

**House File 500 - Introduced**

HOUSE FILE 500  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 122)

**A BILL FOR**

1 An Act relating to the adoption of the audiology and speech  
2 language pathology interstate compact.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147E.1 **Audiology and speech**  
2 **language pathology interstate compact.**

3 1. *Purpose.* The purpose of this compact is to facilitate  
4 interstate practice of audiology and speech language pathology  
5 with the goal of improving public access to audiology and  
6 speech language pathology services. The practice of audiology  
7 and speech language pathology occurs in the state where the  
8 patient, client, or student is located at the time of the  
9 patient, client, or student encounter. The compact preserves  
10 the regulatory authority of states to protect public health and  
11 safety through the current system of state licensure. This  
12 compact is designed to achieve the following objectives:

13 a. Increase public access to audiology and speech language  
14 pathology services by providing for the mutual recognition of  
15 other member state licenses.

16 b. Enhance the states' ability to protect the public's  
17 health and safety.

18 c. Encourage the cooperation of member states in regulating  
19 multistate audiology and speech language pathology practice.

20 d. Support spouses of relocating active duty military  
21 personnel.

22 e. Enhance the exchange of licensure, investigative, and  
23 disciplinary information between member states.

24 f. Allow a remote state to hold a provider of services with  
25 a compact privilege in that state accountable to that state's  
26 practice standards.

27 g. Allow for the use of telehealth technology to facilitate  
28 increased access to audiology and speech language pathology  
29 services.

30 2. *Definitions.* As used in this compact, and except as  
31 otherwise provided, the following definitions shall apply:

32 a. "*Active duty military*" means full-time duty status in  
33 the active uniformed service of the United States, including  
34 members of the national guard and the reserves on active duty  
35 orders pursuant to 10 U.S.C. §1209 and 10 U.S.C. §1211.

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

8     *c. "Alternative program"* means a nondisciplinary monitoring  
9 process approved by an audiology or speech language pathology  
10 licensing board to address impaired practitioners.

11    *d. "Audiologist"* means an individual who is licensed by a  
12 state to practice audiology.

13    *e. "Audiology"* means the care and services provided by  
14 a licensed audiologist as set forth in the member state's  
15 statutes and rules.

16    *f. "Audiology and speech language pathology compact  
17 commission" or "commission"* means the national administrative  
18 body whose membership consists of all states that have enacted  
19 the compact.

20    *g. "Audiology and speech language pathology licensing board",  
21 "audiology licensing board", "speech language pathology licensing  
22 board", or "licensing board"* means the agency of a state that is  
23 responsible for the licensing and regulation of audiologists or  
24 speech language pathologists.

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

32    *i. "Current significant investigative information"* means  
33 investigative information that a licensing board, after an  
34 inquiry or investigation that includes notification and an  
35 opportunity for the audiologist or speech language pathologist

1 to respond, if required by state law, has reason to believe is  
2 not groundless and, if proved true, would indicate more than a  
3 minor infraction.

4 *j. "Data system"* means a repository of information about  
5 licensees, including but not limited to continuing education,  
6 examination, licensure, investigative, compact privilege, and  
7 adverse action.

8 *k. "Encumbered license"* means a license in which an adverse  
9 action restricts the practice of audiology or speech language  
10 pathology by the licensee and said adverse action has been  
11 reported to the national practitioners data bank.

12 *l. "Executive committee"* means a group of directors elected  
13 or appointed to act on behalf of, and within the powers granted  
14 to them by, the commission.

15 *m. "Home state"* means the member state that is the  
16 licensee's primary state of residence.

17 *n. "Impaired practitioner"* means an individual whose  
18 professional practice is adversely affected by substance abuse,  
19 addiction, or other health-related conditions.

20 *o. "Licensee"* means an individual who currently holds an  
21 authorization from the state licensing board to practice as an  
22 audiologist or speech language pathologist.

23 *p. "Member state"* means a state that has enacted the  
24 compact.

25 *q. "Privilege to practice"* means a legal authorization  
26 permitting the practice of audiology or speech language  
27 pathology in a remote state.

28 *r. "Remote state"* means a member state, other than the home  
29 state, where a licensee is exercising or seeking to exercise  
30 the compact privilege.

31 *s. "Rule"* means a regulation, principle, or directive  
32 promulgated by the commission that has the force of law.

33 *t. "Single-state license"* means an audiology or speech  
34 language pathology license issued by a member state that  
35 authorizes practice only within the issuing state and does not

1 include a privilege to practice in any other member state.

2 *u.* "Speech language pathologist" means an individual who is  
3 licensed by a state to practice speech language pathology.

4 *v.* "Speech language pathology" means the care and services  
5 provided by a licensed speech language pathologist as set forth  
6 in the member state's statutes and rules.

7 *w.* "State" means any state, commonwealth, district, or  
8 territory of the United States that regulates the practice of  
9 audiology and speech language pathology.

10 *x.* "State practice laws" means a member state's laws, rules,  
11 and regulations that govern the practice of audiology or speech  
12 language pathology, define the scope of audiology or speech  
13 language pathology practice, and create the methods and grounds  
14 for imposing discipline.

15 *y.* "Telehealth" means the application of telecommunication,  
16 audiovisual, or other technologies that meet the applicable  
17 standard of care to deliver audiology or speech language  
18 pathology services at a distance for assessment, intervention,  
19 or consultation.

20 3. *State participation in the compact.*

21 *a.* A license issued to an audiologist or speech language  
22 pathologist by a home state to a resident in that state  
23 shall be recognized by each member state as authorizing  
24 an audiologist or speech language pathologist to practice  
25 audiology or speech language pathology, under a privilege to  
26 practice, in each member state.

27 *b.* A state must implement or utilize procedures for  
28 considering the criminal history records of applicants for  
29 initial privilege to practice. These procedures shall include  
30 the submission of fingerprints or other biometric-based  
31 information by applicants for the purpose of obtaining an  
32 applicant's criminal history record information from the  
33 federal bureau of investigation and the agency responsible for  
34 retaining that state's criminal records.

35 (1) A member state must fully implement a criminal

1 background check requirement, within a time frame established  
2 by rule, by receiving the results of the federal bureau of  
3 investigation record search on criminal background checks and  
4 use the results in making licensure decisions.

5 (2) Communication between a member state, the commission,  
6 and among member states regarding the verification of  
7 eligibility for licensure through the compact shall not  
8 include any information received from the federal bureau of  
9 investigation relating to a federal criminal records check  
10 performed by a member state under the Department of State,  
11 Justice, and Commerce, the Judiciary, and Related Agencies  
12 Appropriation Act, 1973, Pub. L. No. 92-544.

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

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

25 e. For an audiologist:

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

28 (a) On or before December 31, 2007, has graduated with a  
29 master's degree or doctorate in audiology, or equivalent degree  
30 regardless of degree name, from a program that is accredited  
31 by an accrediting agency recognized by the council for higher  
32 education accreditation, or its successor, or by the United  
33 States department of education and operated by a college or  
34 university accredited by a regional or national accrediting  
35 organization recognized by the board.

1 (b) On or after January 1, 2008, has graduated with a  
2 doctoral degree in audiology, or equivalent degree regardless  
3 of degree name, from a program that is accredited by an  
4 accrediting agency recognized by the council for higher  
5 education accreditation, or its successor, or by the United  
6 States department of education and operated by a college or  
7 university accredited by a regional or national accrediting  
8 organization recognized by the board.

9 (c) Has graduated from an audiology program that is housed  
10 in an institution of higher education outside of the United  
11 States for which the program and institution have been approved  
12 by the authorized accrediting body in the applicable country  
13 and the degree program has been verified by an independent  
14 credentials review agency to be comparable to a state licensing  
15 board-approved program.

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

19 (3) Has successfully passed a national examination approved  
20 by the commission.

21 (4) Holds an active, unencumbered license.

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

26 (6) Has a valid United States social security or national  
27 practitioner identification number.

28 *f.* For a speech language pathologist:

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

31 (a) Has graduated with a master's degree from a speech  
32 language pathology program that is accredited by an  
33 organization recognized by the United States department of  
34 education and operated by a college or university accredited  
35 by a regional or national accrediting organization recognized

1 by the board.

2 (b) Has graduated from a speech language pathology program  
3 that is housed in an institution of higher education outside  
4 of the United States for which the program and institution  
5 have been approved by the authorized accrediting body in the  
6 applicable country and the degree program has been verified by  
7 an independent credentials review agency to be comparable to a  
8 state licensing board-approved program.

9 (2) Has completed a supervised clinical practicum  
10 experience from an educational institution or its cooperating  
11 programs as required by the commission.

12 (3) Has completed a supervised postgraduate professional  
13 experience as required by the commission.

14 (4) Has successfully passed a national examination approved  
15 by the commission.

16 (5) Holds an active, unencumbered license.

17 (6) Has not been convicted or found guilty, and has not  
18 entered into an agreed disposition, of a felony related to the  
19 practice of speech language pathology, under applicable state  
20 or federal criminal law.

21 (7) Has a valid United States social security or national  
22 practitioner identification number.

23 *g.* The privilege to practice is derived from the home state  
24 license.

25 *h.* An audiologist or speech language pathologist practicing  
26 in a member state must comply with the state practice laws of  
27 the state in which the client is located at the time service  
28 is provided. The practice of audiology and speech language  
29 pathology shall include all audiology and speech language  
30 pathology practice as defined by the state practice laws of the  
31 member state in which the client is located. The practice of  
32 audiology and speech language pathology in a member state under  
33 a privilege to practice shall subject an audiologist or speech  
34 language pathologist to the jurisdiction of the licensing board  
35 and the courts and the laws of the member state in which the



1 client is located at the time service is provided.

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

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

12 *k.* Member states must comply with the bylaws and rules and  
13 regulations of the commission.

14 4. *Compact privilege.*

15 *a.* To exercise the compact privilege under the terms and  
16 provisions of the compact, the audiologist or speech language  
17 pathologist shall do all of the following:

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

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

20 (3) Be eligible for a compact privilege in any member state  
21 in accordance with subsection 3.

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

25 (5) Notify the commission that the licensee is seeking the  
26 compact privilege within a remote state.

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

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

32 *b.* For the purposes of the compact privilege, an audiologist  
33 or speech language pathologist shall only hold one home state  
34 license at a time.

35 *c.* Except as provided in subsection 6, if an audiologist or

1 speech language pathologist changes primary state of residence  
2 by moving between two member states, the audiologist or speech  
3 language pathologist must apply for licensure in the new home  
4 state, and the license issued by the prior home state shall be  
5 deactivated in accordance with applicable rules adopted by the  
6 commission.

7 *d.* The audiologist or speech language pathologist may apply  
8 for licensure in advance of a change in the primary state of  
9 residence.

10 *e.* A license shall not be issued by the new home state  
11 until the audiologist or speech language pathologist provides  
12 satisfactory evidence of a change in the primary state of  
13 residence to the new home state and satisfies all applicable  
14 requirements to obtain a license from the new home state.

15 *f.* If an audiologist or speech language pathologist changes  
16 the primary state of residence by moving from a member state  
17 to a nonmember state, the license issued by the prior home  
18 state shall convert to a single-state license, valid only in  
19 the former home state.

20 *g.* The compact privilege is valid until the expiration date  
21 of the home state license. The licensee must comply with the  
22 requirements of subsection 4, paragraph "a", to maintain the  
23 compact privilege in the remote state.

24 *h.* A licensee providing audiology or speech language  
25 pathology services in a remote state under the compact  
26 privilege shall function within the laws and regulations of the  
27 remote state.

28 *i.* A licensee providing audiology or speech language  
29 pathology services in a remote state is subject to that state's  
30 regulatory authority. A remote state may, in accordance with  
31 due process and that state's laws, remove a licensee's compact  
32 privilege in the remote state for a specific period of time,  
33 impose fines, or take any other necessary actions to protect  
34 the health and safety of its citizens.

35 *j.* If a home state license is encumbered, the licensee shall

1 lose the compact privilege in any remote state until both of  
2 the following occur:

3 (1) The home state license is no longer encumbered.

4 (2) Two years have elapsed from the date of the adverse  
5 action.

6 *k.* Once an encumbered license in the home state is restored  
7 to good standing, the licensee must meet the requirements of  
8 subsection 4, paragraph "a", to obtain a compact privilege in  
9 any remote state.

10 *l.* Once the requirements of subsection 4, paragraph "j",  
11 have been met, the licensee must meet the requirements in  
12 subsection 4, paragraph "a", to obtain a compact privilege in a  
13 remote state.

14 *5. Compact privilege to practice telehealth.*

15 *a.* Member states shall recognize the right of an audiologist  
16 or speech language pathologist, licensed by a home state in  
17 accordance with subsection 3 and under rules promulgated by  
18 the commission, to practice audiology or speech language  
19 pathology in any member state via telehealth under a privilege  
20 to practice as provided in the compact and rules promulgated  
21 by the commission.

22 *b.* A licensee providing audiology or speech language  
23 pathology services in a remote state under the compact  
24 privilege shall function within the laws and regulations of the  
25 state where the patient or client is located.

26 *6. Active duty military personnel or their spouses.*

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

34 *7. Adverse actions.*

35 *a.* In addition to the other powers conferred by state law,

1 a remote state shall have the authority, in accordance with  
2 existing state due process law, to do all of the following:

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

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

18 (3) Only the home state shall have the power to take  
19 adverse action against an audiologist's or speech language  
20 pathologist's license issued by the home state.

21 *b.* For purposes of taking adverse action, the home state  
22 shall give the same priority and effect to reported conduct  
23 received from a member state as it would if the conduct had  
24 occurred within the home state. In so doing, the home state  
25 shall apply its own state laws to determine appropriate action.

26 *c.* The home state shall complete any pending investigations  
27 of an audiologist or speech language pathologist who  
28 changes primary state of residence during the course of the  
29 investigations. The home state shall also have the authority  
30 to take appropriate action and shall promptly report the  
31 conclusions of the investigations to the administrator of  
32 the data system. The administrator of the data system shall  
33 promptly notify the new home state of any adverse actions.

34 *d.* If otherwise permitted by state law, the member state  
35 may recover from the affected audiologist or speech language

1 pathologist the costs of investigations and disposition of  
2 cases resulting from any adverse action taken against that  
3 audiologist or speech language pathologist.

4 *e.* The member state may take adverse action based on the  
5 factual findings of the remote state, provided that the member  
6 state follows the member state's own procedures for taking the  
7 adverse action.

8 *f. Joint investigations.*

9 (1) In addition to the authority granted to a member state  
10 by its respective audiology or speech language pathology  
11 practice act or other applicable state law, any member  
12 state may participate with other member states in joint  
13 investigations of licensees.

14 (2) Member states shall share any investigative,  
15 litigation, or compliance materials in furtherance of any joint  
16 or individual investigation initiated under the compact.

17 *g.* If adverse action is taken by the home state against an  
18 audiologist's or speech language pathologist's license, the  
19 audiologist's or speech language pathologist's privilege to  
20 practice in all other member states shall be deactivated until  
21 all encumbrances have been removed from the home state license.  
22 All home state disciplinary orders that impose adverse action  
23 against an audiologist's or speech language pathologist's  
24 license shall include a statement that the audiologist's  
25 or speech language pathologist's privilege to practice is  
26 deactivated in all member states during the pendency of the  
27 order.

28 *h.* If a member state takes adverse action, it shall promptly  
29 notify the administrator of the data system. The administrator  
30 of the data system shall promptly notify the home state of any  
31 adverse actions by remote states.

32 *i.* Nothing in this compact shall override a member state's  
33 decision that participation in an alternative program may be  
34 used in lieu of adverse action.

35 8. *Establishment of the audiology and speech language*

1 *pathology compact commission.*

2     *a.* The compact member states hereby create and establish a  
3 joint public agency known as the audiology and speech language  
4 pathology compact commission.

5       (1) The commission is an instrumentality of the compact  
6 states.

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

13       (3) Nothing in this compact shall be construed to be a  
14 waiver of sovereign immunity.

15     *b. Membership, voting, and meetings.*

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

20       (2) An additional five delegates, who are either a public  
21 member or board administrator from a state licensing board,  
22 shall be chosen by the executive committee from a pool of  
23 nominees provided by the commission at large.

24       (3) Any delegate may be removed or suspended from office  
25 as provided by the law of the state from which the delegate is  
26 appointed.

27       (4) The member state board shall fill any vacancy occurring  
28 on the commission within ninety days of a vacancy.

29       (5) Each delegate shall be entitled to one vote with regard  
30 to the promulgation of rules and creation of bylaws and shall  
31 otherwise have an opportunity to participate in the business  
32 and affairs of the commission.

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

1 communication.

2 (7) The commission shall meet at least once during each  
3 calendar year. Additional meetings shall be held as set forth  
4 in the bylaws.

5 c. The commission shall have the following powers and  
6 duties:

7 (1) Establish the fiscal year of the commission.

8 (2) Establish bylaws.

9 (3) Establish a code of ethics.

10 (4) Maintain its financial records in accordance with the  
11 bylaws.

12 (5) Meet and take actions as are consistent with the  
13 provisions of this compact and the bylaws.

14 (6) Promulgate uniform rules to facilitate and coordinate  
15 implementation and administration of this compact. The rules  
16 shall have the force and effect of law and shall be binding in  
17 all member states to the extent and in the manner provided for  
18 in the compact.

19 (7) Bring and prosecute legal proceedings or actions in the  
20 name of the commission, provided that the standing of any state  
21 audiology or speech language pathology licensing board to sue  
22 or be sued under applicable law shall not be affected.

23 (8) Purchase and maintain insurance and bonds.

24 (9) Borrow, accept, or contract for services of personnel,  
25 including but not limited to employees of a member state.

26 (10) Hire employees, elect or appoint officers, fix  
27 compensation, define duties, grant individuals appropriate  
28 authority to carry out the purposes of the compact, and  
29 establish the commission's personnel policies and programs  
30 relating to conflicts of interest, qualifications of personnel,  
31 and other related personnel matters.

32 (11) Accept any and all appropriate donations and grants  
33 of money, equipment, supplies, materials, and services, and  
34 receive, utilize and dispose of the same; provided that at all  
35 times the commission shall avoid any appearance of impropriety

1 or conflict of interest.

2 (12) Lease, purchase, accept appropriate gifts or donations  
3 of, or otherwise own, hold, improve, or use, any property,  
4 real, personal, or mixed; provided that at all times the  
5 commission shall avoid any appearance of impropriety.

6 (13) Sell, convey, mortgage, pledge, lease, exchange,  
7 abandon, or otherwise dispose of any property real, personal,  
8 or mixed.

9 (14) Establish a budget and make expenditures.

10 (15) Borrow money.

11 (16) Appoint committees, including standing committees  
12 composed of members, and other interested persons as may be  
13 designated in this compact and the bylaws.

14 (17) Provide and receive information from, and cooperate  
15 with, law enforcement agencies.

16 (18) Establish and elect an executive committee.

17 (19) Perform other functions as may be necessary or  
18 appropriate to achieve the purposes of this compact consistent  
19 with the state regulation of audiology and speech language  
20 pathology licensure and practice.

21 *d.* The commission shall have no authority to change or  
22 modify the laws of the member states which define the practice  
23 of audiology and speech language pathology in the respective  
24 states.

25 *e. The executive committee.* The executive committee shall  
26 have the power to act on behalf of the commission according to  
27 the terms of this compact.

28 (1) The executive committee shall be composed of ten  
29 members:

30 (a) Seven voting members who are elected by the commission  
31 from the current membership of the commission.

32 (b) Two ex officio members, consisting of one nonvoting  
33 member from a recognized national audiology professional  
34 association and one nonvoting member from a recognized national  
35 speech language pathology association.



1 (c) One ex officio, nonvoting member from the recognized  
2 membership organization of the audiology and speech language  
3 pathology licensing boards.

4 (d) The ex officio members shall be selected by their  
5 respective organizations.

6 (2) The commission may remove any member of the executive  
7 committee as provided in the bylaws.

8 (3) The executive committee shall meet at least annually.

9 (4) The executive committee shall have the following duties  
10 and responsibilities:

11 (a) Recommend to the entire commission changes to the rules  
12 or bylaws, changes to this compact, fees paid by compact member  
13 states such as annual dues, and any commission compact fee  
14 charged to licensees for the compact privilege.

15 (b) Ensure compact administration services are  
16 appropriately provided, contractual or otherwise.

17 (c) Prepare and recommend the budget.

18 (d) Maintain financial records on behalf of the commission.

19 (e) Monitor compact compliance of member states and provide  
20 compliance reports to the commission.

21 (f) Establish additional committees as necessary.

22 (g) Other duties as provided in rules or bylaws.

23 (5) *Meetings of the commission.*

24 All meetings shall be open to the public, and public notice  
25 of meetings shall be given in the same manner as required under  
26 the rulemaking provisions in subsection 10.

27 (6) (a) The commission or the executive committee or other  
28 committees of the commission may convene in a closed, nonpublic  
29 meeting if the commission or executive committee or other  
30 committees of the commission must discuss any of the following:

31 (i) Noncompliance of a member state with its obligations  
32 under the compact.

33 (ii) The employment, compensation, discipline, or other  
34 matters, practices, or procedures related to specific employees  
35 or other matters related to the commission's internal personnel

1 practices and procedures.

2 (iii) Current, threatened, or reasonably anticipated  
3 litigation.

4 (iv) Negotiation of contracts for the purchase, lease, or  
5 sale of goods, services, or real estate.

6 (v) Accusing any person of a crime or formally censuring any  
7 person.

8 (vi) Disclosure of trade secrets or commercial or financial  
9 information that is privileged or confidential.

10 (vii) Disclosure of information of a personal nature where  
11 disclosure would constitute a clearly unwarranted invasion of  
12 personal privacy.

13 (viii) Disclosure of investigative records compiled for law  
14 enforcement purposes.

15 (ix) Disclosure of information related to any investigative  
16 reports prepared by or on behalf of or for use of the  
17 commission or other committee charged with responsibility of  
18 investigation or determination of compliance issues pursuant  
19 to the compact.

20 (x) Matters specifically exempted from disclosure by  
21 federal or member state statute.

22 (b) If a meeting, or portion of a meeting, is closed  
23 pursuant to this provision, the commission's legal counsel or  
24 designee shall certify that the meeting may be closed and shall  
25 reference each relevant exempting provision.

26 (7) The commission shall keep minutes that fully and clearly  
27 describe all matters discussed in a meeting and shall provide  
28 a full and accurate summary of actions taken, and the reasons  
29 therefor, including a description of the views expressed. All  
30 documents considered in connection with an action shall be  
31 identified in such minutes. All minutes and documents of a  
32 closed meeting shall remain under seal, subject to release  
33 by a majority vote of the commission or order of a court of  
34 competent jurisdiction.

35 (8) *Financing the commission.*

1 (a) The commission shall pay, or provide for the payment of,  
2 the reasonable expenses of its establishment, organization, and  
3 ongoing activities.

4 (b) The commission may accept any and all appropriate  
5 revenue sources, donations, and grants of money, equipment,  
6 supplies, materials, and services.

7 (c) The commission may levy on and collect an annual  
8 assessment from each member state or impose fees on other  
9 parties to cover the cost of the operations and activities  
10 of the commission and its staff, which must be in a total  
11 amount sufficient to cover its annual budget as approved each  
12 year for which revenue is not provided by other sources. The  
13 aggregate annual assessment amount shall be allocated based  
14 upon a formula to be determined by the commission, which shall  
15 promulgate a rule binding upon all member states.

16 (d) The commission shall not incur obligations of any kind  
17 prior to securing the funds adequate to meet the same; nor  
18 shall the commission pledge the credit of any of the member  
19 states, except by and with the authority of the member state.

20 (e) The commission shall keep accurate accounts of all  
21 receipts and disbursements. The receipts and disbursements of  
22 the commission shall be subject to the audit and accounting  
23 procedures established under its bylaws. However, all receipts  
24 and disbursements of funds handled by the commission shall be  
25 audited yearly by a certified or licensed public accountant,  
26 and the report of the audit shall be included in and become  
27 part of the annual report of the commission.

28 *f. Qualified immunity, defense, and indemnification.*

29 (1) The members, officers, executive director, employees,  
30 and representatives of the commission shall be immune from  
31 suit and liability, either personally or in their official  
32 capacity, for any claim for damage to or loss of property or  
33 personal injury or other civil liability caused by or arising  
34 out of any actual or alleged act, error, or omission that  
35 occurred, or that the person against whom the claim is made had

1 a reasonable basis for believing occurred within the scope of  
2 commission employment, duties, or responsibilities; provided  
3 that nothing in this paragraph "f" shall be construed to protect  
4 any person from suit or liability for any damage, loss, injury,  
5 or liability caused by the intentional, willful, or wanton  
6 misconduct of that person.

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

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

31 9. *Data system.*

32 a. The commission shall provide for the development,  
33 maintenance, and utilization of a coordinated database and  
34 reporting system containing licensure, adverse action, and  
35 investigative information on all licensed individuals in member

1 states.

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

7       (1) Identifying information.

8       (2) Licensure data.

9       (3) Adverse actions against a license or compact privilege.

10      (4) Nonconfidential information related to alternative  
11 program participation.

12      (5) Any denial of application for licensure, and the reason  
13 for denial.

14      (6) Other information that may facilitate the  
15 administration of this compact, as determined by the rules of  
16 the commission.

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

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

24     *e.* Member states contributing information to the data  
25 system may designate information that may not be shared with  
26 the public without the express permission of the contributing  
27 state.

28     *f.* Any information submitted to the data system that is  
29 subsequently required to be expunged by the laws of the member  
30 state contributing the information shall be removed from the  
31 data system.

32     10. *Rulemaking.*

33     *a.* The commission shall exercise its rulemaking powers  
34 pursuant to the criteria set forth in this subsection and the  
35 rules adopted thereunder. Rules and amendments shall become

1 binding as of the date specified in each rule or amendment.

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

7 *c.* Rules or amendments to the rules shall be adopted at a  
8 regular or special meeting of the commission.

9 *d.* Prior to promulgation and adoption of a final rule or  
10 rules by the commission, and at least thirty days in advance  
11 of the meeting at which the rule shall be considered and voted  
12 upon, the commission shall file a notice of proposed rulemaking  
13 in all of the following locations:

14 (1) On the internet site of the commission or other publicly  
15 accessible platform.

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

20 *e.* A notice of proposed rulemaking shall include all of the  
21 following:

22 (1) The proposed time, date, and location of the meeting in  
23 which the rule shall be considered and voted upon.

24 (2) The text of the proposed rule or amendment and the  
25 reason for the proposed rule.

26 (3) A request for comments on the proposed rule from any  
27 interested person.

28 (4) The manner in which interested persons may submit notice  
29 to the commission of their intention to attend the public  
30 hearing and any written comments.

31 *f.* Prior to the adoption of a proposed rule, the commission  
32 shall allow persons to submit written data, facts, opinions,  
33 and arguments, which shall be made available to the public.

34 *g.* The commission shall grant an opportunity for a public  
35 hearing before it adopts a rule or amendment if a hearing is

1 requested by any of the following:

2 (1) At least twenty-five persons.

3 (2) A state or federal governmental subdivision or agency.

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

5 *h.* If a hearing is held on the proposed rule or amendment,  
6 the commission shall publish the place, time, and date of  
7 the scheduled public hearing. If the hearing is held via  
8 electronic means, the commission shall publish the mechanism  
9 for access to the electronic hearing.

10 (1) All persons wishing to be heard at the hearing shall  
11 notify the executive director of the commission or other  
12 designated member in writing of their desire to appear and  
13 testify at the hearing not less than five business days before  
14 the scheduled date of the hearing.

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

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

20 (4) Nothing in this paragraph "*h*" shall be construed as  
21 requiring a separate hearing on each rule. Rules may be  
22 grouped for the convenience of the commission at hearings  
23 required by this paragraph "*h*".

24 *i.* Following the scheduled hearing date, or by the close  
25 of business on the scheduled hearing date if the hearing was  
26 not held, the commission shall consider all written and oral  
27 comments received.

28 *j.* If no written notice of intent to attend the public  
29 hearing by interested parties is received, the commission may  
30 proceed with promulgation of the proposed rule without a public  
31 hearing.

32 *k.* The commission shall, by majority vote of all members,  
33 take final action on the proposed rule and shall determine the  
34 effective date of the rule, if any, based on the rulemaking  
35 record and the full text of the rule.

1 1. Upon determination that an emergency exists, the  
2 commission may consider and adopt an emergency rule without  
3 prior notice, opportunity for comment, or hearing, provided  
4 that the usual rulemaking procedures provided in the compact  
5 and in this section shall be retroactively applied to the rule  
6 as soon as reasonably possible, in no event later than ninety  
7 days after the effective date of the rule. For the purposes of  
8 this provision, an emergency rule is one that must be adopted  
9 immediately in order to do any of the following:

10 (1) Meet an imminent threat to public health, safety, or  
11 welfare.

12 (2) Prevent a loss of commission or member state funds.

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

15 *m.* The commission or an authorized committee of the  
16 commission may direct revisions to a previously adopted rule  
17 or amendment for purposes of correcting typographical errors,  
18 errors in format, errors in consistency, or grammatical  
19 errors. Public notice of any revisions shall be posted on  
20 the internet site of the commission. The revision shall be  
21 subject to challenge by any person for a period of thirty days  
22 after posting. The revision may be challenged only on grounds  
23 that the revision results in a material change to a rule. A  
24 challenge shall be made in writing and delivered to the chair  
25 of the commission prior to the end of the notice period. If  
26 no challenge is made, the revision shall take effect without  
27 further action. If the revision is challenged, the revision  
28 may not take effect without the approval of the commission.

29 11. *Oversight, dispute resolution, and enforcement.*

30 *a. Dispute resolution.*

31 (1) Upon request by a member state, the commission shall  
32 attempt to resolve disputes related to the compact that arise  
33 among member states and between member and nonmember states.

34 (2) The commission shall promulgate a rule providing for  
35 both mediation and binding dispute resolution for disputes as



1 appropriate.

2 *b. Enforcement.*

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

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

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

19 12. *Date of implementation of the interstate commission for*  
20 *audiology and speech language pathology practice and associated*  
21 *rules, withdrawal, and amendment.*

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

30 *b.* Any state that joins the compact subsequent to the  
31 commission's initial adoption of the rules shall be subject  
32 to the rules as they exist on the date on which the compact  
33 becomes law in that state. Any rule that has been previously  
34 adopted by the commission shall have the full force and effect  
35 of law on the day the compact becomes law in that state.

1     *c.* A member state may withdraw from this compact by enacting  
2 a statute repealing the same.

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

5     (2) Withdrawal shall not affect the continuing requirement  
6 of the withdrawing state's audiology or speech language  
7 pathology licensing board to comply with the investigative and  
8 adverse action reporting requirements of this compact prior to  
9 the effective date of withdrawal.

10    *d.* Nothing contained in this compact shall be construed  
11 to invalidate or prevent any audiology or speech language  
12 pathology licensure agreement or other cooperative arrangement  
13 between a member state and a nonmember state that does not  
14 conflict with the provisions of this compact.

15    *e.* This compact may be amended by the member states. No  
16 amendment to this compact shall become effective and binding  
17 upon any member state until it is enacted into the laws of all  
18 member states.

19    13. *Construction and severability.*

20    This compact shall be liberally construed so as to  
21 effectuate the purposes thereof. The provisions of this  
22 compact shall be severable, and if any phrase, clause,  
23 sentence, or provision of this compact is declared to be  
24 contrary to the constitution of any member state or of the  
25 United States or the applicability thereof to any government,  
26 agency, person, or circumstance is held invalid, the validity  
27 of the remainder of this compact and the applicability thereof  
28 to any government, agency, person, or circumstance shall not be  
29 affected thereby. If this compact shall be held contrary to  
30 the constitution of any member state, the compact shall remain  
31 in full force and effect as to the remaining member states and  
32 in full force and effect as to the member state affected as to  
33 all severable matters.

34    14. *Binding effect of compact and other laws.*

35    *a.* Nothing herein prevents the enforcement of any other law

1 of a member state that is not inconsistent with the compact.

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

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

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

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

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the adoption of the audiology and  
18 speech language pathology interstate compact (compact) in Iowa.  
19 The compact becomes effective upon enactment into law by 10  
20 compacting states.

21 The compact requires members to, upon application, authorize  
22 audiologists and speech language pathologists to practice in  
23 the state if the audiologist or speech language pathologist is  
24 licensed to practice audiology or speech language pathology in  
25 that person's state of residence, referred to in the compact  
26 as the person's "home state".

27 The compact grants member states the ability to take certain  
28 adverse actions against audiologists and speech language  
29 pathologists practicing under a compact privilege, in addition  
30 to the state's other disciplinary abilities.

31 The compact creates the audiology and speech language  
32 pathology compact commission (commission) as an instrumentality  
33 of the compact states. Venue is proper with respect to the  
34 commission only in a court of competent jurisdiction where the  
35 principal office of the commission is located. The compact

1 does not waive sovereign immunity. The compact includes  
2 provisions relating to the establishment and membership of the  
3 commission; the powers of the commission; meetings and voting  
4 requirements of the commission; commission bylaws; rules;  
5 commission committees; finance; records of the commission;  
6 compacting state compliance; venue for judicial proceedings;  
7 qualified immunity, defense, and indemnification; effective  
8 dates and amendments to the compact; withdrawal, default, and  
9 expulsion; severability and construction; and the binding  
10 effect of the compact and other laws.

11 The compact requires the commission to provide for the  
12 development, maintenance, and utilization of a coordinated  
13 database and reporting system containing identifying  
14 information, licensure data, adverse actions, nonconfidential  
15 information related to alternative program participation, any  
16 denial of application for licensure, and other information as  
17 determined by rules.