22 ologist as set forth in the member state's statutes and rules.

23 F. "Audiology and speech-language pathology compact commission" or  
24 "commission" means the national administrative body whose membership con-  
25 sists of all states that have enacted the compact.

26 G. "Audiology and speech-language pathology licensing board," "audi-  
27 ology licensing board," "speech-language pathology licensing board," or  
28 "licensing board" means the agency of a state that is responsible for the  
29 licensing and regulation of audiologists and/or speech-language patholo-  
30 gists.

31 H. "Compact privilege" means the authorization granted by a remote  
32 state to allow a licensee from another member state to practice as an audiol-  
33 ogist or speech-language pathologist in the remote state under its laws and  
34 rules. The practice of audiology or speech-language pathology occurs in the  
35 member state where the patient/client/student is located at the time of the  
36 patient/client/student encounter.

37 I. "Current significant investigative information" means investiga-  
38 tive information that a licensing board, after an inquiry or investigation  
39 that includes notification and an opportunity for the audiologist or speech-  
40 language pathologist to respond, if required by state law, has reason to be-  
41 lieve is not groundless and, if proved true, would indicate more than a minor  
42 infraction.

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

46 K. "Encumbered license" means a license in which an adverse action re-  
47 stricts the practice of audiology or speech-language pathology by the li-

1 censee and said adverse action has been reported to the national practition-  
2 ers data bank (NPDB).

3 L. "Executive committee" means a group of directors elected or ap-  
4 pointed to act on behalf of, and within the powers granted to them by, the  
5 commission.

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

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

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

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

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

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

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

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

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

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

30 W. "State" means any state, commonwealth, district, or territory of the  
31 United States that regulates the practice of audiology and speech-language  
32 pathology.

33 X. "State practice laws" means a member state's laws, rules, and reg-  
34 ulations that govern the practice of audiology or speech-language pathol-  
35 ogy, define the scope of audiology or speech-language pathology practice,  
36 and create the methods and grounds for imposing discipline.

37 Y. "Telehealth" means the application of telecommunication technology  
38 to deliver audiology or speech-language pathology services at a distance for  
39 assessment, intervention, and/or consultation.

40 SECTION 3

41 STATE PARTICIPATION IN THE COMPACT

42 A. A license issued to an audiologist or speech-language pathologist by  
43 a home state to a resident in that state shall be recognized by each member  
44 state as authorizing an audiologist or speech-language pathologist to prac-  
45 tice audiology or speech-language pathology, under a privilege to practice,  
46 in each member state.

47 B. A state must implement or utilize procedures for considering the  
48 criminal history records of applicants for initial privilege to practice.

1 These procedures shall include the submission of fingerprints or other  
2 biometric-based information by applicants for the purpose of obtaining an  
3 applicant's criminal history record information from the federal bureau of  
4 investigation and the agency responsible for retaining that state's crimi-  
5 nal records.

6 1. A member state must fully implement a criminal background check re-  
7 quirement within a time frame established by rule by receiving the re-  
8 sults of the federal bureau of investigation record search on criminal  
9 background checks and use the results in making licensure decisions.

10 2. Communication between a member state, the commission, and among  
11 member states regarding the verification of eligibility for licensure  
12 through the compact shall not include any information received from the  
13 federal bureau of investigation relating to a federal criminal records  
14 check performed by a member state under P.L. 92-544.

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

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

24 E. An audiologist must:

25 1. Meet one (1) of the following educational requirements:

26 a. On or before December 31, 2007, have graduated with a master's  
27 degree or doctorate in audiology, or equivalent degree regardless  
28 of degree name, from a program that is accredited by an accrediting  
29 agency recognized by the council for higher education accredita-  
30 tion, or its successor, or by the United States department of edu-  
31 cation and operated by a college or university accredited by a re-  
32 gional or national accrediting organization recognized by the li-  
33 censing board;

34 b. On or after January 1, 2008, have graduated with a doctoral  
35 degree in audiology, or equivalent degree regardless of degree  
36 name, from a program that is accredited by an accrediting agency  
37 recognized by the council for higher education accreditation, or  
38 its successor, or by the United States department of education  
39 and operated by a college or university accredited by a regional  
40 or national accrediting organization recognized by the licensing  
41 board; or

42 c. Have graduated from an audiology program housed in an insti-  
43 tution of higher education outside of the United States: (a) for  
44 which the program and institution have been approved by the au-  
45 thorized accrediting body in the applicable country; and (b) for  
46 which the degree program has been verified by an independent cre-  
47 dentials review agency comparable to a licensing board-approved  
48 program;

- 1           2. Have completed a supervised clinical practicum experience from an  
2 accredited educational institution or its cooperating programs as re-  
3 quired by the commission;
- 4           3. Have successfully passed a national examination approved by the com-  
5 mission;
- 6           4. Hold an active, unencumbered license;
- 7           5. Have not been convicted or found guilty, and have not entered into  
8 an agreed disposition, of a felony related to the practice of audiology,  
9 under applicable state or federal criminal law; and
- 10          6. Have a valid United States social security or national practitioner  
11 identification number.

12 F. A speech-language pathologist must:

13 1. Meet one (1) of the following educational requirements:

- 14           a. Have graduated with a master's degree from a speech-language  
15 pathology program accredited by an organization recognized by the  
16 United States department of education and operated by a college or  
17 university accredited by a regional or national accrediting or-  
18 ganization recognized by the licensing board; or
- 19           b. Have graduated from a speech-language pathology program that  
20 is housed in an institution of higher education outside of the  
21 United States: (a) for which the program and institution have  
22 been approved by the authorized accrediting body in the applicable  
23 country; and (b) for which the degree program has been verified by  
24 an independent credentials review agency comparable to a licens-  
25 ing board-approved program;
- 26          2. Have completed a supervised clinical practicum experience from an  
27 educational institution or its cooperating programs as required by the  
28 commission;
- 29          3. Have completed a supervised postgraduate professional experience as  
30 required by the commission;
- 31          4. Have successfully passed a national examination approved by the com-  
32 mission;
- 33          5. Hold an active, unencumbered license;
- 34          6. Have not been convicted or found guilty, and have not entered into an  
35 agreed disposition, of a felony related to the practice of speech-lan-  
36 guage pathology, under applicable state or federal criminal law; and
- 37          7. Have a valid United States social security or national practitioner  
38 identification number.

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

40 H. An audiologist or speech-language pathologist practicing in a mem-  
41 ber state must comply with the state practice laws of the state in which the  
42 client is located at the time service is provided. The practice of audiology  
43 and speech-language pathology shall include all audiology and speech-lan-  
44 guage pathology practice as defined by the state practice laws of the member  
45 state in which the client is located. The practice of audiology and speech-  
46 language pathology in a member state under a privilege to practice shall sub-  
47 ject an audiologist or speech-language pathologist to the jurisdiction of  
48 the licensing board, the courts, and the laws of the member state in which the  
49 client is located at the time service is provided.

1 I. Individuals not residing in a member state shall continue to be able  
2 to apply for a member state's single-state license as provided under the laws  
3 of each member state. However, the single-state license granted to these in-  
4 dividuals shall not be recognized as granting the privilege to practice au-  
5 diology or speech-language pathology in any other member state. Nothing in  
6 this compact shall affect the requirements established by a member state for  
7 the issuance of a single-state license.

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

9 K. Member states must comply with the bylaws and rules and regulations  
10 of the commission.

11 SECTION 4  
12 COMPACT PRIVILEGE

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

- 15 1. Hold an active license in the home state;
- 16 2. Have no encumbrance on any state license;
- 17 3. Be eligible for a compact privilege in any member state in accordance  
18 with section 3 of this compact;
- 19 4. Have not had any adverse action against any license or compact privi-  
20 lege within the previous two (2) years from date of application;
- 21 5. Notify the commission that the licensee is seeking the compact privi-  
22 lege within a remote state or states;
- 23 6. Pay any applicable fees, including any state fee, for the compact  
24 privilege; and
- 25 7. Report to the commission any adverse action taken by a nonmember  
26 state within thirty (30) days from the date the adverse action is taken.

27 B. For the purposes of the compact privilege, an audiologist or speech-  
28 language pathologist shall hold only one (1) home state license at a time.

29 C. Except as provided in section 6 of this compact, if an audiologist  
30 or speech-language pathologist changes primary state of residence by moving  
31 between two (2) member states, the audiologist or speech-language patholo-  
32 gist must apply for licensure in the new home state, and the license issued  
33 by the prior home state shall be deactivated in accordance with applicable  
34 rules adopted by the commission.

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

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

41 F. If an audiologist or speech-language pathologist changes primary  
42 state of residence by moving from a member state to a nonmember state, the li-  
43 cense issued by the prior home state shall convert to a single-state license,  
44 valid only in the former home state.

45 G. The compact privilege is valid until the expiration date of the home  
46 state license. The licensee must comply with the requirements of section 4A  
47 of this compact to maintain the compact privilege in the remote state.

1 H. A licensee providing audiology or speech-language pathology ser-  
2 vices in a remote state under the compact privilege shall function within the  
3 laws and regulations of the remote state.

4 I. A licensee providing audiology or speech-language pathology ser-  
5 vices in a remote state is subject to that state's regulatory authority. A  
6 remote state may, in accordance with due process and that state's laws, re-  
7 move a licensee's compact privilege in the remote state for a specific period  
8 of time, impose fines, and take any other necessary actions to protect the  
9 health and safety of its citizens.

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

- 12 1. The home state license is no longer encumbered; and
- 13 2. Two (2) years have elapsed from the date of the adverse action.

14 K. Once an encumbered license in the home state is restored to good  
15 standing, the licensee must meet the requirements of section 4A of this com-  
16 pact to obtain a compact privilege in a remote state.

17 L. Once the requirements of section 4J of this compact have been met,  
18 the licensee must meet the requirements in section 4A of this compact to ob-  
19 tain a compact privilege in a remote state.

## 20 SECTION 5

### 21 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

22 Member states shall recognize the right of an audiologist or speech-  
23 language pathologist, licensed by a home state in accordance with section 3  
24 of this compact and under rules promulgated by the commission, to practice  
25 audiology or speech-language pathology in any member state via telehealth  
26 under a privilege to practice as provided in the compact and rules promul-  
27 gated by the commission.

## 28 SECTION 6

### 29 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

30 Active duty military personnel, or their spouse, shall designate a home  
31 state where the individual has a current license in good standing. The in-  
32 dividual may retain the home state designation during the period the service  
33 member is on active duty. Subsequent to designating a home state, the indi-  
34 vidual shall only change their home state through application for licensure  
35 in the new state.

## 36 SECTION 7

### 37 ADVERSE ACTIONS

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

- 41 1. Take adverse action against an audiologist's or speech-language  
42 pathologist's privilege to practice within that member state.
- 43 2. Issue subpoenas for both hearings and investigations that require  
44 the attendance and testimony of witnesses as well as the production of

1 evidence. Subpoenas issued by a licensing board in a member state for  
2 the attendance and testimony of witnesses or the production of evidence  
3 from another member state shall be enforced in the latter state by any  
4 court of competent jurisdiction, according to the practice and proce-  
5 dure of that court applicable to subpoenas issued in proceedings pend-  
6 ing before it. The issuing authority shall pay any witness fees, travel  
7 expenses, mileage, and other fees required by the service statutes of  
8 the state in which the witnesses or evidence are located.

9 3. Only the home state shall have the power to take adverse action  
10 against an audiologist's or speech-language pathologist's license is-  
11 sued by the home state.

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

16 C. The home state shall complete any pending investigations of an  
17 audiologist or speech-language pathologist who changes primary state of  
18 residence during the course of the investigations. The home state shall also  
19 have the authority to take appropriate action and shall promptly report the  
20 conclusions of the investigations to the administrator of the data system.  
21 The administrator of the coordinated licensure information system shall  
22 promptly notify the new home state of any adverse actions.

23 D. If otherwise permitted by state law, the member state may recover  
24 from the affected audiologist or speech-language pathologist the costs of  
25 investigations and disposition of cases resulting from any adverse action  
26 taken against that audiologist or speech-language pathologist.

27 E. The member state may take adverse action based on the factual find-  
28 ings of the remote state, provided that the member state follows the member  
29 state's own procedures for taking the adverse action.

30 F. Joint investigations:

31 1. In addition to the authority granted to a member state by its respec-  
32 tive audiology or speech-language pathology practice act or other ap-  
33 plicable state law, any member state may participate with other member  
34 states in joint investigations of licensees.

35 2. Member states shall share any investigative, litigation, or compli-  
36 ance materials in furtherance of any joint or individual investigation  
37 initiated under the compact.

38 G. If adverse action is taken by the home state against an audiol-  
39 ogist's or speech-language pathologist's license, the audiologist's or  
40 speech-language pathologist's privilege to practice in all other member  
41 states shall be deactivated until all encumbrances have been removed from  
42 the state license. All home state disciplinary orders that impose adverse  
43 action against an audiologist's or speech-language pathologist's license  
44 shall include a statement that the audiologist's or speech-language pathol-  
45 ogist's privilege to practice is deactivated in all member states during the  
46 pendency of the order.

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



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

4 SECTION 8  
5 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-  
6 LANGUAGE PATHOLOGY COMPACT COMMISSION

7 A. The compact member states hereby create and establish a joint public  
8 agency known as the audiology and speech-language pathology compact commis-  
9 sion:

10 1. The commission is an instrumentality of the compact states.

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

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

19 B. Membership, voting, and meetings:

20 1. Each member state shall have two (2) delegates selected by that mem-  
21 ber state's licensing board. The delegates shall be current members of  
22 the licensing board. One (1) shall be an audiologist and one (1) shall  
23 be a speech-language pathologist.

24 2. An additional five (5) delegates, who are either public members or  
25 board administrators from a licensing board, shall be chosen by the ex-  
26 ecutive committee from a pool of nominees provided by the commission at  
27 large.

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

30 4. The member state board shall fill any vacancy occurring on the com-  
31 mission within ninety (90) days.

32 5. Each delegate shall be entitled to one (1) vote with regard to the  
33 promulgation of rules and creation of bylaws and shall otherwise have  
34 an opportunity to participate in the business and affairs of the commis-  
35 sion.

36 6. A delegate shall vote in person or by other means as provided in the  
37 bylaws. The bylaws may provide for delegates' participation in meet-  
38 ings by telephone or other means of communication.

39 7. The commission shall meet at least once during each calendar year.  
40 Additional meetings shall be held as set forth in the bylaws.

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

42 1. Establish the fiscal year of the commission;

43 2. Establish bylaws;

44 3. Establish a code of ethics;

45 4. Maintain financial records in accordance with the bylaws;

46 5. Meet and take actions as are consistent with the provisions of this  
47 compact and the bylaws;

1 6. Promulgate uniform rules to facilitate and coordinate implementa-  
2 tion and administration of this compact. The rules shall have the force  
3 and effect of law and shall be binding in all member states;

4 7. Bring and prosecute legal proceedings or actions in the name of  
5 the commission, provided that the standing of any state audiology or  
6 speech-language pathology licensing board to sue or be sued under ap-  
7 plicable law shall not be affected;

8 8. Purchase and maintain insurance and bonds;

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

11 10. Hire employees, elect or appoint officers, fix compensation, define  
12 duties, grant individuals appropriate authority to carry out the pur-  
13 poses of the compact, and establish the commission's personnel policies  
14 and programs relating to conflicts of interest, qualifications of per-  
15 sonnel, and other related personnel matters;

16 11. Accept any and all appropriate donations and grants of money, equip-  
17 ment, supplies, materials, and services, and receive, utilize, and dis-  
18 pose of the same; provided, that at all times the commission shall avoid  
19 any appearance of impropriety or conflict of interest;

20 12. Lease, purchase, accept appropriate gifts or donations of, or oth-  
21 erwise own, hold, improve, or use any property, real, personal, or  
22 mixed; provided, that at all times the commission shall avoid any ap-  
23 pearance of impropriety;

24 13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or other-  
25 wise dispose of any property, real, personal, or mixed;

26 14. Establish a budget and make expenditures;

27 15. Borrow money;

28 16. Appoint committees, including standing committees composed of mem-  
29 bers and other interested persons, as may be designated in this compact  
30 and the bylaws;

31 17. Provide and receive information from, and cooperate with, law en-  
32 forcement agencies;

33 18. Establish and elect an executive committee; and

34 19. Perform other functions as may be necessary or appropriate to  
35 achieve the purposes of this compact consistent with the state reg-  
36 ulation of audiology and speech-language pathology licensure and  
37 practice.

38 D. The executive committee:

39 1. The executive committee shall be composed of ten (10) members:

40 a. Seven (7) voting members who are elected by the commission from  
41 the current membership of the commission;

42 b. Two (2) ex officio members, consisting of one (1) nonvoting  
43 member from a recognized national audiology professional asso-  
44 ciation and one (1) nonvoting member from a recognized national  
45 speech-language pathology association; and

46 c. One (1) ex officio nonvoting member from the recognized member-  
47 ship organization of the audiology and speech-language pathology  
48 licensing board.

49 E. The ex officio members shall be selected by their respective organi-  
50 zations.

- 1 1. The commission may remove any member of the executive committee as  
2 provided in the bylaws.
- 3 2. The executive committee shall meet at least annually.
- 4 3. The executive committee shall have the following duties and respon-  
5 sibilities:
  - 6 a. Recommend to the entire commission changes to the rules or by-  
7 laws, changes to this compact legislation, fees paid by compact  
8 member states such as annual dues, and any commission compact fee  
9 charged to licensees for the compact privilege;
  - 10 b. Ensure compact administration services are appropriately pro-  
11 vided, contractual or otherwise;
  - 12 c. Prepare and recommend the budget;
  - 13 d. Maintain financial records on behalf of the commission;
  - 14 e. Monitor compact compliance of member states and provide com-  
15 pliance reports to the commission;
  - 16 f. Establish additional committees as necessary; and
  - 17 g. Other duties as provided in rules or bylaws.
- 18 4. All meetings of the commission shall be open to the public, and pub-  
19 lic notice of meetings shall be given in the same manner as required un-  
20 der the rulemaking provisions in section 10 of this compact.
- 21 5. The commission or the executive committee or other committees of the  
22 commission may convene in a closed, nonpublic meeting if the commission  
23 or executive committee or other committees of the commission must dis-  
24 cuss:
  - 25 a. Noncompliance of a member state with its obligations under the  
26 compact;
  - 27 b. The employment, compensation, discipline, practices, proce-  
28 dures, or other matters related to specific employees or other  
29 matters related to the commission's internal personnel practices  
30 and procedures;
  - 31 c. Current, threatened, or reasonably anticipated litigation;
  - 32 d. Negotiation of contracts for the purchase, lease, or sale of  
33 goods, services, or real estate;
  - 34 e. Accusing any person of a crime or formally censuring any per-  
35 son;
  - 36 f. Disclosure of trade secrets or commercial or financial infor-  
37 mation that is privileged or confidential;
  - 38 g. Disclosure of information of a personal nature where disclo-  
39 sure would constitute a clearly unwarranted invasion of personal  
40 privacy;
  - 41 h. Disclosure of investigative records compiled for law enforce-  
42 ment purposes;
  - 43 i. Disclosure of information related to any investigative reports  
44 prepared by or on behalf of or for use of the commission or other  
45 committee charged with responsibility of investigation or deter-  
46 mination of compliance issues pursuant to the compact; or
  - 47 j. Matters specifically exempted from disclosure by federal or  
48 member state statute.
- 49 6. If a meeting, or portion of a meeting, is closed pursuant to this pro-  
50 vision, the commission's legal counsel or designee shall certify that

1 the meeting may be closed and shall reference each relevant exempting  
2 provision.

3 7. The commission shall keep minutes that fully and clearly describe  
4 all matters discussed in a meeting and shall provide a full and accu-  
5 rate summary of actions taken, and the reasons therefor, including a de-  
6 scription of the views expressed. All documents considered in connec-  
7 tion with an action shall be identified in minutes. All minutes and doc-  
8 uments of a closed meeting shall remain under seal, subject to release  
9 by a majority vote of the commission or order of a court of competent ju-  
10 risdiction.

11 8. Financing of the commission:

12 a. The commission shall pay, or provide for the payment of, the  
13 reasonable expenses of its establishment, organization, and ongo-  
14 ing activities.

15 b. The commission may accept any and all appropriate revenue  
16 sources, donations, and grants of money, equipment, supplies, ma-  
17 terials, and services.

18 c. The commission may levy on and collect an annual assessment  
19 from each member state or impose fees on other parties to cover  
20 the cost of the operations and activities of the commission and  
21 its staff, which assessment must be in an amount sufficient to  
22 cover its annual budget as approved each year for which revenue is  
23 not provided by other sources. The aggregate annual assessment  
24 amount shall be allocated based on a formula to be determined by  
25 the commission, which shall promulgate a rule binding on all mem-  
26 ber states.

27 9. The commission shall not incur obligations of any kind prior to se-  
28 curing the funds adequate to meet the same or pledge the credit of any of  
29 the member states, except by and with the authority of the member state.

30 10. The commission shall keep accurate accounts of all receipts and  
31 disbursements. The receipts and disbursements of the commission shall  
32 be subject to the audit and accounting procedures established under its  
33 bylaws. However, all receipts and disbursements of funds handled by the  
34 commission shall be audited yearly by a certified or licensed public  
35 accountant, and the report of the audit shall be included in and become  
36 part of the annual report of the commission.

37 F. Qualified immunity, defense, and indemnification:

38 1. The members, officers, executive director, employees, and represen-  
39 tatives of the commission shall be immune from suit and liability, ei-  
40 ther personally or in their official capacity, for any claim for dam-  
41 age to or loss of property or personal injury or other civil liability  
42 caused by or arising out of any actual or alleged act, error, or omission  
43 that occurred, or that the person against whom the claim is made had a  
44 reasonable basis for believing occurred within the scope of commission  
45 employment, duties, or responsibilities; provided that nothing in this  
46 paragraph shall be construed to protect any person from suit or liabil-  
47 ity for any damage, loss, injury, or liability caused by the intentional  
48 or willful or wanton misconduct of that person.

49 2. The commission shall defend any member, officer, executive direc-  
50 tor, employee, or representative of the commission in any civil action

1 seeking to impose liability arising out of any actual or alleged act,  
2 error, or omission that occurred within the scope of commission employ-  
3 ment, duties, or responsibilities, or that the person against whom the  
4 claim is made had a reasonable basis for believing occurred within the  
5 scope of commission employment, duties, or responsibilities; provided  
6 that nothing herein shall be construed to prohibit that person from re-  
7 taining his or her own counsel; and provided further, that the actual or  
8 alleged act, error, or omission did not result from that person's inten-  
9 tional or willful or wanton misconduct.

10 3. The commission shall indemnify and hold harmless any member, offi-  
11 cer, executive director, employee, or representative of the commission  
12 for the amount of any settlement or judgment obtained against that per-  
13 son arising out of any actual or alleged act, error, or omission that  
14 occurred within the scope of commission employment, duties, or respon-  
15 sibilities, or that the person had a reasonable basis for believing oc-  
16 curred within the scope of commission employment, duties, or responsi-  
17 bilities, provided that the actual or alleged act, error, or omission  
18 did not result from the intentional or willful or wanton misconduct of  
19 that person.

20 SECTION 9  
21 DATA SYSTEM

22 A. The commission shall provide for the development, maintenance, and  
23 utilization of a coordinated database and reporting system containing li-  
24 censure, adverse action, and investigative information on all licensed in-  
25 dividuals in member states.

26 B. Notwithstanding any other provision of state law to the contrary, a  
27 member state shall submit a uniform data set to the data system on all indi-  
28 viduals to whom this compact is applicable as required by the rules of the  
29 commission, including:

- 30 1. Identifying information;
- 31 2. Licensure data;
- 32 3. Adverse actions against a license or compact privilege;
- 33 4. Nonconfidential information related to alternative program partic-  
34 ipation;
- 35 5. Any denial of application for licensure, and the reason for denial;  
36 and
- 37 6. Other information that may facilitate the administration of this  
38 compact, as determined by the rules of the commission.

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

41 D. The commission shall promptly notify all member states of any ad-  
42 verse action taken against a licensee or an individual applying for a li-  
43 cense. Adverse action information pertaining to a licensee in any member  
44 state shall be available to any other member state.

45 E. Member states contributing information to the data system may desig-  
46 nate information that may not be shared with the public without the express  
47 permission of the contributing state.

1 F. Any information submitted to the data system that is subsequently  
2 required to be expunged by the laws of the member state contributing the in-  
3 formation shall be removed from the data system.

4 SECTION 10  
5 RULEMAKING

6 A. The commission shall exercise its rulemaking powers pursuant to the  
7 criteria set forth in this section and the rules adopted thereunder. Rules  
8 and amendments shall become binding as of the date specified in each rule or  
9 amendment.

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

14 C. Rules or amendments to the rules shall be adopted at a regular or spe-  
15 cial meeting of the commission.

16 D. Prior to promulgation and adoption of a final rule or rules by the  
17 commission, and at least thirty (30) days in advance of the meeting at which  
18 the rule shall be considered and voted on, the commission shall file a notice  
19 of proposed rulemaking:

20 1. On the website of the commission or other publicly accessible plat-  
21 form; and

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

25 E. The notice of proposed rulemaking shall include:

26 1. The proposed time, date, and location of the meeting in which the  
27 rule shall be considered and voted on;

28 2. The text of the proposed rule or amendment and the reason for the pro-  
29 posed rule;

30 3. A request for comments on the proposed rule from any interested per-  
31 son; and

32 4. The manner in which interested persons may submit notice to the com-  
33 mission of their intention to attend the public hearing and any written  
34 comments.

35 F. Prior to the adoption of a proposed rule, the commission shall allow  
36 persons to submit written data, facts, opinions, and arguments, which shall  
37 be made available to the public.

38 G. The commission shall grant an opportunity for a public hearing be-  
39 fore it adopts a rule or amendment if a hearing is requested by:

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

41 2. A state or federal governmental subdivision or agency; or

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

43 H. If a hearing is held on the proposed rule or amendment, the commis-  
44 sion shall publish the place, time, and date of the scheduled public hearing.  
45 If the hearing is held via electronic means, the commission shall publish the  
46 mechanism for access to the electronic hearing.

47 1. All persons wishing to be heard at the hearing shall notify the exec-  
48 utive director of the commission or other designated member in writing

1 of their desire to appear and testify at the hearing not less than five  
2 (5) business days before the scheduled date of the hearing.

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

6 3. All hearings shall be recorded. A copy of the recording shall be made  
7 available on request.

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

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

14 J. If no written notice of intent to attend the public hearing by inter-  
15 ested parties is received, the commission may proceed with promulgation of  
16 the proposed rule without a public hearing.

17 K. The commission shall, by majority vote of all members, take final ac-  
18 tion on the proposed rule and shall determine the effective date of the rule,  
19 if any, based on the rulemaking record and the full text of the rule.

20 L. Upon determination that an emergency exists, the commission may con-  
21 sider and adopt an emergency rule without prior notice, opportunity for com-  
22 ment, or hearing, provided that the usual rulemaking procedures provided in  
23 the compact and in this section shall be retroactively applied to the rule as  
24 soon as reasonably possible and in no event later than ninety (90) days after  
25 the effective date of the rule. For the purposes of this provision, an emer-  
26 gency rule is one that must be adopted immediately in order to:

- 27 1. Meet an imminent threat to public health, safety, or welfare;
- 28 2. Prevent a loss of commission or member state funds; or
- 29 3. Meet a deadline for the promulgation of an administrative rule that  
30 is established by federal law or rule.

31 M. The commission or an authorized committee of the commission may di-  
32 rect revisions to a previously adopted rule or amendment for purposes of cor-  
33 recting typographical errors, errors in format, errors in consistency, or  
34 grammatical errors. Public notice of any revisions shall be posted on the  
35 website of the commission. The revision shall be subject to challenge by any  
36 person for a period of thirty (30) days after posting. The revision may be  
37 challenged only on grounds that the revision results in a material change to  
38 a rule. A challenge shall be made in writing and delivered to the chair of the  
39 commission prior to the end of the notice period. If no challenge is made,  
40 the revision shall take effect without further action. If the revision is  
41 challenged, the revision may not take effect without the approval of the com-  
42 mission.

#### 43 SECTION 11

#### 44 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

45 A. Dispute resolution:

- 46 1. Upon request by a member state, the commission shall attempt to re-  
47 solve disputes related to the compact that arise among member states and  
48 between member and nonmember states.

1 2. The commission shall promulgate a rule providing for both mediation  
2 and binding dispute resolution for disputes, as appropriate.

3 B. Enforcement:

4 1. The commission, in the reasonable exercise of its discretion, shall  
5 enforce the provisions and rules of this compact.

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

14 3. The remedies herein shall not be the exclusive remedies of the com-  
15 mission. The commission may pursue any other remedies available under  
16 federal or state law.

17 SECTION 12

18 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR  
19 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND  
20 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

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

27 B. Any state that joins the compact subsequent to the commission's ini-  
28 tial adoption of the rules shall be subject to the rules as they exist on the  
29 date on which the compact becomes law in that state. Any rule that has been  
30 previously adopted by the commission shall have the full force and effect of  
31 law on the day the compact becomes law in that state.

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

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

36 2. Withdrawal shall not affect the continuing requirement of the with-  
37 drawing state's audiology or speech-language pathology licensing board  
38 to comply with the investigative and adverse action reporting require-  
39 ments of this compact prior to the effective date of withdrawal.

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

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



1 SECTION 13  
2 CONSTRUCTION AND SEVERABILITY

3 This compact shall be liberally construed so as to effectuate the pur-  
4 poses thereof. The provisions of this compact shall be severable, and if any  
5 phrase, clause, sentence, or provision of this compact is declared to be con-  
6 trary to the constitution of any member state or of the United States or the  
7 applicability thereof to any government, agency, person, or circumstance is  
8 held invalid, the validity of the remainder of this compact and the applica-  
9 bility thereof to any government, agency, person, or circumstance shall not  
10 be affected thereby. If this compact shall be held contrary to the constitu-  
11 tion of any member state, the compact shall remain in full force and effect as  
12 to the remaining member states and in full force and effect as to the member  
13 state affected as to all severable matters.

14 SECTION 14  
15 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

18 B. All laws in a member state in conflict with the compact are super-  
19 seded to the extent of the conflict.

20 C. All lawful actions of the commission, including all rules and bylaws  
21 promulgated by the commission, are binding on the member states.

22 D. All agreements between the commission and the member states are  
23 binding in accordance with their terms.

24 E. In the event any provision of the compact exceeds the constitutional  
25 limits imposed on the legislature of any member state, the provision shall be  
26 ineffective to the extent of the conflict with the constitutional provision  
27 in question in that member state.

28 SECTION 2. That Section 54-2912, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 54-2912. QUALIFICATIONS FOR LICENSURE -- AUDIOLOGIST. (1) To be eli-  
31 gible for licensure by the board as an audiologist, the applicant shall:

32 (a) File a written application with the board on forms prescribed and  
33 furnished by the board. A nonrefundable application fee shall accom-  
34 pany the completed written application. Such fees shall be established  
35 by the administrative rules of the board and shall be in such amounts as  
36 are reasonable and necessary for the proper execution and enforcement  
37 of this chapter;

38 (b) Provide documentation satisfactory to the board that the applicant  
39 possesses a master's or doctoral degree with emphasis in audiology or  
40 not less than seventy-five (75) semester credit hours of post-baccalau-  
41 reate study that culminates in a doctoral or other recognized degree  
42 from a nationally accredited school for audiology with a curriculum  
43 acceptable to the board;

44 (c) Pass an examination in audiology approved by the board;

1 (d) Meet the current supervised academic clinical practicum, and su-  
 2 pervised postgraduate professional experience approved by the board;

3 (e) Submit a full set of the applicant's fingerprints on forms supplied  
 4 by the board that shall be utilized to obtain a fingerprint-based crimi-  
 5 nal history background check from the Idaho state police and the federal  
 6 bureau of investigation; and

7 (f) Have never had a license for audiology revoked as part of disci-  
 8 plinary action from this or any other state, and shall not be found by  
 9 the board to have engaged in conduct prohibited by section 54-2923,  
 10 Idaho Code, provided however, the board may take into consideration the  
 11 rehabilitation of the applicant and other mitigating circumstances.

12 (2) The applicant shall disclose on his written application:

13 (a) Any criminal conviction or charge, other than minor traffic infrac-  
 14 tions, against the applicant;

15 (b) Any disciplinary action taken against the applicant by any profes-  
 16 sional regulatory agency, including any agency within the state or any  
 17 other state; and

18 (c) Any denial of registration or licensure by any state or district  
 19 regulatory body.

20 (3) The board may require an applicant to be personally interviewed by  
 21 the board or a designated committee of the board. The interview shall be lim-  
 22 ited to a review of the applicant's qualifications and professional creden-  
 23 tials.

24 SECTION 3. That Section 54-2913, Idaho Code, be, and the same is hereby  
 25 amended to read as follows:

26 54-2913. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLO-  
 27 GIST. (1) To be eligible for licensure as a speech-language pathologist, the  
 28 applicant shall:

29 (a) File a written application with the board on forms prescribed and  
 30 furnished by the board. A nonrefundable application fee shall accom-  
 31 pany the completed written application. Such fees shall be established  
 32 by the administrative rules of the board and shall be in such amounts as  
 33 are reasonable and necessary for the proper execution and enforcement  
 34 of this chapter;

35 (b) Provide documentation satisfactory to the board that the applicant  
 36 possesses a master's or doctoral degree from a nationally accredited  
 37 school of speech-language pathology with a curriculum acceptable to the  
 38 board;

39 (c) Pass an examination in speech-language pathology approved by the  
 40 board;

41 (d) Meet the current supervised academic clinical practicum and super-  
 42 vised postgraduate professional experience approved by the board;

43 (e) Submit a full set of the applicant's fingerprints on forms supplied  
 44 by the board that shall be utilized to obtain a fingerprint-based crimi-  
 45 nal history background check from the Idaho state police and the federal  
 46 bureau of investigation; and

47 (f) Have never had a license for speech-language pathology revoked as  
 48 part of disciplinary action from this or any other state and shall not  
 49 be found by the board to have engaged in conduct prohibited by section

1 54-2923, Idaho Code, provided however, the board may take into consid-  
2 eration the rehabilitation of the applicant and other mitigating cir-  
3 cumstances.

4 (2) The applicant shall disclose on his written application:

5 (a) Any criminal conviction or charge, other than minor traffic infrac-  
6 tions, against the applicant;

7 (b) Any disciplinary action taken against the applicant by any profes-  
8 sional regulatory agency, including any agency within the state or any  
9 other state; and

10 (c) Any denial of registration or licensure by any state or district  
11 regulatory body.

12 (3) The board may require an applicant to be personally interviewed by  
13 the board or a designated committee of the board. The interview shall be lim-  
14 ited to a review of the applicant's qualifications and professional creden-  
15 tials.

16 SECTION 4. An emergency existing therefor, which emergency is hereby  
17 declared to exist, this act shall be in full force and effect on and after  
18 July 1, 2022.