

**As Amended by House Committee**

*Session of 2021*

**SENATE BILL No. 77**

By Committee on Public Health and Welfare

1-26

1 AN ACT concerning health professions and practices; relating to  
2 audiologists and speech-language pathologists; licensure; enacting the  
3 audiology and speech-language pathology interstate compact.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This act shall be known and may be cited as the audiology  
7 and speech-language pathology interstate compact.

8 AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY  
9 INTERSTATE COMPACT

10 SECTION 1

11 PURPOSE

12 The purpose of this compact is to facilitate interstate practice of  
13 audiology and speech-language pathology with the goal of improving  
14 public access to audiology and speech-language pathology services. The  
15 practice of audiology and speech-language pathology occurs in the state  
16 where the patient or client or student is located at the time of the patient or  
17 client or student encounter. The compact preserves the regulatory authority  
18 of states to protect public health and safety through the current system of  
19 state licensure. This compact is designed to achieve the following  
20 objectives:

21 (a) Increase public access to audiology and speech-language  
22 pathology services by providing for the mutual recognition of other  
23 member state licenses;

24 (b) enhance the states' ability to protect the public's health and safety;

25 (c) encourage the cooperation of member states in regulating  
26 multistate audiology and speech-language pathology practice;

27 (d) support spouses of relocating active duty military personnel;

28 (e) enhance the exchange of licensure, investigative and disciplinary  
29 information between member states;

30 (f) allow a remote state to hold a provider of services with a compact  
31 privilege in that state accountable to that state's practice standards; and

32 (g) allow for the use of telehealth technology to facilitate increased  
33 access to audiology and speech-language pathology services.

34 SECTION 2

35 DEFINITIONS

36 As used in this compact, and except as otherwise provided, the

1 following definitions shall apply:

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

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

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

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

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

19 (f) "Audiology and speech-language pathology compact commission"  
20 or "commission" means the national administrative body whose  
21 membership consists of all states that have enacted the compact.

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

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

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

38 (j) "Data system" means a repository of information about licensees,  
39 including, but not limited to, continuing education, examination, licensure,  
40 investigative, compact privilege and adverse action.

41 (k) "Encumbered license" means a license in which an adverse action  
42 restricts the practice of audiology or speech-language pathology by the  
43 licensee and said adverse action has been reported to the national

1 practitioners data bank, NPDB.

2 (l) "Executive committee" means a group of directors elected or  
3 appointed to act on behalf of, and within the powers granted to them by,  
4 the commission.

5 (m) "Home state" means the member state that is the licensee's  
6 primary state of residence.

7 (n) "Impaired practitioner" means individuals whose professional  
8 practice is adversely affected by substance abuse, addiction or other  
9 health-related conditions.

10 (o) "Licensee" means an individual who currently holds an  
11 authorization from the state licensing board to practice as an audiologist or  
12 speech-language pathologist.

13 (p) "Member state" means a state that has enacted the compact.

14 (q) "Privilege to practice" means a legal authorization permitting the  
15 practice of audiology or speech-language pathology in a remote state.

16 (r) "Remote state" means a member state other than the home state  
17 where a licensee is exercising or seeking to exercise the compact privilege.

18 (s) "Rule" means a regulation, principle or directive promulgated by  
19 the commission that has the force of law.

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

24 (u) "Speech-language pathologist" means an individual who is  
25 licensed by a state to practice speech-language pathology.

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

29 (w) "State" means any state, commonwealth, district or territory of  
30 the United States of America that regulates the practice of audiology and  
31 speech-language pathology.

32 (x) "State practice laws" means a member state's laws, rules and  
33 regulations that govern the practice of audiology or speech-language  
34 pathology, define the scope of audiology or speech-language pathology  
35 practice and create the methods and grounds for imposing discipline.

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

### 39 SECTION 3

#### 40 STATE PARTICIPATION IN THE COMPACT

41 (a) A license issued to an audiologist or speech-language pathologist  
42 by a home state to a resident in that state shall be recognized by each  
43 member state as authorizing an audiologist or speech-language pathologist

1 to practice audiology or speech-language pathology, under a privilege to  
2 practice, in each member state.

3 (b) A state shall implement or utilize procedures for considering the  
4 criminal history records of applicants for initial privilege to practice. These  
5 procedures shall include the submission of fingerprints or other biometric-  
6 based information by applicants for the purpose of obtaining an applicant's  
7 criminal history record information from the federal bureau of  
8 investigation and the agency responsible for retaining that state's criminal  
9 records.

10 (1) A member state shall fully implement a criminal background  
11 check requirement, within a time frame established by rule, by receiving  
12 the results of the federal bureau of investigation record search on criminal  
13 background checks and use the results in making licensure decisions.

14 (2) Communication between a member state, the commission and  
15 among member states regarding the verification of eligibility for licensure  
16 through the compact shall not include any information received from the  
17 federal bureau of investigation relating to a federal criminal records check  
18 performed by a member state under public law 92-544.

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

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

29 (e) An audiologist shall:

30 (1) Meet one of the following educational requirements:

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

38 (B) on or after January 1, 2008, have graduated with a doctoral  
39 degree in audiology or equivalent degree regardless of degree name from a  
40 program that is accredited by an accrediting agency recognized by the  
41 council for higher education accreditation, or its successor, or by the  
42 United States department of education and operated by a college or  
43 university accredited by a regional or national accrediting organization

1 recognized by the licensing board; or

2 (C) have graduated from an audiology program that is housed in an  
3 institution of higher education outside of the United States for which: (i)  
4 The program and institution have been approved by the authorized  
5 accrediting body in the applicable country; and (ii) the degree program has  
6 been verified by an independent credentials review agency to be  
7 comparable to a state licensing board-approved program;

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

11 (3) have successfully passed a national examination approved by the  
12 commission;

13 (4) hold an active, unencumbered license;

14 (5) have not been convicted or found guilty, and have not entered into  
15 an agreed disposition, of a felony related to the practice of audiology,  
16 under applicable state or federal criminal law; and

17 (6) have a valid United States social security or national practitioner  
18 identification number.

19 (f) A speech-language pathologist shall:

20 (1) Meet one of the following educational requirements:

21 (A) Have graduated with a master's degree from a speech-language  
22 pathology program that is accredited by an organization recognized by the  
23 United States department of education and operated by a college or  
24 university accredited by a regional or national accrediting organization  
25 recognized by the licensing board;

26 (B) have graduated from a speech-language pathology program that is  
27 housed in an institution of higher education outside of the United States  
28 for which: (i) The program and institution have been approved by the  
29 authorized accrediting body in the applicable country; and (ii) the degree  
30 program has been verified by an independent credentials review agency to  
31 be comparable to a state licensing board-approved program; or

32 (C) have completed a supervised clinical practicum experience from  
33 an educational institution or its cooperating programs as required by the  
34 commission;

35 (2) have completed a supervised postgraduate professional experience  
36 as required by the commission;

37 (3) have successfully passed a national examination approved by the  
38 commission;

39 (4) hold an active, unencumbered license;

40 (5) have not been convicted or found guilty, and have not entered into  
41 an agreed disposition, of a felony related to the practice of speech-  
42 language pathology, under applicable state or federal criminal law; and

43 (6) have a valid United States social security or national practitioner

1 identification number.

2 (g) The privilege to practice is derived from the home state license.

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

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

20 (j) Member states may charge a fee for granting a compact privilege.

21 (k) Member states shall comply with the bylaws and rules and  
22 regulations of the commission.

#### 23 SECTION 4

#### 24 COMPACT PRIVILEGE

25 (a) To exercise the compact privilege under the terms and provisions  
26 of the compact, the audiologist or speech-language pathologist shall:

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

28 (2) have no encumbrance on any state license;

29 (3) be eligible for a compact privilege in any member state in  
30 accordance with section 3;

31 (4) have not had any adverse action against any license or compact  
32 privilege within the previous two years from date of application;

33 (5) notify the commission that the licensee is seeking the compact  
34 privilege within a remote state;

35 (6) pay any applicable fees, including any state fee, for the compact  
36 privilege; and

37 (7) report to the commission any adverse action taken by a non-  
38 member state within 30 days from the date the adverse action is taken.

39 (b) For the purposes of the compact privilege, an audiologist or  
40 speech-language pathologist shall only hold one home state license at a  
41 time.

42 (c) Except as provided in section 6, if an audiologist or speech-  
43 language pathologist changes primary state of residence by moving

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

5 (d) The audiologist or speech-language pathologist may apply for  
6 licensure in advance of a change in primary state of residence.

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

12 (f) If an audiologist or speech-language pathologist changes the  
13 audiologist's or speech-language pathologist's primary state of residence  
14 by moving from a member state to a non-member state, the license issued  
15 by the prior home state shall convert to a single-state license, valid only in  
16 the former home state.

17 (g) The compact privilege is valid until the expiration date of the  
18 home state license. The licensee shall comply with the requirements of  
19 section 4(a) to maintain the compact privilege in the remote state.

20 (h) A licensee providing audiology or speech-language pathology  
21 services in a remote state under the compact privilege shall function within  
22 the laws and regulations of the remote state.

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

29 (j) If a home state license is encumbered, the licensee shall lose the  
30 compact privilege in any remote state until the following occur:

31 (1) The home state license is no longer encumbered; and

32 (2) two years have elapsed from the date of the adverse action.

33 (k) Once an encumbered license in the home state is restored to good  
34 standing, the licensee shall be required to meet the requirements of section  
35 4(a) to obtain a compact privilege in any remote state.

36 (l) Once the requirements of section 4(j) have been met, the licensee  
37 shall be required to meet the requirements in section 4(a) to obtain a  
38 compact privilege in a remote state.

#### 39 SECTION 5

#### 40 COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

41 Member states shall recognize the right of an audiologist or speech-  
42 language pathologist, licensed by a home state in accordance with section  
43 3 and under rules promulgated by the commission, to practice audiology or

1 speech-language pathology in any member state via telehealth under a  
2 privilege to practice as provided in the compact and rules promulgated by  
3 the commission.

#### 4 SECTION 6

##### 5 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

#### 12 SECTION 7

##### 13 ADVERSE ACTIONS

14 (a) In addition to the other powers conferred by state law, a remote  
15 state shall have the authority, in accordance with existing state due process  
16 law, to:

17 (1) Take adverse action against an audiologist's or speech-language  
18 pathologist's privilege to practice within that member state; and

19 (2) issue subpoenas for both hearings and investigations that require  
20 the attendance and testimony of witnesses as well as the production of  
21 evidence. Subpoenas issued by a licensing board in a member state for the  
22 attendance and testimony of witnesses or the production of evidence from  
23 another member state shall be enforced in the latter state by any court of  
24 competent jurisdiction, according to the practice and procedure of that  
25 court applicable to subpoenas issued in proceedings pending before it. The  
26 issuing authority shall pay any witness fees, travel expenses, mileage and  
27 other fees required by the service statutes of the state in which the  
28 witnesses or evidence are located.

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

32 (b) For purposes of taking adverse action, the home state shall give  
33 the same priority and effect to reported conduct received from a member  
34 state as it would if the conduct had occurred within the home state. In so  
35 doing, the home state shall apply its own state laws to determine  
36 appropriate action.

37 (c) The home state shall complete any pending investigations of an  
38 audiologist or speech-language pathologist who changes primary state of  
39 residence during the course of the investigations. The home state shall also  
40 have the authority to take appropriate action and shall promptly report the  
41 conclusions of the investigations to the administrator of the data system.  
42 The administrator of the coordinated licensure information system shall  
43 promptly notify the new home state of any adverse actions.



1 (d) If otherwise permitted by state law, the member state may recover  
2 from the affected audiologist or speech-language pathologist the costs of  
3 investigations and disposition of cases resulting from any adverse action  
4 taken against that audiologist or speech-language pathologist.

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

8 (f) *Joint Investigations.*

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

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

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

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

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

## 31 SECTION 8

### 32 ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH- 33 LANGUAGE PATHOLOGY COMPACT COMMISSION

34 (a) The compact member states hereby create and establish a joint  
35 public agency known as the audiology and speech-language pathology  
36 compact commission.

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

38 (2) Venue is proper and judicial proceedings by or against the  
39 commission shall be brought solely and exclusively in a court of  
40 competent jurisdiction where the principal office of the commission is  
41 located. The commission may waive venue and jurisdictional defenses to  
42 the extent it adopts or consents to participate in alternative dispute  
43 resolution proceedings.

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

3 (b) Membership, voting and meetings:

4 (1) Each member state shall have two delegates selected by that  
5 member state's licensing board. The delegates shall be current members of  
6 the licensing board. One shall be an audiologist and one shall be a speech-  
7 language pathologist;

8 (2) an additional five delegates, who are either a public member or  
9 board administrator from a state licensing board, shall be chosen by the  
10 executive committee from a pool of nominees provided by the commission  
11 at large;

12 (3) any delegate may be removed or suspended from office as  
13 provided by the law of the state from which the delegate is appointed; and

14 (4) the member state board shall fill any vacancy occurring on the  
15 commission, within 90 days.

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

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

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

24 (c) The commission shall have the following powers and duties:

25 (1) Establish the fiscal year of the commission;

26 (2) establish bylaws;

27 (3) establish a code of ethics;

28 (4) maintain its financial records in accordance with the bylaws;

29 (5) meet and take actions as are consistent with the provisions of this  
30 compact and the bylaws;

31 (6) promulgate uniform rules to facilitate and coordinate  
32 implementation and administration of this compact. The rules shall have  
33 the force and effect of law and shall be binding in all member states;

34 (7) bring and prosecute legal proceedings or actions in the name of  
35 the commission, provided that the standing of any state audiology or  
36 speech-language pathology licensing board to sue or be sued under  
37 applicable law shall not be affected;

38 (8) purchase and maintain insurance and bonds;

39 (9) borrow, accept or contract for services of personnel, including, but  
40 not limited to, employees of a member state;

41 (10) hire employees, elect or appoint officers, fix compensation,  
42 define duties, grant individuals appropriate authority to carry out the  
43 purposes of the compact and establish the commission's personnel policies

- 1 and programs relating to conflicts of interest, qualifications of personnel  
2 and other related personnel matters;
- 3 (11) accept any and all appropriate donations and grants of money,  
4 equipment, supplies, materials and services, and to receive, utilize and  
5 dispose of the same, provided that at all times the commission shall avoid  
6 any appearance of impropriety and conflict of interest;
- 7 (12) lease, purchase, accept appropriate gifts or donations of, or  
8 otherwise to own, hold, improve or use, any property, real, personal or  
9 mixed, provided that at all times the commission shall avoid any  
10 appearance of impropriety;
- 11 (13) sell, convey, mortgage, pledge, lease, exchange, abandon or  
12 otherwise dispose of any property, real, personal or mixed;
- 13 (14) establish a budget and make expenditures;
- 14 (15) borrow money;
- 15 (16) appoint committees, including standing committees composed of  
16 members and other interested persons as may be designated in this  
17 compact and the bylaws;
- 18 (17) provide and receive information from, and cooperate with, law  
19 enforcement agencies;
- 20 (18) establish and elect an executive committee; and
- 21 (19) perform other functions as may be necessary or appropriate to  
22 achieve the purposes of this compact consistent with the state regulation of  
23 audiology and speech-language pathology licensure and practice.
- 24 (d) *Executive committee.*
- 25 (1) The executive committee shall have the power to act on behalf of  
26 the commission according to the terms of this compact.
- 27 (2) The executive committee shall be composed of 10 members:
- 28 (A) Seven voting members who are elected by the commission from  
29 the current membership of the commission;
- 30 (B) two ex-officio members, consisting of one nonvoting member  
31 from a recognized national audiology professional association and one  
32 nonvoting member from a recognized national speech-language pathology  
33 association; and
- 34 (C) one ex-officio, nonvoting member from the recognized  
35 membership organization of the audiology and speech-language pathology  
36 licensing boards.
- 37 (e) The ex-officio members shall be selected by their respective  
38 organizations.
- 39 (1) The commission may remove any member of the executive  
40 committee as provided in the bylaws.
- 41 (2) The executive committee shall meet at least annually.
- 42 (3) The executive committee shall have the following duties and  
43 responsibilities:

- 1 (A) Recommend to the entire commission changes to the rules or  
2 bylaws, changes to this compact legislation, fees paid by compact member  
3 states such as annual dues and any commission compact fee charged to  
4 licensees for the compact privilege;
- 5 (B) ensure compact administration services are appropriately  
6 provided, contractual or otherwise;
- 7 (C) prepare and recommend the budget;
- 8 (D) maintain financial records on behalf of the commission;
- 9 (E) monitor compact compliance of member states and provide  
10 compliance reports to the commission;
- 11 (F) establish additional committees as necessary; and
- 12 (G) other duties as provided in rules or bylaws.
- 13 (4) *Meetings of the commission.* All meetings shall be open to the  
14 public, and public notice of meetings shall be given in the same manner as  
15 required under the rulemaking provisions in section 10.
- 16 (5) The commission or the executive committee or other committees  
17 of the commission may convene in a closed, non-public meeting if the  
18 commission or executive committee or other committees of the  
19 commission must discuss:
- 20 (A) Non-compliance of a member state with its obligations under the  
21 compact;
- 22 (B) the employment, compensation, discipline or other matters,  
23 practices or procedures related to specific employees or other matters  
24 related to the commission's internal personnel practices and procedures;
- 25 (C) current, threatened or reasonably anticipated litigation;
- 26 (D) negotiation of contracts for the purchase, lease or sale of goods,  
27 services or real estate;
- 28 (E) accusing any person of a crime or formally censuring any person;
- 29 (F) disclosure of trade secrets or commercial or financial information  
30 that is privileged or confidential;
- 31 (G) disclosure of information of a personal nature where disclosure  
32 would constitute a clearly unwarranted invasion of personal privacy;
- 33 (H) disclosure of investigative records compiled for law enforcement  
34 purposes;
- 35 (I) disclosure of information related to any investigative reports  
36 prepared by or on behalf of or for use of the commission or other  
37 committee charged with responsibility of investigation or determination of  
38 compliance issues pursuant to the compact; or
- 39 (J) matters specifically exempted from disclosure by federal or  
40 member state statute.
- 41 (6) If a meeting, or portion of a meeting, is closed pursuant to this  
42 provision, the commission's legal counsel or designee shall certify that the  
43 meeting may be closed and shall reference each relevant exempting

1 provision.

2 (7) The commission shall keep minutes that fully and clearly describe  
3 all matters discussed in a meeting and shall provide a full and accurate  
4 summary of actions taken, and the reasons therefor including a description  
5 of the views expressed. All documents considered in connection with an  
6 action shall be identified in minutes. All minutes and documents of a  
7 closed meeting shall remain under seal, subject to release by a majority  
8 vote of the commission or order of a court of competent jurisdiction.

9 (8) *Financing of the commission.*

10 (A) The commission shall pay, or provide for the payment of, the  
11 reasonable expenses of its establishment, organization and ongoing  
12 activities.

13 (B) The commission may accept any and all appropriate revenue  
14 sources, donations and grants of money, equipment, supplies, materials  
15 and services.

16 (C) The commission may levy on and collect an annual assessment  
17 from each member state or impose fees on other parties to cover the cost  
18 of the operations and activities of the commission and its staff, which shall  
19 be in a total amount sufficient to cover its annual budget as approved each  
20 year for which revenue is not provided by other sources. The aggregate  
21 annual assessment amount shall be allocated based upon a formula to be  
22 determined by the commission, which shall promulgate a rule binding  
23 upon all member states.

24 (9) The commission shall not incur obligations of any kind prior to  
25 securing the funds adequate to meet the same, nor shall the commission  
26 pledge the credit of any of the member states, except by and with the  
27 authority of the member state.

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

35 (f) *Qualified immunity, defense and indemnification.*

36 (1) The members, officers, executive director, employees and  
37 representatives of the commission shall be immune from suit and liability,  
38 either personally or in their official capacity, for any claim for damage to  
39 or loss of property or personal injury or other civil liability caused by or  
40 arising out of any actual or alleged act, error or omission that occurred, or  
41 that the person against whom the claim is made had a reasonable basis for  
42 believing occurred within the scope of commission employment, duties or  
43 responsibilities; provided that nothing in this paragraph shall be construed

1 to protect any person from suit or liability for any damage, loss, injury or  
2 liability caused by the intentional or willful or wanton misconduct of that  
3 person.

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

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

#### 24 SECTION 9

#### 25 DATA SYSTEM

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

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

34 (1) Identifying information;

35 (2) licensure data;

36 (3) adverse actions against a license or compact privilege;

37 (4) non-confidential information related to alternative program  
38 participation;

39 (5) any denial of application for licensure, and the reason for denial;  
40 and

41 (6) other information that may facilitate the administration of this  
42 compact, as determined by the rules of the commission.

43 (c) Investigative information pertaining to a licensee in any member

1 state shall only be available to other member states.

2 (d) The commission shall promptly notify all member states of any  
3 adverse action taken against a licensee or an individual applying for a  
4 license. Adverse action information pertaining to a licensee in any member  
5 state shall be available to any other member state.

6 (e) Member states contributing information to the data system may  
7 designate information that may not be shared with the public without the  
8 express permission of the contributing state.

9 (f) Any information submitted to the data system that is subsequently  
10 required to be expunged by the laws of the member state contributing the  
11 information shall be removed from the data system.

12 SECTION 10  
13 RULEMAKING

14 (a) The commission shall exercise its rulemaking powers pursuant to  
15 the criteria set forth in this section and the rules adopted thereunder. Rules  
16 and amendments shall become binding as of the date specified in each rule  
17 or amendment.

18 (b) If a majority of the legislatures of the member states rejects a rule,  
19 by enactment of a statute or resolution in the same manner used to adopt  
20 the compact within four years of the date of adoption of the rule, the rule  
21 shall have no further force and effect in any member state.

22 (c) Rules or amendments to the rules shall be adopted at a regular or  
23 special meeting of the commission.

24 (d) Prior to promulgation and adoption of a final rule or rules by the  
25 commission, and at least 30 days in advance of the meeting at which the  
26 rule shall be considered and voted upon, the commission shall file a notice  
27 of proposed rulemaking:

28 (1) On the website of the commission or other publicly accessible  
29 platform; and

30 (2) on the website of each member state audiology or speech-  
31 language pathology licensing board or other publicly accessible platform  
32 or the publication in which each state would otherwise publish proposed  
33 rules.

34 (e) The notice of proposed rulemaking shall include:

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

37 (2) the text of the proposed rule or amendment and the reason for the  
38 proposed rule;

39 (3) a request for comments on the proposed rule from any interested  
40 person; and

41 (4) the manner in which interested persons may submit notice to the  
42 commission of their intention to attend the public hearing and any written  
43 comments.

1 (f) Prior to the adoption of a proposed rule, the commission shall  
2 allow persons to submit written data, facts, opinions and arguments, which  
3 shall be made available to the public.

4 (g) The commission shall grant an opportunity for a public hearing  
5 before it adopts a rule or amendment if a hearing is requested by:

6 (1) At least 25 persons;

7 (2) a state or federal governmental subdivision or agency; or

8 (3) an association having at least 25 members.

9 (h) If a hearing is held on the proposed rule or amendment, the  
10 commission shall publish the place, time and date of the scheduled public  
11 hearing. If the hearing is held via electronic means, the commission shall  
12 publish the mechanism for access to the electronic hearing.

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

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

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

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

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

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

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

34 (l) Upon determination that an emergency exists, the commission  
35 may consider and adopt an emergency rule without prior notice,  
36 opportunity for comment or hearing, provided that the usual rulemaking  
37 procedures provided in the compact and in this section shall be  
38 retroactively applied to the rule as soon as reasonably possible, in no event  
39 later than 90 days after the effective date of the rule. For the purposes of  
40 this provision, an emergency rule is one that must be adopted immediately  
41 in order to:

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

43 (2) prevent a loss of commission or member state funds; or



1 (3) meet a deadline for the promulgation of an administrative rule that  
2 is established by federal law or rule.

3 (m) The commission or an authorized committee of the commission  
4 may direct revisions to a previously adopted rule or amendment for  
5 purposes of correcting typographical errors, errors in format, errors in  
6 consistency or grammatical errors. Public notice of any revisions shall be  
7 posted on the website of the commission. The revision shall be subject to  
8 challenge by any person for a period of 30 days after posting. The revision  
9 may be challenged only on grounds that the revision results in a material  
10 change to a rule. A challenge shall be made in writing and delivered to the  
11 chair of the commission prior to the end of the notice period. If no  
12 challenge is made, the revision shall take effect without further action. If  
13 the revision is challenged, the revision may not take effect without the  
14 approval of the commission.

#### 15 SECTION 11

#### 16 OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

##### 17 (a) *Dispute Resolution.*

18 (1) Upon request by a member state, the commission shall attempt to  
19 resolve disputes related to the compact that arise among member states and  
20 between member and non-member states.

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

##### 23 (b) *Enforcement.*

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

26 (2) By majority vote, the commission may initiate legal action in the  
27 United States district court for the District of Columbia or the federal  
28 district where the commission has its principal offices against a member  
29 state in default to enforce compliance with the provisions of the compact  
30 and its promulgated rules and bylaws. The relief sought may include both  
31 injunctive relief and damages. In the event judicial enforcement is  
32 necessary, the prevailing member shall be awarded all costs of litigation,  
33 including reasonable attorney fees.

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

#### 37 SECTION 12

#### 38 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION 39 FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY 40 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND 41 AMENDMENT

42 (a) The compact shall come into effect on the date on which the  
43 compact statute is enacted into law in the 10<sup>th</sup> member state. The

1 provisions, which become effective at that time, shall be limited to the  
2 powers granted to the commission relating to assembly and the  
3 promulgation of rules. Thereafter, the commission shall meet and exercise  
4 rulemaking powers necessary to the implementation and administration of  
5 the compact.

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

11 (c) Any member state may withdraw from this compact by enacting a  
12 statute repealing the same.

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

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

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

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

#### 27 SECTION 13

#### 28 CONSTRUCTION AND SEVERABILITY

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

#### 40 SECTION 14

#### 41 BINDING EFFECT OF COMPACT AND OTHER LAWS

42 (a) Nothing herein prevents the enforcement of any other law of a  
43 member state that is not inconsistent with the compact.

1 (b) All laws in a member state in conflict with the compact are  
2 superseded to the extent of the conflict.

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

6 (d) All agreements between the commission and the member states  
7 are binding in accordance with their terms.

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

12 Sec. 2. This act shall take effect and be in force from and after its  
13 publication in the ~~statute book~~ **Kansas register**.