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**Sarah Copeland Hanzas, Secretary of State  
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**February 7, 2023**

**To: Hon. Lori Houghton, Chair  
House Health Committee on Health Care**

**From: S. Lauren Hibbert, Deputy Secretary of State  
Lauren Layman, General Counsel, Office of Professional Regulation**

**Re: H.86 – An act relating to Vermont’s adoption of the Audiology and Speech-Language Pathology Interstate Compact**

Dear Committee,

Thank you for the opportunity to testify about the Physical Therapy Compact.

### **Occupational Compacts Overview**

Compacts are an agreement or contract between states. Most compacts have the concept of a “home state.” This is the state where the licensee lives, votes, etc. After someone has a compact license in their home state they are either immediately authorized to practice in all other compact states or they have to ask the compact commission for the authority to practice in another state. This can sometimes be accompanied by an additional fee. If a licensee moves to a new state then they have to apply for a new compact licensee in their new home state.

Compacts are effective tools in occupational licensure. They:

- Solve mobility challenges to having a license because they allow someone to practice in a state that they don’t live in or immediately when they move to a new state.
- Enable telehealth across state lines when both states are members of the compact.

Compacts almost always have a revenue impact because it removes the requirement for an out-of-state practitioner to get a Vermont license. This is a relevant factor when you are a small state where people can easily travel across state lines to work.

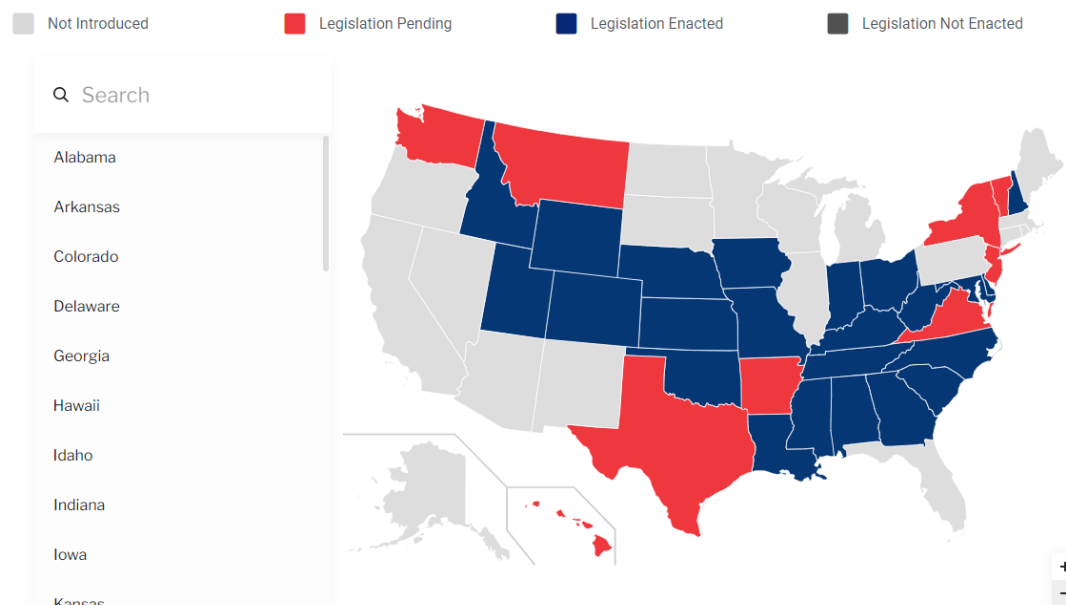
Compacts also affect the enforcement process. Vermont retains jurisdiction over everyone who is practicing in Vermont – physically or via telehealth. This means that under a compact we could be investigating and prosecuting a person who is not a Vermont licensee. Post-Dobbs OPR has also been focused on any provision in a compact that mandates reciprocal discipline. We do not want to be forced

to discipline a Vermont licensee because they provided an abortion or gender-affirming care in another state.

## Audiology and Speech-Language Pathology Interstate Compact

### 1. Background

- The ASLP was developed by the Council of State Government's National Center for Interstate Compacts.
- The Compact reached the number of states necessary to convene the Compact Commission in January 2022. The Commission is in the process of establishing bylaws and initial rules. Compact privileges will begin to be issued in 2023.
  - 23 states, including New Hampshire, have adopted the ASLP.



### 2. Features

- Compact States
  - To qualify as a compact state, a state must meet the following requirements:
    - Submit a uniform data set to the Compact data system regarding all individuals under the compact, as defined in rules
    - Ascertain through the Compact's data system whether the applicant has ever had any encumbrances or adverse actions on any license or privilege to practice
    - Adopt a criminal history background check process for compact license applicants, including the collection of fingerprints or other biometric-based information for collecting criminal history information from the FBI
      - The enacting legislation for this compact authorizes the state to obtain biometric-based information from PT license applicants and to submit that data to the FBI

- OPR requests the addition of the authority to conduct background checks be added to Title/ 3. This authorization needs to be expressly added in 3 V.S.A. §123(j)(1).
- Require all applicants to meet the following requirements:
  - Audiologists:
    - Before 1/1/2008, a master's or doctorate in audiology
    - After 1/1/2008, a doctorate in audiology
    - Complete supervised postgraduate practice
    - Pass a national exam
    - Hold an active, unencumbered license
    - Never be convicted or found guilty of or agreed to the disposition of a felony related to the practice of audiology
    - Have a valid SSN or NPI
  - SLPs
    - Have a master's degree in SLP
    - Complete supervised postgraduate practice
    - Pass a national exam
    - Hold an active, unencumbered license
    - Never be convicted or found guilty of or agreed to the disposition of a felony related to the practice of SLP
    - Have a valid SSN or NPI
- Give the effect of state law to all rules adopted by the Compact Commission.
  - Member states may collect a portion of the fee for offering compact licensees the privilege to practice in the member state.
- Applicants
  - To exercise the compact privilege, a licensee must
    - Hold an active home state license
    - Have no encumbrances on the home state license
    - Meet the compact state eligibility requirements (e.g., application requirements, FBI background check, no felonies related to practice, etc.)
    - Not have any adverse action taken against a license or compact privilege within the previous 2 years
      - Pay fees
    - Audiologists and SLPs who do not live in the home state are not eligible to use a license from that home state to obtain a privilege to practice in other member states. Audiologists and SLPs may only have one home state license at a time.
  - A compact license and privilege to practice authorizes an SLP or audiologist to practice via telehealth in the home or remote state.

### 3. Impacts

- Benefits
  - Provides considerable mobility for audiologists and SLPs, including the authority to practice via telehealth in other states.

- Potential Benefits
  - Again, it is difficult to determine whether there will be improved access in Vermont due to the Compact or a loss of providers. The telehealth provisions help mitigate many losses by allowing providers to practice in more than one state at a time.
  - Vermont can charge a fee for the privilege to practice in Vermont under the compact. This will likely not offset the entire cost of the compact but will be helpful.
- Concerns
  - This is a more challenging Compact for OPR to implement because the requirements put more of a burden on the member state, rather than the applicant, to ensure the applicant meets the qualifications for licensure and has no encumbrances on their license.
    - In other compacts, the compact commission would make the determination of whether a member state qualified to participate in the compact based on the member state's existing laws. Under the audiology compact, the member state will need to create a separate set of laws specific to compact licensees and ensure all compact licensee applicants meet those requirements.
  - The requirements for obtaining a compact audiology license are higher than what Vermont requires for applicants to obtain an audiology license. Vermont requires audiologists to have a master's degree to obtain a license. The Compact will require anyone who graduated after 1/1/2008 to have a doctoral degree to obtain a compact license. This will require the establishment of a second set of laws for audiologists seeking compact licenses. Further, the policy is at odds with Vermont's policy that the level of regulation of a profession should be the minimum necessary to protect the public. There is no evidence that increasing the education to attain an audiology license is necessary to protect the public.