

**House Study Bill 122 - Introduced**

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON KAUFMANN)

**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 technology to deliver audiology or speech language pathology  
17 services at a distance for assessment, intervention, or  
18 consultation.

19 3. *State participation in the compact.*

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

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

34 (1) A member state must fully implement a criminal  
35 background check requirement, within a time frame established

1 by rule, by receiving the results of the federal bureau of  
2 investigation record search on criminal background checks and  
3 use the results in making licensure decisions.

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

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

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

24 e. For an audiologist:

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

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

35 (b) On or after January 1, 2008, has graduated with a

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

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

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

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

20 (4) Holds an active, unencumbered license.

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

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

27 *f.* For a speech language pathologist:

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

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

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

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

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

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

15 (5) Holds an active, unencumbered license.

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

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

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

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



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

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

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

13    4. *Compact privilege.*

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

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

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

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

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

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

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

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

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

34    *c.* Except as provided in subsection 6, if an audiologist or  
35 speech language pathologist changes primary state of residence

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

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

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

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

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

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

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

34 *j.* If a home state license is encumbered, the licensee shall  
35 lose the compact privilege in any remote state until both of

1 the following occur:

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

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

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

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

13 *5. Compact privilege to practice telehealth.*

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

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

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

29 *7. Adverse actions.*

30 *a.* In addition to the other powers conferred by state law,  
31 a remote state shall have the authority, in accordance with  
32 existing state due process law, to do all of the following:

33 (1) Take adverse action against an audiologist's or speech  
34 language pathologist's privilege to practice within that member  
35 state.

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

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

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

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

30 *d.* If otherwise permitted by state law, the member state  
31 may recover from the affected audiologist or speech language  
32 pathologist the costs of investigations and disposition of  
33 cases resulting from any adverse action taken against that  
34 audiologist or speech language pathologist.

35 *e.* The member state may take adverse action based on the

1 factual findings of the remote state, provided that the member  
2 state follows the member state's own procedures for taking the  
3 adverse action.

4 *f. Joint investigations.*

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

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

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

24 *h.* If a member state takes adverse action, it shall promptly  
25 notify the administrator of the data system. The administrator  
26 of the data system shall promptly notify the home state of any  
27 adverse actions by remote states.

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

31 *8. Establishment of the audiology and speech language*  
32 *pathology compact commission.*

33 *a.* The compact member states hereby create and establish a  
34 joint public agency known as the audiology and speech language  
35 pathology compact commission.

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

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

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

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

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

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

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

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

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

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

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

1 c. The commission shall have the following powers and  
2 duties:

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

4 (2) Establish bylaws.

5 (3) Establish a code of ethics.

6 (4) Maintain its financial records in accordance with the  
7 bylaws.

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

10 (6) Promulgate uniform rules to facilitate and coordinate  
11 implementation and administration of this compact. The rules  
12 shall have the force and effect of law and shall be binding in  
13 all member states.

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

18 (8) Purchase and maintain insurance and bonds.

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

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

27 (11) Accept any and all appropriate donations and grants  
28 of money, equipment, supplies, materials, and services, and  
29 receive, utilize and dispose of the same; provided that at all  
30 times the commission shall avoid any appearance of impropriety  
31 or conflict of interest.

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

1 (13) Sell, convey, mortgage, pledge, lease, exchange,  
2 abandon, or otherwise dispose of any property real, personal,  
3 or mixed.

4 (14) Establish a budget and make expenditures.

5 (15) Borrow money.

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

9 (17) Provide and receive information from, and cooperate  
10 with, law enforcement agencies.

11 (18) Establish and elect an executive committee.

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

16 *d. The executive committee.*

17 The executive committee shall have the power to act on behalf  
18 of the commission according to the terms of this compact.

19 (1) The executive committee shall be composed of ten  
20 members:

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

23 (b) Two ex officio members, consisting of one nonvoting  
24 member from a recognized national audiology professional  
25 association and one nonvoting member from a recognized national  
26 speech language pathology association.

27 (c) One ex officio, nonvoting member from the recognized  
28 membership organization of the audiology and speech language  
29 pathology licensing boards.

30 (d) The ex officio members shall be selected by their  
31 respective organizations.

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

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

35 (4) The executive committee shall have the following duties



1 and responsibilities:

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

6 (b) Ensure compact administration services are  
7 appropriately provided, contractual or otherwise.

8 (c) Prepare and recommend the budget.

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

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

12 (f) Establish additional committees as necessary.

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

14 (5) *Meetings of the commission.*

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

18 (6) (a) The commission or the executive committee or other  
19 committees of the commission may convene in a closed, nonpublic  
20 meeting if the commission or executive committee or other  
21 committees of the commission must discuss any of the following:

22 (i) Noncompliance of a member state with its obligations  
23 under the compact.

24 (ii) The employment, compensation, discipline, or other  
25 matters, practices, or procedures related to specific employees  
26 or other matters related to the commission's internal personnel  
27 practices and procedures.

28 (iii) Current, threatened, or reasonably anticipated  
29 litigation.

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

32 (v) Accusing any person of a crime or formally censuring any  
33 person.

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

1 (vii) Disclosure of information of a personal nature where  
2 disclosure would constitute a clearly unwarranted invasion of  
3 personal privacy.

4 (viii) Disclosure of investigative records compiled for law  
5 enforcement purposes.

6 (ix) Disclosure of information related to any investigative  
7 reports prepared by or on behalf of or for use of the  
8 commission or other committee charged with responsibility of  
9 investigation or determination of compliance issues pursuant  
10 to the compact.

11 (x) Matters specifically exempted from disclosure by  
12 federal or member state statute.

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

17 (7) The commission shall keep minutes that fully and clearly  
18 describe all matters discussed in a meeting and shall provide  
19 a full and accurate summary of actions taken, and the reasons  
20 therefor, including a description of the views expressed. All  
21 documents considered in connection with an action shall be  
22 identified in such minutes. All minutes and documents of a  
23 closed meeting shall remain under seal, subject to release  
24 by a majority vote of the commission or order of a court of  
25 competent jurisdiction.

26 (8) *Financing the commission.*

27 (a) The commission shall pay, or provide for the payment of,  
28 the reasonable expenses of its establishment, organization, and  
29 ongoing activities.

30 (b) The commission may accept any and all appropriate  
31 revenue sources, donations, and grants of money, equipment,  
32 supplies, materials, and services.

33 (c) The commission may levy on and collect an annual  
34 assessment from each member state or impose fees on other  
35 parties to cover the cost of the operations and activities

1 of the commission and its staff, which must be in a total  
2 amount sufficient to cover its annual budget as approved each  
3 year for which revenue is not provided by other sources. The  
4 aggregate annual assessment amount shall be allocated based  
5 upon a formula to be determined by the commission, which shall  
6 promulgate a rule binding upon all member states.

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

11 (e) The commission shall keep accurate accounts of all  
12 receipts and disbursements. The receipts and disbursements of  
13 the commission shall be subject to the audit and accounting  
14 procedures established under its bylaws. However, all receipts  
15 and disbursements of funds handled by the commission shall be  
16 audited yearly by a certified or licensed public accountant,  
17 and the report of the audit shall be included in and become  
18 part of the annual report of the commission.

19 *e. Qualified immunity, defense, and indemnification.*

20 (1) The members, officers, executive director, employees,  
21 and representatives of the commission shall be immune from  
22 suit and liability, either personally or in their official  
23 capacity, for any claim for damage to or loss of property or  
24 personal injury or other civil liability caused by or arising  
25 out of any actual or alleged act, error, or omission that  
26 occurred, or that the person against whom the claim is made had  
27 a reasonable basis for believing occurred within the scope of  
28 commission employment, duties, or responsibilities; provided  
29 that nothing in this paragraph "e" shall be construed to protect  
30 any person from suit or liability for any damage, loss, injury,  
31 or liability caused by the intentional, willful, or wanton  
32 misconduct of that person.

33 (2) The commission shall defend any member, officer,  
34 executive director, employee, or representative of the  
35 commission in any civil action seeking to impose liability

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

11 (3) The commission shall indemnify and hold harmless  
12 any member, officer, executive director, employee, or  
13 representative of the commission for the amount of any  
14 settlement or judgment obtained against that person arising  
15 out of any actual or alleged act, error, or omission that  
16 occurred within the scope of commission employment, duties,  
17 or responsibilities, or that such person had a reasonable  
18 basis for believing occurred within the scope of commission  
19 employment, duties, or responsibilities, provided that the  
20 actual or alleged act, error, or omission did not result from  
21 the intentional, willful, or wanton misconduct of that person.

22 9. *Data system.*

23 a. The commission shall provide for the development,  
24 maintenance, and utilization of a coordinated database and  
25 reporting system containing licensure, adverse action, and  
26 investigative information on all licensed individuals in member  
27 states.

28 b. Notwithstanding any other provision of state law to  
29 the contrary, a member state shall submit a uniform data set  
30 to the data system on all individuals to whom this compact  
31 is applicable as required by the rules of the commission,  
32 including all of the following:

33 (1) Identifying information.

34 (2) Licensure data.

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

1 (4) Nonconfidential information related to alternative  
2 program participation.

3 (5) Any denial of application for licensure, and the reason  
4 for denial.

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

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

10 *d.* The commission shall promptly notify all member states of  
11 any adverse action taken against a licensee or an individual  
12 applying for a license. Adverse action information pertaining  
13 to a licensee in any member state shall be available to any  
14 other member state.

15 *e.* Member states contributing information to the data  
16 system may designate information that may not be shared with  
17 the public without the express permission of the contributing  
18 state.

19 *f.* Any information submitted to the data system that is  
20 subsequently required to be expunged by the laws of the member  
21 state contributing the information shall be removed from the  
22 data system.

23 10. *Rulemaking.*

24 *a.* The commission shall exercise its rulemaking powers  
25 pursuant to the criteria set forth in this subsection and the  
26 rules adopted thereunder. Rules and amendments shall become  
27 binding as of the date specified in each rule or amendment.

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

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

35 *d.* Prior to promulgation and adoption of a final rule or

1 rules by the commission, and at least thirty days in advance  
2 of the meeting at which the rule shall be considered and voted  
3 upon, the commission shall file a notice of proposed rulemaking  
4 in all of the following locations:

5 (1) On the internet site of the commission or other publicly  
6 accessible platform.

7 (2) On the internet site of each member state audiology or  
8 speech language pathology licensing board or other publicly  
9 accessible platform or the publication in which each state  
10 would otherwise publish proposed rules.

11 e. A notice of proposed rulemaking shall include all of the  
12 following:

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

15 (2) The text of the proposed rule or amendment and the  
16 reason for the proposed rule.

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

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

22 f. Prior to the adoption of a proposed rule, the commission  
23 shall allow persons to submit written data, facts, opinions,  
24 and arguments, which shall be made available to the public.

25 g. The commission shall grant an opportunity for a public  
26 hearing before it adopts a rule or amendment if a hearing is  
27 requested by any of the following:

28 (1) At least twenty-five persons.

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

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

31 h. If a hearing is held on the proposed rule or amendment,  
32 the commission shall publish the place, time, and date of  
33 the scheduled public hearing. If the hearing is held via  
34 electronic means, the commission shall publish the mechanism  
35 for access to the electronic hearing.

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

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

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

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

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

19 *j.* If no written notice of intent to attend the public  
20 hearing by interested parties is received, the commission may  
21 proceed with promulgation of the proposed rule without a public  
22 hearing.

23 *k.* The commission shall, by majority vote of all members,  
24 take final action on the proposed rule and shall determine the  
25 effective date of the rule, if any, based on the rulemaking  
26 record and the full text of the rule.

27 *l.* Upon determination that an emergency exists, the  
28 commission may consider and adopt an emergency rule without  
29 prior notice, opportunity for comment, or hearing, provided  
30 that the usual rulemaking procedures provided in the compact  
31 and in this section shall be retroactively applied to the rule  
32 as soon as reasonably possible, in no event later than ninety  
33 days after the effective date of the rule. For the purposes of  
34 this provision, an emergency rule is one that must be adopted  
35 immediately in order to do any of the following:

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

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

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

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

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

21 *a. Dispute resolution.*

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

25 (2) The commission shall promulgate a rule providing for  
26 both mediation and binding dispute resolution for disputes as  
27 appropriate.

28 *b. Enforcement.*

29 (1) The commission, in the reasonable exercise of its  
30 discretion, shall enforce the provisions and rules of this  
31 compact.

32 (2) By majority vote, the commission may initiate legal  
33 action in the United States district court for the District  
34 of Columbia or the federal district where the commission has  
35 its principal offices against a member state in default to



1 enforce compliance with the provisions of the compact and its  
2 promulgated rules and bylaws. The relief sought may include  
3 both injunctive relief and damages. In the event judicial  
4 enforcement is necessary, the prevailing member shall be  
5 awarded all costs of litigation, including reasonable attorney  
6 fees.

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

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

13 a. The compact shall come into effect on the date on  
14 which the compact statute is enacted into law in the tenth  
15 member state. The provisions, which become effective at  
16 that time, shall be limited to the powers granted to the  
17 commission relating to assembly and the promulgation of rules.  
18 Thereafter, the commission shall meet and exercise rulemaking  
19 powers necessary to the implementation and administration of  
20 the compact.

21 b. Any state that joins the compact subsequent to the  
22 commission's initial adoption of the rules shall be subject  
23 to the rules as they exist on the date on which the compact  
24 becomes law in that state. Any rule that has been previously  
25 adopted by the commission shall have the full force and effect  
26 of law on the day the compact becomes law in that state.

27 c. A member state may withdraw from this compact by enacting  
28 a statute repealing the same.

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

31 (2) Withdrawal shall not affect the continuing requirement  
32 of the withdrawing state's audiology or speech language  
33 pathology licensing board to comply with the investigative and  
34 adverse action reporting requirements of this compact prior to  
35 the effective date of withdrawal.

1     *d.* Nothing contained in this compact shall be construed  
2 to invalidate or prevent any audiology or speech language  
3 pathology licensure agreement or other cooperative arrangement  
4 between a member state and a nonmember state that does not  
5 conflict with the provisions of this compact.

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

10     13. *Construction and severability.*

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

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

26     *a.* Nothing herein prevents the enforcement of any other law  
27 of a member state that is not inconsistent with the compact.

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

30     *c.* All lawful actions of the commission, including all rules  
31 and bylaws promulgated by the commission, are binding upon the  
32 member states.

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

35     *e.* In the event any provision of the compact exceeds the

1 constitutional limits imposed on the legislature of any member  
2 state, the provision shall be ineffective to the extent of the  
3 conflict with the constitutional provision in question in that  
4 member state.

5 EXPLANATION

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

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

12 The compact requires members to, upon application, authorize  
13 audiologists and speech language pathologists to practice in  
14 the state if the audiologist or speech language pathologist is  
15 licensed to practice audiology or speech language pathology in  
16 that person's state of residence, referred to in the compact  
17 as the person's "home state".

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

22 The compact creates the audiology and speech language  
23 pathology compact commission (commission) as an instrumentality  
24 of the compact states. Venue is proper with respect to the  
25 commission only in a court of competent jurisdiction where the  
26 principal office of the commission is located. The compact  
27 does not waive sovereign immunity. The compact includes  
28 provisions relating to the establishment and membership of the  
29 commission; the powers of the commission; meetings and voting  
30 requirements of the commission; commission bylaws; rules;  
31 commission committees; finance; records of the commission;  
32 compacting state compliance; venue for judicial proceedings;  
33 qualified immunity, defense, and indemnification; effective  
34 dates and amendments to the compact; withdrawal, default, and  
35 expulsion; severability and construction; and the binding

1 effect of the compact and other laws.

2     The compact requires the commission to provide for the  
3 development, maintenance, and utilization of a coordinated  
4 database and reporting system containing identifying  
5 information, licensure data, adverse actions, nonconfidential  
6 information related to alternative program participation, any  
7 denial of application for licensure, and other information as  
8 determined by rules.