



April 1, 2021

ENGROSSED SENATE BILL No. 123

DIGEST OF SB 123 (Updated April 1, 2021 10:17 am - DI 140)

Citations Affected: IC 25-35.6.

Synopsis: Audiology and speech-language pathology compact. Enacts the audiology and speech-language pathology interstate compact. Establishes requirements regarding: (1) speech-language pathology assistants; and (2) the supervision of speech-language pathology support personnel. Requires the speech-language pathology and audiology board to adopt rules not later than June 30, 2022. Makes conforming amendments.

Effective: July 1, 2021.

**Kruse, Raatz, Rogers, Zay,
Randolph Lonnie M**
(HOUSE SPONSOR — BEHNING)

January 5, 2021, read first time and referred to Committee on Education and Career Development.

January 28, 2021, amended, reported favorably — Do Pass.

February 1, 2021, read second time, amended, ordered engrossed.

February 2, 2021, engrossed. Read third time, passed. Yeas 46, nays 1.

HOUSE ACTION

March 1, 2021, read first time and referred to Committee on Employment, Labor and Pensions.

April 1, 2021, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

ES 123—LS 6732/DI 119



April 1, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 123

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-35.6-1-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) Licensure shall
3 be granted either in speech-language pathology or audiology
4 independently. A person may be licensed in both areas if the person
5 meets the respective qualifications.

6 (b) **Except as provided in IC 25-35.6-5**, no person shall practice or
7 represent himself as a speech-language pathologist or audiologist in
8 this state unless the person is licensed in accordance with the
9 provisions of this article.

10 SECTION 2. IC 25-35.6-1-4, AS AMENDED BY P.L.2-2007,
11 SECTION 348, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2021]: Sec. 4. Nothing in this article shall be
13 construed as preventing or restricting the following:

14 (1) A physician or surgeon from engaging in the practice of
15 medicine in this state, or a person under the supervision and
16 control of a physician or surgeon from conducting hearing testing,
17 provided such a person is not called an audiologist.

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- 1 (2) Any hearing aid dealer from:
2 (A) engaging in the testing of hearing and other practices and
3 procedures necessary for the business for which the dealer is
4 registered in this state under IC 25-20-1; and
5 (B) using the title hearing aid specialist or any similar title or
6 description of service.
- 7 (3) Any person licensed or registered in this state by any other law
8 from engaging in the profession or occupation for which the
9 person is licensed or registered.
- 10 (4) A person employed as a speech-language pathologist or
11 audiologist by the government of the United States, if such person
12 performs speech-language pathology or audiology services solely
13 within the confines or under the jurisdiction of the governmental
14 organization by which the person is employed. However, such
15 person may, without obtaining a license under this article, consult
16 with or disseminate the person's research findings and other
17 scientific information to speech-language pathologists and
18 audiologists outside the jurisdiction of the organization by which
19 the person is employed. Such person may also offer instruction
20 and lectures to the public without being licensed under this
21 article. Such person may additionally elect to be subject to this
22 article.
- 23 (5) The activities and services of persons pursuing a course of
24 study leading to a degree in speech-language pathology or
25 audiology at a postsecondary educational institution, if:
26 (A) such activities and services constitute a part of a
27 supervised course of study;
28 (B) such person is designated speech-language pathology or
29 audiology intern, speech-language pathology or audiology
30 trainee, or by other such titles clearly indicating the training
31 status appropriate to the person's level of training; and
32 (C) the person works only under the supervision of a
33 speech-language pathologist or audiologist licensed under this
34 article.
- 35 (6) The activities and services of persons fulfilling the clinical
36 experience requirement of section 5(2)(B)(ii) or 6(3)(B) of this
37 chapter, if such activities and services constitute a part of the
38 experience required for that section's fulfillment.
- 39 (7) The performance of pure tone air conduction testing by an
40 industrial audiometric technician, as defined by federal law, who
41 is working in an industrial hearing conservation program directed
42 by a physician or an audiologist.



1 (8) The performance of speech-language pathology or audiology
 2 services in this state by any person not a resident of this state who
 3 is not licensed under this article, if such services are performed:

4 **(A) under IC 25-35.6-5; or**

5 **(B)** for no more than five (5) days in any calendar year and in
 6 cooperation with a speech-language pathologist or audiologist
 7 licensed under this article, ~~and~~ if such person meets the
 8 qualifications and requirements for application for licensure
 9 described in sections 5(1) and 5(2) or 6(1) and 6(2) of this
 10 chapter.

11 However, a person not a resident of this state who is not licensed
 12 under this article **or practicing under IC 25-35.6-5**, but who is
 13 licensed under the law of another state which has established
 14 licensure requirements at least equivalent to those established by
 15 section 5 or 6 of this chapter or who is the holder of a certificate
 16 of clinical competence in speech-language pathology or audiology
 17 or its equivalent issued by a nationally recognized association for
 18 speech-language or hearing, may offer speech-language pathology
 19 or audiology services in this state for no more than thirty (30)
 20 days in any calendar year, if such services are performed in
 21 cooperation with a speech-language pathologist or audiologist
 22 licensed under this article.

23 SECTION 3. IC 25-35.6-2-2, AS AMENDED BY P.L.212-2005,
 24 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2021]: Sec. 2. (a) The board:

- 26 (1) shall administer, coordinate, and enforce this article;
 27 (2) shall evaluate the qualifications and supervise the
 28 examinations of applicants for licensure under this article;
 29 (3) may issue subpoenas, examine witnesses, and administer
 30 oaths; and
 31 (4) shall, at its discretion, investigate allegations of practices
 32 violating this article, subject to IC 25-1-7.

33 (b) The board shall adopt rules under IC 4-22-2 relating to
 34 professional conduct commensurate with the policy of this article,
 35 including rules that establish standards for the competent practice of
 36 speech-language pathology and audiology. ~~Following their adoption,~~
 37 **Except as provided in IC 25-35.6-5-14**, the rules govern and control
 38 the professional conduct of every person who holds a license to
 39 practice speech-language pathology or audiology in this state.

40 (c) The board shall conduct the hearings and keep the records and
 41 minutes necessary for the orderly dispatch of its functions. The board
 42 shall have notice provided to the appropriate persons in a manner it



1 considers appropriate of the times and places of all hearings authorized
 2 by this subsection. Approval by a majority of a quorum of the board is
 3 required for any action to be taken in actions for revocation or
 4 suspension of a license issued under this article.

5 (d) The board may adopt rules under IC 4-22-2 to:

- 6 (1) administer or enforce this article;
- 7 (2) register persons in the process of fulfilling the clinical
 8 experience required for a license under this article;
- 9 (3) establish fees in accordance with IC 25-1-8-2; and
- 10 (4) register speech-language pathology assistants, associates, and
 11 aides and establish rules governing the duties of assistants,
 12 associates, and aides.

13 (e) The conferral or enumeration of specific powers elsewhere in
 14 this article shall not be construed as a limitation of the general
 15 functions conferred by this section.

16 SECTION 4. IC 25-35.6-3-8.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2021]: **Sec. 8.5. (a) As used in this section,**
 19 **"supervisor" has the meaning set forth in 880 IAC 1-2.1-1(9).**

20 **(b) Notwithstanding any other law under this article or rule**
 21 **adopted by the board, a speech-language pathology assistant may**
 22 **do the following:**

- 23 **(1) Independently participate in parent conferences and case**
 24 **conferences if the speech-language pathology assistant's**
 25 **supervisor expressly consents to the speech-language**
 26 **pathology assistant's independent participation.**
- 27 **(2) Help write a treatment plan for review by the**
 28 **speech-language pathology assistant's supervisor if asked to**
 29 **do so by the speech-language pathology assistant's supervisor.**
- 30 **(3) Sign formal documents, including treatment plans,**
 31 **reimbursement forms, and reports, if asked to do so by the**
 32 **speech-language pathology assistant's supervisor.**
- 33 **(4) Communicate with a client, family member of the client,**
 34 **or other persons, as applicable, regarding any aspect of the**
 35 **client's status or service. A speech-language pathology**
 36 **assistant may communicate as described in this subdivision**
 37 **without the consent of the speech-language pathology**
 38 **assistant's supervisor.**
- 39 **(5) Counsel or consult with a client, family members of the**
 40 **client, or other persons, as applicable, regarding the client's**
 41 **status or service.**

42 **(c) The following applies to a supervisor of speech-language**



1 pathology support personnel when speech-language pathology
2 personnel assist in providing treatment:

3 (1) Notwithstanding 880 IAC 1-2.1-9(b)(1), a supervisor of a
4 speech-language pathology aide shall:

5 (A) be physically present within the same building as the
6 speech-language pathology aide when direct client care is
7 provided; and

8 (B) alternate supervision days and times to ensure that all
9 clients receive direct treatment from the supervisor.

10 (2) Notwithstanding 880 IAC 1-2.1-9(b)(2), a supervisor of a
11 speech-language pathology associate shall provide direct
12 supervision a minimum of ten percent (10%) of the time each
13 week that the speech-language pathology associate has direct
14 contact with clients. A supervisor of a speech-language
15 pathology associate shall alternate supervision days and times
16 to ensure that all clients receive direct treatment from the
17 supervisor a minimum of three (3) times each quarter. A
18 speech-language pathology associate may not perform tasks
19 when a supervisor cannot be reached by:

20 (A) personal contact;

21 (B) telephone;

22 (C) pager; or

23 (D) other immediate means.

24 (3) Notwithstanding 880 IAC 1-2.1-9(b)(3), a supervisor of a
25 speech-language pathology assistant shall provide direct
26 supervision a minimum of ten percent (10%) of the time each
27 week that the speech-language pathology assistant has direct
28 contact with clients. A supervisor of a speech-language
29 pathology assistant shall alternate days and times to ensure
30 that all clients receive direct treatment from the supervisor a
31 minimum of three (3) times each quarter. A speech-language
32 pathology assistant may not perform tasks when a supervisor
33 cannot be reached by:

34 (A) personal contact;

35 (B) telephone;

36 (C) pager; or

37 (D) other immediate means.

38 (d) Any provisions in 880 IAC 1-2.1 that are not affected by this
39 section remain in effect unless otherwise amended or repealed by
40 the board.

41 (e) The board shall, not later than June 30, 2022, adopt rules to
42 implement this section.



1 **(f) This section expires July 1, 2022.**

2 SECTION 5. IC 25-35.6-5 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]:

5 **Chapter 5. Audiology and Speech-Language Pathology**
6 **Interstate Compact**

7 **Sec. 1. The purpose of this Compact is to facilitate interstate**
8 **practice of audiology and speech-language pathology with the goal**
9 **of improving public access to audiology and speech-language**
10 **pathology services. The practice of audiology and speech-language**
11 **pathology occurs in the state where the patient/client/student is**
12 **located at the time of the patient/client/student encounter. The**
13 **Compact preserves the regulatory authority of states to protect**
14 **public health and safety through the current system of state**
15 **licensure. This Compact is designed to achieve the following**
16 **objectives:**

- 17 **(1) increase public access to audiology and speech-language**
18 **pathology services by providing for the mutual recognition of**
19 **other member state licenses;**
20 **(2) enhance the states' ability to protect the public's health**
21 **and safety;**
22 **(3) encourage the cooperation of member states in regulating**
23 **multistate audiology and speech-language pathology practice;**
24 **(4) support spouses of relocating active duty military**
25 **personnel;**
26 **(5) enhance the exchange of licensure, investigative, and**
27 **disciplinary information between member states;**
28 **(6) allow a remote state to hold a provider of services with a**
29 **Compact privilege in that state accountable to that state's**
30 **practice standards; and**
31 **(7) allow for the use of telehealth technology to facilitate**
32 **increased access to audiology and speech-language pathology**
33 **services.**

34 **Sec. 2. As used in this Compact, and except as otherwise**
35 **provided, the following definitions shall apply:**

- 36 **(1) "Active duty military" means full-time duty status in the**
37 **active uniformed service of the United States, including**
38 **members of the National Guard and Reserve on active duty**
39 **orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C.**
40 **Chapter 1211.**
41 **(2) "Adverse action" means any administrative, civil,**
42 **equitable, or criminal action permitted by a state's laws which**



- 1 is imposed by a licensing board or other authority against an
2 audiologist or speech-language pathologist, including actions
3 against an individual's license or privilege to practice, such as
4 revocation, suspension, probation, monitoring of the licensee,
5 or restriction on the licensee's practice.
- 6 (3) "Alternative program" means a non-disciplinary
7 monitoring process approved by an audiology or
8 speech-language pathology licensing board to address
9 impaired practitioners.
- 10 (4) "Audiologist" means an individual who is licensed by a
11 state to practice audiology.
- 12 (5) "Audiology" means the care and services provided by a
13 licensed audiologist as set forth in the member state's statutes
14 and rules.
- 15 (6) "Audiology and Speech-Language Pathology Compact
16 Commission" or "Commission" means the national
17 administrative body whose membership consists of all states
18 that have enacted the Compact.
- 19 (7) "Audiology and speech-language pathology licensing
20 board", "audiology licensing board", "speech-language
21 pathology licensing board", or "licensing board" means the
22 agency of a state that is responsible for the licensing and
23 regulation of audiologists and/or speech-language
24 pathologists.
- 25 (8) "Compact privilege" means the authorization granted by
26 a remote state to allow a licensee from another member state
27 to practice as an audiologist or speech-language pathologist in
28 the remote state under its laws and rules. The practice of
29 audiology or speech-language pathology occurs in the member
30 state where the patient/client/student is located at the time of
31 the patient/client/student encounter.
- 32 (9) "Current significant investigative information" means
33 investigative information that a licensing board, after an
34 inquiry or investigation that includes notification and an
35 opportunity for the audiologist or speech-language pathologist
36 to respond, if required by state law, has reason to believe is
37 not groundless and, if proved true, would indicate more than
38 a minor infraction.
- 39 (10) "Data system" means a repository of information about
40 licensees, including, but not limited to, continuing education,
41 examination, licensure, investigative, Compact privilege, and
42 adverse action.



- 1 (11) "Encumbered license" means a license in which an
2 adverse action restricts the practice of audiology or
3 speech-language pathology by the licensee and said adverse
4 action has been reported to the National Practitioner Data
5 Bank (NPDB).
- 6 (12) "Executive Committee" means a group of directors
7 elected or appointed to act on behalf of, and within the powers
8 granted to them by, the Commission.
- 9 (13) "Home state" means the member state that is the
10 licensee's primary state of residence.
- 11 (14) "Impaired practitioner" means individuals whose
12 professional practice is adversely affected by substance abuse,
13 addiction, or other health-related conditions.
- 14 (15) "Licensee" means an individual who currently holds an
15 authorization from the state licensing board to practice as an
16 audiologist or speech-language pathologist.
- 17 (16) "Member state" means a state that has enacted the
18 Compact.
- 19 (17) "Privilege to practice" means a legal authorization
20 permitting the practice of audiology or speech-language
21 pathology in a remote state.
- 22 (18) "Remote state" means a member state other than the
23 home state where a licensee is exercising or seeking to exercise
24 the Compact privilege.
- 25 (19) "Rule" means a regulation, principle, or directive
26 promulgated by the Commission that has the force of law.
- 27 (20) "Single-state license" means an audiology or
28 speech-language pathology license issued by a member state
29 that authorizes practice only within the issuing state and does
30 not include a privilege to practice in any other member state.
- 31 (21) "Speech-language pathologist" means an individual who
32 is licensed by a state to practice speech-language pathology.
- 33 (22) "Speech-language pathology" means the care and
34 services provided by a licensed speech-language pathologist
35 as set forth in the member state's statutes and rules.
- 36 (23) "State" means any state, commonwealth, district, or
37 territory of the United States of America that regulates the
38 practice of audiology and speech-language pathology.
- 39 (24) "State practice laws" means a member state's laws, rules,
40 and regulations that govern the practice of audiology or
41 speech-language pathology, define the scope of audiology or
42 speech-language pathology practice, and create the methods



1 and grounds for imposing discipline.

2 (25) "Telehealth" means the application of telecommunication
3 technology to deliver audiology or speech-language pathology
4 services at a distance for assessment, intervention, and/or
5 consultation.

6 Sec. 3. (a) A license issued to an audiologist or speech-language
7 pathologist by a home state to a resident in that state shall be
8 recognized by each member state as authorizing an audiologist or
9 speech-language pathologist to practice audiology or
10 speech-language pathology, under a privilege to practice, in each
11 member state.

12 (b) A state must implement or utilize procedures for considering
13 the criminal history records of applicants for initial privilege to
14 practice. These procedures shall include the submission of
15 fingerprints or other biometric-based information by applicants
16 for the purpose of obtaining an applicant's criminal history record
17 information from the Federal Bureau of Investigation and the
18 agency responsible for retaining that state's criminal records.

19 (1) A member state must fully implement a criminal
20 background check requirement, within a time frame
21 established by rule, by receiving the results of the Federal
22 Bureau of Investigation record search on criminal
23 background checks and use the results in making licensure
24 decisions.

25 (2) Communication between a member state, the Commission,
26 and among member states regarding the verification of
27 eligibility for licensure through the Compact shall not include
28 any information received from the Federal Bureau of
29 Investigation relating to a federal criminal records check
30 performed by a member state under Public Law 92-544.

31 (c) Upon application for a privilege to practice, the licensing
32 board in the issuing remote state shall ascertain, through the data
33 system, whether the applicant has ever held, or is the holder of, a
34 license issued by any other state, whether there are any
35 encumbrances on any license or privilege to practice held by the
36 applicant, and whether any adverse action has been taken against
37 any license or privilege to practice held by the applicant.

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

42 (e) For an audiologist:



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

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

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

(C) has graduated from an audiology program that is housed in an institution of higher education outside of the United States:

(i) for which the program and institution have been approved by the authorized accrediting body in the applicable country; and

(ii) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

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

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

(4) Holds an active, unencumbered license.

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

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

(f) For a speech-language pathologist:



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

3 (A) has graduated with a master's degree from a
4 speech-language pathology program that is accredited by
5 an organization recognized by the United States
6 Department of Education and operated by a college or
7 university accredited by a regional or national accrediting
8 organization recognized by the board; or

9 (B) has graduated from a speech-language pathology
10 program that is housed in an institution of higher
11 education outside of the United States:

12 (i) for which the program and institution have been
13 approved by the authorized accrediting body in the
14 applicable country; and

15 (ii) the degree program has been verified by an
16 independent credentials review agency to be comparable
17 to a state licensing board-approved program.

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

21 (3) Has completed a supervised postgraduate professional
22 experience as required by the Commission.

23 (4) Has successfully passed a national examination approved
24 by the Commission.

25 (5) Holds an active, unencumbered license.

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

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

32 (g) The privilege to practice is derived from the home state
33 license.

34 (h) An audiologist or speech-language pathologist practicing in
35 a member state must comply with the state practice laws of the
36 state in which the client is located at the time service is provided.
37 The practice of audiology and speech-language pathology shall
38 include all audiology and speech-language pathology practice as
39 defined by the state practice laws of the member state in which the
40 client is located. The practice of audiology and speech-language
41 pathology in a member state under a privilege to practice shall
42 subject an audiologist or speech-language pathologist to the



1 jurisdiction of the licensing board, the courts, and the laws of the
2 member state in which the client is located at the time service is
3 provided.

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

12 (j) Member states may charge a fee for granting a Compact
13 privilege.

14 (k) Member states must comply with the bylaws and rules and
15 regulations of the Commission.

16 Sec. 4. (a) To exercise the Compact privilege under the terms
17 and provisions of the Compact, the audiologist or speech-language
18 pathologist shall:

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

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

21 (3) Be eligible for a Compact privilege in any member state in
22 accordance with section 3 of this chapter.

23 (4) Have not had any adverse action against any license or
24 Compact privilege within the previous two (2) years from date
25 of application.

26 (5) Notify the Commission that the licensee is seeking the
27 Compact privilege within a remote state(s).

28 (6) Pay any applicable fees, including any state fee, for the
29 Compact privilege.

30 (7) Report to the Commission adverse action taken by any
31 non-member state within thirty (30) days from the date the
32 adverse action is taken.

33 (b) For the purposes of the Compact privilege, an audiologist or
34 speech-language pathologist shall only hold one (1) home state
35 license at a time.

36 (c) Except as provided in section 6 of this chapter, if an
37 audiologist or speech-language pathologist changes primary state
38 of residence by moving between two member states, the audiologist
39 or speech-language pathologist must apply for licensure in the new
40 home state, and the license issued by the prior home state shall be
41 deactivated in accordance with applicable rules adopted by the
42 Commission.



1 **(d) The audiologist or speech-language pathologist may apply**
2 **for licensure in advance of a change in primary state of residence.**

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

8 **(f) If an audiologist or speech-language pathologist changes**
9 **primary state of residence by moving from a member state to a**
10 **non-member state, the license issued by the prior home state shall**
11 **convert to a single-state license, valid only in the former home**
12 **state.**

13 **(g) The Compact privilege is valid until the expiration date of**
14 **the home state license. The licensee must comply with the**
15 **requirements of subsection (a) to maintain the Compact privilege**
16 **in the remote state.**

17 **(h) A licensee providing audiology or speech-language pathology**
18 **services in a remote state under the Compact privilege shall**
19 **function within the laws and regulations of the remote state.**

20 **(i) A licensee providing audiology or speech-language pathology**
21 **services in a remote state is subject to that state's regulatory**
22 **authority. A remote state may, in accordance with due process and**
23 **that state's laws, remove a licensee's Compact privilege in the**
24 **remote state for a specific period of time, impose fines, and/or take**
25 **any other necessary actions to protect the health and safety of its**
26 **citizens.**

27 **(j) If a home state license is encumbered, the licensee shall lose**
28 **the Compact privilege in any remote state until the following**
29 **occur:**

30 **(1) the home state license is no longer encumbered; and**

31 **(2) two (2) years have elapsed from the date of the adverse**
32 **action.**

33 **(k) Once an encumbered license in the home state is restored to**
34 **good standing, the licensee must meet the requirements of**
35 **subsection (a) to obtain a Compact privilege in any remote state.**

36 **(l) Once the requirements of subsection (j) are met, the licensee**
37 **must meet the requirements in subsection (a) to obtain a Compact**
38 **privilege in a remote state.**

39 **Sec. 5. (a) Member states shall recognize the right of an**
40 **audiologist or speech-language pathologist, licensed by a home**
41 **state in accordance with section 3 of this chapter and under rules**
42 **promulgated by the Commission, to practice audiology or**



1 speech-language pathology in any member state via telehealth
2 under a privilege to practice as provided in the Compact and rules
3 promulgated by the Commission.

4 (b) A licensee providing audiology or speech-language pathology
5 services in a remote state under the Compact shall function within
6 the laws and regulations of the remote state.

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

14 Sec. 7. (a) In addition to the other powers conferred by state
15 law, a remote state shall have the authority, in accordance with
16 existing state due process law, to:

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

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

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

35 (b) For purposes of taking adverse action, the home state shall
36 give the same priority and effect to reported conduct received from
37 a member state as it would if the conduct had occurred within the
38 home state. In so doing, the home state shall apply its own state
39 laws to determine appropriate action.

40 (c) The home state shall complete any pending investigations of
41 an audiologist or speech-language pathologist who changes
42 primary state of residence during the course of the investigations.



1 The home state shall also have the authority to take appropriate
2 action(s) and shall promptly report the conclusions of the
3 investigations to the administrator of the data system. The
4 administrator of the coordinated licensure information system
5 shall promptly notify the new home state of any adverse actions.

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

11 (e) A member state may take adverse action based on the factual
12 findings of the remote state, provided that the member state
13 follows the member state's own procedures for taking the adverse
14 action.

15 (f) Joint Investigations

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

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

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

34 (h) If a member state takes adverse action, it shall promptly
35 notify the administrator of the data system. The administrator of
36 the data system shall promptly notify the home state of any adverse
37 actions by remote states.

38 (i) Nothing in this Compact shall override a member state's
39 decision that participation in an alternative program may be used
40 in lieu of adverse action.

41 Sec. 8. (a) The Compact member states hereby create and
42 establish a joint public agency known as the Audiology and



1 **Speech-Language Pathology Compact Commission:**

2 (1) The Commission is an instrumentality of the Compact
3 states.

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

10 (3) Nothing in this Compact shall be construed to be a waiver
11 of sovereign immunity.

12 **(b) Membership, Voting, and Meetings**

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

17 (2) An additional five (5) delegates, who are either a public
18 member or board administrator from a state licensing board,
19 shall be chosen by the Executive Committee from a pool of
20 nominees provided by the Commission at Large.

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

24 (4) The member state board shall fill any vacancy occurring
25 on the Commission, within ninety (90) days.

26 (5) Each delegate shall be entitled to one (1) vote with regard
27 to the promulgation of rules and creation of bylaws and shall
28 otherwise have an opportunity to participate in the business
29 and affairs of the Commission.

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

34 (7) The Commission shall meet at least once during each
35 calendar year. Additional meetings shall be held as set forth
36 in the bylaws.

37 **(c) The Commission shall have the following powers and duties:**

38 (1) establish the fiscal year of the Commission;

39 (2) establish bylaws;

40 (3) establish a code of ethics;

41 (4) maintain its financial records in accordance with the
42 bylaws;



- 1 (5) meet and take actions as are consistent with the provisions
2 of this Compact and the bylaws;
- 3 (6) promulgate uniform rules to facilitate and coordinate
4 implementation and administration of this Compact. The
5 rules shall have the force and effect of law and shall be
6 binding in all member states;
- 7 (7) bring and prosecute legal proceedings or actions in the
8 name of the Commission, provided that the standing of any
9 state audiology or speech-language pathology licensing board
10 to sue or be sued under applicable law shall not be affected;
- 11 (8) purchase and maintain insurance and bonds;
- 12 (9) borrow, accept, or contract for services of personnel,
13 including, but not limited to, employees of a member state;
- 14 (10) hire employees, elect or appoint officers, fix
15 compensation, define duties, grant individuals appropriate
16 authority to carry out the purposes of the Compact, and
17 establish the Commission's personnel policies and programs
18 relating to conflicts of interest, qualifications of personnel,
19 and other related personnel matters;
- 20 (11) accept any and all appropriate donations and grants of
21 money, equipment, supplies, materials, and services, and to
22 receive, utilize, and dispose of the same, provided that at all
23 times the Commission shall avoid any appearance of
24 impropriety and/or conflict of interest;
- 25 (12) lease, purchase, accept appropriate gifts or donations of,
26 or otherwise own, hold, improve, or use any property, real,
27 personal, or mixed, provided that at all times the Commission
28 shall avoid any appearance of impropriety;
- 29 (13) sell convey, mortgage, pledge, lease, exchange, abandon,
30 or otherwise dispose of any property real, personal, or mixed;
- 31 (14) establish a budget and make expenditures;
- 32 (15) borrow money;
- 33 (16) appoint committees, including standing committees
34 composed of members, and other interested persons as may be
35 designated in this Compact and the bylaws;
- 36 (17) provide and receive information from, and cooperate
37 with, law enforcement agencies;
- 38 (18) establish and elect an executive committee; and
- 39 (19) perform other functions as may be necessary or
40 appropriate to achieve the purposes of this Compact
41 consistent with the state regulation of audiology and
42 speech-language pathology licensure and practice.



- 1 **(d) The Commission does not have authority to change or**
- 2 **modify the laws of the member states that define the practice of**
- 3 **audiology and speech-language pathology in the respective member**
- 4 **states.**
- 5 **(e) The executive committee shall have the power to act on**
- 6 **behalf of the Commission according to the terms of this Compact:**
- 7 **(1) The executive committee shall be composed of ten (10)**
- 8 **members:**
- 9 **(A) seven (7) voting members who are elected by the**
- 10 **Commission from the current membership of the**
- 11 **Commission;**
- 12 **(B) two (2) ex-officios, consisting of one (1) nonvoting**
- 13 **member from a recognized national audiology professional**
- 14 **association and one (1) nonvoting member from a**
- 15 **recognized national speech-language pathology**
- 16 **association; and**
- 17 **(C) one (1) ex-officio, nonvoting member from the**
- 18 **recognized membership organization of the audiology and**
- 19 **speech-language pathology licensing boards.**
- 20 **(f) The ex-officio members shall be selected by their respective**
- 21 **organizations.**
- 22 **(1) The Commission may remove any member of the executive**
- 23 **committee as provided in bylaws.**
- 24 **(2) The executive committee shall meet at least annually.**
- 25 **(3) The executive committee shall have the following duties**
- 26 **and responsibilities:**
- 27 **(A) recommend to the entire Commission changes to the**
- 28 **rules or bylaws, changes to this Compact legislation, fees**
- 29 **paid by Compact member states such as annual dues, and**
- 30 **any commission Compact fee charged to licensees for the**
- 31 **Compact privilege;**
- 32 **(B) ensure Compact administration services are**
- 33 **appropriately provided, contractual or otherwise;**
- 34 **(C) prepare and recommend the budget;**
- 35 **(D) maintain financial records on behalf of the**
- 36 **Commission;**
- 37 **(E) monitor Compact compliance of member states and**
- 38 **provide compliance reports to the Commission;**
- 39 **(F) establish additional committees as necessary; and**
- 40 **(G) other duties as provided in rules or bylaws.**
- 41 **(4) Meetings of the Commission**
- 42 **All meetings shall be open to the public, and public notice of**



1 meetings shall be given in the same manner as required under
2 the rulemaking provisions in section 10 of this chapter.

3 **(5) The Commission or the executive committee or other**
4 **committees of the Commission may convene in a closed,**
5 **non-public meeting if the Commission or executive committee**
6 **or other committees of the Commission must discuss:**

7 **(A) non-compliance of a member state with its obligations**
8 **under the Compact;**

9 **(B) the employment, compensation, discipline, or other**
10 **matters, practices, or procedures related to specific**
11 **employees or other matters related to the Commission's**
12 **internal personnel practices and procedures;**

13 **(C) current, threatened, or reasonably anticipated**
14 **litigation;**

15 **(D) negotiation of contracts for the purchase, lease, or sale**
16 **of goods, services, or real estate;**

17 **(E) accusing any person of a crime or formally censuring**
18 **any person;**

19 **(F) disclosure of trade secrets or commercial or financial**
20 **information that is privileged or confidential;**

21 **(G) disclosure of information of a personal nature where**
22 **disclosure would constitute a clearly unwarranted invasion**
23 **of personal privacy;**

24 **(H) disclosure of investigative records compiled for law**
25 **enforcement purposes;**

26 **(I) disclosure of information related to any investigative**
27 **reports prepared by or on behalf of or for use of the**
28 **Commission or other committee charged with**
29 **responsibility of investigation or determination of**
30 **compliance issues pursuant to the Compact; or**

31 **(J) matters specifically exempted from disclosure by**
32 **federal or member state statute.**

33 **(6) If a meeting, or portion of a meeting, is closed pursuant to**
34 **this provision, the Commission's legal counsel or designee**
35 **shall certify that the meeting may be closed and shall**
36 **reference each relevant exempting provision.**

37 **(7) The Commission shall keep minutes that fully and clearly**
38 **describe all matters discussed in a meeting and shall provide**
39 **a full and accurate summary of actions taken, and the reasons**
40 **therefore, including a description of the views expressed. All**
41 **documents considered in connection with an action shall be**
42 **identified in minutes. All minutes and documents of meetings**



1 other than closed meetings shall be made available to
2 members of the public upon request and at the requesting
3 person's expense. All minutes and documents of a closed
4 meeting shall remain under seal, subject to release by a
5 majority vote of the Commission or order of a court of
6 competent jurisdiction.

7 **(8) Financing of the Commission**

8 **(A) The Commission shall pay, or provide for the payment**
9 **of, the reasonable expenses of its establishment,**
10 **organization, and ongoing activities.**

11 **(B) The Commission may accept any and all appropriate**
12 **revenue sources, donations, and grants of money,**
13 **equipment, supplies, materials, and services.**

14 **(C) The Commission may levy on and collect an annual**
15 **assessment from each member state or impose fees on**
16 **other parties to cover the cost of the operations and**
17 **activities of the Commission and its staff, which must be in**
18 **a total amount sufficient to cover its annual budget as**
19 **approved each year for which revenue is not provided by**
20 **other sources. The aggregate annual assessment amount**
21 **shall be allocated based upon a formula to be determined**
22 **by the Commission, which shall promulgate a rule binding**
23 **upon all member states.**

24 **(9) The Commission shall not incur obligations of any kind**
25 **prior to securing the funds adequate to meet the same, nor**
26 **shall the Commission pledge the credit of any of the member**
27 **states, except by and with the authority of the member state.**

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

37 **(g) Qualified Immunity, Defense, and Indemnification**

38 **(1) The members, officers, executive director, employees, and**
39 **representatives of the Commission shall be immune from suit**
40 **and liability, either personally or in their official capacity, for**
41 **any claim for damage to or loss of property or personal injury**
42 **or other civil liability caused by or arising out of any actual or**



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

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

22 (3) The Commission shall indemnify and hold harmless any
23 member, officer, executive director, employee, or
24 representative of the Commission for the amount of any
25 settlement or judgment obtained against that person arising
26 out of any actual or alleged act, error, or omission that
27 occurred within the scope of Commission employment, duties,
28 or responsibilities, or that person had a reasonable basis for
29 believing occurred within the scope of Commission
30 employment, duties, or responsibilities, provided that the
31 actual or alleged act, error, or omission did not result from
32 the intentional or willful or wanton misconduct of that person.

33 Sec. 9. (a) The Commission shall provide for the development,
34 maintenance, and utilization of a coordinated database and
35 reporting system containing licensure, adverse action, and
36 investigative information on all licensed individuals in member
37 states.

38 (b) Notwithstanding any other provision of state law to the
39 contrary, a member state shall submit a uniform data set to the
40 data system on all individuals to whom this Compact is applicable
41 as required by the rules of the Commission, including:

42 (1) identifying information;



- 1 (2) licensure data;
- 2 (3) adverse actions against a license or Compact privilege;
- 3 (4) non-confidential information related to alternative
- 4 program participation;
- 5 (5) any denial of application for licensure, and the reason(s)
- 6 for denial; and
- 7 (6) other information that may facilitate the administration of
- 8 this Compact, as determined by the rules of the Commission.
- 9 (c) Investigative information pertaining to a licensee in any
- 10 member state shall only be available to other member states.
- 11 (d) The Commission shall promptly notify all member states of
- 12 any adverse action taken against a licensee or an individual
- 13 applying for a license. Adverse action information pertaining to a
- 14 licensee in any member state shall be available to any other
- 15 member state.
- 16 (e) Member states contributing information to the data system
- 17 may designate information that may not be shared with the public
- 18 without the express permission of the contributing state.
- 19 (f) Any information submitted to the data system that is
- 20 subsequently required to be expunged by the laws of the member
- 21 state contributing the information shall be removed from the data
- 22 system.
- 23 Sec. 10. (a) The Commission shall exercise its rulemaking
- 24 powers pursuant to the criteria set forth in this section and the
- 25 rules adopted thereunder. Rules and amendments shall become
- 26 binding as of the date specified in each rule or amendment.
- 27 (b) If a majority of the legislatures of the member states rejects
- 28 a rule, by enactment of a statute or resolution in the same manner
- 29 used to adopt the Compact, within four (4) years of the date of
- 30 adoption of the rule, the rule shall have no further force and effect
- 31 in any member state.
- 32 (c) Rules or amendments to the rules shall be adopted at a
- 33 regular or special meeting of the Commission.
- 34 (d) Prior to promulgation and adoption of a final rule or rules
- 35 by the Commission, and at least thirty (30) days in advance of the
- 36 meeting at which the rule shall be considered and voted upon, the
- 37 Commission shall file a notice of proposed rulemaking:
- 38 (1) on the website of the Commission or other publicly
- 39 accessible platform; and
- 40 (2) on the website of each member state audiology or
- 41 speech-language pathology licensing board or other publicly
- 42 accessible platform or the publication in which each state



- 1 would otherwise publish proposed rules.
- 2 (e) The notice of proposed rulemaking shall include:
- 3 (1) the proposed time, date, and location of the meeting in
- 4 which the rule shall be considered and voted upon;
- 5 (2) the text of the proposed rule or amendment and the reason
- 6 for the proposed rule;
- 7 (3) a request for comments on the proposed rule from any
- 8 interested person; and
- 9 (4) the manner in which interested persons may submit notice
- 10 to the Commission of their intention to attend the public
- 11 hearing and any written comments.
- 12 (f) Prior to the adoption of a proposed rule, the Commission
- 13 shall allow persons to submit written data, facts, opinions, and
- 14 arguments, which shall be made available to the public.
- 15 (g) The Commission shall grant an opportunity for a public
- 16 hearing before it adopts a rule or amendment if a hearing is
- 17 requested by:
- 18 (1) at least twenty-five (25) persons;
- 19 (2) a state or federal governmental subdivision or agency; or
- 20 (3) an association having at least twenty-five (25) members.
- 21 (h) If a hearing is held on the proposed rule or amendment, the
- 22 Commission shall publish the place, time, and date of the scheduled
- 23 public hearing. If the hearing is held via electronic means, the
- 24 Commission shall publish the mechanism for access to the
- 25 electronic hearing.
- 26 (1) All persons wishing to be heard at the hearing shall notify
- 27 the executive director of the Commission or other designated
- 28 member in writing of their desire to appear and testify at the
- 29 hearing not less than five (5) business days before the
- 30 scheduled date of the hearing.
- 31 (2) Hearings shall be conducted in a manner providing each
- 32 person who wishes to comment a fair and reasonable
- 33 opportunity to comment orally or in writing.
- 34 (3) All hearings shall be recorded. A copy of the recording
- 35 shall be made available to any person upon request and at the
- 36 requesting person's expense.
- 37 (4) Nothing in this section shall be construed as requiring a
- 38 separate hearing on each rule. Rules may be grouped for the
- 39 convenience of the Commission at hearings required by this
- 40 section.
- 41 (i) Following the scheduled hearing date, or by the close of
- 42 business on the scheduled hearing date if the hearing was not held,



1 the Commission shall consider all written and oral comments
2 received.

3 (j) If no written notice of intent to attend the public hearing by
4 interested parties is received, the Commission may proceed with
5 promulgation of the proposed rule without a public hearing.

6 (k) The Commission shall, by majority vote of all members, take
7 final action on the proposed rule and shall determine the effective
8 date of the rule, if any, based on the rulemaking record and the full
9 text of the rule.

10 (l) Upon determination that an emergency exists, the
11 Commission may consider and adopt an emergency rule without
12 prior notice, opportunity for comment, or hearing, provided that
13 the usual rulemaking procedures provided in the Compact and in
14 this section shall be retroactively applied to the rule as soon as
15 reasonably possible, in no event later than ninety (90) days after
16 the effective date of the rule. For the purposes of this subsection, an
17 emergency rule is one that must be adopted immediately in order
18 to:

19 (1) meet an imminent threat to public health, safety, or
20 welfare;

21 (2) prevent a loss of Commission or member state funds; or

22 (3) meet a deadline for the promulgation of an administrative
23 rule that is established by federal law or rule.

24 (m) The Commission or an authorized committee of the
25 Commission may direct revisions to a previously adopted rule or
26 amendment for purposes of correcting typographical errors, errors
27 in format, errors in consistency, or grammatical errors. Public
28 notice of any revisions shall be posted on the website of the
29 Commission. The revision shall be subject to challenge by any
30 person for a period of thirty (30) days after posting. The revision
31 may be challenged only on grounds that the revision results in a
32 material change to a rule. A challenge shall be made in writing and
33 delivered to the chair of the Commission prior to the end of the
34 notice period. If no challenge is made, the revision shall take effect
35 without further action. If the revision is challenged, the revision
36 may not take effect without the approval of the Commission.

37 **Sec. 11. (a) Dispute Resolution**

38 (1) Upon request by a member state, the Commission shall
39 attempt to resolve disputes related to the Compact that arise
40 among member states and between member and non-member
41 states.

42 (2) The Commission shall promulgate a rule providing for



- 1 both mediation and binding dispute resolution for disputes, as
2 appropriate.
- 3 **(b) Enforcement**
- 4 **(1) The Commission, in the reasonable exercise of its**
5 **discretion, shall enforce the provisions and rules of this**
6 **Compact.**
- 7 **(2) By majority vote, the Commission may initiate legal action**
8 **in the United States District Court for the District of**
9 **Columbia or the federal district where the Commission has its**
10 **principal offices against a member state in default to enforce**
11 **compliance with the provisions of the Compact and its**
12 **promulgated rules and bylaws. The relief sought may include**
13 **both injunctive relief and damages. In the event judicial**
14 **enforcement is necessary, the prevailing member shall be**
15 **awarded all costs of litigation, including reasonable attorney's**
16 **fees.**
- 17 **(3) The remedies herein shall not be the exclusive remedies of**
18 **the Commission. The Commission may pursue any other**
19 **remedies available under federal or state law.**
- 20 **Sec. 12. (a) The Compact shall come into effect on the date on**
21 **which the Compact statute is enacted into law in the tenth member**
22 **state. The provisions, which become effective at that time, shall be**
23 **limited to the powers granted to the Commission relating to**
24 **assembly and the promulgation of rules. Thereafter, the**
25 **Commission shall meet and exercise rulemaking powers necessary**
26 **to the implementation and administration of the Compact.**
- 27 **(b) Any state that joins the Compact subsequent to the**
28 **Commission's initial adoption of the rules shall be subject to the**
29 **rules as they exist on the date on which the Compact becomes law**
30 **in that state. Any rule that has been previously adopted by the**
31 **Commission shall have the full force and effect of law on the day**
32 **the Compact becomes law in that state.**
- 33 **(c) Any member state may withdraw from this Compact by**
34 **enacting a statute repealing the same.**
- 35 **(1) A member state's withdrawal shall not take effect until six**
36 **(6) months after enactment of the repealing statute.**
- 37 **(2) Withdrawal shall not affect the continuing requirement of**
38 **the withdrawing state's audiology or speech-language**
39 **pathology licensing board to comply with the investigative**
40 **and adverse action reporting requirements of this act prior to**
41 **the effective date of withdrawal.**
- 42 **(d) Nothing contained in this Compact shall be construed to**



1 **invalidate or prevent any audiology or speech-language pathology**
 2 **licensure agreement or other cooperative arrangement between a**
 3 **member state and a non-member state that does not conflict with**
 4 **the provisions of this Compact.**

5 **(e) This Compact may be amended by the member states. No**
 6 **amendment to this Compact shall become effective and binding**
 7 **upon any member state until it is enacted into the laws of all**
 8 **member states.**

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

22 **Sec. 14. (a) Nothing herein prevents the enforcement of any**
 23 **other law of a member state that is not inconsistent with the**
 24 **Compact.**

25 **(b) All laws in a member state in conflict with the Compact are**
 26 **superseded to the extent of the conflict.**

27 **(c) All lawful actions of the Commission, including all rules and**
 28 **bylaws promulgated by the Commission, are binding upon the**
 29 **member states.**

30 **(d) All agreements between the Commission and the member**
 31 **states are binding in accordance with their terms.**

32 **(e) In the event any provision of the Compact exceeds the**
 33 **constitutional limits imposed on the legislature of any member**
 34 **state, the provision shall be ineffective to the extent of the conflict**
 35 **with the constitutional provision in question in that member state.**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 4. IC 25-35.6-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 8.5. (a) As used in this section, "supervisor" has the meaning set forth in 880 IAC 1-2.1-1(9).**

(b) Notwithstanding any other law under this article or rule adopted by the board, a speech-language pathology assistant may do the following:

(1) Independently participate in parent conferences and case conferences if the speech-language pathology assistant's supervisor expressly consents to the speech-language pathology assistant's independent participation.

(2) Help write a treatment plan for review by the speech-language pathology assistant's supervisor if asked to do so by the speech-language pathology assistant's supervisor.

(3) Sign formal documents, including treatment plans, reimbursement forms, and reports, if asked to do so by the speech-language pathology assistant's supervisor.

(4) Communicate with a client, family member of the client, or other persons, as applicable, regarding any aspect of the client's status or service. A speech-language pathology assistant may communicate as described in this subdivision without the consent of the speech-language pathology assistant's supervisor.

(5) Counsel or consult with a client, family members of the client, or other persons, as applicable, regarding the client's status or service.

(c) The following applies to a supervisor of speech-language pathology support personnel when speech-language pathology personnel assist in providing treatment:

(1) Notwithstanding 880 IAC 1-2.1-9(b)(1), a supervisor of a speech-language pathology aide shall provide direct supervision a minimum of twenty percent (20%) weekly for the first ninety (90) days that the speech-language pathology aide works with the supervisor and ten percent (10%) weekly after the first ninety (90) days. The supervisor shall:



(A) be physically present within the same building as the speech-language pathology aide when direct client care is provided; and

(B) alternate supervision days and times to ensure that all clients receive direct treatment from the supervisor.

(2) Notwithstanding 880 IAC 1-2.1-9(b)(2), a supervisor of a speech-language pathology associate shall provide direct supervision a minimum of twenty percent (20%) weekly for the first ninety (90) days that the speech-language pathology associate works with the supervisor and ten percent (10%) weekly after the first ninety (90) days. A supervisor of a speech-language pathology associate shall alternate supervision days and times to ensure that all clients receive direct treatment from the supervisor a minimum of three (3) times each quarter. A speech-language pathology associate may not perform tasks when a supervisor cannot be reached by:

(A) personal contact;

(B) telephone;

(C) pager; or

(D) other immediate means.

(3) Notwithstanding 880 IAC 1-2.1-9(b)(3), a supervisor of a speech-language pathology assistant shall provide direct supervision a minimum of ten percent (10%) weekly. A supervisor of a speech-language pathology assistant shall alternate days and times to ensure that all clients receive direct treatment from the supervisor a minimum of three (3) times each quarter. A speech-language pathology assistant may not perform tasks when a supervisor cannot be reached by:

(A) personal contact;

(B) telephone;

(C) pager; or

(D) other immediate means.

(d) Any provisions in 880 IAC 1-2.1 that are not affected by this section remain in effect unless otherwise amended or repealed by the board.

(e) The board shall, not later than June 30, 2022, adopt rules to implement this section.

(f) This section expires July 1, 2022."

Page 9, line 4, delete "board." and insert "Commission."

Page 12, line 11, after "Sec. 5." insert "(a)".



Page 12, between lines 17 and 18, begin a new paragraph and insert:
"(b) A licensee providing audiology or speech-language pathology services in a remote state under the Compact shall function within the laws and regulations of the remote state."

Page 13, line 17, after "law," insert "**a member state may**".

Page 13, line 22, delete "Take" and insert "**A member state may take**".

Page 13, line 23, delete "home" and insert "**member**".

Page 13, line 23, delete "its" and insert "**the member state's**".

Page 16, between lines 10 and 11, begin a new paragraph and insert:
"(d) The Commission does not have authority to change or modify the laws of the member states that define the practice of audiology and speech-language pathology in the respective member states."

Page 16, line 11, delete "(d)" and insert "**(e)**".

Page 16, line 26, delete "(e)" and insert "**(f)**".

Page 18, line 6, after "in minutes." insert "**All minutes and documents of meetings other than closed meetings shall be made available to members of the public upon request and at the requesting person's expense.**".

Page 18, line 40, delete "(f)" and insert "**(g)**".

Page 21, line 38, delete "on request." and insert "**to any person upon request and at the requesting person's expense.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 123 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 123 be amended to read as follows:

Page 5, line 4, delete "shall provide direct".

Page 5, delete lines 5 through 7.

Page 5, line 8, delete "after the first ninety (90) days. The supervisor".

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Page 5, line 16, delete "twenty percent (20%) weekly for".

Page 5, delete line 17.

Page 5, line 18, delete "associate works with the supervisor and".

Page 5, line 19, delete "weekly after the first ninety (90) days." and insert "**of the time each week that the speech-language pathology associate has direct contact with clients.**".

Page 5, line 32, delete "weekly." and insert "**of the time each week that the speech-language pathology assistant has direct contact with clients.**".

(Reference is to SB 123 as printed January 29, 2021.)

KRUSE

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred Senate Bill 123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 123 as reprinted February 2, 2021.)

VANNATTER

Committee Vote: Yeas 11, Nays 0

