

1
2
3
4
5
6
7
8

9
10

11
12
13
14
15
16
17
18

H.86

Introduced by Representative McCarthy of St. Albans City

Referred to Committee on

Date:

Subject: Professions and occupations; Office of Professional Regulation;
speech-language pathologists; audiologists; interstate compact

Statement of purpose of bill as introduced: This bill proposes to adopt the
Audiology and Speech-Language Pathology Interstate Compact in Vermont.

An act relating to Vermont's adoption of the Audiology and Speech-
Language Pathology Interstate Compact

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 26 V.S.A. chapter 87 is amended to read:

CHAPTER 87. SPEECH-LANGUAGE PATHOLOGISTS

Subchapter 1. Vermont Single-State License

* * *

Sec. 2. 26 V.S.A. chapter 87, subchapter 2 is added to read:

Subchapter 2. Privilege to Practice; Audiology and Speech-Language
Pathology Interstate Compact

1 § 4500. AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

2 INTERSTATE COMPACT; ADOPTION

3 This subchapter is the Vermont adoption of the Audiology and Speech-
4 Language Pathology Interstate Compact. The form, format, and text of the
5 Compact have been conformed to the conventions of the Vermont Statutes
6 Annotated. It is the intent of the General Assembly that this subchapter be
7 interpreted as substantively the same as the Audiology and Speech-Language
8 Pathology Interstate Compact that is enacted by other Compact party states.

9 § 4501. PURPOSE

10 (a) The purpose of this Compact is to facilitate interstate practice of
11 audiology and speech-language pathology with the goal of improving public
12 access to audiology and speech-language pathology services. The practice of
13 audiology and speech-language pathology occurs in the state where the patient,
14 client, or student is located at the time of the patient, client, or student
15 encounter. The Compact preserves the regulatory authority of states to protect
16 public health and safety through the current system of state licensure.

17 (b) This Compact is designed to achieve the following objectives:

18 (1) increase public access to audiology and speech-language pathology
19 services by providing for the mutual recognition of other member state
20 licenses;

21 (2) enhance the states' ability to protect the public's health and safety;

1 (3) encourage the cooperation of member states in regulating multistate
2 audiology and speech-language pathology practice;

3 (4) support spouses of relocating active duty military personnel;

4 (5) enhance the exchange of licensure, investigative, and disciplinary
5 information between member states;

6 (6) allow a remote state to hold a provider of services with a compact
7 privilege in that state accountable to that state’s practice standards; and

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

10 § 4502. DEFINITIONS

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

13 (1) “Active duty military” means full-time duty status in the active
14 uniformed service of the United States, including members of the National
15 Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209
16 and 1211.

17 (2) “Adverse action” means any administrative, civil, equitable, or
18 criminal action permitted by a state’s laws that is imposed by a licensing board
19 or other authority against an audiologist or speech-language pathologist,
20 including actions against an individual’s license or privilege to practice such as

1 revocation, suspension, probation, monitoring of the licensee, or restriction on
2 the licensee's practice.

3 (3) "Alternative program" means a nondisciplinary monitoring process
4 approved by an audiology or speech-language pathology licensing board to
5 address impaired practitioners.

6 (4) "Audiologist" means an individual who is licensed by a state to
7 practice audiology.

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

10 (6) "Audiology and Speech-Language Pathology Compact
11 Commission" or "Commission" means the national administrative body whose
12 membership consists of all states that have enacted the Compact.

13 (7) "Audiology and speech-language pathology licensing board,"
14 "audiology licensing board," "speech-language pathology licensing board," or
15 "licensing board" means the agency of a state that is responsible for the
16 licensing and regulation of audiologists or speech-language pathologists, or
17 both.

18 (8) "Compact privilege" means the authorization granted by a remote
19 state to allow a licensee from another member state to practice as an
20 audiologist or speech-language pathologist in the remote state under its laws
21 and rules. The practice of audiology or speech-language pathology occurs in

1 the member state where the patient, client, or student is located at the time of
2 the patient, client, or student encounter.

3 (9) “Current significant investigative information” means investigative
4 information that a licensing board, after an inquiry or investigation that
5 includes notification and an opportunity for the audiologist or speech-language
6 pathologist to respond, if required by state law, has reason to believe is not
7 groundless and, if proved true, would indicate more than a minor infraction.

8 (10) “Data system” means a repository of information about licensees,
9 including, but not limited to, continuing education, examination, licensure,
10 investigative, compact privilege, and adverse action.

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

15 (12) “Executive Committee” means a group of directors elected or
16 appointed to act on behalf of, and within the powers granted to them by, the
17 Commission.

18 (13) “Home state” means the member state that is the licensee’s primary
19 state of residence.

1 (14) “Impaired practitioner” means an individual whose professional
2 practice is adversely affected by substance abuse, addiction, or other health-
3 related conditions.

4 (15) “Licensee” means an individual who currently holds an
5 authorization from the state licensing board to practice as an audiologist or
6 speech-language pathologist.

7 (16) “Member state” means a state that has enacted the Compact.

8 (17) “Privilege to practice” means a legal authorization permitting the
9 practice of audiology or speech-language pathology in a remote state.

10 (18) “Remote state” means a member state other than the home state
11 where a licensee is exercising or seeking to exercise the compact privilege.

12 (19) “Rule” means a regulation, principle, or directive promulgated by
13 the Commission that has the force of law.

14 (20) “Single-state license” means an audiology or speech-language
15 pathology license issued by a member state that authorizes practice only within
16 the issuing state and does not include a privilege to practice in any other
17 member state.

18 (21) “Speech-language pathologist” means an individual who is licensed
19 by a state to practice speech-language pathology.

1 (22) “Speech-language pathology” means the care and services provided
2 by a licensed speech-language pathologist as set forth in the member state’s
3 statutes and rules.

4 (23) “State” means any state, commonwealth, district, or territory of the
5 United States of America that regulates the practice of audiology and speech-
6 language pathology.

7 (24) “State practice laws” means a member state’s laws, rules, and
8 regulations that govern the practice of audiology or speech-language
9 pathology, define the scope of audiology or speech-language pathology
10 practice, and create the methods and grounds for imposing discipline.

11 (25) “Telehealth” means the application of telecommunication
12 technology to deliver audiology or speech-language pathology services at a
13 distance for assessment, intervention, and/or consultation.

14 § 4503. STATE PARTICIPATION IN THE COMPACT

15 (a) A license issued to an audiologist or speech-language pathologist by a
16 home state to a resident in that state shall be recognized by each member state
17 as authorizing an audiologist or speech-language pathologist to practice
18 audiology or speech-language pathology, under a privilege to practice, in each
19 member state.

20 (b) A state must implement or utilize procedures for considering the
21 criminal history records of applicants for initial privilege to practice. These

1 procedures shall include the submission of fingerprints or other biometric-
2 based information by applicants for the purpose of obtaining an applicant's
3 criminal history record information from the Federal Bureau of Investigation
4 and the agency responsible for retaining that state's criminal records.

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

9 (2) Communication between a member state, the Commission, and
10 among member states regarding the verification of eligibility for licensure
11 through the Compact shall not include any information received from the
12 Federal Bureau of Investigation relating to a federal criminal records check
13 performed by a member state under Pub. L. No. 92-544.

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

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

4 (e) An audiologist:

5 (1) must meet one of the following educational requirements:

6 (A) on or before December 31, 2007, has graduated with a master's
7 degree or doctorate in audiology, or equivalent degree regardless of degree
8 name, from a program that is accredited by an accrediting agency recognized
9 by the Council for Higher Education Accreditation, or its successor, or by the
10 U.S. Department of Education and operated by a college or university
11 accredited by a regional or national accrediting organization recognized by the
12 board;

13 (B) on or after January 1, 2008, has graduated with a Doctoral degree
14 in audiology, or equivalent degree, regardless of degree name, from a program
15 that is accredited by an accrediting agency recognized by the Council for
16 Higher Education Accreditation, or its successor, or by the U.S. Department of
17 Education and operated by a college or university accredited by a regional or
18 national accrediting organization recognized by the board; or

19 (C) has graduated from an audiology program that is housed in an
20 institution of higher education outside the United States;

1 (i) for which the program and institution have been approved by
2 the authorized accrediting body in the applicable country; and

3 (ii) the degree program has been verified by an independent
4 credentials review agency to be comparable to a state licensing board-approved
5 program;

6 (2) has completed a supervised clinical practicum experience from an
7 accredited educational institution or its cooperating programs as required by
8 the Commission;

9 (3) has successfully passed a national examination approved by the
10 Commission;

11 (4) holds an active, unencumbered license;

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

15 (6) has a valid U.S. Social Security or National Practitioner
16 Identification number.

17 (f) A speech-language pathologist:

18 (1) must meet one of the following educational requirements:

19 (A) has graduated with a master's degree from a speech-language
20 pathology program that is accredited by an organization recognized by the
21 U.S. Department of Education and operated by a college or university

1 accredited by a regional or national accrediting organization recognized by the
2 board; or

3 (B) has graduated from a speech-language pathology program that is
4 housed in an institution of higher education outside the United States:

5 (i) for which the program and institution have been approved by
6 the authorized accrediting body in the applicable country; and

7 (ii) the degree program has been verified by an independent
8 credentials review agency to be comparable to a state licensing board-approved
9 program;

10 (2) has completed a supervised clinical practicum experience from an
11 educational institution or its cooperating programs as required by the
12 Commission;

13 (3) has completed a supervised postgraduate professional experience as
14 required by the Commission;

15 (4) has successfully passed a national examination approved by the
16 Commission;

17 (5) holds an active, unencumbered license;

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

1 (7) has a valid U.S. Social Security or National Practitioner
2 Identification number.

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

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

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

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

1 (k) Member states must comply with the bylaws and rules and regulations
2 of the Commission.

3 § 4504. COMPACT PRIVILEGE

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

6 (1) hold an active license in the home state;

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

8 (3) be eligible for a compact privilege in any member state in
9 accordance with section 4503 of this subchapter;

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

12 (5) notify the Commission that the licensee is seeking the compact
13 privilege within a remote state or states;

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

16 (7) report to the Commission adverse action taken by any nonmember
17 state within 30 days from the date the adverse action is taken.

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

20 (c) Except as provided in section 4506 of this subchapter, if an audiologist
21 or speech-language pathologist changes primary state of residence by moving

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

5 (d) The audiologist or speech-language pathologist may apply for licensure
6 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 audiologist
8 or speech-language pathologist provides satisfactory evidence of a change in
9 primary state of residence to the new home state and satisfies all applicable
10 requirements to obtain a license from the new home state.

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

15 (g) The compact privilege is valid until the expiration date of the home
16 state license. The licensee must comply with the requirements of
17 subsection (a) of this section to maintain the compact privilege in the remote
18 state.

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

1 (i) A licensee providing audiology or speech-language pathology services
2 in a remote state is subject to that state’s regulatory authority. A remote state
3 may, in accordance with due process and that state’s laws, remove a licensee’s
4 compact privilege in the remote state for a specific period of time, impose
5 finances, and/or take any other necessary actions to protect the health and safety
6 of its citizens.

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

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

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

11 (k) Once an encumbered license in the home state is restored to good
12 standing, the licensee must meet the requirements of subsection 4504(a) of this
13 subchapter to obtain a compact privilege in any remote state.

14 (l) Once the requirements of subsection (j) of this section have been met,
15 the licensee must meet the requirements in subsection (a) of this section to
16 obtain a compact privilege in a remote state.

17 § 4505. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

18 Member states shall recognize the right of an audiologist or speech-
19 language pathologist, licensed by a home state in accordance with section 4503
20 of this subchapter and under rules promulgated by the Commission, to practice
21 audiology or speech-language pathology in any member state via telehealth

1 under a privilege to practice as provided in the Compact and rules promulgated
2 by the Commission.

3 § 4506. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

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

10 § 4507. ADVERSE ACTIONS

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

13 (1) Take adverse action against an audiologist's or speech-language
14 pathologist's privilege to practice within that member state.

15 (2) Issue subpoenas for both hearings and investigations that require the
16 attendance and testimony of witnesses as well as the production of evidence.

17 Subpoenas issued by a licensing board in a member state for the attendance
18 and testimony of witnesses or the production of evidence from another
19 member state shall be enforced in the latter state by any court of competent
20 jurisdiction, according to the practice and procedure of that court applicable to
21 subpoenas issued in proceedings pending before it. The issuing authority shall

1 pay any witness fees, travel expenses, mileage, and other fees required by the
2 service statutes of the state in which the witnesses or evidence are located.

3 (3) Only the home state shall have the power to take adverse action
4 against a audiologist's or speech-language pathologist's license issued by the
5 home state.

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

10 (c) The home state shall complete any pending investigations of an
11 audiologist or speech-language pathologist who changes primary state of
12 residence during the course of the investigations. The home state shall also
13 have the authority to take appropriate action or actions and shall promptly
14 report the conclusions of the investigations to the administrator of the data
15 system. The administrator of the coordinated licensure information system
16 shall promptly notify the new home state of any adverse actions.

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

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

4 (f) Joint investigations.

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

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

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

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

4 (i) Nothing in this Compact shall override a member state's decision that
5 participation in an alternative program may be used in lieu of adverse action.

6 § 4508. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-

7 LANGUAGE PATHOLOGY COMPACT COMMISSION

8 (a) The Compact member states hereby create and establish a joint public
9 agency known as the Audiology and Speech-Language Pathology Compact
10 Commission:

11 (1) The Commission is an instrumentality of the Compact states.

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

17 (3) Nothing in this Compact shall be construed to be a waiver of
18 sovereign immunity.

19 (b) Membership, voting, and meetings.

20 (1) Each member state shall have two delegates selected by that member
21 state's licensing board. The delegates shall be current members of the

1 licensing board. One shall be an audiologist and one shall be a speech-
2 language pathologist.

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

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

9 (4) The member state board shall fill any vacancy occurring on the
10 Commission within 90 days.

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

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

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

19 (c) The Commission shall have the following powers and duties:

20 (1) Establish the fiscal year of the Commission.

21 (2) Establish bylaws.

1 (3) Establish a code of ethics.

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

3 (5) Meet and take actions as are consistent with the provisions of this
4 Compact and the bylaws.

5 (6) Promulgate uniform rules to facilitate and coordinate
6 implementation and administration of this Compact. The rules shall have the
7 force and effect of law and shall be binding in all member states.

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

12 (8) Purchase and maintain insurance and bonds.

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

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

20 (11) Accept any and all appropriate donations and grants of money,
21 equipment, supplies, materials and services, and receive, utilize, and dispose of

1 the same, provided that at all times the Commission shall avoid any
2 appearance of impropriety or conflict of interest, or both.

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

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

9 (14) Establish a budget and make expenditures.

10 (15) Borrow money.

11 (16) Appoint committees, including standing committees composed of
12 members and other interested persons as may be designated in this Compact
13 and the bylaws.

14 (17) Provide and receive information from, and cooperate with, law
15 enforcement agencies.

16 (18) Establish and elect the Executive Committee.

17 (19) Perform other functions as may be necessary or appropriate to
18 achieve the purposes of this Compact consistent with the state regulation of
19 audiology and speech-language pathology licensure and practice.

1 (d) The Executive Committee. The Executive Committee shall have the
2 power to act on behalf of the Commission according to the terms of this
3 Compact.

4 (1) The Executive Committee shall be composed of 10 members:

5 (A) seven voting members who are elected by the Commission from
6 the current membership of the Commission;

7 (B) two ex-officios, consisting of one nonvoting member from a
8 recognized national audiology professional association and one nonvoting
9 member from a recognized national speech-language pathology association;
10 and

11 (C) one ex-officio, nonvoting member from the recognized
12 membership organization of the audiology and speech-language pathology
13 licensing boards.

14 (e) The ex-officio members shall be selected by their respective
15 organizations.

16 (1) The Commission may remove any member of the Executive
17 Committee as provided in bylaws.

18 (2) The Executive Committee shall meet at least annually.

19 (3) The Executive Committee shall have the following duties and
20 responsibilities:

1 (A) recommend to the entire Commission changes to the rules or
2 bylaws, changes to this Compact legislation, and fees paid by Compact
3 member states, such as annual dues and any commission Compact fee charged
4 to 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 4510 of this subchapter.

16 (5) The Commission or the Executive Committee or other committees
17 of the Commission may convene in a closed, nonpublic meeting if the
18 Commission or Executive Committee or other committees of the Commission
19 must discuss:

20 (A) noncompliance of a member state with its obligations under the
21 Compact;

- 1 (B) the employment, compensation, discipline, or other matters,
2 practices, or procedures related to specific employees or other matters related
3 to the Commission’s internal personnel practices and procedures;
- 4 (C) current, threatened, or reasonably anticipated litigation;
- 5 (D) negotiation of contracts for the purchase, lease, or sale of goods,
6 services, or real estate;
- 7 (E) accusing any person of a crime or formally censuring any person;
- 8 (F) disclosure of trade secrets or commercial or financial information
9 that is privileged or confidential;
- 10 (G) disclosure of information of a personal nature where disclosure
11 would constitute a clearly unwarranted invasion of personal privacy;
- 12 (H) disclosure of investigative records compiled for law enforcement
13 purposes;
- 14 (I) disclosure of information related to any investigative reports
15 prepared by or on behalf of or for use of the Commission or other committee
16 charged with responsibility of investigation or determination of compliance
17 issues pursuant to the Compact; or
- 18 (J) matters specifically exempted from disclosure by federal or
19 member state statute.

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

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

11 (8) Financing of the Commission.

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

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

17 (C) The Commission may levy on and collect an annual assessment
18 from each member state or impose fees on other parties to cover the cost of the
19 operations and activities of the Commission and its staff, which must be in a
20 total amount sufficient to cover its annual budget as approved each year for
21 which revenue is not provided by other sources. The aggregate annual

1 assessment amount shall be allocated based upon a formula to be determined
2 by the Commission, which shall promulgate a rule binding upon all member
3 states.

4 (9) The Commission shall not incur obligations of any kind prior to
5 securing the funds adequate to meet the same nor shall the Commission pledge
6 the credit of any of the member states, except by and with the authority of the
7 member state.

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

15 (f) Qualified immunity, defense, and indemnification.

16 (1) The members, officers, executive director, employees, and
17 representatives of the Commission shall be immune from suit and liability,
18 either personally or in their official capacity, for any claim for damage to or
19 loss of property or personal injury or other civil liability caused by or arising
20 out of any actual or alleged act, error, or omission that occurred, or that the
21 person against whom the claim is made had a reasonable basis for believing

1 occurred within the scope of Commission employment, duties, or
2 responsibilities, provided that nothing in this paragraph shall be construed to
3 protect any person from suit or liability, or both, for any damage, loss, injury,
4 or liability caused by the intentional or willful or wanton misconduct of that
5 person.

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

16 (3) The Commission shall indemnify and hold harmless any member,
17 officer, executive director, employee, or representative of the Commission for
18 the amount of any settlement or judgment obtained against that person arising
19 out of any actual or alleged act, error, or omission that occurred within the
20 scope of Commission employment, duties, or responsibilities or that person
21 had a reasonable basis for believing occurred within the scope of Commission

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

4 § 4509. DATA SYSTEM

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

9 (b) Notwithstanding any other provision of state law to the contrary, a
10 member state shall submit a uniform data set to the data system on all
11 individuals to whom this Compact is applicable as required by the rules of the
12 Commission, including:

13 (1) identifying information;

14 (2) licensure data;

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

16 (4) nonconfidential information related to alternative program
17 participation;

18 (5) any denial of application for licensure and the reason or reasons for
19 denial; and

20 (6) other information that may facilitate the administration of this
21 Compact as determined by the rules of the Commission.

1 (c) Investigative information pertaining to a licensee in any member state
2 shall only be available to other member states.

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

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

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

13 § 4510. RULEMAKING

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

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

1 (c) Rules or amendments to the rules shall be adopted at a regular or
2 special meeting of the Commission.

3 (d) Prior to promulgation and adoption of a final rule or rules by the
4 Commission, and at least 30 days in advance of the meeting at which the rule
5 shall be considered and voted upon, the Commission shall file a Notice of
6 Proposed Rulemaking:

7 (1) on the website of the Commission or other publicly accessible
8 platform; and

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

12 (e) The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

4 (g) The Commission shall grant an opportunity for a public hearing before
5 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 writing
15 of their desire to appear and testify at the hearing not less than five business
16 days before the scheduled date of the hearing.

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

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

1 (4) Nothing in this section shall be construed as requiring a separate
2 hearing on each rule. Rules may be grouped for the convenience of the
3 Commission at hearings required by this section.

4 (i) Following the scheduled hearing date, or by the close of business on the
5 scheduled hearing date if the hearing was not held, the Commission shall
6 consider all written and oral comments received.

7 (j) If no written notice of intent to attend the public hearing by interested
8 parties is received, the Commission may proceed with promulgation of the
9 proposed rule without a public hearing.

10 (k) The Commission shall, by majority vote of all members, take final
11 action on the proposed rule and shall determine the effective date of the rule, if
12 any, based on the rulemaking record and the full text of the rule.

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

20 (1) meet an imminent threat to public health, safety, or welfare;

21 (2) prevent a loss of Commission or member state funds; or

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

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

14 § 4511. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

15 (a) Dispute resolution.

16 (1) Upon request by a member state, the Commission shall attempt to
17 resolve disputes related to the Compact that arise among member states and
18 between member and nonmember states.

19 (2) The Commission shall promulgate a rule providing for both
20 mediation and binding dispute resolution for disputes as appropriate.

21 (b) Enforcement.

1 (1) The Commission, in the reasonable exercise of its discretion, shall
2 enforce the provisions and rules of this Compact.

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

11 (3) The remedies herein shall not be the exclusive remedies of the
12 Commission. The Commission may pursue any other remedies available
13 under federal or state law.

14 § 4512. DATE OF IMPLEMENTATION OF THE INTERSTATE

15 COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE

16 PATHOLOGY PRACTICE AND ASSOCIATED RULES,

17 WITHDRAWAL, AND AMENDMENT

18 (a) The Compact shall come into effect on the date on which the Compact
19 statute is enacted into law in the 10th member state. The provisions, which
20 become effective at that time, shall be limited to the powers granted to the
21 Commission relating to assembly and the promulgation of rules. Thereafter,

1 the Commission shall meet and exercise rulemaking powers necessary to the
2 implementation and administration of the Compact.

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

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

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

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

16 (d) Nothing contained in this Compact shall be construed to invalidate or
17 prevent any audiology or speech-language pathology licensure agreement or
18 other cooperative arrangement between a member state and a nonmember state
19 that does not conflict with the provisions of this Compact.

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

4 § 4513. CONSTRUCTION AND SEVERABILITY

5 This Compact shall be liberally construed so as to effectuate the purposes
6 thereof. The provisions of this Compact shall be severable and if any phrase,
7 clause, sentence, or provision of this Compact is declared to be contrary to the
8 constitution of any member state or of the United States or the applicability
9 thereof to any government, agency, person, or circumstance is held invalid, the
10 validity of the remainder of this Compact and the applicability thereof to any
11 government, agency, person, or circumstance shall not be affected thereby. If
12 this Compact shall be held contrary to the constitution of any member state,
13 the Compact shall remain in full force and effect as to the remaining member
14 states and in full force and effect as to the member state affected as to all
15 severable matters.

16 § 4514. BINDING EFFECT OF COMPACT AND OTHER LAWS

17 (a) Nothing herein prevents the enforcement of any other law of a member
18 state that is not inconsistent with the Compact.

19 (b) All laws in a member state in conflict with the Compact are superseded
20 to the extent of the conflict.

1 (c) All lawful actions of the Commission, including all rules and bylaws
2 promulgated by the Commission, are binding upon the member states.

3 (d) All agreements between the Commission and the member states are
4 binding in accordance with their terms.

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

9 § 4515. ADMINISTRATION OF THE COMPACT

10 (a) The Office of Professional Regulation shall have the power to:

11 (1) oversee the administration and enforcement of the Compact within
12 the State of Vermont subject to the provisions and rules of the Compact; and

13 (2) recover from the affected audiologist or speech-language pathologist
14 the costs of investigations and disposition of cases resulting from any adverse
15 action taken against that audiologist or speech-language pathologist subject to
16 the provisions and rules of the Compact.

17 (b) The Director of the Office of Professional Regulation shall designate
18 the two delegates of the Compact for the State of Vermont pursuant to
19 subsection 4508(b) of this subchapter.

1 Sec. 3. 26 V.S.A. chapter 67, subchapter 5 is added to read:

2 Subchapter 5. Privilege to Practice; Audiology and Speech-Language

3 Pathology Interstate Compact

4 § 3305. AUDIOLOGISTS; AUDIOLOGY AND SPEECH-LANGUAGE

5 PATHOLOGY INTERSTATE COMPACT PRIVILEGE TO

6 PRACTICE

7 (a) Vermont is a member state of the Audiology and Speech-Language
8 Pathology Interstate Compact. Applicants for a privilege to practice audiology
9 shall be subject to the requirements prescribed under chapter 87, subchapter 2
10 of this title.

11 (b) Individuals with a privilege to practice issued by a member state of the
12 Audiology and Speech-Language Pathology Interstate Compact may practice
13 audiology in the State subject to the requirements of chapter 87, subchapter 2
14 of this title.

Sec. 4. 3 V.S.A. § 123(j)(1) is amended to read:

(j)(1) The Office may inquire into the criminal background histories of applicants for initial licensure and for license renewal of any Office-issued credential, including a license, certification, registration, or specialty designation for the following professions:

(A) licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under 26 V.S.A. chapter 28;

(B) private investigators, security guards, and other persons licensed under 26 V.S.A. chapter 59;

(C) real estate appraisers and other persons or business entities licensed under 26 V.S.A. chapter 69; ~~and~~

(D) osteopathic physicians licensed under 26 V.S.A. chapter 33;

(E) audiologists licensed under 26 V.S.A. chapter 67; and

(F) speech-language pathologists licensed under 26 V.S.A. chapter 87.

Sec. 5. 26 V.S.A. § 3290 is amended as follows:

§ 3290. ELIGIBILITY FOR AUDIOLOGIST LICENSE

To be eligible for licensure as an audiologist, an applicant shall have:

(1) Either:

(A) A a master's degree or equivalent in audiology or speech-language pathology from an educational institution approved by the Director, with course work completed in areas specified by rule; or

(B) a doctoral degree in audiology, or an equivalent doctoral degree regardless of 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.

* * *

~~Sec. 4, 5, 6. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2024.~~

~~Sec. 6. EFFECTIVE DATES~~

~~This section, Sec. 4 (3 V.S.A. § 123(j)(1)), and Sec. 5 (26 V.S.A. § 3290) shall take effect on July 1, 2023. Secs. 1–3 (audiologists and speech-language pathologists compact) shall take effect on July 1, 2024.~~

Sec. 6. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(4) Biennial renewal, \$240.00, except biennial renewal for:

* * *

(T) A licensee of a remote state under the Audiology and Speech-Language Pathology Interstate Compact established in 26 V.S.A. chapter 87, subchapter 2 shall pay a biennial \$50.00 privilege to practice fee.

Sec. 7. EFFECTIVE DATES

This act shall take effect on July 1, 2023, except that Secs. 1–3 (audiologists and speech-language pathologists interstate compact) and Sec. 6 (fees) shall take effect on July 1, 2024.