

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2138**  
**101ST GENERAL ASSEMBLY**

4738H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 345.015, 345.025, and 345.050, RSMo, and to enact in lieu thereof twenty new sections relating to audiology and speech-language pathology services.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 345.015, 345.025, and 345.050, RSMo, are repealed and twenty  
2 new sections enacted in lieu thereof, to be known as sections 345.015, 345.022, 345.025,  
3 345.050, 345.052, 345.170, 345.175, 345.180, 345.185, 345.190, 345.195, 345.200, 345.205,  
4 345.210, 345.215, 345.220, 345.225, 345.230, 345.235, and 345.240, to read as follows:

345.015. As used in sections 345.010 to 345.080, the following terms mean:

- 2 (1) "Audiologist", a person who is licensed as an audiologist pursuant to sections  
3 345.010 to 345.080 to practice audiology;
- 4 (2) "Audiology aide", a person who is registered as an audiology aide by the board,  
5 who does not act independently but works under the direction and supervision of a licensed  
6 audiologist. Such person assists the audiologist with activities which require an  
7 understanding of audiology but do not require formal training in the relevant academics.  
8 To be eligible for registration by the board, each applicant shall submit a registration fee and:
- 9 (a) Be at least eighteen years of age;
- 10 (b) Furnish evidence of the person's educational qualifications which shall be at a  
11 minimum:
- 12 a. Certification of graduation from an accredited high school or its equivalent; and  
13 b. On-the-job training;
- 14 (c) Be employed in a setting in which direct and indirect supervision are provided on  
15 a regular and systematic basis by a licensed audiologist.
- 16

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or  
18 dispense hearing instruments, make ear impressions, make diagnostic statements, determine  
19 case selection, present written reports to anyone other than the supervisor without the  
20 signature of the supervisor, make referrals to other professionals or agencies, use a title other  
21 than audiology aide, develop or modify treatment plans, discharge clients from treatment or  
22 terminate treatment, disclose clinical information, either orally or in writing, to anyone other  
23 than the supervising audiologist, or perform any procedure for which he or she is not  
24 qualified, has not been adequately trained or both;

25 (3) "Board", the state board of registration for the healing arts;

26 (4) **"Clinical fellowship", the supervised professional employment period**  
27 **following completion of the academic and practicum requirements of an accredited**  
28 **training program as described in sections 345.010 to 345.080;**

29 (5) "Commission", the advisory commission for speech-language pathologists and  
30 audiologists;

31 [~~5~~] (6) "Hearing instrument" or "hearing aid", any wearable device or instrument  
32 designed for or offered for the purpose of aiding or compensating for impaired human hearing  
33 and any parts, attachments or accessories, including ear molds, but excluding batteries, cords,  
34 receivers and repairs;

35 [~~6~~] (7) "Person", any individual, organization, or corporate body, except that only  
36 individuals may be licensed pursuant to sections 345.010 to 345.080;

37 [~~7~~] (8) "Practice of audiology":

38 (a) The application of accepted audiologic principles, methods and procedures for the  
39 measurement, testing, interpretation, appraisal and prediction related to disorders of the  
40 auditory system, balance system or related structures and systems;

41 (b) Provides consultation or counseling to the patient, client, student, their family or  
42 interested parties;

43 (c) Provides academic, social and medical referrals when appropriate;

44 (d) Provides for establishing goals, implementing strategies, methods and techniques,  
45 for habilitation, rehabilitation or aural rehabilitation, related to disorders of the auditory  
46 system, balance system or related structures and systems;

47 (e) Provides for involvement in related research, teaching or public education;

48 (f) Provides for rendering of services or participates in the planning, directing or  
49 conducting of programs which are designed to modify audition, communicative, balance or  
50 cognitive disorder, which may involve speech and language or education issues;

51 (g) Provides and interprets behavioral and neurophysiologic measurements of  
52 auditory balance, cognitive processing and related functions, including intraoperative  
53 monitoring;

54 (h) Provides involvement in any tasks, procedures, acts or practices that are necessary  
55 for evaluation of audition, hearing, training in the use of amplification or assistive listening  
56 devices;

57 (i) Provides selection, assessment, fitting, programming, and dispensing of hearing  
58 instruments, assistive listening devices, and other amplification systems;

59 (j) Provides for taking impressions of the ear, making custom ear molds, ear plugs,  
60 swim molds and industrial noise protectors;

61 (k) Provides assessment of external ear and cerumen management;

62 (l) Provides advising, fitting, mapping assessment of implantable devices such as  
63 cochlear or auditory brain stem devices;

64 (m) Provides information in noise control and hearing conservation including  
65 education, equipment selection, equipment calibration, site evaluation and employee  
66 evaluation;

67 (n) Provides performing basic speech-language screening test;

68 (o) Provides involvement in social aspects of communication, including challenging  
69 behavior and ineffective social skills, lack of communication opportunities;

70 (p) Provides support and training of family members and other communication  
71 partners for the individual with auditory balance, cognitive and communication disorders;

72 (q) Provides aural rehabilitation and related services to individuals with hearing loss  
73 and their families;

74 (r) Evaluates, collaborates and manages audition problems in the assessment of the  
75 central auditory processing disorders and providing intervention for individuals with central  
76 auditory processing disorders;

77 (s) Develops and manages academic and clinical problems in communication  
78 sciences and disorders;

79 (t) Conducts, disseminates and applies research in communication sciences and  
80 disorders;

81 ~~(8)~~ (9) "Practice of speech-language pathology":

82 (a) Provides screening, identification, assessment, diagnosis, treatment, intervention,  
83 including but not limited to prevention, restoration, amelioration and compensation, and  
84 follow-up services for disorders of:

85 a. Speech: articulation, fluency, voice, including respiration, phonation and  
86 resonance;

87 b. Language, involving the parameters of phonology, morphology, syntax, semantics  
88 and pragmatic; and including disorders of receptive and expressive communication in oral,  
89 written, graphic and manual modalities;

- 90 c. Oral, pharyngeal, cervical esophageal and related functions, such as dysphagia,  
91 including disorders of swallowing and oral functions for feeding; orofacial myofunctional  
92 disorders;
- 93 d. Cognitive aspects of communication, including communication disability and other  
94 functional disabilities associated with cognitive impairment;
- 95 e. Social aspects of communication, including challenging behavior, ineffective social  
96 skills, lack of communication opportunities;
- 97 (b) Provides consultation and counseling and makes referrals when appropriate;
- 98 (c) Trains and supports family members and other communication partners of  
99 individuals with speech, voice, language, communication and swallowing disabilities;
- 100 (d) Develops and establishes effective augmentative and alternative communication  
101 techniques and strategies, including selecting, prescribing and dispensing of augmentative  
102 aids and devices; and the training of individuals, their families and other communication  
103 partners in their use;
- 104 (e) Selects, fits and establishes effective use of appropriate prosthetic/adaptive  
105 devices for speaking and swallowing, such as tracheoesophageal valves, electrolarynges, or  
106 speaking valves;
- 107 (f) Uses instrumental technology to diagnose and treat disorders of communication  
108 and swallowing, such as videofluoroscopy, nasendoscopy, ultrasonography and stroboscopy;
- 109 (g) Provides aural rehabilitative and related counseling services to individuals with  
110 hearing loss and to their families;
- 111 (h) Collaborates in the assessment of central auditory processing disorders in cases in  
112 which there is evidence of speech, language or other cognitive communication disorders;  
113 provides intervention for individuals with central auditory processing disorders;
- 114 (i) Conducts pure-tone air conduction hearing screening and screening tympanometry  
115 for the purpose of the initial identification or referral;
- 116 (j) Enhances speech and language proficiency and communication effectiveness,  
117 including but not limited to accent reduction, collaboration with teachers of English as a  
118 second language and improvement of voice, performance and singing;
- 119 (k) Trains and supervises support personnel;
- 120 (l) Develops and manages academic and clinical programs in communication sciences  
121 and disorders;
- 122 (m) Conducts, disseminates and applies research in communication sciences and  
123 disorders;
- 124 (n) Measures outcomes of treatment and conducts continuous evaluation of the  
125 effectiveness of practices and programs to improve and maintain quality of services;

126           ~~[(9)]~~ **(10)** "Speech-language pathologist", a person who is licensed as a speech-  
127 language pathologist pursuant to sections 345.010 to 345.080; who engages in the practice of  
128 speech-language pathology as defined in sections 345.010 to 345.080;

129           ~~[(10)]~~ **(11)** "Speech-language pathology aide", a person who is registered as a speech-  
130 language aide by the board, who does not act independently but works under the direction and  
131 supervision of a licensed speech-language pathologist. Such person assists the speech-  
132 language pathologist with activities which require an understanding of speech-language  
133 pathology but do not require formal training in the relevant academics. To be eligible for  
134 registration by the board, each applicant shall submit a registration fee and:

135           (a) Be at least eighteen years of age;

136           (b) Furnish evidence of the person's educational qualifications which shall be at a  
137 minimum:

138           a. Certification of graduation from an accredited high school or its equivalent; and

139           b. On-the-job training;

140           (c) Be employed in a setting in which direct and indirect supervision is provided on a  
141 regular and systematic basis by a licensed speech-language pathologist.

142

143 However, the aide shall not administer or interpret hearing screening or diagnostic tests, fit or  
144 dispense hearing instruments, make ear impressions, make diagnostic statements, determine  
145 case selection, present written reports to anyone other than the supervisor without the  
146 signature of the supervisor, make referrals to other professionals or agencies, use a title other  
147 than speech-language pathology aide, develop or modify treatment plans, discharge clients  
148 from treatment or terminate treatment, disclose clinical information, either orally or in  
149 writing, to anyone other than the supervising speech-language pathologist, or perform any  
150 procedure for which he or she is not qualified, has not been adequately trained or both;

151           ~~[(11)]~~ **(12)** "Speech-language pathology assistant", a person who is registered as a  
152 speech-language pathology assistant by the board, who does not act independently but works  
153 under the direction and supervision of a licensed speech-language pathologist practicing for at  
154 least one year or speech-language pathologist practicing under subdivision (1) or (6) of  
155 subsection 1 of section 345.025 for at least one year and whose activities require both  
156 academic and practical training in the field of speech-language pathology although less  
157 training than those established by sections 345.010 to 345.080 as necessary for licensing as a  
158 speech-language pathologist. To be eligible for registration by the board, each applicant shall  
159 submit the registration fee, supervising speech-language pathologist information if  
160 employment is confirmed, if not such information shall be provided after registration, and  
161 furnish evidence of the person's educational qualifications which meet the following:

162 (a) Hold a bachelor's level degree from an institution accredited or approved by a  
163 regional accrediting body recognized by the United States Department of Education or its  
164 equivalent; and

165 (b) Submit official transcripts from one or more accredited colleges or universities  
166 presenting evidence of the completion of bachelor's level course work and requirements in the  
167 field of speech-language pathology as established by the board through rules and regulations;

168 (c) Submit proof of completion of the number and type of clinical hours as  
169 established by the board through rules and regulations.

**345.022. 1. Any person in the person's clinical fellowship as defined in sections  
2 345.010 to 345.080 shall hold a provisional license to practice speech-language pathology  
3 or audiology. The board may issue a provisional license to an applicant who:**

4 **(1) Has met the requirements for practicum and academic requirements from an  
5 accredited training program as defined in sections 345.010 to 345.080;**

6 **(2) Submits an application to the board on a form prescribed by the board. Such  
7 form shall include a plan for the content and supervision of the clinical fellowship, as  
8 well as evidence of good moral and ethical character; and**

9 **(3) Submits to the board an application fee, as set by the board, for the  
10 provisional license.**

11 **2. A provisional license is effective for one year. A provisional license may be  
12 extended for an additional twelve months only for purposes of completing the  
13 postgraduate clinical experience portion of the clinical fellowship; provided that, the  
14 applicant has passed the national examination and shall hold a master's degree from an  
15 approved training program in his or her area of application.**

16 **3. Within twelve months of issuance of the provisional license, the applicant shall  
17 pass an examination promulgated or approved by the board.**

18 **4. Within twelve months of issuance of a provisional license, the applicant shall  
19 complete the requirements for the master's or doctoral degree from a program  
20 accredited by the Council on Academic Accreditation of the American Speech-  
21 Language-Hearing Association or other accrediting agency approved by the board in  
22 the area in which licensure is sought.**

345.025. 1. The provisions of sections 345.010 to 345.080 do not apply to:

2 (1) The activities, services, and the use of an official title on the part of a person in the  
3 employ of a federal agency insofar as such services are part of the duties of the person's office  
4 or position with such agency;

5 (2) The activities and services of certified teachers of the deaf;

6 (3) The activities and services of a student in speech-language pathology or audiology  
7 pursuing a course of study at a university or college that has been approved by its regional

8 accrediting association, or working in a recognized training center, if these activities and  
9 services constitute a part of the person's course of study supervised by a licensed speech-  
10 language pathologist or audiologist as provided in section 345.050;

11 (4) The activities and services of physicians and surgeons licensed pursuant to  
12 chapter 334;

13 (5) Audiometric technicians who are certified by the council for accreditation of  
14 occupational hearing conservationists when conducting pure tone air conduction audiometric  
15 tests for purposes of industrial hearing conservation and comply with requirements of the  
16 federal Occupational Safety and Health Administration;

17 (6) A person who holds a current valid certificate as a speech-language pathologist  
18 issued before January 1, 2016, by the Missouri department of elementary and secondary  
19 education and who is an employee of a public school while providing speech-language  
20 pathology services in such school system;

21 (7) Any person completing the required number and type of clinical hours required by  
22 paragraph (c) of subdivision ~~[(11)]~~ (12) of section 345.015 as long as such person is under the  
23 direct supervision of a licensed speech-language pathologist and has not completed more than  
24 the number of clinical hours required by rule.

25 2. No one shall be exempt pursuant to subdivision (1) or (6) of subsection 1 of this  
26 section if the person does any work as a speech-language pathologist or audiologist outside of  
27 the exempted areas outlined in this section for which a fee or compensation may be paid by  
28 the recipient of the service. When college or university clinics charge a fee, supervisors of  
29 student clinicians shall be licensed.

345.050. ~~[-]~~ To be eligible for licensure by the board by examination, each applicant  
2 shall submit the application fee and shall furnish evidence of such person's current  
3 competence and shall:

4 (1) Hold a master's or a doctoral degree from a program that was awarded  
5 "accreditation candidate" status or is accredited by the Council on Academic Accreditation of  
6 the American Speech-Language-Hearing Association or other accrediting agency approved  
7 by the board in the area in which licensure is sought;

8 (2) Submit official transcripts from one or more accredited colleges or universities  
9 presenting evidence of the completion of course work and clinical practicum requirements  
10 equivalent to that required by the Council on Academic Accreditation of the American  
11 Speech-Language-Hearing Association or other accrediting agency approved by the board;  
12 ~~[and]~~

13 (3) **Present written evidence of completion of a clinical fellowship from**  
14 **supervisors. The experience required by this subdivision shall follow the completion of**  
15 **the requirements of subdivisions (1) and (2) of this section. This period of employment**

16 shall be under the direct supervision of a person who is licensed by the state of Missouri  
17 in the profession in which the applicant seeks to be licensed. Persons applying with an  
18 audiology clinical doctoral degree are exempt from this provision; and

19 (4) Pass an examination promulgated or approved by the board. The board shall  
20 determine the subject and scope of the examinations.

21 ~~[2. To be eligible for licensure by the board without examination, each applicant shall~~  
22 ~~make application on forms prescribed by the board, submit the application fee, submit an~~  
23 ~~activity statement and meet one of the following requirements:~~

24 (1) ~~The board shall issue a license to any speech-language pathologist or audiologist~~  
25 ~~who is licensed in another country and who has had no violations, suspension or revocations~~  
26 ~~of a license to practice speech-language pathology or audiology in any jurisdiction; provided~~  
27 ~~that, such person is licensed in a country whose requirements are substantially equal to, or~~  
28 ~~greater than, Missouri at the time the applicant applies for licensure; or~~

29 (2) ~~Hold the certificate of clinical competence issued by the American Speech-~~  
30 ~~Language Hearing Association in the area in which licensure is sought.]~~

**345.052. 1. For purposes of this section, the following terms mean:**

2 (1) "License", a license, certificate, registration, permit, accreditation, or  
3 military occupational specialty that enables a person to legally practice an occupation or  
4 profession in a particular jurisdiction;

5 (2) "Military", the Armed Forces of the United States, including the Air Force,  
6 Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and any other  
7 military branch that is designated by Congress as part of the Armed Forces of the  
8 United States, and all reserve components and auxiliaries. The term "military" also  
9 includes the military reserves and militia of any United States territory or state;

10 (3) "Nonresident military spouse", a nonresident spouse of an active duty  
11 member of the Armed Forces of the United States who has been transferred or is  
12 scheduled to be transferred to the state of Missouri, or who has been transferred or is  
13 scheduled to be transferred to an adjacent state and is or will be domiciled in the state of  
14 Missouri, or has moved to the state of Missouri on a permanent change-of-station basis;

15 (4) "Oversight body", any board, department, agency, or office of a jurisdiction  
16 that issues licenses;

17 (5) "Resident military spouse", a spouse of an active duty member of the Armed  
18 Forces of the United States who has been transferred or is scheduled to be transferred to  
19 the state of Missouri or an adjacent state and who is a permanent resident of the state of  
20 Missouri, who is domiciled in the state of Missouri, or who has Missouri as his or her  
21 home of record.



22           **2. Any person who holds a valid current speech-language pathologist or**  
23 **audiologist license issued by another state, a branch or unit of the military, a territory of**  
24 **the United States, or the District of Columbia, and who has been licensed for at least one**  
25 **year in such other jurisdiction, may submit an application for a speech-language**  
26 **pathologist or audiologist license in Missouri along with proof of current licensure and**  
27 **proof of licensure for at least one year in the other jurisdiction to the board.**

28           **3. The board shall:**

29           **(1) Within six months of receiving an application described in subsection 2 of**  
30 **this section, waive any examination, educational, or experience requirements for**  
31 **licensure in this state for the applicant if it determines that there were minimum**  
32 **education requirements and, if applicable, work experience and clinical supervision**  
33 **requirements in effect and the other jurisdiction verifies that the person met those**  
34 **requirements in order to be licensed or certified in that jurisdiction. The board may**  
35 **require an applicant to take and pass an examination specific to the laws of this state; or**

36           **(2) Within thirty days of receiving an application described in subsection 2 of**  
37 **this section from a nonresident military spouse or a resident military spouse, waive any**  
38 **examination, educational, or experience requirements for licensure in this state for the**  
39 **applicant and issue such applicant a license under this section if such applicant**  
40 **otherwise meets the requirements of this section.**

41           **4. (1) The board shall not waive any examination, educational, or experience**  
42 **requirements for any applicant who has had his or her license revoked by an oversight**  
43 **body outside the state; who is currently under investigation, who has a complaint**  
44 **pending, or who is currently under disciplinary action, except as provided in subdivision**  
45 **(2) of this subsection, with an oversight body outside the state; who does not hold a**  
46 **license in good standing with an oversight body outside the state; who has a criminal**  
47 **record that would disqualify him or her for licensure in Missouri; or who does not hold**  
48 **a valid current license in the other jurisdiction on the date the board receives his or her**  
49 **application under this section.**

50           **(2) If another jurisdiction has taken disciplinary action against an applicant, the**  
51 **board shall determine if the cause for the action was corrected and the matter resolved.**  
52 **If the matter has not been resolved by that jurisdiction, the board may deny a license**  
53 **until the matter is resolved.**

54           **5. Nothing in this section shall prohibit the board from denying a license to an**  
55 **applicant under this section for any reason described in section 345.065.**

56           **6. Any person who is licensed under the provisions of this section shall be subject**  
57 **to the board's jurisdiction and all rules and regulations pertaining to the practice as a**  
58 **speech-language pathologist or audiologist in this state.**

59           7. This section shall not be construed to waive any requirement for an applicant  
60 to pay any fees.

          345.170. Sections 345.170 to 345.240 shall be known and may be cited as the  
2 "Audiology and Speech-Language Pathology Interstate Compact".

          345.175. 1. The purpose of this Compact is to facilitate interstate practice of  
2 audiology and speech-language pathology with the goal of improving public access to  
3 audiology and speech-language pathology services. The practice of audiology and  
4 speech-language pathology occurs in the state where the patient/client/student is located  
5 at the time of the patient/client/student encounter. The Compact preserves the  
6 regulatory authority of states to protect public health and safety through the current  
7 system of state licensure.

8           2. This Compact is designed to achieve the following objectives:

9           (1) Increase public access to audiology and speech-language pathology services  
10 by providing for the mutual recognition of other member state licenses;

11           (2) Enhance the states' ability to protect the public's health and safety;

12           (3) Encourage the cooperation of member states in regulating multistate  
13 audiology and speech-language pathology practice;

14           (4) Support spouses of relocating active duty military personnel;

15           (5) Enhance the exchange of licensure, investigative and disciplinary  
16 information between member states;

17           (6) Allow a remote state to hold a provider of services with a compact privilege  
18 in that state accountable to that state's practice standards; and

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

          345.180. As used in this Compact, and except as otherwise provided, the  
2 following definitions shall apply:

3           (1) "Active duty military" means full-time duty status in the active uniformed  
4 service of the United States, including members of the National Guard and Reserve on  
5 active duty orders pursuant to 10 U.S.C. Chapter 1209 and 1211.

6           (2) "Adverse action" means any administrative, civil, equitable or criminal  
7 action permitted by a state's laws which is imposed by a licensing board or other  
8 authority against an audiologist or speech-language pathologist, including actions  
9 against an individual's license or privilege to practice such as revocation, suspension,  
10 probation, monitoring of the licensee, or restriction on the licensee's practice.

11           (3) "Alternative program" means a non-disciplinary monitoring process  
12 approved by an audiology or speech-language pathology licensing board to address  
13 impaired practitioners.

14           (4) "Audiologist" means an individual who is licensed by a state to practice  
15 audiology.

16           (5) "Audiology" means the care and services provided by a licensed audiologist  
17 as set forth in the member state's statutes and rules.

18           (6) "Audiology and Speech-Language Pathology Compact Commission" or  
19 "Commission" means the national administrative body whose membership consists of  
20 all states that have enacted the Compact.

21           (7) "Audiology and speech-language pathology licensing board," "audiology  
22 licensing board," "speech-language pathology licensing board," or "licensing board"  
23 means the agency of a state that is responsible for the licensing and regulation of  
24 audiologists and/or speech-language pathologists.

25           (8) "Compact privilege" means the authorization granted by a remote state to  
26 allow a licensee from another member state to practice as an audiologist or speech-  
27 language pathologist in the remote state under its laws and rules. The practice of  
28 audiology or speech-language pathology occurs in the member state where the patient/  
29 client/student is located at the time of the patient/client/student encounter.

30           (9) "Current significant investigative information" means investigative  
31 information that a licensing board, after an inquiry or investigation that includes  
32 notification and an opportunity for the audiologist or speech-language pathologist to  
33 respond, if required by state law, has reason to believe is not groundless and, if proved  
34 true, would indicate more than a minor infraction.

35           (10) "Data system" means a repository of information about licensees, including,  
36 but not limited to, continuing education, examination, licensure, investigative, compact  
37 privilege and adverse action.

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

41           (12) "Executive Committee" means a group of directors elected or appointed to  
42 act on behalf of, and within the powers granted to them by, the Commission.

43           (13) "Home state" means the member state that is the licensee's primary state of  
44 residence.

45           (14) "Impaired practitioner" means individuals whose professional practice is  
46 adversely affected by substance abuse, addiction, or other health-related conditions.

47           (15) "Licensee" means an individual who currently holds an authorization from  
48 the state licensing board to practice as an audiologist or speech-language pathologist.

49           (16) "Member state" means a state that has enacted the Compact.

50 (17) "Privilege to practice" means a legal authorization permitting the practice  
51 of audiology or speech-language pathology in a remote state.

52 (18) "Remote state" means a member state other than the home state where a  
53 licensee is exercising or seeking to exercise the compact privilege.

54 (19) "Rule" means a regulation, principle or directive promulgated by the  
55 Commission that has the force of law.

56 (20) "Single-state license" means an audiology or speech-language pathology  
57 license issued by a member state that authorizes practice only within the issuing state  
58 and does not include a privilege to practice in any other member state.

59 (21) "Speech-language pathologist" means an individual who is licensed by a  
60 state to practice speech-language pathology.

61 (22) "Speech-language pathology" means the care and services provided by a  
62 licensed speech-language pathologist as set forth in the member state's statutes and  
63 rules.

64 (23) "State" means any state, commonwealth, district or territory of the United  
65 States of America that regulates the practice of audiology and speech-language  
66 pathology.

67 (24) "State practice laws" means a member state's laws, rules and regulations  
68 that govern the practice of audiology or speech-language pathology, define the scope of  
69 audiology or speech-language pathology practice, and create the methods and grounds  
70 for imposing discipline.

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

345.185. 1. A license issued to an audiologist or speech-language pathologist by a  
2 home state to a resident in that state shall be recognized by each member state as  
3 authorizing an audiologist or speech-language pathologist to practice audiology or  
4 speech-language pathology, under a privilege to practice, in each member state.

5 2. A state must implement or utilize procedures for considering the criminal  
6 history records of applicants for initial privilege to practice. These procedures shall  
7 include the submission of fingerprints or other biometric-based information by  
8 applicants for the purpose of obtaining an applicant's criminal history record  
9 information from the Federal Bureau of Investigation and the agency responsible for  
10 retaining that state's criminal records.

11 (1) A member state must fully implement a criminal background check  
12 requirement, within a time frame established by rule, by receiving the results of the

13 **Federal Bureau of Investigation record search on criminal background checks and use**  
14 **the results in making licensure decisions.**

15 **(2) Communication between a member state, the Commission and among**  
16 **member states regarding the verification of eligibility for licensure through the**  
17 **Compact shall not include any information received from the Federal Bureau of**  
18 **Investigation relating to a federal criminal records check performed by a member state**  
19 **under Public Law 92-544.**

20 **3. Upon application for a privilege to practice, the licensing board in the issuing**  
21 **remote state shall ascertain, through the data system, whether the applicant has ever**  
22 **held, or is the holder of, a license issued by any other state, whether there are any**  
23 **encumbrances on any license or privilege to practice held by the applicant, whether any**  
24 **adverse action has been taken against any license or privilege to practice held by the**  
25 **applicant.**

26 **4. Each member state shall require an applicant to obtain or retain a license in**  
27 **the home state and meet the home state's qualifications for licensure or renewal of**  
28 **licensure, as well as, all other applicable state laws.**

29 **5. For an audiologist:**

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

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

37 **(b) On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology,**  
38 **or equivalent degree, regardless of degree name, from a program that is accredited by**  
39 **an accrediting agency recognized by the Council for Higher Education Accreditation, or**  
40 **its successor, or by the United States Department of Education and operated by a college**  
41 **or university accredited by a regional or national accrediting organization recognized**  
42 **by the board; or**

43 **(c) Has graduated from an audiology program that is housed in an institution of**  
44 **higher education outside of the United States a. for which the program and institution**  
45 **have been approved by the authorized accrediting body in the applicable country and b.**  
46 **the degree program has been verified by an independent credentials review agency to be**  
47 **comparable to a state licensing board-approved program.**

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

50           **(3) Has successfully passed a national examination approved by the**  
51 **Commission;**

52           **(4) Holds an active, unencumbered license;**

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

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

58           **6. For a speech-language pathologist:**

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

60           **(a) Has graduated with a master's degree from a speech-language pathology**  
61 **program that is accredited by an organization recognized by the United States**  
62 **Department of Education and operated by a college or university accredited by a**  
63 **regional or national accrediting organization recognized by the board; or**

64           **(b) Has graduated from a speech-language pathology program that is housed in**  
65 **an institution of higher education outside of the United States a. for which the program**  
66 **and institution have been approved by the authorized accrediting body in the applicable**  
67 **country and b. the degree program has been verified by an independent credentials**  
68 **review agency to be comparable to a state licensing board-approved program.**

69           **(2) Has completed a supervised clinical practicum experience from an**  
70 **educational institution or its cooperating programs as required by the Commission;**

71           **(3) Has completed a supervised postgraduate professional experience as**  
72 **required by the Commission;**

73           **(4) Has successfully passed a national examination approved by the**  
74 **Commission;**

75           **(5) Holds an active, unencumbered license;**

76           **(6) Has not been convicted or found guilty, and has not entered into an agreed**  
77 **disposition, of a felony related to the practice of speech-language pathology, under**  
78 **applicable state or federal criminal law;**

79           **(7) Has a valid United States Social Security or National Practitioner**  
80 **Identification number.**

81           **7. The privilege to practice is derived from the home state license.**

82           **8. An audiologist or speech-language pathologist practicing in a member state**  
83 **must comply with the state practice laws of the state in which the client is located at the**  
84 **time service is provided. The practice of audiology and speech-language pathology shall**  
85 **include all audiology and speech-language pathology practice as defined by the state**  
86 **practice laws of the member state in which the client is located. The practice of**

87 **audiology and speech-language pathology in a member state under a privilege to**  
88 **practice shall subject an audiologist or speech-language pathologist to the jurisdiction of**  
89 **the licensing board, the courts and the laws of the member state in which the client is**  
90 **located at the time service is provided.**

91 **9. Individuals not residing in a member state shall continue to be able to apply**  
92 **for a member state's single-state license as provided under the laws of each member**  
93 **state. However, the single-state license granted to these individuals shall not be**  
94 **recognized as granting the privilege to practice audiology or speech-language pathology**  
95 **in any other member state. Nothing in this Compact shall affect the requirements**  
96 **established by a member state for the issuance of a single-state license.**

97 **10. Member states may charge a fee for granting a compact privilege.**

98 **11. Member states must comply with the bylaws and rules and regulations of the**  
99 **Commission.**

**345.190. 1. To exercise the compact privilege under the terms and provisions of**  
2 **the Compact, the audiologist or speech-language pathologist shall:**

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

4 **(2) Have no encumbrance on any state license;**

5 **(3) Be eligible for a compact privilege in any member state in accordance with**  
6 **section 345.185;**

7 **(4) Have not had any adverse action against any license or compact privilege**  
8 **within the previous 2 years from date of application;**

9 **(5) Notify the Commission that the licensee is seeking the compact privilege**  
10 **within a remote state or states;**

11 **(6) Pay any applicable fees, including any state fee, for the compact privilege;**

12 **(7) Report to the Commission adverse action taken by any non-member state**  
13 **within 30 days from the date the adverse action is taken.**

14 **2. For the purposes of the compact privilege, an audiologist or speech-language**  
15 **pathologist shall only hold one home state license at a time.**

16 **3. Except as provided in section 345.200, if an audiologist or speech-language**  
17 **pathologist changes primary state of residence by moving between two-member states,**  
18 **the audiologist or speech-language pathologist must apply for licensure in the new home**  
19 **state, and the license issued by the prior home state shall be deactivated in accordance**  
20 **with applicable rules adopted by the Commission.**

21 **4. The audiologist or speech-language pathologist may apply for licensure in**  
22 **advance of a change in primary state of residence.**

23 **5. A license shall not be issued by the new home state until the audiologist or**  
24 **speech-language pathologist provides satisfactory evidence of a change in primary state**

25 of residence to the new home state and satisfies all applicable requirements to obtain a  
26 license from the new home state.

27 6. If an audiologist or speech-language pathologist changes primary state of  
28 residence by moving from a member state to a non-member state, the license issued by  
29 the prior home state shall convert to a single-state license, valid only in the former home  
30 state.

31 7. The compact privilege is valid until the expiration date of the home state  
32 license. The licensee must comply with the requirements of subsection 1 of this section  
33 to maintain the compact privilege in the remote state.

34 8. A licensee providing audiology or speech-language pathology services in a  
35 remote state under the compact privilege shall function within the laws and regulations  
36 of the remote state.

37 9. A licensee providing audiology or speech-language pathology services in a  
38 remote state is subject to that state's regulatory authority. A remote state may, in  
39 accordance with due process and that state's laws, remove a licensee's compact privilege  
40 in the remote state for a specific period of time, impose fines, and/or take any other  
41 necessary actions to protect the health and safety of its citizens.

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

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

46 11. Once an encumbered license in the home state is restored to good standing,  
47 the licensee must meet the requirements of subsection 1 of this section to obtain a  
48 compact privilege in any remote state.

49 12. Once the requirements of subsection 10 of this section have been met, the  
50 licensee must meet the requirements in subsection 1 of this section to obtain a compact  
51 privilege in a remote state.

345.195. Member states shall recognize the right of an audiologist or speech-  
2 language pathologist, licensed by a home state in accordance with section 345.185 and  
3 under rules promulgated by the Commission, to practice audiology or speech-language  
4 pathology in any member state via telehealth under a privilege to practice as provided in  
5 the Compact and rules promulgated by the Commission.

345.200. Active duty military personnel, or their spouse, shall designate a home  
2 state where the individual has a current license in good standing. The individual may  
3 retain the home state designation during the period the service member is on active  
4 duty. Subsequent to designating a home state, the individual shall only change their  
5 home state through application for licensure in the new state.



2       **345.205. 1. In addition to the other powers conferred by state law, a remote state**  
3       **shall have the authority, in accordance with existing state due process law, to:**

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

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

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

17       **2. For purposes of taking adverse action, the home state shall give the same**  
18       **priority and effect to reported conduct received from a member state as it would if the**  
19       **conduct had occurred within the home state. In so doing, the home state shall apply its**  
20       **own state laws to determine appropriate action.**

21       **3. The home state shall complete any pending investigations of an audiologist or**  
22       **speech-language pathologist who changes primary state of residence during the course**  
23       **of the investigations. The home state shall also have the authority to take appropriate**  
24       **action or actions and shall promptly report the conclusions of the investigations to the**  
25       **administrator of the data system. The administrator of the coordinated licensure**  
26       **information system shall promptly notify the new home state of any adverse actions.**

27       **4. If otherwise permitted by state law, the member state may recover from the**  
28       **affected audiologist or speech-language pathologist the costs of investigations and**  
29       **disposition of cases resulting from any adverse action taken against that audiologist or**  
30       **speech-language pathologist.**

31       **5. The member state may take adverse action based on the factual findings of the**  
32       **remote state, provided that the member state follows the member state's own**  
33       **procedures for taking the adverse action.**

34       **6. (1) In addition to the authority granted to a member state by its respective**  
35       **audiology or speech-language pathology practice act or other applicable state law, any**  
36       **member state may participate with other member states in joint investigations of**  
37       **licensees.**

37           **(2) Member states shall share any investigative, litigation, or compliance**  
38 **materials in furtherance of any joint or individual investigation initiated under the**  
39 **Compact.**

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

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

51           **9. Nothing in this Compact shall override a member state's decision that**  
52 **participation in an alternative program may be used in lieu of adverse action.**

**345.210. 1. The Compact member states hereby create and establish a joint**  
2 **public agency known as the Audiology and Speech-Language Pathology Compact**  
3 **Commission:**

4           **(1) The Commission is an instrumentality of the Compact states.**

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

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

12           **2. (1) Each member state shall have two (2) delegates selected by that member**  
13 **state's licensing board. The delegates shall be current members of the licensing board.**  
14 **One shall be an audiologist and one shall be a speech-language pathologist.**

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

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

20           **(4) The member state board shall fill any vacancy occurring on the Commission,**  
21 **within 90 days.**

22           **(5) Each delegate shall be entitled to one (1) vote with regard to the**  
23 **promulgation of rules and creation of bylaws and shall otherwise have an opportunity to**  
24 **participate in the business and affairs of the Commission.**

25           **(6) A delegate shall vote in person or by other means as provided in the bylaws.**  
26 **The bylaws may provide for delegates' participation in meetings by telephone or other**  
27 **means of communication.**

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

30           **3. The Commission shall have the following powers and duties:**

31           **(1) Establish the fiscal year of the Commission;**

32           **(2) Establish bylaws;**

33           **(3) Establish a Code of Ethics;**

34           **(4) Maintain its financial records in accordance with the bylaws;**

35           **(5) Meet and take actions as are consistent with the provisions of this Compact**  
36 **and the bylaws;**

37           **(6) Promulgate uniform rules to facilitate and coordinate implementation and**  
38 **administration of this Compact. The rules shall have the force and effect of law and**  
39 **shall be binding in all member states;**

40           **(7) Bring and prosecute legal proceedings or actions in the name of the**  
41 **Commission, provided that the standing of any state audiology or speech-language**  
42 **pathology licensing board to sue or be sued under applicable law shall not be affected;**

43           **(8) Purchase and maintain insurance and bonds;**

44           **(9) Borrow, accept, or contract for services of personnel, including, but not**  
45 **limited to, employees of a member state;**

46           **(10) Hire employees, elect or appoint officers, fix compensation, define duties,**  
47 **grant individuals appropriate authority to carry out the purposes of the Compact, and**  
48 **to establish the Commission's personnel policies and programs relating to conflicts of**  
49 **interest, qualifications of personnel, and other related personnel matters;**

50           **(11) Accept any and all appropriate donations and grants of money, equipment,**  
51 **supplies, materials and services, and to receive, utilize and dispose of the same; provided**  
52 **that at all times the Commission shall avoid any appearance of impropriety and/or**  
53 **conflict of interest;**

54           **(12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to**  
55 **own, hold, improve or use, any property, real, personal or mixed; provided that at all**  
56 **times the Commission shall avoid any appearance of impropriety;**

57           **(13) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
58 **dispose of any property real, personal, or mixed;**

- 59           **(14) Establish a budget and make expenditures;**  
60           **(15) Borrow money;**  
61           **(16) Appoint committees, including standing committees composed of members,**  
62 **and other interested persons as may be designated in this Compact and the bylaws;**  
63           **(17) Provide and receive information from, and cooperate with, law enforcement**  
64 **agencies;**  
65           **(18) Establish and elect an Executive Committee; and**  
66           **(19) Perform other functions as may be necessary or appropriate to achieve the**  
67 **purposes of this Compact consistent with the state regulation of audiology and speech-**  
68 **language pathology licensure and practice.**
- 69           **4. The Executive Committee shall have the power to act on behalf of the**  
70 **Commission according to the terms of this Compact:**
- 71           **(1) The Executive Committee shall be composed of ten (10) members:**  
72           **(a) Seven (7) voting members who are elected by the Commission from the**  
73 **current membership of the Commission;**  
74           **(b) Two (2) ex-officios, consisting of one nonvoting member from a recognized**  
75 **national audiology professional association and one nonvoting member from a**  
76 **recognized national speech-language pathology association; and**  
77           **(c) One (1) ex-officio, nonvoting member from the recognized membership**  
78 **organization of the audiology and speech-language pathology licensing boards.**
- 79           **5. The ex-officio members shall be selected by their respective organizations.**
- 80           **(1) The Commission may remove any member of the Executive Committee as**  
81 **provided in bylaws.**
- 82           **(2) The Executive Committee shall meet at least annually.**
- 83           **(3) The Executive Committee shall have the following duties and responsibilities:**  
84           **(a) Recommend to the entire Commission changes to the rules or bylaws,**  
85 **changes to this Compact legislation, fees paid by Compact member states such as annual**  
86 **dues, and any commission Compact fee charged to licensees for the compact privilege;**  
87           **(b) Ensure Compact administration services are appropriately provided,**  
88 **contractual or otherwise;**  
89           **(c) Prepare and recommend the budget;**  
90           **(d) Maintain financial records on behalf of the Commission;**  
91           **(e) Monitor Compact compliance of member states and provide compliance**  
92 **reports to the Commission;**  
93           **(f) Establish additional committees as necessary; and**  
94           **(g) Other duties as provided in rules or bylaws.**

95           **(4) All meetings shall be open to the public, and public notice of meetings shall**  
96 **be given in the same manner as required under the rulemaking provisions in section**  
97 **345.220.**

98           **(5) The Commission or the Executive Committee or other committees of the**  
99 **Commission may convene in a closed, non-public meeting if the Commission or**  
100 **Executive Committee or other committees of the Commission must discuss:**

101           **(a) Non-compliance of a member state with its obligations under the Compact;**

102           **(b) The employment, compensation, discipline or other matters, practices or**  
103 **procedures related to specific employees or other matters related to the Commission's**  
104 **internal personnel practices and procedures;**

105           **(c) Current, threatened, or reasonably anticipated litigation;**

106           **(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
107 **real estate;**

108           **(e) Accusing any person of a crime or formally censuring any person;**

109           **(f) Disclosure of trade secrets or commercial or financial information that is**  
110 **privileged or confidential;**

111           **(g) Disclosure of information of a personal nature where disclosure would**  
112 **constitute a clearly unwarranted invasion of personal privacy;**

113           **(h) Disclosure of investigative records compiled for law enforcement purposes;**

114           **(i) Disclosure of information related to any investigative reports prepared by or**  
115 **on behalf of or for use of the Commission or other committee charged with**  
116 **responsibility of investigation or determination of compliance issues pursuant to the**  
117 **Compact; or**

118           **(j) Matters specifically exempted from disclosure by federal or member state**  
119 **statute.**

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

123           **(7) The Commission shall keep minutes that fully and clearly describe all**  
124 **matters discussed in a meeting and shall provide a full and accurate summary of actions**  
125 **taken, and the reasons therefore, including a description of the views expressed. All**  
126 **documents considered in connection with an action shall be identified in minutes. All**  
127 **minutes and documents of a closed meeting shall remain under seal, subject to release**  
128 **by a majority vote of the Commission or order of a court of competent jurisdiction.**

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

131           **(b) The Commission may accept any and all appropriate revenue sources,**  
132 **donations, and grants of money, equipment, supplies, materials, and services.**

133           **(c) The Commission may levy on and collect an annual assessment from each**  
134 **member state or impose fees on other parties to cover the cost of the operations and**  
135 **activities of the Commission and its staff, which must be in a total amount sufficient to**  
136 **cover its annual budget as approved each year for which revenue is not provided by**  
137 **other sources. The aggregate annual assessment amount shall be allocated based upon a**  
138 **formula to be determined by the Commission, which shall promulgate a rule binding**  
139 **upon all member states.**

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

143           **(10) The Commission shall keep accurate accounts of all receipts and**  
144 **disbursements. The receipts and disbursements of the Commission shall be subject**  
145 **to the audit and accounting procedures established under its bylaws. However, all**  
146 **receipts and disbursements of funds handled by the Commission shall be audited yearly**  
147 **by a certified or licensed public accountant, and the report of the audit shall be included**  
148 **in and become part of the annual report of the Commission.**

149           **6. (1) The members, officers, executive director, employees and representatives**  
150 **of the Commission shall be immune from suit and liability, either personally or in their**  
151 **official capacity, for any claim for damage to or loss of property or personal injury or**  
152 **other civil liability caused by or arising out of any actual or alleged act, error or**  
153 **omission that occurred, or that the person against whom the claim is made had a**  
154 **reasonable basis for believing occurred within the scope of Commission employment,**  
155 **duties or responsibilities; provided that nothing in this subdivision shall be construed to**  
156 **protect any person from suit and/or liability for any damage, loss, injury, or liability**  
157 **caused by the intentional or willful or wanton misconduct of that person.**

158           **(2) The Commission shall defend any member, officer, executive director,**  
159 **employee or representative of the Commission in any civil action seeking to impose**  
160 **liability arising out of any actual or alleged act, error, or omission that occurred within**  
161 **the scope of Commission employment, duties, or responsibilities, or that the person**  
162 **against whom the claim is made had a reasonable basis for believing occurred within the**  
163 **scope of Commission employment, duties, or responsibilities; provided that nothing**  
164 **herein shall be construed to prohibit that person from retaining his or her own counsel;**  
165 **and provided further, that the actual or alleged act, error, or omission did not result**  
166 **from that person's intentional or willful or wanton misconduct.**

167           **(3) The Commission shall indemnify and hold harmless any member, officer,**  
168 **executive director, employee, or representative of the Commission for the amount of any**  
169 **settlement or judgment obtained against that person arising out of any actual or alleged**  
170 **act, error or omission that occurred within the scope of Commission employment,**  
171 **duties, or responsibilities, or that person had a reasonable basis for believing occurred**  
172 **within the scope of Commission employment, duties, or responsibilities, provided that**  
173 **the actual or alleged act, error, or omission did not result from the intentional or willful**  
174 **or wanton misconduct of that person.**

**345.215. 1. The Commission shall provide for the development, maintenance,**  
2 **and utilization of a coordinated database and reporting system containing licensure,**  
3 **adverse action, and investigative information on all licensed individuals in member**  
4 **states.**

5           **2. Notwithstanding any other provision of state law to the contrary, a member**  
6 **state shall submit a uniform data set to the data system on all individuals to whom this**  
7 **Compact is applicable as required by the rules of the Commission, including:**

8           **(1) Identifying information;**

9           **(2) Licensure data;**

10          **(3) Adverse actions against a license or compact privilege;**

11          **(4) Non-confidential information related to alternative program participation;**

12          **(5) Any denial of application for licensure, and the reason or reasons for denial;**

13 **and**

14          **(6) Other information that may facilitate the administration of this Compact, as**  
15 **determined by the rules of the Commission.**

16          **3. Investigative information pertaining to a licensee in any member state shall**  
17 **only be available to other member states.**

18          **4. The Commission shall promptly notify all member states of any adverse action**  
19 **taken against a licensee or an individual applying for a license. Adverse action**  
20 **information pertaining to a licensee in any member state shall be available to any other**  
21 **member state.**

22          **5. Member states contributing information to the data system may designate**  
23 **information that may not be shared with the public without the express permission of**  
24 **the contributing state.**

25          **6. Any information submitted to the data system that is subsequently required to**  
26 **be expunged by the laws of the member state contributing the information shall be**  
27 **removed from the data system.**

2           **345.220. 1. The Commission shall exercise its rulemaking powers pursuant to**  
3 **the criteria set forth in this Section and the rules adopted thereunder. Rules and**  
4 **amendments shall become binding as of the date specified in each rule or amendment.**

5           **2. If a majority of the legislatures of the member states rejects a rule, by**  
6 **enactment of a statute or resolution in the same manner used to adopt the Compact**  
7 **within 4 years of the date of adoption of the rule, the rule shall have no further force and**  
8 **effect in any member state.**

9           **3. Rules or amendments to the rules shall be adopted at a regular or special**  
10 **meeting of the Commission.**

11           **4. Prior to promulgation and adoption of a final rule or rules by the**  
12 **Commission, and at least thirty (30) days in advance of the meeting at which the rule**  
13 **shall be considered and voted upon, the Commission shall file a Notice of Proposed**  
14 **Rulemaking:**

15           **(1) On the website of the Commission or other publicly accessible platform; and**

16           **(2) On the website of each member state audiology or speech-language pathology**  
17 **licensing board or other publicly accessible platform or the publication in which each**  
18 **state would otherwise publish proposed rules.**

19           **5. The Notice of Proposed Rulemaking shall include:**

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

22           **(2) The text of the proposed rule or amendment and the reason for the proposed**  
23 **rule;**

24           **(3) A request for comments on the proposed rule from any interested person;**  
25 **and**

26           **(4) The manner in which interested persons may submit notice to the**  
27 **Commission of their intention to attend the public hearing and any written comments.**

28           **6. Prior to the adoption of a proposed rule, the Commission shall allow persons**  
29 **to submit written data, facts, opinions and arguments, which shall be made available to**  
30 **the public.**

31           **7. The Commission shall grant an opportunity for a public hearing before it**  
32 **adopts a rule or amendment if a hearing is requested by:**

33           **(1) At least twenty-five (25) persons;**

34           **(2) A state or federal governmental subdivision or agency; or**

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

36           **8. If a hearing is held on the proposed rule or amendment, the Commission shall**  
**publish the place, time, and date of the scheduled public hearing. If the hearing is held**



37 via electronic means, the Commission shall publish the mechanism for access to the  
38 electronic hearing.

39 (1) All persons wishing to be heard at the hearing shall notify the executive  
40 director of the Commission or other designated member in writing of their desire to  
41 appear and testify at the hearing not less than five (5) business days before the scheduled  
42 date of the hearing.

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

45 (3) All hearings shall be recorded. A copy of the recording shall be made  
46 available on request.

47 (4) Nothing in this section shall be construed as requiring a separate hearing on  
48 each rule. Rules may be grouped for the convenience of the Commission at hearings  
49 required by this section.

50 9. Following the scheduled hearing date, or by the close of business on the  
51 scheduled hearing date if the hearing was not held, the Commission shall consider all  
52 written and oral comments received.

53 10. If no written notice of intent to attend the public hearing by interested  
54 parties is received, the Commission may proceed with promulgation of the proposed  
55 rule without a public hearing.

56 11. The Commission shall, by majority vote of all members, take final action on  
57 the proposed rule and shall determine the effective date of the rule, if any, based on the  
58 rulemaking record and the full text of the rule.

59 12. Upon determination that an emergency exists, the Commission may consider  
60 and adopt an emergency rule without prior notice, opportunity for comment, or  
61 hearing, provided that the usual rulemaking procedures provided in the Compact and  
62 in this section shall be retroactively applied to the rule as soon as reasonably possible, in  
63 no event later than ninety (90) days after the effective date of the rule. For the purposes  
64 of this provision, an emergency rule is one that must be adopted immediately in order  
65 to:

66 (1) Meet an imminent threat to public health, safety, or welfare;

67 (2) Prevent a loss of Commission or member state funds; or

68 (3) Meet a deadline for the promulgation of an administrative rule that is  
69 established by federal law or rule.

70 13. The Commission or an authorized committee of the Commission may direct  
71 revisions to a previously adopted rule or amendment for purposes of correcting  
72 typographical errors, errors in format, errors in consistency, or grammatical errors.  
73 Public notice of any revisions shall be posted on the website of the Commission. The

74 revision shall be subject to challenge by any person for a period of thirty (30) days after  
75 posting. The revision may be challenged only on grounds that the revision results in a  
76 material change to a rule. A challenge shall be made in writing and delivered to the  
77 chair of the Commission prior to the end of the notice period. If no challenge is made,  
78 the revision shall take effect without further action. If the revision is challenged, the  
79 revision may not take effect without the approval of the Commission.

345.225. 1. (1) Upon request by a member state, the Commission shall attempt  
2 to resolve disputes related to the Compact that arise among member states and between  
3 member and non-member states.

4 (2) The Commission shall promulgate a rule providing for both mediation and  
5 binding dispute resolution for disputes as appropriate.

6 2. (1) The Commission, in the reasonable exercise of its discretion, shall enforce  
7 the provisions and rules of this Compact.

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

15 (3) The remedies herein shall not be the exclusive remedies of the Commission.  
16 The Commission may pursue any other remedies available under federal or state law.

345.230. 1. The Compact shall come into effect on the date on which the  
2 Compact statute is enacted into law in the 10th member state. The provisions, which  
3 become effective at that time, shall be limited to the powers granted to the Commission  
4 relating to assembly and the promulgation of rules. Thereafter, the Commission shall  
5 meet and exercise rulemaking powers necessary to the implementation and  
6 administration of the Compact.

7 2. Any state that joins the Compact subsequent to the Commission's initial  
8 adoption of the rules shall be subject to the rules as they exist on the date on which the  
9 Compact becomes law in that state. Any rule that has been previously adopted by the  
10 Commission shall have the full force and effect of law on the day the Compact becomes  
11 law in that state.

12 3. Any member state may withdraw from this Compact by enacting a statute  
13 repealing the same.

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

16           **(2) Withdrawal shall not affect the continuing requirement of the withdrawing**  
17 **state's audiology or speech-language pathology licensing board to comply with the**  
18 **investigative and adverse action reporting requirements of this act prior to the effective**  
19 **date of withdrawal.**

20           **4. Nothing contained in this Compact shall be construed to invalidate or prevent**  
21 **any audiology or speech-language pathology licensure agreement or other cooperative**  
22 **arrangement between a member state and a non-member state that does not conflict**  
23 **with the provisions of this Compact.**

24           **5. This Compact may be amended by the member states. No amendment to this**  
25 **Compact shall become effective and binding upon any member state until it is enacted**  
26 **into the laws of all member states.**

**345.235. This Compact shall be liberally construed so as to effectuate the**  
2 **purposes thereof. The provisions of this Compact shall be severable and if any phrase,**  
3 **clause, sentence or provision of this Compact is declared to be contrary to the**  
4 **constitution of any member state or of the United States or the applicability thereof to**  
5 **any government, agency, person or circumstance is held invalid, the validity of the**  
6 **remainder of this Compact and the applicability thereof to any government, agency,**  
7 **person or circumstance shall not be affected thereby. If this Compact shall be held**  
8 **contrary to the constitution of any member state, the Compact shall remain in full force**  
9 **and effect as to the remaining member states and in full force and effect as to the**  
10 **member state affected as to all severable matters.**

**345.240. 1. Nothing herein prevents the enforcement of any other law of a**  
2 **member state that is not inconsistent with the Compact.**

3           **2. All laws in a member state in conflict with the Compact are superseded to the**  
4 **extent of the conflict.**

5           **3. All lawful actions of the Commission, including all rules and bylaws**  
6 **promulgated by the Commission, are binding upon the member states.**

7           **4. All agreements between the Commission and the member states are binding in**  
8 **accordance with their terms.**

9           **5. In the event any provision of the Compact exceeds the constitutional limits**  
10 **imposed on the legislature of any member state, the provision shall be ineffective to the**  
11 **extent of the conflict with the constitutional provision in question in that member state.**

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