
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1235 Session of
2023

INTRODUCED BY VENKAT, SANCHEZ, HADDOCK, MADDEN, KHAN, KENYATTA,
KEEFER, HILL-EVANS, HANBIDGE, BOROWSKI, CERRATO, HOWARD AND
SCOTT, MAY 24, 2023

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 24, 2023

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Audiology and Speech-Language Pathology Interstate Compact;
3 and providing for the form of the compact.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Audiology and
8 Speech-Language Pathology Interstate Compact Act.

9 Section 2. Authority to execute compact.

10 The Governor, on behalf of the Commonwealth, is hereby
11 authorized to execute a compact in substantially the following
12 form with any one or more of the states of the United States,
13 and the General Assembly hereby signifies in advance its
14 approval and ratification of such compact:

15 SECTION 1. PURPOSE

16 The purpose of this Compact is to facilitate interstate
17 practice of audiology and speech-language pathology with the
18 goal of improving public access to audiology and speech-language

1 pathology services. The practice of audiology and speech-
2 language pathology occurs in the state where the
3 patient/client/student is located at the time of the
4 patient/client/student encounter. This Compact preserves the
5 regulatory authority of states to protect public health and
6 safety through the current system of state licensure. This
7 Compact is designed to achieve the following purposes and
8 objectives:

- 9 1. Increase public access to audiology and speech-
10 language pathology services by providing for the mutual
11 recognition of other member state licenses;
- 12 2. Enhance the states' ability to protect the public's
13 health and safety;
- 14 3. Encourage the cooperation of member states in
15 regulating multistate audiology and speech-language pathology
16 practice;
- 17 4. Support spouses of relocating active duty military
18 personnel;
- 19 5. Enhance the exchange of licensure, investigative and
20 disciplinary information between member states;
- 21 6. Allow a remote state to hold a provider of services
22 with a compact privilege in that state accountable to that
23 state's practice standards; and
- 24 7. Allow for the use of telehealth technology to
25 facilitate increased access to audiology and speech-language
26 pathology services.

27 SECTION 2. DEFINITIONS

28 As used in this Compact, and except as otherwise provided,
29 the following definitions shall apply:

- 30 A. "Active Duty Military" means: full-time duty status in

1 the active uniformed service of the United States, including
2 members of the National Guard and Reserve on active duty orders
3 pursuant to 10 U.S.C. Chapters 1209 (relating to active duty)
4 and 1211 (relating to national guard members in federal
5 service).

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

13 C. "Alternative Program" means: a non-disciplinary
14 monitoring process approved by an audiology or speech-language
15 pathology licensing board to address impaired practitioners.

16 D. "Audiologist" means: an individual who is licensed by a
17 state to practice audiology.

18 E. "Audiology" means: the care and services provided by a
19 licensed audiologist as set forth in the member state's statutes
20 and rules.

21 F. "Audiology and Speech-Language Pathology Compact
22 Commission" or "Commission" means: the national administrative
23 body whose membership consists of all states that have enacted
24 the Compact.

25 G. "Audiology and Speech-Language Pathology Licensing
26 Board," "Audiology Licensing Board," "Speech-Language Pathology
27 Licensing Board," or "Licensing Board" means: the agency of a
28 state that is responsible for the licensing and regulation of
29 audiologists and/or speech-language pathologists.

30 H. "Compact Privilege" means: the authorization granted by

1 a remote state to allow a licensee from another member state to
2 practice as an audiologist or speech-language pathologist in the
3 remote state under its laws and rules. The practice of audiology
4 or speech-language pathology occurs in the member state where
5 the patient/client/student is located at the time of the
6 patient/client/student encounter.

7 I. "Current Significant Investigative Information" means:
8 investigative information that a licensing board, after an
9 inquiry or investigation that includes notification and an
10 opportunity for the audiologist or speech-language pathologist
11 to respond, if required by state law, has reason to believe is
12 not groundless and, if proved true, would indicate more than a
13 minor infraction.

14 J. "Data System" means: a repository of information about
15 licensees, including, but not limited to, continuing education,
16 examination, licensure, investigative, compact privilege and
17 adverse action.

18 K. "Encumbered License" means: a license in which an
19 adverse action restricts the practice of audiology or speech-
20 language pathology by the licensee and said adverse action has
21 been reported to the National Practitioner Data Bank (NPDB).

22 L. "Executive Committee" means: a group of directors
23 elected or appointed to act on behalf of, and within the powers
24 granted to them by, the Commission.

25 M. "Home State" means: the member state that is the
26 licensee's primary state of residence.

27 N. "Impaired Practitioner" means: individuals whose
28 professional practice is adversely affected by substance abuse,
29 addiction, or other health-related conditions.

30 O. "Licensee" means: an individual who currently holds an

1 authorization from the state licensing board to practice as an
2 audiologist or speech-language pathologist.

3 P. "Member State" means: a state that has enacted the
4 Compact.

5 Q. "Privilege to Practice" means: a legal authorization
6 permitting the practice of audiology or speech-language
7 pathology in a remote state.

8 R. "Remote State" means: a member state other than the home
9 state where a licensee is exercising or seeking to exercise the
10 compact privilege.

11 S. "Rule" means: a regulation, principle or directive
12 promulgated by the Commission that has the force of law.

13 T. "Single-State License" means: an audiology or speech-
14 language pathology license issued by a member state that
15 authorizes practice only within the issuing state and does not
16 include a privilege to practice in any other member state.

17 U. "Speech-Language Pathologist" means: an individual who
18 is licensed by a state to practice speech-language pathology.

19 V. "Speech-Language Pathology" means: the care and services
20 provided by a licensed speech-language pathologist as set forth
21 in the member state's statutes and rules.

22 W. "State" means: any state, commonwealth, district or
23 territory of the United States of America that regulates the
24 practice of audiology and speech-language pathology.

25 X. "State Practice Laws" means: a member state's laws,
26 rules and regulations that govern the practice of audiology or
27 speech-language pathology, define the scope of audiology or
28 speech-language pathology practice, and create the methods and
29 grounds for imposing discipline.

30 Y. "Telehealth" means: the application of telecommunication

1 technology to deliver audiology or speech-language pathology
2 services at a distance for assessment, intervention and/or
3 consultation.

4 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

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

1 86 Stat. 1115.

2 C. Upon application for a privilege to practice, the
3 licensing board in the issuing remote state shall ascertain,
4 through the data system, whether the applicant has ever held, or
5 is the holder of, a license issued by any other state, whether
6 there are any encumbrances on any license or privilege to
7 practice held by the applicant, whether any adverse action has
8 been taken against any license or privilege to practice held by
9 the applicant.

10 D. Each member state shall require an applicant to obtain or
11 retain a license in the home state and meet the home state's
12 qualifications for licensure or renewal of licensure, as well
13 as, all other applicable state laws.

14 E. For an audiologist:

15 1. Must meet one of the following educational
16 requirements:

17 a. On or before, December 31, 2007, has graduated
18 with a master's degree or doctorate in audiology, or
19 equivalent degree regardless of degree name, from a
20 program that is accredited by an accrediting agency
21 recognized by the Council for Higher Education
22 Accreditation, or its successor, or by the United States
23 Department of Education and operated by a college or
24 university accredited by a regional or national
25 accrediting organization recognized by the board; or

26 b. On or after, January 1, 2008, has graduated with
27 a Doctoral degree in audiology, or equivalent degree,
28 regardless of degree name, from a program that is
29 accredited by an accrediting agency recognized by the
30 Council for Higher Education Accreditation, or its

1 successor, or by the United States Department of
2 Education and operated by a college or university
3 accredited by a regional or national accrediting
4 organization recognized by the board; or

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

13 2. Has completed a supervised clinical practicum
14 experience from an accredited educational institution or its
15 cooperating programs as required by the Commission;

16 3. Has successfully passed a national examination
17 approved by the Commission;

18 4. Holds an active, unencumbered license;

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

23 6. Has a valid United States Social Security or National
24 Practitioner Identification number.

25 F. For a speech-language pathologist:

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

28 a. Has graduated with a master's degree from a
29 speech-language pathology program that is accredited by
30 an organization recognized by the United States

1 Department of Education and operated by a college or
2 university accredited by a regional or national
3 accrediting organization recognized by the board; or

4 b. Has graduated from a speech-language pathology
5 program that is housed in an institution of higher
6 education outside of the United States:

7 (a) for which the program and institution
8 have been approved by the authorized accrediting
9 body in the applicable country; and

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

14 2. Has completed a supervised clinical practicum
15 experience from an educational institution or its cooperating
16 programs as required by the Commission;

17 3. Has completed a supervised postgraduate professional
18 experience as required by the Commission;

19 4. Has successfully passed a national examination
20 approved by the Commission;

21 5. Holds an active, unencumbered license;

22 6. 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 speech-language pathology, under applicable
25 state or federal criminal law;

26 7. Has a valid United States Social Security or National
27 Practitioner Identification number.

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

30 H. An audiologist or speech-language pathologist practicing

1 in a member state must comply with the state practice laws of
2 the state in which the client is located at the time service is
3 provided. The practice of audiology and speech-language
4 pathology shall include all audiology and speech-language
5 pathology practice as defined by the state practice laws of the
6 member state in which the client is located. The practice of
7 audiology and speech-language pathology in a member state under
8 a privilege to practice shall subject an audiologist or speech-
9 language pathologist to the jurisdiction of the licensing board,
10 the courts and the laws of the member state in which the client
11 is located at the time service is provided.

12 I. Individuals not residing in a member state shall continue
13 to be able to apply for a member state's single-state license as
14 provided under the laws of each member state. However, the
15 single-state license granted to these individuals shall not be
16 recognized as granting the privilege to practice audiology or
17 speech-language pathology in any other member state. Nothing in
18 this Compact shall affect the requirements established by a
19 member state for the issuance of a single-state license.

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

22 K. Member states must comply with the bylaws and rules and
23 regulations of the Commission.

24 SECTION 4. COMPACT PRIVILEGE

25 A. To exercise the compact privilege under the terms and
26 provisions of the Compact, the audiologist or speech-language
27 pathologist shall:

- 28 1. Hold an active license in the home state;
- 29 2. Have no encumbrance on any state license;
- 30 3. Be eligible for a compact privilege in any member

1 state in accordance with Section 3;

2 4. Have not had any adverse action against any license
3 or compact privilege within the previous two years from date
4 of application;

5 5. Notify the Commission that the licensee is seeking
6 the compact privilege within a remote state(s);

7 6. Pay any applicable fees, including any state fee, for
8 the compact privilege;

9 7. Report to the Commission adverse action taken by any
10 non-member state within 30 days from the date the adverse
11 action is taken.

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

15 C. Except as provided in Section 6, if an audiologist or
16 speech-language pathologist changes primary state of residence
17 by moving between two-member states, the audiologist or speech-
18 language pathologist must apply for licensure in the new home
19 state, and the license issued by the prior home state shall be
20 deactivated in accordance with applicable rules adopted by the
21 Commission.

22 D. The audiologist or speech-language pathologist may apply
23 for licensure in advance of a change in primary state of
24 residence.

25 E. A license shall not be issued by the new home state until
26 the audiologist or speech-language pathologist provides
27 satisfactory evidence of a change in primary state of residence
28 to the new home state and satisfies all applicable requirements
29 to obtain a license from the new home state.

30 F. If an audiologist or speech-language pathologist changes

1 primary state of residence by moving from a member state to a
2 non-member state, the license issued by the prior home state
3 shall convert to a single-state license, valid only in the
4 former home state.

5 G. The compact privilege is valid until the expiration date
6 of the home state license. The licensee must comply with the
7 requirements of Section 4A to maintain the compact privilege in
8 the remote state.

9 H. A licensee providing audiology or speech-language
10 pathology services in a remote state under the compact privilege
11 shall function within the laws and regulations of the remote
12 state.

13 I. A licensee providing audiology or speech-language
14 pathology services in a remote state is subject to that state's
15 regulatory authority. A remote state may, in accordance with due
16 process and that state's laws, remove a licensee's compact
17 privilege in the remote state for a specific period of time,
18 impose fines, and/or take any other necessary actions to protect
19 the health and safety of its citizens.

20 J. If a home state license is encumbered, the licensee shall
21 lose the compact privilege in any remote state until the
22 following occur:

- 23 1. The home state license is no longer encumbered; and
- 24 2. Two years have elapsed from the date of the adverse
25 action.

26 K. Once an encumbered license in the home state is restored
27 to good standing, the licensee must meet the requirements of
28 Section 4A to obtain a compact privilege in any remote state.

29 L. Once the requirements of Section 4J have been met, the
30 licensee must meet the requirements in Section 4A to obtain a

1 compact privilege in a remote state.

2 SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

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

10 SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

18 SECTION 7. ADVERSE ACTIONS

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

22 1. Take adverse action against an audiologist's or
23 speech-language pathologist's privilege to practice within
24 that member state.

25 2. Issue subpoenas for both hearings and investigations
26 that require the attendance and testimony of witnesses as
27 well as the production of evidence. Subpoenas issued by a
28 licensing board in a member state for the attendance and
29 testimony of witnesses or the production of evidence from
30 another member state shall be enforced in the latter state by

1 any court of competent jurisdiction, according to the
2 practice and procedure of that court applicable to subpoenas
3 issued in proceedings pending before it. The issuing
4 authority shall pay any witness fees, travel expenses,
5 mileage and other fees required by the service statutes of
6 the state in which the witnesses or evidence are located.

7 3. Only the home state shall have the power to take
8 adverse action against a audiologist's or speech-language
9 pathologist's license issued by the home state.

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

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

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

29 E. The member state may take adverse action based on the
30 factual findings of the remote state, provided that the member

1 state follows the member state's own procedures for taking the
2 adverse action.

3 F. Joint Investigations

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

9 2. Member states shall share any investigative,
10 litigation, or compliance materials in furtherance of any
11 joint or individual investigation initiated under the
12 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 state license. All
18 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 or
21 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.

1 SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE
2 PATHOLOGY COMPACT COMMISSION

3 A. The Compact member states hereby create and establish a
4 joint public agency known as the Audiology and Speech-Language
5 Pathology Compact Commission:

6 1. The Commission is an instrumentality of the Compact
7 states.

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

15 3. Nothing in this Compact shall be construed to be a
16 waiver of sovereign immunity.

17 B. Membership, Voting and Meetings

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

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

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

30 4. The member state board shall fill any vacancy

1 occurring on the Commission, within 90 days.

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

6 6. A delegate shall vote in person or by other means as
7 provided in the bylaws. The bylaws may provide for delegates'
8 participation in meetings by telephone or other means of
9 communication.

10 7. The Commission shall meet at least once during each
11 calendar year. Additional meetings shall be held as set forth
12 in the bylaws.

13 C. The Commission shall have the following powers and
14 duties:

15 1. Establish the fiscal year of the Commission;

16 2. Establish bylaws;

17 3. Establish a Code of Ethics;

18 4. Maintain its financial records in accordance with the
19 bylaws;

20 5. Meet and take actions as are consistent with the
21 provisions of this Compact and the bylaws;

22 6. Promulgate uniform rules to facilitate and coordinate
23 implementation and administration of this Compact. The rules
24 shall have the force and effect of law and shall be binding
25 in all member states;

26 7. Bring and prosecute legal proceedings or actions in
27 the name of the Commission, provided that the standing of any
28 state audiology or speech-language pathology licensing board
29 to sue or be sued under applicable law shall not be affected;

30 8. Purchase and maintain insurance and bonds;

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

4 10. Hire employees, elect or appoint officers, fix
5 compensation, define duties, grant individuals appropriate
6 authority to carry out the purposes of the Compact, and to
7 establish the Commission's personnel policies and programs
8 relating to conflicts of interest, qualifications of
9 personnel, and other related personnel matters;

10 11. Accept any and all appropriate donations and grants
11 of money, equipment, supplies, materials and services, and to
12 receive, utilize and dispose of the same; provided that at
13 all times the Commission shall avoid any appearance of
14 impropriety and/or conflict of interest;

15 12. Lease, purchase, accept appropriate gifts or
16 donations of, or otherwise to own, hold, improve or use, any
17 property, real, personal or mixed; provided that at all times
18 the Commission shall avoid any appearance of impropriety;

19 13. Sell convey, mortgage, pledge, lease, exchange,
20 abandon, or otherwise dispose of any property real, personal,
21 or mixed;

22 14. Establish a budget and make expenditures;

23 15. Borrow money;

24 16. Appoint committees, including standing committees
25 composed of members, and other interested persons as may be
26 designated in this Compact and the bylaws;

27 17. Provide and receive information from, and cooperate
28 with, law enforcement agencies;

29 18. Establish and elect an Executive Committee; and

30 19. Perform other functions as may be necessary or

1 appropriate to achieve the purposes of this Compact
2 consistent with the state regulation of audiology and speech-
3 language pathology licensure and practice.

4 D. The Executive Committee

5 The Executive Committee shall have the power to act on behalf
6 of the Commission according to the terms of this Compact:

7 1. The Executive Committee shall be composed of ten (10)
8 members:

9 a. Seven (7) voting members who are elected by the
10 Commission from the current membership of the Commission;

11 b. Two (2) ex-officios, consisting of one nonvoting
12 member from a recognized national audiology professional
13 association and one nonvoting member from a recognized
14 national speech-language pathology association; and

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

18 E. The ex-officio members shall be selected by their
19 respective organizations.

20 1. The Commission may remove any member of the Executive
21 Committee as provided in bylaws.

22 2. The Executive Committee shall meet at least annually.

23 3. The Executive Committee shall have the following
24 duties and responsibilities:

25 a. Recommend to the entire Commission changes to the
26 rules or bylaws, changes to this Compact legislation,
27 fees paid by Compact member states such as annual dues,
28 and any commission Compact fee charged to licensees for
29 the compact privilege;

30 b. Ensure Compact administration services are

1 appropriately provided, contractual or otherwise;

2 c. Prepare and recommend the budget;

3 d. Maintain financial records on behalf of the
4 Commission;

5 e. Monitor Compact compliance of member states and
6 provide compliance reports to the Commission;

7 f. Establish additional committees as necessary; and

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

9 4. Meetings of the Commission

10 All meetings shall be open to the public, and public
11 notice of meetings shall be given in the same manner as
12 required under the rulemaking provisions in Section 10.

13 5. The Commission or the Executive Committee or other
14 committees of the Commission may convene in a closed, non-
15 public meeting if the Commission or Executive Committee or
16 other committees of the Commission must discuss:

17 a. Non-compliance of a member state with its
18 obligations under the Compact;

19 b. The employment, compensation, discipline or other
20 matters, practices or procedures related to specific
21 employees or other matters related to the Commission's
22 internal personnel practices and procedures;

23 c. Current, threatened, or reasonably anticipated
24 litigation;

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

27 e. Accusing any person of a crime or formally
28 censuring any person;

29 f. Disclosure of trade secrets or commercial or
30 financial information that is privileged or confidential;

1 g. Disclosure of information of a personal nature
2 where disclosure would constitute a clearly unwarranted
3 invasion of personal privacy;

4 h. Disclosure of investigative records compiled for
5 law enforcement purposes;

6 i. Disclosure of information related to any
7 investigative reports prepared by or on behalf of or for
8 use of the Commission or other committee charged with
9 responsibility of investigation or determination of
10 compliance issues pursuant to the Compact; or

11 j. Matters specifically exempted from disclosure by
12 federal or member state statute.

13 6. 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
16 shall reference each relevant exempting provision.

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

26 8. Financing of the Commission

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

30 b. The Commission may accept any and all appropriate

1 revenue sources, donations, and grants of money,
2 equipment, supplies, materials, and services.

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

13 9. The Commission shall not incur obligations of any
14 kind prior to securing the funds adequate to meet the same;
15 nor shall the Commission pledge the credit of any of the
16 member states, except by and with the authority of the member
17 state.

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

26 F. Qualified Immunity, Defense, and Indemnification

27 1. The members, officers, executive director, employees
28 and representatives of the Commission shall be immune from
29 suit and liability, either personally or in their official
30 capacity, for any claim for damage to or loss of property or

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

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

23 3. The Commission shall indemnify and hold harmless any
24 member, officer, executive director, employee, or
25 representative of the Commission for the amount of any
26 settlement or judgment obtained against that person arising
27 out of any actual or alleged act, error or omission that
28 occurred within the scope of Commission employment, duties,
29 or responsibilities, or that person had a reasonable basis
30 for believing occurred within the scope of Commission

1 employment, duties, or responsibilities, provided that the
2 actual or alleged act, error, or omission did not result from
3 the intentional or willful or wanton misconduct of that
4 person.

5 SECTION 9. DATA SYSTEM

6 A. The Commission shall provide for the development,
7 maintenance, and utilization of a coordinated database and
8 reporting system containing licensure, adverse action, and
9 investigative information on all licensed individuals in member
10 states.

11 B. Notwithstanding any other provision of state law to the
12 contrary, a member state shall submit a uniform data set to the
13 data system on all individuals to whom this Compact is
14 applicable as required by the rules of the Commission,
15 including:

- 16 1. Identifying information;
- 17 2. Licensure data;
- 18 3. Adverse actions against a license or compact
19 privilege;
- 20 4. Non-confidential information related to alternative
21 program participation;
- 22 5. Any denial of application for licensure, and the
23 reason(s) for denial; and
- 24 6. Other information that may facilitate the
25 administration of this Compact, as determined by the rules of
26 the Commission.

27 C. Investigative information pertaining to a licensee in any
28 member state shall only be available to other member states.

29 D. The Commission shall promptly notify all member states of
30 any adverse action taken against a licensee or an individual

1 applying for a license. Adverse action information pertaining to
2 a licensee in any member state shall be available to any other
3 member state.

4 E. Member states contributing information to the data system
5 may designate information that may not be shared with the public
6 without the express permission of the contributing state.

7 F. Any information submitted to the data system that is
8 subsequently required to be expunged by the laws of the member
9 state contributing the information shall be removed from the
10 data system.

11 SECTION 10. RULEMAKING

12 A. The Commission shall exercise its rulemaking powers
13 pursuant to the criteria set forth in this Section and the rules
14 adopted thereunder. Rules and amendments shall become binding as
15 of the date specified in each rule or amendment.

16 B. If a majority of the legislatures of the member states
17 rejects a rule, by enactment of a statute or resolution in the
18 same manner used to adopt the Compact within 4 years of the date
19 of adoption of the rule, the rule shall have no further force
20 and effect in any member state.

21 C. Rules or amendments to the rules shall be adopted at a
22 regular or special meeting of the Commission.

23 D. Prior to promulgation and adoption of a final rule or
24 rules by the Commission, and at least thirty (30) days in
25 advance of the meeting at which the rule shall be considered and
26 voted upon, the Commission shall file a Notice of Proposed
27 Rulemaking:

28 1. On the website of the Commission or other publicly
29 accessible platform; and

30 2. On the website of each member state audiology or

1 speech-language pathology licensing board or other publicly
2 accessible platform or the publication in which each state
3 would otherwise publish proposed rules.

4 E. The Notice of Proposed Rulemaking shall include:

5 1. The proposed time, date, and location of the meeting
6 in which the rule shall be considered and voted upon;

7 2. The text of the proposed rule or amendment and the
8 reason for the proposed rule;

9 3. A request for comments on the proposed rule from any
10 interested person; and

11 4. The manner in which interested persons may submit
12 notice to the Commission of their intention to attend the
13 public hearing and any written comments.

14 F. Prior to the adoption of a proposed rule, the Commission
15 shall allow persons to submit written data, facts, opinions and
16 arguments, which shall be made available to the public.

17 G. The Commission shall grant an opportunity for a public
18 hearing before it adopts a rule or amendment if a hearing is
19 requested by:

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

21 2. A federal or state or governmental subdivision or
22 agency; or

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

25 H. If a hearing is held on the proposed rule or amendment,
26 the Commission shall publish the place, time, and date of the
27 scheduled public hearing. If the hearing is held via electronic
28 means, the Commission shall publish the mechanism for access to
29 the electronic hearing.

30 1. All persons wishing to be heard at the hearing shall

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

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

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

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

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

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

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

26 L. Upon determination that an emergency exists, the
27 Commission may consider and adopt an emergency rule without
28 prior notice, opportunity for comment, or hearing, provided that
29 the usual rulemaking procedures provided in the Compact and in
30 this section shall be retroactively applied to the rule as soon

1 as reasonably possible, in no event later than ninety (90) days
2 after the effective date of the rule. For the purposes of this
3 provision, an emergency rule is one that must be adopted
4 immediately in order to:

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

7 2. Prevent a loss of Commission or member state funds;
8 or

9 3. Meet a deadline for the promulgation of an
10 administrative rule that is established by federal law or
11 rule.

12 M. The Commission or an authorized committee of the
13 Commission may direct revisions to a previously adopted rule or
14 amendment for purposes of correcting typographical errors,
15 errors in format, errors in consistency, or grammatical errors.
16 Public notice of any revisions shall be posted on the website of
17 the Commission. The revision shall be subject to challenge by
18 any person for a period of thirty (30) days after posting. The
19 revision may be challenged only on grounds that the revision
20 results in a material change to a rule. A challenge shall be
21 made in writing and delivered to the chair of the Commission
22 prior to the end of the notice period. If no challenge is made,
23 the revision shall take effect without further action. If the
24 revision is challenged, the revision may not take effect without
25 the approval of the Commission.

26 SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

27 A. Dispute Resolution

28 1. Upon request by a member state, the Commission shall
29 attempt to resolve disputes related to the Compact that arise
30 among member states and between member and non-member states.

1 2. The Commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for disputes as
3 appropriate.

4 B. Enforcement

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

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

18 3. The remedies herein shall not be the exclusive
19 remedies of the Commission. The Commission may pursue any
20 other remedies available under federal or state law.

21 SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
22 FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE
23 AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

24 A. The Compact shall come into effect on the date on which
25 the Compact statute is enacted into law in the 10th member
26 state. The provisions, which become effective at that time,
27 shall be limited to the powers granted to the Commission
28 relating to assembly and the promulgation of rules. Thereafter,
29 the Commission shall meet and exercise rulemaking powers
30 necessary to the implementation and administration of the

1 Compact.

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

8 C. Any member state may withdraw from this Compact by
9 enacting a statute repealing the same.

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

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

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

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

27 SECTION 13. CONSTRUCTION AND SEVERABILITY

28 This Compact shall be liberally construed so as to effectuate
29 the purposes thereof. The provisions of this Compact shall be
30 severable and if any phrase, clause, sentence or provision of

1 this Compact is declared to be contrary to the constitution of
2 any member state or of the United States or the applicability
3 thereof to any government, agency, person or circumstance is
4 held invalid, the validity of the remainder of this Compact and
5 the applicability thereof to any government, agency, person or
6 circumstance shall not be affected thereby. If this Compact
7 shall be held contrary to the constitution of any member state,
8 the Compact shall remain in full force and effect as to the
9 remaining member states and in full force and effect as to the
10 member state affected as to all severable matters.

11 **SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS**

12 A. Nothing herein prevents the enforcement of any other law
13 of a member state that is not inconsistent with the Compact.

14 B. All laws in a member state in conflict with the Compact
15 are superseded to the extent of the conflict.

16 C. All lawful actions of the Commission, including all rules
17 and bylaws promulgated by the Commission, are binding upon the
18 member states.

19 D. All agreements between the Commission and the member
20 states are binding in accordance with their terms.

21 E. In the event any provision of the Compact exceeds the
22 constitutional limits imposed on the legislature of any member
23 state, the provision shall be ineffective to the extent of the
24 conflict with the constitutional provision in question in that
25 member state.

26 Section 3. Operation.

27 (a) General rule.--When the Governor executes the Audiology
28 and Speech-Language Pathology Interstate Compact on behalf of
29 this State and files a verified copy with the Secretary of the

1 Commonwealth and when the compact is ratified by one or more
2 other states, districts or territories of the United States, the
3 compact shall become operative and effective between this State
4 and the other states, districts or territories of the United
5 States. The Governor is authorized and directed to take action
6 as may be necessary to complete the exchange of official
7 documents between this State and any other state, district or
8 territory of the United States ratifying the compact.

9 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
10 Commonwealth shall transmit a notice to the Legislative
11 Reference Bureau for publication in the Pennsylvania Bulletin
12 when the conditions specified in subsection (a) are satisfied
13 and shall include in the notice the date on which the compact
14 became effective and operative between this State and any other
15 states, districts or territories of the United States in
16 accordance with this act.

17 Section 4. Effective date.

18 This act shall take effect in 60 days.