

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 664

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT;
AMENDING CHAPTER 29, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-2918A, IDAHO CODE, TO PROVIDE FOR THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT; AMENDING SECTION 54-2912, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2913, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF FINGERPRINTS AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

SECTION 1
PURPOSE

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

This compact is designed to achieve the following objectives:

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

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

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

4. Support spouses of relocating active duty military personnel;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 SECTION 3

41 STATE PARTICIPATION IN THE COMPACT

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

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

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

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

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

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

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

24 E. An audiologist must:

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

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

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

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

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

12 F. A speech-language pathologist must:

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

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

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

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

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

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

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

11 SECTION 4
12 COMPACT PRIVILEGE

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

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

16 2. Have no encumbrance on any state license;

17 3. Be eligible for a compact privilege in any member state in accordance
18 with section 3 of this compact;

19 4. Have not had any adverse action against any license or compact privi-
20 lege within the previous two (2) years from date of application;

21 5. Notify the commission that the licensee is seeking the compact privi-
22 lege within a remote state or states;

23 6. Pay any applicable fees, including any state fee, for the compact
24 privilege; and

25 7. Report to the commission any adverse action taken by a nonmember
26 state within thirty (30) days from the date the adverse action is taken.

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 5

21 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

28 SECTION 6

29 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

36 SECTION 7

37 ADVERSE ACTIONS

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

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

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

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

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

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

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

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

30 F. Joint investigations:

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

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

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

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

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

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

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

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

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

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

19 B. Membership, voting, and meetings:

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

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

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

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

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

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

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

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

42 1. Establish the fiscal year of the commission;

43 2. Establish bylaws;

44 3. Establish a code of ethics;

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

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

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

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

8 8. Purchase and maintain insurance and bonds;

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

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

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

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

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

26 14. Establish a budget and make expenditures;

27 15. Borrow money;

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

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

33 18. Establish and elect an executive committee; and

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

38 D. The executive committee:

39 1. The executive committee shall have the power to act on behalf of the
40 commission according to the terms of this compact.

41 2. The executive committee shall be composed of ten (10) members:

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

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

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

1 E. The ex officio members shall be selected by their respective organi-
2 zations.

3 1. The commission may remove any member of the executive committee as
4 provided in the bylaws.

5 2. The executive committee shall meet at least annually.

6 3. The executive committee shall have the following duties and respon-
7 sibilities:

8 a. Recommend to the entire commission changes to the rules or by-
9 laws, changes to this compact legislation, fees paid by compact
10 member states such as annual dues, and any commission compact fee
11 charged to licensees for the compact privilege;

12 b. Ensure compact administration services are appropriately pro-
13 vided, contractual or otherwise;

14 c. Prepare and recommend the budget;

15 d. Maintain financial records on behalf of the commission;

16 e. Monitor compact compliance of member states and provide com-
17 pliance reports to the commission;

18 f. Establish additional committees as necessary; and

19 g. Other duties as provided in rules or bylaws.

20 4. All meetings of the commission shall be open to the public, and pub-
21 lic notice of meetings shall be given in the same manner as required un-
22 der the rulemaking provisions in section 10 of this compact.

23 5. The commission or the executive committee or other committees of the
24 commission may convene in a closed, nonpublic meeting if the commission
25 or executive committee or other committees of the commission must dis-
26 cuss:

27 a. Noncompliance of a member state with its obligations under the
28 compact;

29 b. The employment, compensation, discipline or other matters,
30 practices or procedures related to specific employees or other
31 matters related to the commission's internal personnel practices
32 and procedures;

33 c. Current, threatened, or reasonably anticipated litigation;

34 d. Negotiation of contracts for the purchase, lease, or sale of
35 goods, services, or real estate;

36 e. Accusing any person of a crime or formally censuring any per-
37 son;

38 f. Disclosure of trade secrets or commercial or financial infor-
39 mation that is privileged or confidential;

40 g. Disclosure of information of a personal nature where disclo-
41 sure would constitute a clearly unwarranted invasion of personal
42 privacy;

43 h. Disclosure of investigative records compiled for law enforce-
44 ment purposes;

45 i. Disclosure of information related to any investigative reports
46 prepared by or on behalf of or for use of the commission or other
47 committee charged with responsibility of investigation or deter-
48 mination of compliance issues pursuant to the compact; or

49 j. Matters specifically exempted from disclosure by federal or
50 member state statute.

1 6. If a meeting, or portion of a meeting, is closed pursuant to this pro-
2 vision, the commission's legal counsel or designee shall certify that
3 the meeting may be closed and shall reference each relevant exempting
4 provision.

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

13 8. Financing of the commission:

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

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

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

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

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

39 F. Qualified immunity, defense, and indemnification:

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

1 E. Member states contributing information to the data system may design-
2 nate information that may not be shared with the public without the express
3 permission of the contributing state.

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

7 SECTION 10
8 RULEMAKING

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

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

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

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

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

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

28 E. The notice of proposed rulemaking shall include:

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

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

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

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

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

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

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

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

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

46 H. If a hearing is held on the proposed rule or amendment, the commis-
47 sion shall publish the place, time, and date of the scheduled public hearing.

1 If the hearing is held via electronic means, the commission shall publish the
2 mechanism for access to the electronic hearing.

3 1. All persons wishing to be heard at the hearing shall notify the execu-
4 tive director of the commission or other designated member in writing
5 of their desire to appear and testify at the hearing not less than five
6 (5) business days before the scheduled date of the hearing.

7 2. Hearings shall be conducted in a manner providing each person who
8 wishes to comment a fair and reasonable opportunity to comment orally or
9 in writing.

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

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

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

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

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

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

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

32 2. Prevent a loss of commission or member state funds; or

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

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

1 SECTION 11
2 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

3 A. Dispute resolution:

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

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

9 B. Enforcement:

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

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

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

23 SECTION 12
24 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR
25 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND
26 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

27 A. The compact shall come into effect on the date on which the compact
28 statute is enacted into law in the tenth member state. The provisions, which
29 become effective at that time, shall be limited to the powers granted to the
30 commission relating to assembly and the promulgation of rules. Thereafter,
31 the commission shall meet and exercise rulemaking powers necessary to the
32 implementation and administration of the compact.

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

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

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

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

46 D. Nothing contained in this compact shall be construed to invalidate
47 or prevent any audiology or speech-language pathology licensure agreement

1 or other cooperative arrangement between a member state and a nonmember
2 state that does not conflict with the provisions of this compact.

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

6 SECTION 13
7 CONSTRUCTION AND SEVERABILITY

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

19 SECTION 14
20 BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

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

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

29 E. In the event any provision of the compact exceeds the constitutional
30 limits imposed on the legislature of any member state, the provision shall be
31 ineffective to the extent of the conflict with the constitutional provision
32 in question in that member state.

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

35 54-2912. QUALIFICATIONS FOR LICENSURE -- AUDIOLOGIST. (1) To be eli-
36 gible for licensure by the board as an audiologist, the applicant shall:

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

43 (b) Provide documentation satisfactory to the board that the applicant
44 possesses a master's or doctoral degree with emphasis in audiology or

1 not less than seventy-five (75) semester credit hours of post-baccalau-
 2 reate study that culminates in a doctoral or other recognized degree
 3 from a nationally accredited school for audiology with a curriculum
 4 acceptable to the board;

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

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

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

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

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

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

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

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

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

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

31 54-2913. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLO-
 32 GIST. (1) To be eligible for licensure as a speech-language pathologist, the
 33 applicant shall:

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

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

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

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

48 (e) Submit a full set of the applicant's fingerprints on forms supplied
 49 by the board that shall be utilized to obtain a fingerprint-based crimi-

1 nal history background check from the Idaho state police and the federal
2 bureau of investigation; and

3 (f) Have never had a license for speech-language pathology revoked as
4 part of disciplinary action from this or any other state and shall not
5 be found by the board to have engaged in conduct prohibited by section
6 54-2923, Idaho Code, provided however, the board may take into consid-
7 eration the rehabilitation of the applicant and other mitigating cir-
8 cumstances.

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

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

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

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

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

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