

1 ENGROSSED SENATE
2 BILL NO. 1837

By: Rader of the Senate

3 and

4 West (Josh) and McDugle of
5 the House

6 An Act relating to professions and occupations;
7 creating the Audiology and Speech-Language Pathology
8 Interstate Compact; providing purpose; defining
9 terms; providing for state participation in the
10 Compact; providing for Compact privileges; directing
11 state to recognize the practice of audiology or
12 speech-language pathology through telehealth;
13 providing authority for adverse action; providing for
14 joint investigations; establishing the Audiology and
15 Speech-Language Pathology Compact Commission;
16 providing for membership, voting and meetings;
17 providing powers and duties of the Commission;
18 providing for an Executive Committee; providing for
19 qualified immunity, defense, and indemnification;
20 requiring the Commission to develop a database;
21 requiring notice to all member states of any adverse
22 action; providing for confidentiality of information;
23 directing the Commission to promulgate rules;
24 providing for notice of proposed rulemaking;
providing for oversight, dispute resolution and
enforcement; providing for date of implementation of
the Interstate Commission for Audiology and Speech-
Language Pathology practice and associated rules,
withdrawal and amendment; providing for construction
and severability; providing for binding effect of
Compact and other laws; providing for codification;
and providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1575 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

4. Support spouses of relocating active duty military personnel;

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

1 6. Allow a remote state to hold a provider of services with a
2 Compact privilege in that state accountable to that state's practice
3 standards; and

4 7. Allow for the use of telehealth technology to facilitate
5 increased access to audiology and speech-language pathology
6 services.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1576 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 As used in this Compact:

11 1. "Active duty military" means full-time duty status in the
12 active uniformed service of the United States, including members of
13 the National Guard and Reserve on active duty orders pursuant to 10
14 U.S.C., Sections 1209 and 1211;

15 2. "Adverse action" means any administrative, civil, equitable
16 or criminal action permitted by a state's laws which is imposed by a
17 licensing board or other authority against an audiologist or speech
18 language pathologist, including actions against an individual's
19 license or privilege to practice such as revocation, suspension,
20 probation, monitoring of the licensee or restriction on the
21 licensee's practice;

22 3. "Alternative program" means a nondisciplinary monitoring
23 process approved by an audiology or speech-language pathology
24 licensing board to address impaired practitioners;

1 4. "Audiologist" means an individual who is licensed by a state
2 to practice audiology;

3 5. "Audiology" means the care and services provided by a
4 licensed audiologist as set forth in the member state's statutes and
5 rules;

6 6. "Audiology and Speech-Language Pathology Compact Commission"
7 or "Commission" means the national administrative body whose
8 membership consists of all states that have enacted the Compact;

9 7. "Audiology and speech-language pathology licensing board",
10 "audiology licensing board", "speech-language pathology licensing
11 board" or "licensing board" means the agency of a state that is
12 responsible for the licensing and regulation of audiologists and/or
13 speech-language pathologists;

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

21 9. "Current significant investigative information" means
22 investigative information that a licensing board, after an inquiry
23 or investigation that includes notification and an opportunity for
24 the audiologist or speech-language pathologist to respond, if

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

3 10. "Data system" means a repository of information about
4 licensees, including, but not limited to, continuing education,
5 examination, licensure, investigative, Compact privilege and adverse
6 action;

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

11 12. "Executive Committee" means a group of directors elected or
12 appointed to act on behalf of, and within the powers granted to them
13 by, the Commission;

14 13. "Home state" means the member state that is the licensee's
15 primary state of residence;

16 14. "Impaired practitioner" means individuals whose
17 professional practice is adversely affected by substance abuse,
18 addiction or other health-related conditions;

19 15. "Licensee" means an individual who currently holds an
20 authorization from the state licensing board to practice as an
21 audiologist or speech-language pathologist;

22 16. "Member state" means a state that has enacted the Compact;
23
24

1 17. "Privilege to practice" means a legal authorization
2 permitting the practice of audiology or speech-language pathology in
3 a remote state;

4 18. "Remote state" means a member state other than the home
5 state where a licensee is exercising or seeking to exercise the
6 Compact privilege;

7 19. "Rule" means a regulation, principle or directive
8 promulgated by the Commission that has the force of law;

9 20. "Single-state license" means an audiology or speech
10 language pathology license issued by a member state that authorizes
11 practice only within the issuing state and does not include a
12 privilege to practice in any other member state;

13 21. "Speech-language pathologist" means an individual who is
14 licensed by a state to practice speech-language pathology;

15 22. "Speech-language pathology" means the care and services
16 provided by a licensed speech-language pathologist as set forth in
17 the member state's statutes and rules;

18 23. "State" means any state, commonwealth, district or
19 territory of the United States of America that regulates the
20 practice of audiology and speech-language pathology;

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

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

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1577 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

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

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

23 1. A member state shall fully implement a criminal background
24 check requirement, within a time frame established by rule, by

1 receiving the results of the Federal Bureau of Investigation record
2 search on criminal background checks and use the results in making
3 licensure decisions.

4 2. Communication between a member state, the Commission and
5 among member states regarding the verification of eligibility for
6 licensure through the Compact shall not include any information
7 received from the Federal Bureau of Investigation relating to a
8 federal criminal records check performed by a member state under
9 Public Law 92-544.

10 C. Upon application for a privilege to practice, the licensing
11 board in the issuing remote state shall ascertain, through the data
12 system, whether the applicant has ever held, or is the holder of, a
13 license issued by any other state, whether there are any
14 encumbrances on any license or privilege to practice held by the
15 applicant, whether any adverse action has been taken against any
16 license or privilege to practice held by the applicant.

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

21 E. An audiologist applicant shall:

22 1. Meet one of the following educational requirements:

23 a. on or before, December 31, 2007, has graduated with a
24 master's degree or doctorate in audiology, or

1 equivalent degree regardless of degree name, from a
2 program that is accredited by an accrediting agency
3 recognized by the Council for Higher Education
4 Accreditation, or its successor, or by the United
5 States Department of Education and operated by a
6 college or university accredited by a regional or
7 national accrediting organization recognized by the
8 board,

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

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

21 (1) for which the program and institution have been
22 approved by the authorized accrediting body in
23 the applicable country, and
24

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

5 2. Have completed a supervised clinical practicum experience
6 from an accredited educational institution or its cooperating
7 programs as required by the board;

8 3. Have successfully passed a national examination approved by
9 the Commission;

10 4. Hold an active, unencumbered license;

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

14 6. Have a valid United States social security or National
15 Practitioner Identification number.

16 F. A speech-language pathologist applicant shall:

17 1. Meet one of the following educational requirements:

18 a. has graduated with a master's degree from a speech
19 language pathology program that is accredited by an
20 organization recognized by the United States
21 Department of Education and operated by a college or
22 university accredited by a regional or national
23 accrediting organization recognized by the board, or
24

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

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

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

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

3. Have completed a supervised postgraduate professional experience as required by the Commission;

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

5. Hold an active, unencumbered license;

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

7. Have a valid United States social security or National Practitioner Identification number.

1 G. The privilege to practice is derived from the home state
2 license.

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

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

23 J. Member states may charge a fee for granting a Compact
24 privilege.

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

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1578 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

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

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

10 2. Have no encumbrance on any state license;

11 3. Be eligible for a compact privilege in any member state in
12 accordance with Section 3 of this act;

13 4. Have not had any adverse action against any license or
14 Compact privilege within the previous two (2) years from date of
15 application;

16 5. Notify the Commission that the licensee is seeking the
17 Compact privilege within a remote state(s);

18 6. Pay any applicable fees, including any state fee, for the
19 Compact privilege; and

20 7. Report to the Commission adverse action taken by any
21 nonmember state within thirty (30) days from the date the adverse
22 action is taken.

1 B. For the purposes of the Compact privilege, an audiologist or
2 speech-language pathologist shall only hold one home state license
3 at a time.

4 C. Except as provided in Section 6 of this act, if an
5 audiologist or speech-language pathologist changes primary state of
6 residence by moving between two-member states, the audiologist or
7 speech-language pathologist shall apply for licensure in the new
8 home state, and the license issued by the prior home state shall be
9 deactivated in accordance with applicable rules adopted by the
10 Commission.

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

13 E. A license shall not be issued by the new home state until
14 the audiologist or speech-language pathologist provides satisfactory
15 evidence of a change in primary state of residence to the new home
16 state and satisfies all applicable requirements to obtain a license
17 from the new home state.

18 F. If an audiologist or speech-language pathologist changes
19 primary state of residence by moving from a member state to a
20 nonmember state, the license issued by the prior home state shall
21 convert to a single-state license, valid only in the former home
22 state.

23 G. The compact privilege is valid until the expiration date of
24 the home state license. The licensee shall comply with the

1 requirements of subsection A of this section to maintain the Compact
2 privilege in the remote state.

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

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

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

- 16 1. The home state license is no longer encumbered; and
- 17 2. Two (2) years have elapsed from the date of the adverse
18 action.

19 K. Once an encumbered license in the home state is restored to
20 good standing, the licensee shall meet the requirements of
21 subsection A of this section to obtain a Compact privilege in any
22 remote state.

1 L. Once the requirements of subsection J of this section have
2 been met, the licensee shall meet the requirements in subsection A
3 of this section to obtain a Compact privilege in a remote state.

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1579 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 Member states shall recognize the right of an audiologist or
8 speech-language pathologist, licensed by a home state in accordance
9 with Section 3 of this act and under rules promulgated by the
10 Commission, to practice audiology or speech-language pathology in
11 any member state via telehealth under a privilege to practice as
12 provided in the Compact and rules promulgated by the Commission.

13 SECTION 6. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1580 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

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

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1581 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. In addition to the other powers conferred by state law, a
2 remote state shall have the authority, in accordance with existing
3 state due process law, to:

4 1. Take adverse action against an audiologist's or speech
5 language pathologist's privilege to practice within that member
6 state;

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

18 3. Only the home state shall have the power to take adverse
19 action against an audiologist's or speech-language pathologist's
20 license issued by the home state.

21 B. For purposes of taking adverse action, the home state shall
22 give the same priority and effect to reported conduct received from
23 a member state as it would if the conduct had occurred within the
24

1 home state. In so doing, the home state shall apply its own state
2 laws to determine appropriate action.

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

11 D. If otherwise permitted by state law, the home state shall
12 recover from the affected audiologist or speech-language pathologist
13 the costs of investigations and disposition of cases resulting from
14 any adverse action taken against that audiologist or speech-language
15 pathologist.

16 E. The home state shall take adverse action based on the
17 factual findings of the remote state; provided, that the home state
18 follows its own procedures for taking the adverse action.

19 F. Joint Investigations.

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

24

1 2. Member states shall share any investigative, litigation, or
2 compliance materials in furtherance of any joint or individual
3 investigation initiated under the Compact.

4 G. If adverse action is taken by the home state against an
5 audiologist's or speech language pathologist's license, the
6 audiologist's or speech-language pathologist's privilege to practice
7 in all other member states shall be deactivated until all
8 encumbrances have been removed from the state license. All home
9 state disciplinary orders that impose adverse action against an
10 audiologist's or speech language pathologist's license shall include
11 a statement that the audiologist's or speech-language pathologist's
12 privilege to practice is deactivated in all member states during the
13 pendency of the order.

14 H. If a member state takes adverse action, it shall promptly
15 notify the administrator of the data system. The administrator of
16 the data system shall promptly notify the home state of any adverse
17 actions by remote states.

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

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1582 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The Compact member states hereby create and establish a
2 joint public agency known as the Audiology and Speech-Language
3 Pathology Compact Commission.

4 1. The Commission is an instrumentality of the Compact states.

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

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

13 B. Membership, Voting and Meetings.

14 1. Each member state shall have two delegates selected by that
15 member state's licensing board. The delegates shall be current
16 members of the licensing board. One shall be an audiologist and one
17 shall be a speech-language pathologist.

18 2. An additional five delegates, who are either a public member
19 or board administrator from a state licensing board, shall be chosen
20 by the Executive Committee from a pool of nominees provided by the
21 Commission at large.

22 3. Any delegate may be removed or suspended from office as
23 provided by the law of the state from which the delegate is
24 appointed.

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

3 5. Each delegate shall be entitled to one vote with regard to
4 the promulgation of rules and creation of bylaws and shall otherwise
5 have an opportunity to participate in the business and affairs of
6 the Commission.

7 6. A delegate shall vote in person or by other means as
8 provided in the bylaws. The bylaws may provide for delegates'
9 participation in meetings by telephone or other means of
10 communication.

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

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

14 1. Establish the fiscal year of the Commission;

15 2. Establish bylaws;

16 3. Establish a Code of Ethics;

17 4. Maintain its financial records in accordance with the
18 bylaws;

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

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

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

5 8. Purchase and maintain insurance and bonds;

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

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

14 11. Accept any and all appropriate donations and grants of
15 money, equipment, supplies, materials and services, and to receive,
16 utilize and dispose of the same; provided, that at all times the
17 Commission shall avoid any appearance of impropriety and/or conflict
18 of interest;

19 12. Lease, purchase, accept appropriate gifts or donations of,
20 or otherwise to own, hold, improve or use, any property, real,
21 personal or mixed; provided, that at all times the Commission shall
22 avoid any appearance of impropriety;

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

1 14. Establish a budget and make expenditures;

2 15. Borrow money;

3 16. Appoint committees, including standing committees composed
4 of members, and other interested persons as may be designated in
5 this Compact and the bylaws;

6 17. Provide and receive information from, and cooperate with,
7 law enforcement agencies;

8 18. Establish and elect an Executive Committee; and

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

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

15 The Executive Committee shall be composed of ten (10) members:

16 1. Seven voting members who are elected by the Commission from
17 the current membership of the Commission;

18 2. Two ex officios, consisting of one nonvoting member from a
19 recognized national audiology professional association and one
20 nonvoting member from a recognized national speech-language
21 pathology association; and

22 3. One ex officio, nonvoting member from the recognized
23 membership organization of the audiology and speech-language
24 pathology licensing boards.

1 E. The ex officio members shall be selected by their respective
2 organizations.

3 1. The Commission may remove any member of the Executive
4 Committee as provided in bylaws.

5 2. The Executive Committee shall meet at least annually.

6 3. The Executive Committee shall have the following duties and
7 responsibilities:

8 a. recommend to the entire Commission changes to the
9 rules or bylaws, changes to this Compact legislation,
10 fees paid by Compact member states such as annual
11 dues, and any commission Compact fee charged to
12 licensees for the compact privilege,

13 b. ensure Compact administration services are
14 appropriately provided, contractual or otherwise,

15 c. prepare and recommend the budget,

16 d. maintain financial records on behalf of the
17 Commission,

18 e. monitor Compact compliance of member states and
19 provide compliance reports to the Commission,

20 f. establish additional committees as necessary, and

21 g. other duties as provided in rules or bylaws.

22 4. Meetings of the Commission shall be open to the public, and
23 public notice of meetings shall be given in the same manner as
24 required under the rulemaking provisions in Section 10 of this act.

1 5. The Commission or the Executive Committee or other
2 committees of the Commission may convene in a closed, nonpublic
3 meeting if the Commission or Executive Committee or other committees
4 of the Commission shall discuss:

- 5 a. noncompliance of a member state with its obligations
6 under the Compact,
- 7 b. the employment, compensation, discipline or other
8 matters, practices or procedures related to specific
9 employees or other matters related to the Commission's
10 internal personnel practices and procedures,
- 11 c. current, threatened or reasonably anticipated
12 litigation,
- 13 d. negotiation of contracts for the purchase, lease or
14 sale of goods, services or real estate,
- 15 e. accusing any person of a crime or formally censuring
16 any person,
- 17 f. disclosure of trade secrets or commercial or financial
18 information that is privileged or confidential,
- 19 g. disclosure of information of a personal nature where
20 disclosure would constitute a clearly unwarranted
21 invasion of personal privacy,
- 22 h. disclosure of investigative records compiled for law
23 enforcement purposes,

- i. disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact, or
- j. matters specifically exempted from disclosure by federal or member state statute.

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

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

8. Financing of the Commission:

- a. the Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities,

- 1 b. the Commission may accept any and all appropriate
2 revenue sources, donations and grants of money,
3 equipment, supplies, materials and services, and
4 c. the Commission may levy on and collect an annual
5 assessment from each member state or impose fees on
6 other parties to cover the cost of the operations and
7 activities of the Commission and its staff, which must
8 be in a total amount sufficient to cover its annual
9 budget as approved each year for which revenue is not
10 provided by other sources. The aggregate annual
11 assessment amount shall be allocated based upon a
12 formula to be determined by the Commission, which
13 shall promulgate a rule binding upon all member
14 states.

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

19 10. The Commission shall keep accurate accounts of all receipts
20 and disbursements. The receipts and disbursements of the Commission
21 shall be subject to the audit and accounting procedures established
22 under its bylaws. However, all receipts and disbursements of funds
23 handled by the Commission shall be audited yearly by a certified or
24

1 licensed public accountant, and the report of the audit shall be
2 included in and become part of the annual report of the Commission.

3 F. Qualified Immunity, Defense, and Indemnification:

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

16 2. The Commission shall defend any member, officer, executive
17 director, employee or representative of the Commission in any civil
18 action seeking to impose liability arising out of any actual or
19 alleged act, error or omission that occurred within the scope of
20 Commission employment, duties or responsibilities, or that the
21 person against whom the claim is made had a reasonable basis for
22 believing occurred within the scope of Commission employment,
23 duties, or responsibilities; provided, that nothing herein shall be
24 construed to prohibit that person from retaining his or her own

1 counsel; and provided further, that the actual or alleged act, error
2 or omission did not result from that person's intentional or willful
3 or wanton misconduct.

4 3. The Commission shall indemnify and hold harmless any member,
5 officer, executive director, employee or representative of the
6 Commission for the amount of any settlement or judgment obtained
7 against that person arising out of any actual or alleged act, error
8 or omission that occurred within the scope of Commission employment,
9 duties, or responsibilities, or that person had a reasonable basis
10 for believing occurred within the scope of Commission employment,
11 duties or responsibilities; provided, that the actual or alleged
12 act, error or omission did not result from the intentional or
13 willful or wanton misconduct of that person.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1583 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Commission shall provide for the development,
18 maintenance, and utilization of a coordinated database and reporting
19 system containing licensure, adverse action and investigative
20 information on all licensed individuals in member states.

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

1 1. Identifying information;

2 2. Licensure data;

3 3. Adverse actions against a license or Compact privilege;

4 4. Nonconfidential information related to alternative program
5 participation;

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

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

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

12 D. The Commission shall promptly notify all member states of
13 any adverse action taken against a licensee or an individual
14 applying for a license. Adverse action information pertaining to a
15 licensee in any member state shall be available to any other member
16 state.

17 E. Member states contributing information to the data system
18 may designate information that shall not be shared with the public
19 without the express permission of the contributing state.

20 F. Any information submitted to the data system that is
21 subsequently required to be expunged by the laws of the member state
22 contributing the information shall be removed from the data system.

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1584 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Commission shall exercise its rulemaking powers pursuant
5 to the criteria set forth in this section and the rules adopted
6 thereunder. Rules and amendments shall become binding as of the
7 date specified in each rule or amendment.

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

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

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

19 1. On the website of the Commission or other publicly
20 accessible platform; and

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

1 E. The Notice of Proposed Rulemaking shall include:

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

4 2. The text of the proposed rule or amendment and the reason
5 for the proposed rule;

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

8 4. The manner in which interested persons may submit notice to
9 the Commission of their intention to attend the public hearing and
10 any written comments.

11 F. Prior to the adoption of a proposed rule, the Commission
12 shall allow persons to submit written data, facts, opinions and
13 arguments, which shall be made available to the public.

14 G. The Commission shall grant an opportunity for a public
15 hearing before it adopts a rule or amendment if a hearing is
16 requested by:

17 1. At least twenty-five persons;

18 2. A state or federal governmental subdivision or agency; or

19 3. An association having at least twenty-five members.

20 H. If a hearing is held on the proposed rule or amendment, the
21 Commission shall publish the place, time and date of the scheduled
22 public hearing. If the hearing is held via electronic means, the
23 Commission shall publish the mechanism for access to the electronic
24 hearing.

1 1. All persons wishing to be heard at the hearing shall notify
2 the executive director of the Commission or other designated member
3 in writing of their desire to appear and testify at the hearing not
4 less than five (5) business days before the scheduled date of the
5 hearing.

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

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

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

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

18 J. If no written notice of intent to attend the public hearing
19 by interested parties is received, the Commission may proceed with
20 promulgation of the proposed rule without a public hearing.

21 K. The Commission shall, by majority vote of all members, take
22 final action on the proposed rule and shall determine the effective
23 date of the rule, if any, based on the rulemaking record and the
24 full text of the rule.

1 L. Upon determination that an emergency exists, the Commission
2 may consider and adopt an emergency rule without prior notice,
3 opportunity for comment or hearing; provided, that the usual
4 rulemaking procedures provided in the Compact and in this section
5 shall be retroactively applied to the rule as soon as reasonably
6 possible, in no event later than ninety (90) days after the
7 effective date of the rule. For the purposes of this provision, an
8 emergency rule is one that shall be adopted immediately in order to:

- 9 1. Meet an imminent threat to public health, safety or welfare;
10 2. Prevent a loss of Commission or member state funds; or
11 3. Meet a deadline for the promulgation of an administrative
12 rule that is established by federal law or rule.

13 M. The Commission or an authorized committee of the Commission
14 may direct revisions to a previously adopted rule or amendment for
15 purposes of correcting typographical errors, errors in format,
16 errors in consistency or grammatical errors. Public notice of any
17 revisions shall be posted on the website of the Commission. The
18 revision shall be subject to challenge by any person for a period of
19 thirty (30) days after posting. The revision may be challenged only
20 on grounds that the revision results in a material change to a rule.
21 A challenge shall be made in writing and delivered to the chair of
22 the Commission prior to the end of the notice period. If no
23 challenge is made, the revision shall take effect without further
24

1 action. If the revision is challenged, the revision may not take
2 effect without the approval of the Commission.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1585 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Dispute Resolution.

7 1. Upon request by a member state, the Commission shall attempt
8 to resolve disputes related to the Compact that arise among member
9 states and between member and nonmember states.

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

13 B. Enforcement.

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

16 2. By majority vote, the Commission may initiate legal action
17 in the United States District Court for the District of Columbia or
18 the federal district where the Commission has its principal offices
19 against a member state in default to enforce compliance with the
20 provisions of the Compact and its promulgated rules and bylaws. The
21 relief sought may include both injunctive relief and damages. In
22 the event judicial enforcement is necessary, the prevailing member
23 shall be awarded all costs of litigation, including reasonable
24 attorney fees.

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

4 SECTION 12. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1586 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

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

14 B. Any state that joins the Compact subsequent to the
15 Commission's initial adoption of the rules shall be subject to the
16 rules as they exist on the date on which the Compact becomes law in
17 that state. Any rule that has been previously adopted by the
18 Commission shall have the full force and effect of law on the day
19 the Compact becomes law in that state.

20 C. Any member state may withdraw from this Compact by enacting
21 a statute repealing the same.

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

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

6 D. Nothing contained in this Compact shall be construed to
7 invalidate or prevent any audiology or speech-language pathology
8 licensure agreement or other cooperative arrangement between a
9 member state and a nonmember state that does not conflict with the
10 provisions of this Compact.

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

15 SECTION 13. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1587 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

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

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

7 SECTION 14. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1588 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

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

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

14 C. All lawful actions of the Commission, including all rules
15 and bylaws promulgated by the Commission, are binding upon the
16 member states.

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

19 E. In the event any provision of the Compact exceeds the
20 constitutional limits imposed on the legislature of any member
21 state, the provision shall be ineffective to the extent of the
22 conflict with the constitutional provision in question in that
23 member state.

24 SECTION 15. This act shall become effective November 1, 2020.

1 Passed the Senate the 4th day of March, 2020.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

7
8 _____
9 Presiding Officer of the House
10 of Representatives