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SENATE FILE NO. SF0087

Audiology and speech-language pathology compact.

Sponsored by: Senator(s) Pappas, Kost, Schuler and
Wasserburger and Representative(s) Connolly,
Duncan, Hallinan, Harshman, Olsen, Wilson
and Zwonitzer

A BILL

for

1 AN ACT relating to professional licensing; adopting the
2 Audiology and Speech-Language Pathology Interstate Compact;
3 providing for participation in and administration of the
4 compact; authorizing the interstate practice of audiology
5 and speech-language pathology pursuant to the compact;
6 providing for fingerprinting and background checks of
7 license applicants and license renewals; providing
8 conforming amendments; repealing a related provision; and
9 providing for an effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 33-33-401 and 33-33-402 are created
14 to read:

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2

ARTICLE 4

3

AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT

4

5

33-33-401. Short title.

6

7

This article shall be known and may be cited as the

8

"Audiology and Speech-Language Pathology Interstate

9

Compact."

10

11

33-33-402. Compact provisions generally.

12

13

The Audiology and Speech-Language Pathology Interstate

14

Compact is enacted into law and entered into on behalf of

15

this state with all other states legally joining in the

16

compact in a form substantially as follows:

17

18

SECTION 1

19

PURPOSE

20

21

The purpose of this Compact is to facilitate interstate

22

practice of audiology and speech-language pathology with

23

the goal of improving public access to audiology and

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

9

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

13

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

16

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

20

21 4. Support spouses of relocating active duty military
22 personnel;

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

3

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

7

8 7. Allow for the use of telehealth technology to
9 facilitate increased access to audiology and
10 speech-language pathology services.

11

12 SECTION 2

13 DEFINITIONS

14

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

17

18 A. "Active duty military" means full-time duty status
19 in the active uniformed service of the United States,
20 including members of the National Guard and Reserve on
21 active duty orders pursuant to 10 U.S.C. Section 1209 and
22 1211;

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

9

10 C. "Alternative program" means a non-disciplinary
11 monitoring process approved by an audiology or
12 speech-language pathology licensing board to address
13 impaired practitioners;

14

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

17

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

21

22 F. "Audiology and Speech-Language Pathology Compact
23 Commission" or "Commission" means the national

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1 administrative body whose membership consists of all states
2 that have enacted the Compact;

3

4 G. "Audiology and speech-language pathology licensing
5 board," "audiology licensing board," "speech-language
6 pathology licensing board," or "licensing board" means the
7 agency of a state that is responsible for the licensing and
8 regulation of audiologists and/or speech-language
9 pathologists;

10

11 H. "Compact privilege" means the authorization
12 granted by a remote state to allow a licensee from another
13 member state to practice as an audiologist or
14 speech-language pathologist in the remote state under its
15 laws and rules. The practice of audiology or
16 speech-language pathology occurs in the member state where
17 the patient/client/student is located at the time of the
18 patient/client/student encounter;

19

20 I. "Current significant investigative information"
21 means investigative information that a licensing board,
22 after an inquiry or investigation that includes
23 notification and an opportunity for the audiologist or

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

4

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

9

10 K. "Encumbered license" means a license in which an
11 adverse action restricts the practice of audiology or
12 speech-language pathology by the licensee and said adverse
13 action has been reported to the National Practitioners Data
14 Bank (NPDB);

15

16 L. "Executive Committee" means a group of directors
17 elected or appointed to act on behalf of, and within the
18 powers granted to them by, the Commission;

19

20 M. "Home state" means the member state that is the
21 licensee's primary state of residence;

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1 N. "Impaired practitioner" means individuals whose
2 professional practice is adversely affected by substance
3 abuse, addiction, or other health-related conditions;

4

5 O. "Licensee" means an individual who currently holds
6 an authorization from the state licensing board to practice
7 as an audiologist or speech-language pathologist;

8

9 P. "Member state" means a state that has enacted the
10 Compact;

11

12 Q. "Privilege to practice" means a legal
13 authorization permitting the practice of audiology or
14 speech-language pathology in a remote state;

15

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

19

20 S. "Rule" unless the context clearly indicates
21 otherwise means a regulation, principle or directive
22 promulgated by the Commission that has the force of law;

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1 T. "Single-state license" means an audiology or
2 speech-language pathology license issued by a member state
3 that authorizes practice only within the issuing state and
4 does not include a privilege to practice in any other
5 member state;

6

7 U. "Speech-language pathologist" means an individual
8 who is licensed by a state to practice speech-language
9 pathology;

10

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

14

15 W. "State" means any state, commonwealth, district or
16 territory of the United States of America that regulates
17 the practice of audiology and speech-language pathology;

18

19 X. "State practice laws" means a member state's laws,
20 rules and regulations that govern the practice of audiology
21 or speech-language pathology, define the scope of audiology
22 or speech-language pathology practice, and create the
23 methods and grounds for imposing discipline;

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1

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

6

7

SECTION 3

8

STATE PARTICIPATION IN THE COMPACT

9

10 A. A license issued to an audiologist or
11 speech-language pathologist by a home state to a resident
12 in that state shall be recognized by each member state as
13 authorizing an audiologist or speech-language pathologist
14 to practice audiology or speech-language pathology, under a
15 privilege to practice, in each member state.

16

17 B. A state shall implement or utilize procedures for
18 considering the criminal history records of applicants for
19 initial privilege to practice. These procedures shall
20 include the submission of fingerprints or other
21 biometric-based information by applicants for the purpose
22 of obtaining an applicant's criminal history record
23 information from the Federal Bureau of Investigation and

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1 the agency responsible for retaining that state's criminal
2 records:

3

4 1. A member state shall fully implement a
5 criminal background check requirement, within a time frame
6 established by rule, by receiving the results of the
7 Federal Bureau of Investigation record search on criminal
8 background checks and use the results in making licensure
9 decisions;

10

11 2. Communication between a member state, the
12 Commission and among member states regarding the
13 verification of eligibility for licensure through the
14 Compact shall not include any information received from the
15 Federal Bureau of Investigation relating to a federal
16 criminal records check performed by a member state under
17 Public Law 92-544.

18

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

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1 license or privilege to practice held by the applicant and
2 whether any adverse action has been taken against any
3 license or privilege to practice held by the applicant.

4

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

9

10 E. For an audiologist:

11

12 1. Shall meet one (1) of the following
13 educational requirements:

14

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

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b. On or after January 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States:

(a) For which the program and institution have been approved by the authorized accrediting body in the applicable country; and

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

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1 2. Has completed a supervised clinical practicum
2 experience from an accredited educational institution or
3 its cooperating programs as required by the board;

4
5 3. Has successfully passed a national
6 examination approved by the Commission;

7
8 4. Holds an active, unencumbered license;

9
10 5. Has not been convicted or found guilty, and
11 has not entered into an agreed disposition, of a felony
12 related to the practice of audiology, under applicable
13 state or federal criminal law;

14
15 6. Has a valid United States Social Security or
16 National Practitioner Identification number.

17
18 F. For a speech-language pathologist:

19
20 1. Shall meet one (1) of the following
21 educational requirements:

22

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1 a. Has graduated with a master's degree from
2 a speech-language pathology program that is accredited by
3 an organization recognized by the United States Department
4 of Education and operated by a college or university
5 accredited by a regional or national accrediting
6 organization recognized by the board; or

7

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

11

12 (a) For which the program and institution have been
13 approved by the authorized accrediting body in the
14 applicable country; and

15

16 (b) The degree program has been verified by an
17 independent credentials review agency to be comparable to a
18 state licensing board-approved program.

19

20 2. Has completed a supervised clinical practicum
21 experience from an educational institution or its
22 cooperating programs as required by the Commission;

23

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1 3. Has completed a supervised postgraduate
2 professional experience as required by the Commission;

3

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

6

7 5. Holds an active, unencumbered license;

8

9 6. Has not been convicted or found guilty, and
10 has not entered into an agreed disposition, of a felony
11 related to the practice of speech-language pathology, under
12 applicable state or federal criminal law;

13

14 7. Has a valid United States Social Security or
15 National Practitioner Identification number.

16

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

19

20 H. An audiologist or speech-language pathologist
21 practicing in a member state shall comply with the state
22 practice laws of the state in which the client is located
23 at the time service is provided. The practice of audiology

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

10

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

20

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

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1 K. Member states shall comply with the bylaws and
2 rules and regulations of the Commission.

3

4

SECTION 4

5

COMPACT PRIVILEGE

6

7 A. To exercise the compact privilege under the terms
8 and provisions of the Compact, the audiologist or
9 speech-language pathologist shall:

10

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

12

13 2. Have no encumbrance on any state license;

14

15 3. Be eligible for a compact privilege in any
16 member state in accordance with Section 3 of this compact;

17

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

21

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

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1

2 6. Pay any applicable fees, including any state
3 fee, for the compact privilege;

4

5 7. Report to the Commission adverse action taken
6 by any non-member state within thirty (30) days from the
7 date the adverse action is taken.

8

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

12

13 C. Except as provided in Section 6 of this compact,
14 if an audiologist or speech-language pathologist changes
15 primary state of residence by moving between two (2) member
16 states, the audiologist or speech-language pathologist
17 shall apply for licensure in the new home state, and the
18 license issued by the prior home state shall be deactivated
19 in accordance with applicable rules adopted by the
20 Commission.

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1 D. The audiologist or speech-language pathologist may
2 apply for licensure in advance of a change in primary state
3 of residence.

4

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

11

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

17

18 G. The compact privilege is valid until the
19 expiration date of the home state license. The licensee
20 shall comply with the requirements of Section 4(A) of this
21 compact to maintain the compact privilege in the remote
22 state.

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

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

14
15 J. If a home state license is encumbered, the
16 licensee shall lose the compact privilege in any remote
17 state until the following occur:

18
19 1. The home state license is no longer
20 encumbered; and

21
22 2. Two (2) years have elapsed from the date of
23 the adverse action.

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1

2 K. Once an encumbered license in the home state is
3 restored to good standing, the licensee shall meet the
4 requirements of Section 4(A) of this compact to obtain a
5 compact privilege in any remote state.

6

7 L. Once the requirements of Section 4(J) of this
8 compact have been met, the licensee shall meet the
9 requirements in Section 4(A) of this compact to obtain a
10 compact privilege in a remote state.

11

12

SECTION 5

13

COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

14

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

22

23

SECTION 6

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1 ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

2

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

10

11 SECTION 7

12 ADVERSE ACTIONS

13

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

17

18 1. A remote state may take adverse action
19 against an audiologist's or speech-language pathologist's
20 privilege to practice within that member state;

21

22 2. A remote state may issue subpoenas for both
23 hearings and investigations that require the attendance and

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

12

13 3. Notwithstanding Section 7(A)(1) and (2) of
14 this compact, only the home state shall have the power to
15 take adverse action against a audiologist's or
16 speech-language pathologist's license issued by the home
17 state.

18

19 B. For purposes of taking adverse action, the home
20 state shall give the same priority and effect to reported
21 conduct received from a member state as it would if the
22 conduct had occurred within the home state. In so doing,

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1 the home state shall apply its own state laws to determine
2 appropriate action.

3

4 C. The home state shall complete any pending
5 investigations of an audiologist or speech-language
6 pathologist who changes primary state of residence during
7 the course of the investigations. The home state shall also
8 have the authority to take appropriate action(s) and shall
9 promptly report the conclusions of the investigations to
10 the administrator of the data system. The administrator of
11 the coordinated licensure information system shall promptly
12 notify the new home state of any adverse actions.

13

14 D. If otherwise permitted by state law, the home
15 state may recover from the affected audiologist or
16 speech-language pathologist the costs of investigations and
17 disposition of cases resulting from any adverse action
18 taken against that audiologist or speech-language
19 pathologist.

20

21 E. The home state may take adverse action based on
22 the factual findings of the remote state, provided that the

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1 home state follows its own procedures for taking the
2 adverse action.

3

4 F. Joint Investigations:

5

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

11

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

16

17 G. If adverse action is taken by the home state
18 against an audiologist's or speech language pathologist's
19 license, the audiologist's or speech-language pathologist's
20 privilege to practice in all other member states shall be
21 deactivated until all encumbrances have been removed from
22 the state license. All home state disciplinary orders that
23 impose adverse action against an audiologist's or speech

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1 language pathologist's license shall include a statement
2 that the audiologist's or speech-language pathologist's
3 privilege to practice is deactivated in all member states
4 during the pendency of the order.

5

6 H. If a member state takes adverse action, it shall
7 promptly notify the administrator of the data system. The
8 administrator of the data system shall promptly notify the
9 home state of any adverse actions by remote states.

10

11 I. Nothing in this Compact shall override a member
12 state's decision that participation in an alternative
13 program may be used in lieu of adverse action.

14

15

SECTION 8

16

ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE

17

PATHOLOGY COMPACT COMMISSION

18

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

22

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1 1. The Commission is an instrumentality of the
2 Compact states;

3

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

11

12 3. Nothing in this Compact shall be construed to
13 be a waiver of sovereign immunity;

14

15 B. Membership, voting and meetings:

16

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

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1 2. An additional five (5) delegates, who are
2 either a public member or board administrator from a state
3 licensing board, shall be chosen by the Executive Committee
4 from a pool of nominees provided by the Commission at
5 large;

6

7 3. Any delegate may be removed or suspended from
8 office as provided by the law of the state from which the
9 delegate is appointed;

10

11 4. The member state board shall fill any vacancy
12 occurring on the Commission, within ninety (90) days;

13

14 5. Each delegate shall be entitled to one (1)
15 vote with regard to the promulgation of rules and creation
16 of bylaws and shall otherwise have an opportunity to
17 participate in the business and affairs of the Commission;

18

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

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

4

5 C. The Commission shall have the following powers and
6 duties:

7

8 1. Establish the fiscal year of the Commission;

9

10 2. Establish bylaws;

11

12 3. Establish a Code of Ethics;

13

14 4. Maintain its financial records in accordance
15 with the bylaws;

16

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

19

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

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2

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

7

8

8. Purchase and maintain insurance and bonds;

9

10

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

13

14

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

21

22

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and

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1 services, and to receive, utilize and dispose of the same,
2 provided that at all times the Commission shall avoid any
3 appearance of impropriety and/or conflict of interest;

4

5 12. Lease, purchase, accept appropriate gifts or
6 donations of, or otherwise to own, hold, improve or use,
7 any property, real, personal or mixed, provided that at all
8 times the Commission shall avoid any appearance of
9 impropriety;

10

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

14

15 14. Establish a budget and make expenditures;

16

17 15. Borrow money;

18

19 16. Appoint committees, including standing
20 committees composed of members, and other interested
21 persons as may be designated in this Compact and the
22 bylaws;

23

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1 17. Provide and receive information from, and
2 cooperate with, law enforcement agencies;

3
4 18. Establish and elect an Executive Committee;
5 and

6
7 19. Perform other functions as may be necessary
8 or appropriate to achieve the purposes of this Compact
9 consistent with the state regulation of audiology and
10 speech-language pathology licensure and practice.

11
12 D. The Executive Committee shall have the power to
13 act on behalf of the Commission according to the terms of
14 this Compact:

15
16 1. The Executive Committee shall be composed of
17 ten (10) members:

18
19 a. Seven (7) voting members who are elected
20 by the Commission from the current membership of the
21 Commission;

22

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1 b. Two (2) ex-officio members, consisting
2 of one (1) nonvoting member from a recognized national
3 audiology professional association and one (1) nonvoting
4 member from a recognized national speech-language pathology
5 association;

6

7 c. One (1) ex-officio, nonvoting member
8 from the recognized membership organization of the
9 audiology and speech-language pathology licensing boards;
10 and

11

12 d. The ex-officio members shall be selected
13 by their respective organizations.

14

15 2. The Commission may remove any member of the
16 Executive Committee as provided in bylaws;

17

18 3. The Executive Committee shall meet at least
19 annually;

20

21 4. The Executive Committee shall have the
22 following duties and responsibilities:

23

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

6

7 b. Ensure Compact administration services
8 are appropriately provided, contractual or otherwise;

9

10 c. Prepare and recommend the budget;

11

12 d. Maintain financial records on behalf of
13 the Commission;

14

15 e. Monitor Compact compliance of member
16 states and provide compliance reports to the Commission;

17

18 f. Establish additional committees as
19 necessary; and

20

21 g. Other duties as provided in rules or
22 bylaws.

23

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1 E. All meetings of the Commission shall be open to
2 the public, and public notice of meetings shall be given in
3 the same manner as required under the rulemaking provisions
4 in Section 10 of this Compact.

5

6 F. The Commission or the Executive Committee or other
7 committees of the Commission may convene in a closed,
8 non-public meeting if the Commission or Executive Committee
9 or other committees of the Commission will discuss:

10

11 1. Non-compliance of a member state with its
12 obligations under the Compact;

13

14 2. The employment, compensation, discipline or
15 other matters, practices or procedures related to specific
16 employees or other matters related to the Commission's
17 internal personnel practices and procedures;

18

19 3. Current, threatened, or reasonably
20 anticipated litigation;

21

22 4. Negotiation of contracts for the purchase,
23 lease, or sale of goods, services, or real estate;

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1

2 5. Accusing any person of a crime or formally
3 censuring any person;

4

5 6. Disclosure of trade secrets or commercial or
6 financial information that is privileged or confidential;

7

8 7. Disclosure of information of a personal
9 nature where disclosure would constitute a clearly
10 unwarranted invasion of personal privacy;

11

12 8. Disclosure of investigative records compiled
13 for law enforcement purposes;

14

15 9. Disclosure of information related to any
16 investigative reports prepared by or on behalf of or for
17 use of the Commission or other committee charged with
18 responsibility of investigation or determination of
19 compliance issues pursuant to the Compact;

20

21 10. Matters specifically exempted from
22 disclosure by federal or member state statute; or

23

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

6

7 G. The Commission shall keep minutes that fully and
8 clearly describe all matters discussed in a meeting and
9 shall provide a full and accurate summary of actions taken,
10 and the reasons therefore, including a description of the
11 views expressed. All documents considered in connection
12 with an action shall be identified in minutes. All minutes
13 and documents of a closed meeting shall remain under seal,
14 subject to release by a majority vote of the Commission or
15 order of a court of competent jurisdiction.

16

17 H. Financing of the Commission:

18

19 1. The Commission shall pay, or provide for the
20 payment of, the reasonable expenses of its establishment,
21 organization, and ongoing activities;

22

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1 2. The Commission may accept any and all
2 appropriate revenue sources, donations, and grants of
3 money, equipment, supplies, materials, and services;
4

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

16 4. The Commission shall not incur obligations of
17 any kind prior to securing the funds adequate to meet the
18 same, nor shall the Commission pledge the credit of any of
19 the member states, except by and with the authority of the
20 member state;
21

22 5. The Commission shall keep accurate accounts
23 of all receipts and disbursements. The receipts and

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1 disbursements of the Commission shall be subject to the
2 audit and accounting procedures established under its
3 bylaws. However, all receipts and disbursements of funds
4 handled by the Commission shall be audited yearly by a
5 certified or licensed public accountant, and the report of
6 the audit shall be included in and become part of the
7 annual report of the Commission.

8

9 I. Qualified Immunity, Defense, and Indemnification:

10

11 1. The members, officers, executive director,
12 employees and representatives of the Commission shall be
13 immune from suit and liability, either personally or in
14 their official capacity, for any claim for damage to or
15 loss of property or personal injury or other civil
16 liability caused by or arising out of any actual or alleged
17 act, error or omission that occurred, or that the person
18 against whom the claim is made had a reasonable basis for
19 believing occurred within the scope of Commission
20 employment, duties or responsibilities, provided that
21 nothing in this paragraph shall be construed to protect any
22 person from suit and/or liability for any damage, loss,

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1 injury, or liability caused by the intentional or willful
2 or wanton misconduct of that person;

3

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

17

18 3. The Commission shall indemnify and hold
19 harmless any member, officer, executive director, employee,
20 or representative of the Commission for the amount of any
21 settlement or judgment obtained against that person arising
22 out of any actual or alleged act, error or omission that
23 occurred within the scope of Commission employment, duties,

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1 or responsibilities, or that person had a reasonable basis
2 for believing occurred within the scope of Commission
3 employment, duties, or responsibilities, provided that the
4 actual or alleged act, error, or omission did not result
5 from the intentional or willful or wanton misconduct of
6 that person.

7

8

SECTION 9

9

DATA SYSTEM

10

11 A. The Commission shall provide for the development,
12 maintenance, and utilization of a coordinated database and
13 reporting system containing licensure, adverse action, and
14 investigative information on all licensed individuals in
15 member states.

16

17 B. Notwithstanding any other provision of state law
18 to the contrary, a member state shall submit a uniform data
19 set to the data system on all individuals to whom this
20 Compact is applicable as required by the rules of the
21 Commission, including:

22

23

1. Identifying information;

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2

2. Licensure data;

3

4

5

3. Adverse actions against a license or compact
privilege;

6

7

8

4. Non-confidential information related to
alternative program participation;

9

10

11

12

5. Any denial of application for licensure, and
the reason(s) for denial; and

13

14

15

16

6. Other information that may facilitate the
administration of this Compact, as determined by the rules
of the Commission.

17

18

19

20

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

21

22

23

D. The Commission shall promptly notify all member
states of any adverse action taken against a licensee or an
individual applying for a license. Adverse action

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1 information pertaining to a licensee in any member state
2 shall be available to any other member state.

3

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

8

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

13

14 SECTION 10

15 RULEMAKING

16

17 A. The Commission shall exercise its rulemaking
18 powers pursuant to the criteria set forth in this Section
19 and the rules adopted thereunder. Rules and amendments
20 shall become binding as of the date specified in each rule
21 or amendment.

22

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

7

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

10

11 D. Prior to promulgation and adoption of a final rule
12 or rules by the Commission, and at least thirty (30) days
13 in advance of the meeting at which the rule shall be
14 considered and voted upon, the Commission shall file a
15 Notice of Proposed Rulemaking:

16

17 1. On the website of the Commission or other
18 publicly accessible platform; and

19

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

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1

2 E. The Notice of Proposed Rulemaking shall include:

3

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

7

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

10

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

13

14 4. The manner in which interested persons may
15 submit notice to the Commission of their intention to
16 attend the public hearing and provide any written comments.

17

18 F. Prior to the adoption of a proposed rule, the
19 Commission shall allow persons to submit written data,
20 facts, opinions and arguments, which shall be made
21 available to the public.

22

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1 G. The Commission shall grant an opportunity for a
2 public hearing before it adopts a rule or amendment if a
3 hearing is requested by:

4

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

6

7 2. A state or federal governmental subdivision
8 or agency; or

9

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

12

13 H. If a hearing is held on the proposed rule or
14 amendment, the Commission shall publish the place, time,
15 and date of the scheduled public hearing. If the hearing is
16 held via electronic means, the Commission shall publish the
17 mechanism for access to the electronic hearing. Hearings
18 shall be in accordance with the following:

19

20 1. All persons wishing to be heard at the
21 hearing shall notify the executive director of the
22 Commission or other designated member in writing of their
23 desire to appear and testify at the hearing not less than

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1 five (5) business days before the scheduled date of the
2 hearing;

3

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

7

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

10

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

15

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

20

21 J. If no written notice of intent to attend the
22 public hearing by interested parties is received, the

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1 Commission may proceed with promulgation of the proposed
2 rule without a public hearing.

3

4 K. The Commission shall, by majority vote of all
5 members, take final action on the proposed rule and shall
6 determine the effective date of the rule, if any, based on
7 the rulemaking record and the full text of the rule.

8

9 L. Upon determination that an emergency exists, the
10 Commission may consider and adopt an emergency rule without
11 prior notice, opportunity for comment, or hearing, provided
12 that the usual rulemaking procedures provided in the
13 Compact and in this section shall be retroactively applied
14 to the rule as soon as reasonably possible, in no event
15 later than ninety (90) days after the effective date of the
16 rule. For the purposes of this provision, an emergency rule
17 is a rule that shall be adopted immediately in order to:

18

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

21

22 2. Prevent a loss of Commission or member state
23 funds; or

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1

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

5

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

21

22

SECTION 11

23

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

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1

2 A. Dispute Resolution:

3

4 1. Upon request by a member state, the
5 Commission shall attempt to resolve disputes related to the
6 Compact that arise among member states and between member
7 and non-member states;

8

9 2. The Commission shall promulgate a rule
10 providing for both mediation and binding dispute resolution
11 for disputes as appropriate.

12

13 B. Enforcement:

14

15 1. The Commission, in the reasonable exercise of
16 its discretion, shall enforce the provisions and rules of
17 this Compact;

18

19 2. By majority vote, the Commission may initiate
20 legal action in the United States District Court for the
21 District of Columbia or the federal district where the
22 Commission has its principal offices against a member state
23 in default to enforce compliance with the provisions of the

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

6

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

10

11

SECTION 12

12

13

14

15

16

17

18

19

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21

22

23

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

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1

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

9

10 C. Any member state may withdraw from this Compact by
11 enacting a statute repealing the same subject to the
12 following:

13

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

17

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

23

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

7

8 E. This Compact may be amended by the member states.
9 No amendment to this Compact shall become effective and
10 binding upon any member state until it is enacted into the
11 laws of all member states.

12

13

SECTION 13

14

CONSTRUCTION AND SEVERABILITY

15

16 This Compact shall be liberally construed so as to
17 effectuate the purposes thereof. The provisions of this
18 Compact shall be severable and if any phrase, clause,
19 sentence or provision of this Compact is declared to be
20 contrary to the constitution of any member state or of the
21 United States or the applicability thereof to any
22 government, agency, person or circumstance is held invalid,
23 the validity of the remainder of this Compact and the

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

8

9

SECTION 14

10

BINDING EFFECT OF COMPACT AND OTHER LAWS

11

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

15

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

18

19 C. All lawful actions of the Commission, including
20 all rules and bylaws promulgated by the Commission, are
21 binding upon the member states.

22

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

3

4 E. In the event any provision of the Compact exceeds
5 the constitutional limits imposed on the legislature of any
6 member state, the provision shall be ineffective to the
7 extent of the conflict with the constitutional provision in
8 question in that member state.

9

10 **Section 2.** W.S. 33-33-105(a)(ii), by creating a new
11 paragraph (iv) and by creating a new subsection (b),
12 33-33-202 by creating a new subsection (d), 33-33-303(b),
13 33-33-306 by creating a new subsection (e) and 33-33-307(a)
14 are amended to read:

15

16 **33-33-105. Eligibility for licensing.**

17

18 (a) To be eligible for licensing by the board as a
19 speech-language pathologist or audiologist, a person shall:

20

21 (ii) Submit to the board evidence of the
22 completion of educational, clinical experience, examination

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1 and employment requirements prescribed by the rules and
2 regulations adopted by the board; ~~and~~

3

4 (iv) Pursuant to W.S. 33-33-402, provide the
5 board with fingerprints, necessary fees and other
6 information required to perform a criminal history record
7 background check as provided for by W.S. 7-19-201.

8

9 (b) To the extent a license authorized under this
10 section does not comply with the requirements for licensure
11 under the Audiology and Speech-Language Pathology
12 Interstate Compact, the license shall be considered a
13 single-state license that does not include a privilege to
14 practice in any other member state.

15

16 **33-33-202. Functions of the board.**

17

18 (d) The board shall administer the Audiology and
19 Speech-Language Pathology Interstate Compact in this state
20 as provided in W.S. 33-33-402.

21

22 **33-33-303. Waiver of examination or parts thereof.**

23

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1 (b) Except as otherwise provided in this subsection,
2 the board may waive the examination and grant license to
3 any applicant who shall present proof of current license in
4 another state, including the District of Columbia, or
5 territory of the United States which maintains professional
6 standards considered by the board to be equivalent to those
7 in force in Wyoming. The board shall authorize a privilege
8 to practice by an applicant who is licensed in a member
9 state as provided in the Audiology and Speech-Language
10 Pathology Interstate Compact provided the applicant's
11 license meets all the requirements of privilege to practice
12 in other member states as provided in W.S. 33-33-402.

13

14 **33-33-306. Renewal of license.**

15

16 (e) Every person licensed under this act who has not
17 previously undergone a criminal history record background
18 check as provided for by W.S. 7-19-201 shall be required to
19 do so as part of the person's next license renewal. A
20 previous criminal history record background check that is
21 not available for inspection by the board shall not be
22 considered a background check for purposes of this
23 subsection.

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1

2 **33-33-307. Fees.**

3

4 (a) The board may prescribe application fees and fees
5 for examination, licensing, certification, specialty
6 examination designation, renewal, a privilege to practice
7 pursuant to the Audiology and Speech-Language Pathology
8 Interstate Compact and other services in amounts determined
9 by the board.

10

11 **Section 3.** W.S. 33-33-104(a)(iii) is repealed.

12

13 **Section 4.** This act is effective July 1, 2020.

14

15

(END)