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Townsend, Walsh, Wilson; Reps. Baumbach,
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DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 272

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONS AND OCCUPATIONS
AND THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY INTERSTATE COMPACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 24 of the Delaware Code by adding a new chapter 37A and by making deletions as shown
2 by strike through and insertions as shown by underline as follows:

3 Chapter 37A. Audiology and Speech-Language Pathology Interstate Compact.

4 § 3701A. Audiology and Speech-Language Pathology Interstate Compact.

5 The State hereby enters into the Audiology and Speech-Language Pathology Interstate Compact (“Compact”) as
6 set forth in this chapter. The text of the Compact is set forth in this chapter.

7 § 3702A. Purpose.

8 The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with
9 the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and
10 speech-language pathology occurs in the state where the patient/client/student is located at the time of the
11 patient/client/student encounter. The Compact preserves the regulatory authority of States to protect public health and
12 safety through the current system of State licensure.

13 This Compact is designed to achieve the following objectives:

14 (a) Increase public access to audiology and speech-language pathology services by providing for the mutual
15 recognition of other member states.

16 (b) Enhance the states’ ability to protect the public’s health and safety.

17 (c) Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology
18 practice.

19 (d) Support spouses of relocating active duty military personnel.

20 (e) Enhance the exchange of licensure, investigative, and disciplinary information between member states.

21 (f) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that
22 state's practice standards.

23 (g) Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language
24 pathology services.

25 §3703A. Definitions.

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

27 (1) "Active duty military" means full-time duty status in the active uniformed service of the United States,
28 including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209
29 and 10 U.S.C. Chapter 1211.

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

34 (3) "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-
35 language pathology licensing board to address impaired practitioners.

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

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

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

41 (7) "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language
42 pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing
43 and regulation of audiologists and/or speech-language pathologists.

44 (8) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another
45 member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and
46 rules. The practice of audiology or speech-language pathology occurs in the member state where the
47 patient/client/student is located at the time of the patient/client/student encounter.

48 (9) "Current significant investigative information" means investigative information that a licensing board, after an
49 inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language

50 pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would
51 indicate more than a minor infraction.

52 (10) “Data system” means a repository of information about licensees, including continuing education,
53 examination, licensure, investigative, compact privilege, and adverse action.

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

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

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

60 (14) “Impaired practitioner” means individuals whose professional practice is adversely affected by substance
61 abuse, addiction, or other health-related conditions.

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

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

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

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

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

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

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

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

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

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

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

84 § 3704A. State participation in the Compact.

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

88 (b) A state must implement or utilize procedures for considering the criminal history records of applicants for
89 initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based
90 information by applicants for the purpose of obtaining an applicant’s criminal history record information from the Federal
91 Bureau of Investigation and the agency responsible for retaining that state’s criminal records:

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

95 (2) Communication between a member state, the Commission and among member states regarding the
96 verification of eligibility for licensure through the Compact shall not include any information received from the
97 Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under
98 Public Law 92-544.

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

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

105 (e) For an audiologist:

106 (1) Must meet one of the following educational requirements:

107 a. On or before, Dec. 31, 2007, has graduated with a master’s degree or doctorate in audiology,
108 or equivalent degree regardless of degree name, from a program that is accredited by an accrediting

109 agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United
110 States Department of Education and operated by a college or university accredited by a regional or
111 national accrediting organization recognized by the board.

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

117 c. Has graduated from an audiology program that is housed in an institution of higher education
118 outside of the United States (i) for which the program and institution have been approved by the
119 authorized accrediting body in the applicable country and (ii) the degree program has been verified by an
120 independent credentials review agency to be comparable to a state licensing board-approved program.

121 (2) Has completed a supervised clinical practicum experience from an accredited educational institution
122 or its cooperating programs as required by the Commission.

123 (3) Has successfully passed a national examination approved by the Commission;

124 (4) Holds an active, unencumbered license.

125 (5) Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony
126 related to the practice of audiology, under applicable state or federal criminal law.

127 (6) Has a valid United States Social Security or National Practitioner Identification number.

128 (f) For a speech-language pathologist:

129 (1) Must meet one of the following educational requirements:

130 a. Has graduated with a master's degree from a speech-language pathology program that is
131 accredited by an organization recognized by the United States Department of Education and operated by a
132 college or university accredited by a regional or national accrediting organization recognized by the
133 board.

134 b. Has graduated from a speech-language pathology program that is housed in an institution of
135 higher education outside of the United States (i) for which the program and institution have been
136 approved by the authorized accrediting body in the applicable country and (ii) the degree program has
137 been verified by an independent credentials review agency to be comparable to a state licensing board-
138 approved program.

139 (2) Has completed a supervised clinical practicum experience from an educational institution or its
140 cooperating programs as required by the Commission.

141 (3) Has completed a supervised postgraduate professional experience as required by the Commission.

142 (4) Has successfully passed a national examination approved by the Commission.

143 (5) Holds an active, unencumbered license.

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

146 (7) Has a valid United States Social Security or National Practitioner Identification number.

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

148 (h) An audiologist or speech-language pathologist practicing in a member state must comply with the state practice
149 laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-
150 language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws
151 of the member state in which the client is located. The practice of audiology and speech-language pathology in a member
152 state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the
153 licensing board, the courts, and the laws of the member state in which the client is located at the time service is provided.

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

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

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

161 § 3705A. Compact privilege.

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

164 (1) Hold an active license in the home state.

165 (2) Have no encumbrance on any state license.

166 (3) Be eligible for a compact privilege in any member state in accordance with § 3704A of this title.

167 (4) Have not had any adverse action against any license or compact privilege within the previous 2 years
168 from date of application.

169 (5) Notify the Commission that the licensee is seeking the compact privilege within a remote state(s).
170 (6) Pay any applicable fees, including any state fee, for the compact privilege.
171 (7) Report to the Commission adverse action taken by any non-member state within 30 days from the date
172 the adverse action is taken.
173 (b) For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one
174 home state license at a time.
175 (c) Except as provided in § 3707A of this title, if an audiologist or speech-language pathologist changes primary
176 state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for
177 licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with
178 applicable rules adopted by the Commission.
179 (d) The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state
180 of residence.
181 (e) A license shall not be issued by the new home state until the audiologist or speech-language pathologist
182 provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable
183 requirements to obtain a license from the new home state.
184 (f) If an audiologist or speech-language pathologist changes primary state of residence by moving from a member
185 state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in
186 the former home state.
187 (g) The compact privilege is valid until the expiration date of the home state license. The licensee must comply
188 with the requirements of subsection (a) of this section to maintain the compact privilege in the remote state.
189 (h) A licensee providing audiology or speech-language pathology services in a remote state under the compact
190 privilege shall function within the laws and regulations of the remote state.
191 (i) A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's
192 regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact
193 privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect
194 the health and safety of its citizens.
195 (j) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until all
196 of the following occur:
197 (1) The home state license is no longer encumbered.
198 (2) Two years have elapsed from the date of the adverse action.

199 (k) Once an encumbered license in the home state is restored to good standing, the licensee must meet the
200 requirements of subsection (a) of this section to obtain a compact privilege in any remote state.

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

203 § 3706A. Compact privilege to practice telehealth.

204 Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state
205 in accordance with § 3704A of this Title and under rules promulgated by the Commission, to practice audiology or speech-
206 language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules
207 promulgated by the Commission.

208 § 3707A. Active duty military personnel or their spouses.

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

213 § 3708A. Adverse actions.

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

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

218 (2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of
219 witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the
220 attendance and testimony of witnesses or the production of evidence from another member state shall be enforced
221 in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court
222 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees,
223 travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or
224 evidence are located.

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

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

230 (c) The home state shall complete any pending investigations of an audiologist or speech-language pathologist
231 who changes primary state of residence during the course of the investigations. The home state shall also have the authority
232 to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data
233 system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any
234 adverse actions.

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

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

240 (f) Joint investigations:

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

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

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

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

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

255 § 3709A. Establishment of the Audiology and Speech-Language Pathology Compact Commission.

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

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

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

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

264 (b) Membership, voting and meetings:

265 (1) Each member state shall have 2 delegates selected by that member state's licensing board. The
266 delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-
267 language pathologist.

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

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

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

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

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

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

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

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

282 (2) Establish bylaws.

283 (3) Establish a Code of Ethics.

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

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

- 286 (6) Promulgate uniform rules to facilitate and coordinate implementation and administration of this
287 Compact. The rules shall have the force and effect of law and shall be binding in all member states.
- 288 (7) Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the
289 standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable
290 law shall not be affected.
- 291 (8) Purchase and maintain insurance and bonds.
- 292 (9) Borrow, accept, or contract for services of personnel, including employees of a member state.
- 293 (10) Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals
294 appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel
295 policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel
296 matters.
- 297 (11) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and
298 services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any
299 appearance of impropriety and/or conflict of interest.
- 300 (12) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use,
301 any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of
302 impropriety.
- 303 (13) Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real,
304 personal, or mixed.
- 305 (14) Establish a budget and make expenditures.
- 306 (15) Borrow money.
- 307 (16) Appoint committees, including standing committees composed of members, and other interested
308 persons as may be designated in this Compact and the bylaws.
- 309 (17) Provide and receive information from, and cooperate with, law enforcement agencies.
- 310 (18) Establish and elect an Executive Committee.
- 311 (19) Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact
312 consistent with the state regulation of audiology and speech-language pathology licensure and practice.
- 313 (d) The Executive Committee. The Executive Committee shall have the power to act on behalf of the Commission
314 according to the terms of this Compact:

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

316 a. Seven voting members who are elected by the Commission from the current membership of
317 the Commission.

318 b. Two ex-officio members, consisting of 1 nonvoting member from a recognized national
319 audiology professional association and 1 nonvoting member from a recognized national speech-language
320 pathology association.

321 c. One ex-officio, nonvoting member from the recognized membership organization of the
322 audiology and speech-language pathology licensing boards.

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

324 (2) The Commission may remove any member of the Executive Committee as provided in bylaws.

325 (3) The Executive Committee shall meet at least annually.

326 (4) The Executive Committee shall have the following duties and responsibilities:

327 a. Recommend to the entire Commission changes to the rules or bylaws, changes to this
328 Compact legislation, fees paid by Compact member states such as annual dues, and any commission
329 Compact fee charged to licensees for the compact privilege.

330 b. Ensure Compact administration services are appropriately provided, contractual or otherwise.

331 c. Prepare and recommend the budget.

332 d. Maintain financial records on behalf of the Commission.

333 e. Monitor Compact compliance of member states and provide compliance reports to the
334 Commission.

335 f. Establish additional committees as necessary.

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

337 (e) Meetings of the Commission. All meetings shall be open to the public, and public notice of meetings shall be
338 given in the same manner as required under the rulemaking provisions in § 3711A of this title.

339 (f) The Commission or the Executive Committee or other committees of the Commission may convene in a closed,
340 non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

341 (1) Non-compliance of a member state with its obligations under the Compact.

342 (2) The employment, compensation, discipline or other matters, practices or procedures related to specific
343 employees or other matters related to the Commission's internal personnel practices and procedures.

344 (3) Current, threatened, or reasonably anticipated litigation.

345 (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

346 (5) Accusing any person of a crime or formally censuring any person.

347 (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

348 (7) Disclosure of information of a personal nature where disclosure would constitute a clearly
349 unwarranted invasion of personal privacy.

350 (8) Disclosure of investigative records compiled for law enforcement purposes.

351 (9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of
352 the Commission or other committee charged with responsibility of investigation or determination of compliance
353 issues pursuant to the Compact.

354 (10) Matters specifically exempted from disclosure by federal or member state statute.

355 (g) If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or
356 designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

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

362 (i) Financing of the Commission.

363 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses of its
364 establishment, organization, and ongoing activities.

365 (2) The Commission may accept any and all appropriate revenue sources, donations, and grants of
366 money, equipment, supplies, materials, and services.

367 (3) The Commission may levy on and collect an annual assessment from each member state or impose
368 fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must
369 be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided
370 by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be
371 determined by the Commission, which shall promulgate a rule binding upon all member states.

372 (j) The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet
373 the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the
374 member state.

375 (k) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and

376 disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws.
377 However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or
378 licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the
379 Commission.

380 (l) Qualified immunity, defense, and indemnification.

381 (1) The members, officers, executive director, employees, and representatives of the Commission shall be
382 immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of
383 property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or
384 omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing
385 occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this
386 paragraph shall be construed to protect any person from suit or liability for any damage, loss, injury, or liability
387 caused by the intentional or willful or wanton misconduct of that person.

388 (2) The Commission shall defend any member, officer, executive director, employee, or representative of
389 the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or
390 omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person
391 against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission
392 employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person
393 from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did
394 not result from that person's intentional or willful or wanton misconduct.

395 (3) The Commission shall indemnify and hold harmless any member, officer, executive director,
396 employee, or representative of the Commission for the amount of any settlement or judgment obtained against that
397 person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission
398 employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the
399 scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or
400 omission did not result from the intentional or willful or wanton misconduct of that person.

401 § 3710A. Data system.

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

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

- 408 (1) Identifying information.
- 409 (2) Licensure data.
- 410 (3) Adverse actions against a license or compact privilege.
- 411 (4) Non-confidential information related to alternative program participation.
- 412 (5) Any denial of application for licensure, and the reason(s) for denial.
- 413 (6) Other information that may facilitate the administration of this Compact, as determined by the rules of
414 the Commission.

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

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

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

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

424 § 3711A. Rulemaking.

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

427 (b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the
428 same manner used to adopt the Compact within 4 years of the date of adoption of the rule, the rule shall have no further
429 force and effect in any member state.

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

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

434 (1) On the website of the Commission or other publicly accessible platform.

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

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

438 (1) The proposed time, date, and location of the meeting in which the rule shall be considered and voted
439 upon.

440 (2) The text of the proposed rule or amendment and the reason for the proposed rule.

441 (3) A request for comments on the proposed rule from any interested person.

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

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

446 (g) The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a
447 hearing is requested by:

448 (1) At least 25 persons;

449 (2) A state or federal governmental subdivision or agency; or

450 (3) An association having at least 25 members.

451 (h) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date
452 of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism
453 for access to the electronic hearing.

454 (1) All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission
455 or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business
456 days before the scheduled date of the hearing.

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

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

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

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

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

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

468 (l) Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule
469 without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the
470 Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than
471 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted
472 immediately in order to:

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

474 (2) Prevent a loss of Commission or member state funds; or

475 (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or
476 rule.

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

484 § 3712A. Oversight, dispute resolution, and enforcement.

485 (a) Dispute Resolution.

486 (1) Upon request by a member state, the Commission shall attempt to resolve disputes related to the
487 Compact that arise among member states and between member and non-member states.

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

490 (b) Enforcement.

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

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

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

500 § 3713A. Date of implementation of the Interstate Commission for Audiology and Speech-Language Pathology
501 Practice and associated rules, withdrawal, and amendment.

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

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

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

510 (1) A member state's withdrawal shall not take effect until 6 months after enactment of the repealing
511 statute.

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

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

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

520 § 3714A. Construction and severability. This Compact shall be liberally construed so as to effectuate the purposes
521 thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact
522 is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any

523 government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the
524 applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall
525 be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the
526 remaining member states and in full force and effect as to the member state affected as to all severable matters.

527 § 3715A. Binding effect of Compact and other laws.

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

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

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

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

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

SYNOPSIS

By this Act, Delaware would join the Audiology and Speech-Language Pathology Interstate Compact (the “Compact”). The Compact is an interstate compact, or a formal agreement among states, to facilitate the interstate practice of audiology and speech language pathology.

Under the Compact, audiologists and speech-language pathologists (collectively, “practitioners”) who are licensed and in good standing in a Compact member state may practice in any other Compact member states via a “compact privilege,” which is equivalent to a license. This will remove the need for practitioners to get an individual license in each state where they want to practice.

The Compact is the same in form and function as other occupational licensure compacts such as the Nurse Multistate Licensure Compact (adopted by Delaware, 24 Del. C. Ch. 19A), the Physical Therapy Compact (adopted by Delaware, 24 Del. C. Ch. 26C) and the Interstate Medical Licensure Compact (adopted by Delaware, 24 Del. C. Ch. 17A). The Compact authorizes in-person practice and telepractice based on a valid, unrestricted home state license in Compact member states.

The Compact has been adopted by 17 states: Alabama, Colorado, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Utah, West Virginia, and Wyoming. The Compact is pending before the legislatures of 9 other states.

The Compact establishes a licensure data system allowing for instantaneous verification of licensure information. The Compact also establishes an interstate commission, composed of member state officials, to carry out the Compact’s purposes.

Author: Senator Gay